

**The Acts of the Council of Carthage of 397 AD
(Incorporating the Acts of the Council of Hippo of 393 AD)**

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Introduction

Any discussion of the evolution of the canon of scripture will invariably start to refer to ancient canon lists, found in the Acts of ancient councils, or in letters, or other sources. How these should be understood depends on the context in which the list appears in the primary source.

Unfortunately it is very hard for English-speakers to get an idea of the primary source material for these councils, its shape and substance. This document has been put together in order to address that specific problem.

Once this is done we find that these councils do not assert that their decisions have divine authority. Rather the decisions are practical administrative regulations, subject to improvement and revision. They are intended to address the humdrum yet urgent problems of running any organisation composed of human beings. Some of those addressed may be saints, but many are ordinary people, and not a few are fools or even rogues.

In this case canon 36 of Hippo addresses the question of what books may be read during the church services. It gives a list of the canonical scriptures. This canon is often mentioned as if a group of men arbitrarily decided what should be considered the Word of God. But in fact the canon is again merely an administrative order, restricting what books may be read in church, and reflecting a certain lack of certainty, even at this late date.

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Our sources for the council of Hippo in 393 and the third council of Carthage in 397 are inextricably intertwined. This is because our main source for the council of Hippo is a summary of the decisions (= “canons”) of Hippo, prepared during the council of Carthage and included within its "acts" or minutes. It is this that contains canon 36, and so in fact the two councils are the same council, for this purpose.

The council of Hippo was held in 393. But the prefatory letter to the acts of Carthage tells us that afterwards the bishops often professed ignorance of its canons. One object of the council of Carthage of 397, then, was to disseminate them.

The council of Carthage was scheduled for 28 August 397. But it began with a mishap. A group of bishops from the southern province of Byzacena turned up two weeks early. They were unable to stay long. So Aurelius and the Byzacenes, led by their elderly senior bishop, Mizonius, held a preliminary session on 13 August 397. An official summary of the decisions of Hippo, the *Breviarium Hipponense*, was agreed, and a list of signatures appended. Aurelius and Mizonius added a prefatory letter.

The second session took place on 28 August. At this session the *breviarium* of Hippo was read, and approved, and seven more canons were created by the other bishops now present. This material, together with the introductory speeches and the signatures, is what this document exists to present.

Aurelius evidently felt that the council was a success. He went on to hold annual councils in Carthage for more than twenty years. At these councils it was customary to read aloud a summary of the decisions of previous councils. This created a huge mass of interrelated material, much of it covering the same decisions, in various forms, of various dates, original, edited, summarised, collected, revised, reordered, quoted and requoted, and so on, until it assumed a final form. The end result of all this revision was a solid legal code of practical church disciplinary procedures. This was eagerly accepted by the nascent papacy. It was also translated into Greek and used by the other patriarchates. It formed the core of all subsequent canon law.

Unfortunately the textual transmission of this material is very complicated, and cannot be even summarised here. But there are two main sources for the material for the council of Carthage of 397.

The first is the most important collection of ancient canons, that made by Dionysius Exiguus in the early 6th century. His second revision of this collection contained a “Codex Canonum Ecclesiae Africanae”, a “Legal code of canons of the African church”.² This drew upon the material accumulated under Aurelius. The Codex consists of 33 canons, issued by the council of Carthage in 419, followed by an immense *Register* of excerpts of canons of earlier councils. This includes material which clearly belongs to the council of Carthage in 397. The *Breviarium Hipponense* is also contained in this collection, but it is also transmitted separately.

The material from the *Register* was translated from Labbe’s edition, itself reprinted by Mansi, as part of the Nicene and Post-Nicene Fathers series in the 19th century. I have chosen to use that translation for material from the *Register*, with minor revisions.

² The easiest way to get a picture of the organisation of Dionysius’ *Codex Canonum Ecclesiae Africanae* is to look at the old edition by Mansi, *Concilia*, vol. 3, starting at column 699. The *Register* begins on col. 730, with parallel Greek text.

The other material was translated by me from the critical text in CCSL 249, edited by Charles Munier and published on my blog as it appeared, piece by piece, over the winter of 2021-22. Mansi's pre-critical text has also been consulted. I owe a great deal to those who commented on each post, and corrected my many mistakes or misunderstandings.

Munier's volume is a masterpiece of painstaking research which took him ten years to complete. But he was not well served by his publisher, nor his editor. Munier's own comments are also in Latin and they are not clearly typographically distinguished from the text that he is editing. Too often it is difficult for the novice reader to work out whether a particular line of text is a comment by Munier or part of the original text. At points Munier simply abandons any attempt to print a single text and instead simply prints the various versions that he finds in the manuscripts, one after another. I have sometimes been forced to refer to the pre-critical edition of Mansi.

Unfortunately this material is not to be found in any single place in the hand-copied books that have reached us from antiquity. Inevitably this means that some decisions have to be made on how to present the text. The purpose here is to place the often-quoted canon 36 of Hippo in context. So I have chosen to present the Acts of the second session of Carthage in 397, together with the abbreviated Hippo material that it included. Stray quotations from the full text of Hippo will be found in an appendix.

I hope that this translation of all this material will help readers to see the council as a whole, and not merely as a source for one canon. Perhaps it may spark a wider interest in ancient collections of canons.

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The Second Session of the Council of Carthage, 28 August 397 AD

Concerning a Council of Carthage at which many things were decreed, in the consulate of those most illustrious men, Cæsarius and Atticus, on the fifth day before the kalends of September in the *secretarium* of the restored basilica. When Aurelius the bishop, together with the bishops, had taken his seat, with the deacons, and Victor the old man of Puppiana, Tutus of Migirpa and Evangel of Assuri present.³

The Allocution of Aurelius the bishop of Carthage to the bishops.

Bishop Aurelius said: After the day fixed for the council, as you remember, most blessed brothers, we sat down and waited for the legations of all the African provinces to assemble upon the day, as I have said, set by our missive. But when the letter of our Byzacene bishops had been read, that was read to your charity, which they had discussed with me who had anticipated the time and day of the council, it was also read by our brothers Honoratus and Urban, who are to-day present with us in this council, sent as the legation of the Sitifensine Province. For our brother Reginus of the Vegetselitane Church, read the letters sent to my littleness by Crescentian and Aurelius, our fellow-bishops, of the First Sees of the [two] Numidias, in which writings your charity will see with me that they promised that either they themselves would be good enough to come or else that they would send delegates according to custom to this council. But it seems that they did not do so at all, and the legates of Mauritania Sitifensis, who had come so great a distance gave notice that they could stay no longer. So therefore, brothers, if it seem good to your charity, let the letters of our Byzacene brothers, and also the *Breviarum*, which they appended to the same letter, be read to this assembly, so that if by any chance they are not entirely satisfactory to your charity, such things in the *Breviarum* may be changed for the better after diligent examination. For this very thing our brother and fellow-bishop of the primatial see, a man justly conspicuous for his gravity and prudence, Mizonius, demanded in a letter that he addressed to my littleness. If therefore it meets with your approval, let there the things which have been discussed be read, and let each by itself be considered by your charity.

The letter of Aurelius and Mizonius to the bishops of Numidia and Mauritania.⁴

To the most well-beloved brothers and fellow-bishops of the various provinces of Numidia, Mauritania of Tripoli and of [Africa] Proconsularis; Aurelius, Mizonius etc.

For the sake of the interests of the church, while we have met together in the city of Carthage, it has been suggested by most people that those things which were enacted years ago in the council of Hippo – and legitimately, to correct the discipline which is known to have been established beneficially, – do not at all restrain some from unbridled boldness; But to excuse

³ This section is from the *Register*, where it is found before canon 34. Munier p.182. Translation is based on the NPNF.

⁴ Here the material from the council of Hippo begins. The covering letter of Aurelius and Mizonius has been translated by me. It is prefixed in the manuscripts by a title, “The council of Carthage on the Ides of August in the consulate of Cæsarius and Atticus”. The exact wording varies. Munier p.28. My sincere thanks to William L. North who untangled for me the worst bits of the syntax of the letter.

such excesses, some have pretended ignorance because they have neglected those things which have long been enacted by the laws.

For which reason we have thought that these things must be brought into notice throughout the whole province of Byzacena, so that, from now, whoever stands up as a scorner of the decrees, let him know that at that moment he is expelled from the burden of his position.

So we have caused an abbreviation of the statutes, in which all things seem to be included and some of them more carefully set forth, to be appended to this letter: so that after reviewing in summary what was decreed, we may be more careful to observe it.

We wish you, brothers, to be well in the Lord, and to be mindful of us.

And in the hand of the aged Mizonius: I wish you, blessed brothers, always to rejoice in the Lord, and to be mindful of us.

The abbreviated statutes of the council of Hippo, and some of them collated in the Council of Carthage with the bishops of Byzacena, and diligently revised, are these:⁵

The profession of faith of the council of Nicaea was read and confirmed which is as follows:

We believe in God, the Father almighty, maker of things visible and invisible, and in one Lord Jesus Christ the Son of God, born of the Father, only-begotten, that is, of the substance of the Father, God <from> God, light from light, true God from true God, born not made, of one substance with the Father (which the Greeks call “homousion”);⁶ through whom all things were made, whether in heaven or on earth; <who> on account of men and on account of our salvation descended and was incarnate, made man through the Virgin Mary; he died and rose again on the third day, he ascended into the heavens, he will come again to judge the living and the dead; in the Holy Spirit.

Those also who say, “There was when he was not,” and “That he was made out of nothing existing, or from another substance,” saying the Son of God is mutable, these the catholic church and the apostolic teaching anathematise.⁷

A. It was [also] agreed, on account of the error which habitually arises, that all of the African provinces shall arrange to receive the [date of the] observation of Easter day from the church of Carthage.⁸

B. Cresconius, bishop of Villa Regia, who was said to hold the seat of the church of Tubuna, was ordered to be content with his own people, i.e. of the church of Villa Regia.

⁵ This title is in the manuscripts.

⁶ The portion in brackets is in the manuscripts.

⁷ The anathemas at the end of the creed are also found in the Syriac version given in Chabot’s *Synodicon Orientale* (1902), p.262-3. (<https://archive.org/details/ChabotSynodiconOrientale/page/n320/mode/1up>)

⁸ As far as I can tell from Munier’s edition, this “first series” of canons follows the creed in some manuscripts, without numbering or title. This is also how it appears in Mansi, col.918-9. The letter appear to be allocated by Munier. Munier, 32-43.

C. And this was agreed, that the congregation of another shall not be usurped by anyone.

D. It was permitted that Mauritania Sitifensis shall have its own primate, seeing that they have asked for it, when the Mauritians are ready.

E. The other bishops of the First See also declared that they ought to be appointed by the council of the bishop of Carthage to the primacy of the church of their province [, if there is any dispute].

Summary of the Statutes⁹

1. That the readers shall not salute the people. That clergy shall not be ordained, nor virgins consecrated, before the age of twenty-five.

2. That for bishops and clerics who have been ordained, the decisions of the council first be thoroughly inculcated by those ordaining them, lest they declare (later) that they have done something contrary to the council's statutes.

3. That also during the most solemn paschal days the sacrament shall not be given to catechumens, except for the custom of salt; because if the faithful do not change the sacraments during those days, it is not right that for catechumens to change (them).

4. That the eucharist shall not be given to the bodies of the deceased; for it was said by the Lord, "Take and eat"; but a cadaver cannot "take" or "eat". Then care must be taken also that the weakness of the brothers shall not believe that it is possible to baptise the dead, when he notices that the eucharist is not being given to the dead.

5. That, on account of ecclesiastical disputes, which are often drawn-out, to the ruin of the people, a council shall be called every year, to which all who hold the first sees of the provinces shall send three delegates, from their own [local] councils, so that with less jealousy, and less expense to their hosts, the authority of the assembly can be complete. But from Tripoli, on account of the lack of bishops, let [only] one bishop come.

6. That if any of the bishops is accused, the accuser shall refer the case to the primate of his [the bishop's] own province, nor shall he to whom the crime is attributed be suspended from communion, unless, having been summoned by primatial letters, in order to discuss his case, he does not present himself; that is, within the space of a month from the day on which it is found that he received the letters. But if he shall show some genuine causes of necessity, by which it is clear that he was not able to present himself, he shall have the opportunity of stating his case within another month. However after the second month, then he shall not take communion until he is acquitted.

7. However if he is not willing to come to the annual general council, so that there at least his case may be terminated, it shall be judged that he has pronounced sentence of condemnation

⁹ Munier leaves it unclear whether this title is in the manuscripts, but since he does not print it in brackets, I am forced to assume that it is. It also appears in Mansi. What follows is the *Breviarium Hipponense*.

on himself. Obviously during the time in which he does not communicate, he shall not communicate in his [own] community.¹⁰

But his accuser shall not be removed from communion, if he has missed none of the days for pleading the case; but if he has missed some, the bishop shall be restored to communion, and himself shall be removed; so, however, that the opportunity of completing his case is not taken away from him, if he shall prove that he on the day was not unwilling to come, but not able.¹¹

Obviously it was agreed also this: that when (the case) begins to be discussed in the judgement of the bishops, if the accuser is not a respectable character, he shall not be allowed to accuse or discuss, unless he is willing to state that the case is his own rather than ecclesiastical.¹²

8. But if presbyters or deacons have been accused, and a legitimate number of colleagues from nearby places have been joined with them – i.e. five for a presbyter, two for a deacon – the bishops shall discuss their case, and the same form, of days, and delays, and removals from communion, and in the discussion of persons, shall be preserved between accusers and those who are accused.

9. However any bishop or member of the clergy, if in the church there had been a criminal indictment made against him, or a civil case had been started, and, having refused ecclesiastical judgment, he wished to be acquitted by the public courts, even if sentence has been given for him, he shall lose his office [he shall not be reinstated in his place]. This (is) in a criminal case. But in a civil case he shall lose what he won, if he prefers to retain his office.

For he whom the authority of the church allows to choose judges from every side, he judges himself unworthy of the fraternal fellowship, who, thinking badly of the whole church, demands the remedy of a secular trial, since the apostle instructs that the cases of private Christians are to be referred to the church, and settled there.¹³

10. This also was agreed, that [if] an appeal was made, from some ecclesiastical judges to other ecclesiastical judges, where there is greater authority, it shall not tell against them [the first set of judges], by whom the sentence was pronounced, unless it is shown that they judged either with inimical intent, or having been corrupted by some cupidity or bribe.

¹⁰ “plebs”, meaning place/parish/diocese/congregation. The bishop excommunicated by the general council may not do so in his own “plebe” either. The canons of 419 have “in sua ecclesia vel parrochia” instead, in his diocesan church or parish. It’s interesting to see this evolution of terminology toward the medieval “parish”.

¹¹ The meaning of this canon is that absence from court will be permitted only if the accuser can show that he was genuinely unable to attend. In late antiquity Africa it would seem that malefactors had learned to hire low-grade individuals to make lurid accusations and then fail to turn up to the court hearing, in order to keep the show going on for as long as possible. This canon is designed to combat such a ploy, which is used even today in the USA as a way to harass or disable a political enemy.

¹² 16-17 see the *Register* canon 19.

¹³ Interestingly this canon is quoted and translated in 1674 by Fr. Peter Walsh, in *The history et vindication of the Loyal Formulary or Irish Remonstrance of 1661 against all Calumnies and Censures in several treatises* (1674) p.197, online [here](#).

However if the judges have been chosen by the consent of the parties, even from a smaller number than decreed, it shall not be allowed to make an appeal.

11. That the sons of bishops and clergy should not give public shows nor attend them [, seeing that they¹⁴ are kept away from the shows].

12. That the sons of the bishops, or of any clergy whatever, shall not join in matrimony with pagans or heretics or schismatics.¹⁵

13. That bishops or clergy shall not allow their sons to pass out of their power through emancipation, unless they have been certain of their morals and age, and their [the sons'] own sins now pertain to them.

14. That bishops or clergy shall not convey anything of their goods by donations [nor by will] to those who are not catholic Christians, even if they are relatives.¹⁶

15. That bishops, presbyters and deacons shall not be the directors or the managers of private enterprises, nor shall they obtain their living by any such trade in which it may be necessary that they are either travelling or called away from their ecclesiastical duties.

16. That unrelated women shall not cohabit with any clergyman at all, but only mothers, grandmothers, maternal aunts, paternal aunts, sisters, and daughters of brothers and sisters, and anyone else from their family already living with them out of domestic necessity and before they were ordained. Or, if their sons marry, their parents already having been ordained, or [if], there being no slaves at the house¹⁷ that they may bring, it shall be necessary to bring [them¹⁸] from elsewhere.¹⁹

17. That bishops, presbyters and deacons shall not be ordained before all who are in their house have become Catholic Christians.

18. That readers shall read until the years of puberty; however thereafter unless either they have married after guarding their modesty, or have professed continence, they shall not be allowed to read.

19. That a clergyman from elsewhere, unless released by his bishop, no-one shall dare either to detain, or to appoint to a church committed to him. But readers shall retain the rank of clergymen also.

20. That none shall be ordained, unless approved, either by the judgement of the bishops or by the testimony of the people.

¹⁴ The bishops.

¹⁵ I.e. Donatists.

¹⁶ These canons were probably brought into being by actual incidents where an obvious evil was occurring, and needed to be remedied. As before, these are all practical concerns, affecting how people live in a society which, while nominally Christian, was in reality mostly secular.

¹⁷ The house at which the new wife formerly lived.

¹⁸ I.e. slaves.

¹⁹ My thanks to "Diego" for helping with the Latin here.

21. That no-one in the prayers shall name the Father for the Son, or the Son for the Father; and when he is officiating at the altar, let the prayer be directed always to the father. And anyone who transcribes the prayers for him from elsewhere, he shall not use them, unless he has discussed them first with the better-educated brothers.

22. That none of the clergy shall receive more than he lent to anyone, whether he gives money, or in kind, however much.

23. That nothing else shall be offered in the sacraments of the body and blood of the Lord, than the Lord himself handed down, that is bread and wine mixed with water. But the first-fruits, whether milk or honey, which are accustomed to be offered on one most solemn day for the service of the infants, however much they shall be offered on the altar, they shall have however their own blessing, so that they may be distinguished from the sacrament of the Lord's body and blood. Nor shall more in the first fruits be offered than that from grapes and corn.²⁰

24. That celibate clergy shall not approach widows or virgins, except by order or permission of the bishops of presbyters; and they shall not do so alone, but with clergy, or with those with whom the bishop or presbyter ordered. But the bishops or presbyters themselves shall not have access to women of this kind, except where either some clergy are present or some respectable Christians.²¹

25. That the bishop of the first see shall not be called "chief of the priests" or "highest priest" or something of this sort, but only Bishop of the First See.²²

26. That clergy shall not enter taverns for the purpose of eating or drinking except from the necessity of a journey.²³

27. That bishops shall not travel overseas, except after consulting the bishop of the first see of his own province, so that from him they shall chiefly be able to receive letters of recommendation.²⁴ From now on also [the same applies to] the letters of the council that need to be sent to overseas bishops.²⁵

28. That the sacraments of the altar shall not be celebrated except by men fasting, except on the one anniversary day on which the Lord's Supper is celebrated. For if a service of commendation of some of the dead, whether bishops or clergy, is to be made in the afternoon, let it be with prayers only, if those who shall be available have already had breakfast.

²⁰ This is repeated as canon 37 of the *Register* of canons issued in 419.

²¹ This is repeated as canon 38 of the *Register* of canons issued in 419.

²² This also reappears as canon 39 in the *Register* of canons in the council of Carthage of 419.

²³ Canon 40 in the *Register*.

²⁴ "ut ab eo praecipue possint formatas accipere". The meaning for "formatas" is from Niemeyer, who gives this meaning based upon a canon from a different African council. Another canon then says that clergy who turn up overseas without such a letter of authorisation should be shown the door. Clearly Aurelius of Carthage did not intend to let anybody bypass him; and other archbishops thought the same.

²⁵ There is a definite atmosphere in some of these canons of an exasperated archbishop saying, "OK you bums, listen up and listen goood..." It's noticeable how almost everything is about the clergy, and the laity are almost invisible. This is no longer the world of the early church any more, but well on its way to the medieval church.

29. That none of the bishops or clergy shall dine together in the church; except perhaps those travelling may refresh themselves in that place through the necessity of being guests; the people shall also be prohibited from meals of this sort, as much as possible.

30. That, for penitents, the durations of the penitences shall be decided by the decision of the bishop according to the different kinds of sinners. And that presbyters shall not reconcile penitents without consulting the bishop; except in the absence of the bishop (and) from urgent necessity. But wherever the offence of the penitent is public and very widely known, so that it affronted the whole church, hands shall be laid on him in front of the apse (of the church).

31. That the consecrated virgins, when they have been separated from the parents by whom they used to be watched over, shall be entrusted by the providence of the bishop (or presbyter, if the bishop is absent) to more dignified women; or likewise the inhabitants in turn shall watch over themselves: lest by wandering in many places they may injure the reputation of the church.²⁶

32. That the sick shall be baptised, if they are unable to answer for themselves, when their own people declare (that there is), in particular danger, evidence of their wish.

33. That grace or reconciliation shall not be denied to actors or apostates converted or reverted to God.

34. That a presbyter shall not consecrate virgins without consulting the bishop; indeed he shall never sanctify the chrism.²⁷

35. That clergy shall not linger in a strange town, unless the bishop of the place or the presbyters of the places have been overseeing their justified lawsuits.

36. That, other than the canonical scriptures, nothing shall be read in church under the name of the divine scriptures.

Moreover these are the canonical scriptures: Genesis, Exodus, Leviticus, Numbers, Deuteronomy, Joshua, Judges, Ruth, 4 books of Kings, Chronicles 2 books, Job, Psalms, 5 books of Solomon, 12 books of minor prophets. Likewise Isaiah, Jeremiah, Ezekiel, Daniel, Tobit, Judith, Esther, 2 books of Ezra, 2 books of Maccabees.

Moreover of the New Testament: Gospels 4 books, Acts of the Apostles 1 book, Letters of the Apostle Paul 14, 2 of Peter, 3 of John, 1 of Jude, 1 of James, the Apocalypse of John.

Thus that the overseas church shall be consulted concerning confirming²⁸ this canon.

37. It was also agreed that, seeing that it was ordained by preceding councils that a Donatist [clergyman] shall be received by us, not with honour, but among the number of the laity; on account of the salvation which must not be refused to any, – for the churches suffer so much

²⁶ My thanks to “Diego” for his help with this one.

²⁷ Chrism is consecrated oil used for anointing during baptism.

²⁸ “confirmando” is a gerundive, requiring to be confirmed, “concerning this canon that needs to be confirmed”.

from the lack of ordained clergy in Africa, so that some places have been entirely deserted – it [the rule] shall be maintained even in those who already [crossed over] before it was decreed, but excepting those who either did not wait to be rebaptised, or who wished to cross over to the Catholic communion with their congregation. For if it was written “that if two Christians shall agree, whatever they ask, they shall obtain”, [then] it is not right to doubt that, having been freed from the scandal of dissention, the concord of the whole laity in [the] unity [of peace] having been restored, it shall be proper to procure from the mercy of God, that, in exchange for peace itself and by the sacrifice of charity [i.e. thanks to this sacrifice of charity], those things [sc. sins] that following the authority of their ancestors, they committed by the repetition of baptism, may be abolished.

But it was agreed that these things are not to be confirmed, until after the church overseas has been consulted.²⁹

1. And in a different hand: Aurelius, bishop of the church of Carthage, the agreements confirmed by us all, the emancipations³⁰ excepted, about which we have recommended to consult further, having reread and acknowledged them, I have subscribed.³¹

2. Mizonius, bishop: the agreements included above, emancipation having been deferred for more discussion, I have signed as bishop of the first see of the province of Byzacena.³²

3. Victorianus, bishop of the people of Mascliana: I have subscribed.³³

4. Ninus, bishop of the people of Jubaltiana: I have subscribed.

5. Lupianus, bishop of the people of Thambei: I have subscribed.

6. Philologius, bishop of the people of Hadrumentum: I have subscribed.

7. Ferox, bishop of the people of Macriana Major: I have subscribed.

In this manner also all who were present at this council subscribed.³⁴

Bishop Epigonius said: In this summary [*Breviarium*] which was adopted at the Synod of Hippo, we think nothing should be amended, nor anything added to it, except that the day on which the holy Feast of Easter falls should be announced in Synod.³⁵

²⁹ My thanks to Alexander Macaulay who brilliantly untangled this for me. Munier considers that canon 37 must form part of the *Breviarium*, so I give it here. In Mansi's edition, canon 37 is longer and two further canons are given. These will be found in appendix A.

³⁰ This must refer to the question of whether sons can be emancipated from their parents' control.

³¹ In Mansi, after canon 39, follows the subscriptions from the Council of Carthage, session of 13 August 397. Munier p.47-8.

³² All the bishops named are from Byzacena except Aurelius.

³³ In Munier's manuscript "M" an additional bishop follows Victorianus: "(8). Comicius, bishop of the people of Macon: I have subscribed. " In manuscript "P" the bishop of Thambei (Tambeitana) is given as "Felicinus".

³⁴ The recitation of the material from the first session of Carthage – the Hippo material – ends here. What follows is from the *Register*: the speech of Epigonius, preserved as "canon 34" of the council of 419; and then the 7 canons of the second session of the Council of Carthage of 397, preserved as "canons 47b-56" (Munier, p.186-196). In Mansi the speech of Epigonius is omitted (Mansi III, col. 926). The translation is taken from NPNF and slightly amended at a few points.

³⁵ *Register*, canon 34. Munier p.183.

But after these things had been put down, Honoratus and Urbanus, bishops of Mauritania Sitifensis, said: When some time ago we were sent to your holiness, we laid aside what things had been written on this account, that we might wait for the arrival of our brothers the legates from Numidia. But because not a few days have passed in which they have been looked for and as yet they are not arrived, it is not fitting that we should delay any longer the commands we received from our brother-bishops; and therefore, brothers, receive our story with alacrity of mind. We have heard concerning the faith of the Nicene tractate: True it is that sacrifices are to be forbidden after breakfast, so that they may be offered as is right by those who are fasting, and this has been confirmed then and now.³⁶

1. But we suggest that we decree what was set forth by the wisdom of the plenary synod at Capua, that no rebaptisings, nor reordinations should take place, and that bishops should not be translated. For Cresconius, bishop of Villa Regis, left his own people and invaded the Church of Tubinia and having been admonished down to this very day, to leave, according to the decree, the diocese he had invaded, he treated the admonition with disdain. We have heard that the sentence pronounced against him has been confirmed; but we seek, according to our decree, that you deign to grant that, being driven to this by necessity, it is permitted that we address the rector of the province against him, according to the statutes of the most glorious princes, so that whoever is not willing to acquiesce in the mild admonition of your holiness and to amend his lawlessness, shall be immediately cast out by judicial authority.³⁷

Aurelius the bishop said: By the observance of the constituted form, let him not be judged to be a member of the synod, if he has been asked by you, dear brothers, to depart and has refused: for out of his own contempt and contumacy he has fallen under the authority of the secular magistrate.³⁸

Honoratus and Urban the bishops said: Then is this agreed by all? By all the bishops it was said: It is just, it is agreed.

2. Honoratus and Urban, the bishops, said: We have issued this command, that, because lately two of our brothers, bishops of Numidia, presumed to ordain a pontiff, only by the concurrence of twelve bishops sha;; the ordination of bishops be celebrated.³⁹

Aurelius, the bishop, said: The ancient form shall be preserved, that not less than three suffice who shall have been designated for ordaining the bishop. Moreover, because in Tripoli, and in Arzug the barbarians are so near, for it is asserted that in Tripoli there are but five bishops, and out of that number two may be occupied by some necessity; but it is difficult that all of the number should come together at any place whatever; ought this circumstance to be an impediment to the doing of what is of utility to the Church? For in this Church, to which your holiness has deigned to assemble we frequently have ordinations and nearly every Lord's day; could I frequently summon twelve, or ten, or about that number of

³⁶ This paragraph comes from the *Register*, canon 47b.

³⁷ Canon 1 is from the *Register*, canon 48. Some of the canons of Carthage 397 are divided into two canons in the *Register*. The headings follow the division in the *Register*, so are plainly later than Carthage 397, and have been omitted.

³⁸ The NPNF translator adds that he followed the Greek here as the Latin is "very confused".

³⁹ *Register*, canon 49.

bishops? But it is an easy thing for me to join a couple of neighbours to my littleness. Wherefore your charity will agree with me that this cannot be observed.

3. But this should be decreed, that when we shall have met together to choose a bishop, if any opposition shall arise, because such things have been treated by us, the three shall not presume to purge him who was to be ordained, but one or two more shall be asked to be added to the aforesaid number, and the persons of those objecting shall first be discussed in the same place (*plebe*) for which he was to be ordained. And last of all the objections shall be considered; and only after he has been cleared in the public sight shall he at last be ordained. If this agrees with the mind of your holiness, let it be confirmed by the answer of your worthiness.⁴⁰

By all the bishops it was said, It is well agreed.

4. Honoratus and Urban, the bishops, said: Since all things treated by our commonitory are known, we add also what has been ordered concerning the day of Easter, that we must always be informed of the date by the Church of Carthage, as has been accustomed and that no short time before.⁴¹

Aurelius, the bishop, said: If it seems good to your holiness, since we remember that we pledged ourselves some time ago that every year we would come together for discussion, when we assemble, then let the date of the holy Easter be announced through the legates present at the Council.

Honoratus and Urban, the bishops, said: Now we seek of the present assembly that you deign to inform our province of that day by letters.

Aurelius, the bishop, said: It is necessary it should be so.

Honoratus and Urban, the bishops, said: This was commanded to us, that because it had been decreed in the Council of Hippo that each province should be visited in the time of the council, that you also deign that this year or next, according to the order you have drawn up, you should visit the province of Mauritania.⁴²

Aurelius, the bishop, said: Of the province of Mauritania because it is situated in the confines of Africa, we have made no decree, for they are neighbours of the barbarians; but God grant (not however that I make any rash promise of doing so), we may be able to come to your province. For you should consider, brothers, that this same thing our brothers of Tripoli and of the Arzuges region could demand also, if occasion offered.

5. Epigonius the bishop, said: In many councils it has been decreed by the sacerdotal assembly that such communities as are contained in other dioceses and ruled by their bishops, and which never had any bishops of their own, should not receive rulers, that is bishops, for

⁴⁰ *Register*, canon 50.

⁴¹ *Register*, canon 51

⁴² In the *Register*, canon 4 of Carthage 397 is divided into two. This paragraph begins the second part, labelled "canon 52".

themselves except with the consent of the bishop under whose jurisdiction they have been. But because some who have attained a certain domination abhor the communion of the brothers, or at least, having become depraved, claim for themselves domination with what is really tyranny, for the most part tumid and stolid presbyters, who lift up their heads against their own bishops or else win the people to themselves by feasting them or by malignant persuasion, that they may by unlawful favour wish to place themselves as rulers over them; we indeed hold fast that glorious desire of your mind, most pious brother Aurelius, for thou hast often opposed these things, paying no heed to such petitioners; but on account of their evil thoughts and basely conceived designs this I say, that such a community, which has always been subject in a diocese, ought not to receive a rector, nor should it ever have a bishop of its own. Therefore if this which I have proposed seems good to the whole most holy council, let it be confirmed.⁴³

Aurelius, the bishop, said: I am not in opposition to the proposition of our brother and fellow bishop: but I confess that this has been and shall be my practice concerning those who were truly of one mind, not only with regard to the Church of Carthage, but concerning every sacerdotal assemblage. For there are many who, as has been said, conspire with the people whom they deceive, tickling their ears and blandly seducing them, men of vicious lives, or at least puffed up and separated from this meeting, who think to watch over their own people, and never come to our council for fear that their wickedness should be discussed. I say, if it seems good, that not only should these not keep their dioceses, but that every effort should be made to have them expelled by public authority from that church of theirs which has evilly favoured them, and that they are removed even from the chief sees. For it is right that he who cleaves to all the brothers and the whole council, should possess with full right not only his church but also the dioceses. But they who think that the people suffice them and spurn the love of the brothers, shall not only lose their dioceses, but (as I have said,) they shall be deprived by public authority of their own cures as rebels.

Honoratus and Urban, the bishops, said: The lofty provision of your holiness obtains the adherence of the minds of all of us, and I think that by the answer of all what you have deigned to propose will be confirmed.

All the bishops said: It is agreed, it is agreed.

6. Epigonius the bishop, said: This has been decreed in many councils, also just now it has been confirmed by your prudence, most blessed brothers, that no bishop should receive a strange cleric into his diocese without the consent of the bishop to whose jurisdiction the cleric belongs. But I say that Julian, who is ungrateful for the layouts bestowed upon him by God through my littleness, is so rash and audacious, that a certain man who was baptized by me, when he was a most needy boy, commended to me by the same, and when for many years he had been fed and reared by me, it is certain that this one, as I have said, was baptized in my church, by my own unworthy hands; this same man began to exercise the office of reader in the Mappalien diocese, and read there for nearly two years, with a most

⁴³ *Register*, canon 53.

incomprehensible contempt of my littleness, the aforementioned Julian took this man, whom he declared to be a citizen of his own city Vazarita, and without consulting me ordained him deacon. If, most blessed brothers, that is permissible, let it be declared to us; but if not, let such an impudent one be restrained that he may in no way mix himself in someone's communion.⁴⁴

Numidius, the bishop, said: If, as it seems, Julian did this without your worthiness being asked for his consent, nor even consulted, we all judge that this was done iniquitously and unworthily. Wherefore unless Julian shall correct his error, and shall return the cleric to your people with proper satisfaction, since what he did was contrary to the decrees of the council, let him be condemned and separated from us on account of his contumacy.

Epigonius, the bishop, said: Our father in age, and most ancient by his promotion, that laudable man, our brother and colleague Victor wishes that this petition should be made general to all.

7. Aurelius the bishop, said: My brothers, please allow me to speak. It often happens that ecclesiastics who are in need seek deacons, presbyters or bishops from me: and I, bearing in mind what things have been ordained these I observe, to wit, I summon the bishop of the cleric who is sought for, and I show him the state of affairs, how that they of a certain church ask for a certain one of his clergy. Perchance then they make no objection, but lest it happen that afterwards they might object when in this case they shall have been demanded by me, who (as you know) have the care of many churches and of the ordinands. It is right therefore that I should summon a fellow bishop with two or three witnesses from our number. But if he is found to be less than devoted, what does your charity think should be done? For I, as you know, brothers, by the condescension of God have the care of all the churches.⁴⁵

Numidius, the bishop, said: This see always had the power of ordaining a bishop according to the desire of each Church as he wills and on whose name there was agreement.

Epigonius, the bishop, said: Your good nature makes small use of your authority, for you make much less use of it than you might, since, my brother, you are good and gentle to all; for you have the authority, but it is far from your practice to satisfy the person of each bishop in *prima tantummodo conventionem*. But if it should be thought that the rights of this see ought to be vindicated, you have the duty of supporting all the churches, so we do not give you authority, but we confirm the authority that you have, that you have the right always to choose whom you will, to set up leaders over the peoples and churches who have asked you to do so, and when you so desire.

Postumianus, the bishop, said: Would it be right that he who had only one presbyter should have that one taken away from him?

⁴⁴ *Register*, canon 54.

⁴⁵ *Register*, canon 55.

Aurelius, the bishop, said: But there may be one bishop by whom many presbyters can be made through the divine goodness, but one fit to be made bishop is found with difficulty. Wherefore if any bishop has a presbyter necessary for the episcopate and has one only, my brother, as you have said, even that one he ought to give up for promotion.

Postumianus, the bishop, said: If some other bishop has plenty of clergy, should that other diocese come to my help?

Aurelius, the bishop, said: Of course, when you have come to the help of another Church, he who has many clerics should be persuaded to make one over to you for ordination.

Honoratus and Urban, the bishops, said: We have heard that it has been decreed that dioceses should not be considered fit to receive bishops, unless with the consent of their founder: but in our province since some have been ordained bishops in the diocese, by the consent of that bishop by whose power they were established, have even seized dioceses for themselves, this should be corrected by the judgment of your charity, and prohibited for the future.⁴⁶

Epigonius, the bishop, said: To every bishop should be reserved what is right, so that from the mass of dioceses no part should be snatched away, so as to have its own bishop, without consent from the proper authority. For it shall suffice, if the consent be given, that the diocese thus set apart have its own bishop only, and let him not seize other dioceses, for only the one cut off from the many merited the honour of receiving a bishop.

Aurelius, the bishop, said: I do not doubt that it is pleasing to the charity of you all, that he who was ordained for a diocese by the consent of the bishop who held the mother see, should retain only the people for whom he was ordained.

Since therefore I think that everything has been treated of, if all things are agreeable to your mind, pray confirm them all by your vote.

All the bishops said: These things are agreed by us all, and we shall confirm them with our subscription.

And they signed their names.⁴⁷

1. Aurelius bishop of the church of Carthage: I have consented to this decree and I have subscribed to what has been read.⁴⁸

And the rest of the bishops subscribed, i.e.:

2-4. Bishop Victor, Bishop Felix, Bishop Numidius

5-7. Bishop Epigonius, Bishop Honoratus, Bishop Vitalis

⁴⁶ In the *Register*, the second part of canon 7 is separate and given as “canon 56”.

⁴⁷ This is the end of the material from the *Register*, as translated by the NPNF. The *Register* text ends with an abbreviated version of the subscriptions: “I, Aurelius, bishop of the Church of Carthage, have consented to this decree, and have subscribed to what has been read. Similarly the rest of the bishops subscribed.”

⁴⁸ These are the signatures of the session of August 28, 397. Munier, p.49. All taken from manuscript L, fol. 138.

8-10. Bishop Maximus, Bishop Rusticianus, Bishop Donatus

11-13. Bishop Elesius, Bishop Reginus, Bishop Palatinus

14-16. Bishop Honoratus, Bishop Victorianus, Bishop Postumianus

17-19. Bishop Victor, Bishop Bonifatius, Bishop Felix

20-22. Bishop Restitutus, Bonifatius, Bishop Donatus

23-26. Bishop Ferox, Bishop Antorus, Bishop Basilius, Bishop Restitutus

27-29. Bishop Pascasius, Bishop Victor, Bishop Augustinus.⁴⁹

And the rest of the bishops, in number 43.

⁴⁹ I.e. St Augustine, Bishop of Hippo.

Appendix A: Canons “37b, 38 and 39” in Mansi’s edition of the *Breviarium* of the Council of Hippo (393)

In Mansi’s edition of the Breviarium, canon 37 is longer than it is in Munier; and two more canons, “38” and “39” are given. The NPNF translation includes them, so I have reproduced them here.

The extra material in canon 37 of the Breviarium is in fact from the Register, where it is canon 47. Munier’s edition states that it is from the first session of the Council of Carthage on 13 August in 397. No information is given about why this is so.

“37.” Concerning the Donatists it seemed good that we should hold counsel with our brothers and fellow priests Siricius and Simplician concerning those infants alone who are baptized by Donatists: lest what they did not do of their own will, when they should be converted to the Church of God with a salutary determination, the error of their parents might prevent their promotion to the ministry of the holy altar.⁵⁰

The supposed “canon 38” is in fact canons 2 and 3 of the second session of the Council of Carthage in 397, given above.

The supposed “canon 39” is in fact from the council of 13 September, 401. It appears as the Register, canon 72.

“39.” Likewise it seemed good that whenever there were not found reliable witnesses who could testify that without any doubt they were baptized and when the children themselves were not, on account of their tender age, able to answer concerning the giving of the sacraments to them, all such children should be baptized without scruple, lest a hesitation should deprive them of the cleansing of the sacraments. This was urged by the Moorish Legates, our brothers, since they redeem many such from the barbarians.

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Appendix B: Other material from the Council of Hippo (393)

1. The Vercelli Canons

In 1968 Charles Munier found five canons from the Acts of the Council of Hippo, preserved by accident in a 9th century manuscript in Vercelli: Codex Vercellensis 165, on folio 199v. These he printed with a commentary, and reprinted in Concilia Africae on p.20-21.

HERE BEGINS AN AFRICAN COUNCIL

1. Bishop Aurelius said: It is right that the suggestion of the holy brother of Elesium should instill solicitude and diligence in us, so that every cavil may be entirely lopped off, and the pathway to any excuses entirely removed. Wherefore it should be established, if it pleases your Charities, that young men shall always be under the authority of their parents, and that they shall be instructed in the rule of discipline by them, or better by the bishops or clergy; [that] no young man who is a minor ought to be released from his father's authority by a bishop or clergyman, unless he himself only has proved his life and morals, so that, when he is in law also the arbiter of his own wishes, he can be made responsible for his own sins, lest any bishop or clergyman shall be drawn into the stain of his evil way of life. For the commandment is, that, for those remaining in error, "with these do not even eat",⁵¹ nor ought they to leave anything to the young men from their property, because "better is one fearing God than a thousand [ungodly] children."⁵²

2. Bishop Epigonius said: We want every incontinence, which is practised in secret for fear that it should be condemned when made known openly, therefore to be cut back by some regulation; we say that youthful readers ought to be constrained to marry or at least to make a declaration of purity. But if in fact they persevere in their corrupt purpose, they ought to be suspended from the readership until the day when either they marry, or, if they are not willing to marry, they shall make profession of their continence.

3. Bishop Epigonius said: There is something to add that should not be detached from this subject: often, while permitting the practices, we have seen readers in churches (...). If this is agreed by your judgement, let him who has married a second [wife] from this day be prevented from reading.

By all the bishops it was said: It is agreed by all that from this time on, if any reader has two wives, he should be removed from the office of reading.

4. Bishop Aurelius said: As our brother and colleague Saturninus has proposed, from considerations of health bishops ought not to celebrate the mysteries after they have dined,

⁵¹ 1 Cor. 5:11.

⁵² Sirach 16:3. I would like to thank commenters at my blog particularly for help with the translation of this canon. There is also a translation by S. Adamiak at <http://www.presbytersproject.ihuw.pl/index.php?id=6&SourceID=187>. A revision of this canon appears in the *Register* as canon 35.

but fast with the people who are fasting, whatever the hour. But if they have taken food, after midday⁵³ no matter who of the laity or bishops they are commending [to God],⁵⁴ let them accompany him [the deceased] in prayer only.

But seeing that some are daring, to celebrate the sacrifice [of the Eucharist] in the presence of corpses, and to share a part of the Holy Body with a dead body, I think this must be prohibited. It remains that, if this is agreed, let your holiness decide.

By all the bishops it was said: The proposal of your holiness is agreed to by all, which we confirm with our agreement.

5. (...) By all the bishops it was said: It is agreed by all that the canonical scriptures which have been read shall be expounded in the churches, but also the passions of the martyrs, each in his place.

2. The Canons of 525 AD.

In the canons of the Council of Carthage in 525 AD, at the end, material from a series of earlier councils, indicated by headings, was read aloud. The last section was material from Hippo. Munier p.269-70.

[Likewise it was read aloud:] In the Council of Hippo [it was agreed]:⁵⁵

A. Bishops Caecilianus and Theodore among others said: This also we ask your Sincerity, lest some further error arise in the city of Sitifensis, hereafter to gather together by letters the bishops of the first see of the various provinces by the statutes of the see of the church of Carthage, so that they know on what day they ought to celebrate Holy Easter – in which they can also instruct our brothers in Mauritania Caesariensis similarly situated away from ourselves – so that the day of Easter is celebrated by all at the same time.

We are acting as an embassy, your salvific holiness, we speak as the mouth of all, so that we are not found in any fault with the Numidians.

Bishop Aurelius said: Just as your holiness⁵⁶ has suggested, if it is agreed by this august⁵⁷ meeting, let it be confirmed.

All the bishops said: It is agreed by all that the bishops of the First See of the various provinces shall be informed by the see of Carthage of the date of holy Easter by letters.

Likewise in the same council.

⁵³ The text here is an abbreviation, “pm”. Munier was unsure how this should be understood. I have read this as “post meridiem”, following Eric Rebillard, *The Care of the Dead in Late Antiquity*, (2009) p.135.

⁵⁴ This seems to refer to the funeral service.

⁵⁵ The material in square brackets is mine. But “Item recitavit” is prefixed to the previous item.

⁵⁶ “Your holiness” seems to be an episcopal title.

⁵⁷ Lit. “glorious”.

Bishops Caecilianus and Honoratus said: We know that the church of Carthage, divinely favoured, has the bishop of the First See over all of the provinces of Africa. This we request, that, in our province, a procedure is created for us to have a bishop of the First See specially chosen from the council, from whom it is necessary that he is chosen. Whence we propose to submit to the decision of the Church of Carthage whenever we are not willing to have a bishop of the First See; so that, when the bishop of the first see has departed from his body, let him who would succeed in his place send to the church of Carthage and inform it in order to become the bishop of the first see; and if this (decision) of the same (church) of Carthage must be conveyed to the province of Mauritania, for the sake of rule and discipline, we propose that the bishop of Sitenensis must be consulted, through whom all the bishops in Mauretania can be informed.

Bishop Aurelius said: That the Church of Carthage should be consulted about appointing the bishops of the first see, your Holiness likewise knows that there can be no impediment from me. Now, therefore, that Mauretania may have a bishop of the First See, if it is agreed, let it be confirmed by us all.

Bishop Epigonius said: Let Numidia be consulted, that it may also accept the proposal of the embassy of the Mauritanians; let it hold to this, if it is agreed.

Bishop Megalium said: This provision comes as a gain, so that both the provinces may satisfy their wishes and maintain themselves, but the bishops of the first see of all provinces shall answer to the church of Carthage, in whatever service it may require.

Bishops Caecilianus and Honoratus said: Your holiness has proceeded so that the response of all the brothers present may be included; we ask that, that what has been begun by God's favour, you will make sure is brought to a conclusion. We desire the bishops of other provinces to lend their assent to this matter.

C. By all the bishops it was said: Agreed, agreed. What they have asked for is just. Let it be conceded that individual provinces shall have bishops of the First See. Good idea. It is agreed by all, however, with the addition that, in whatever service it may require, an answer shall be given to the church of Carthage by the bishops of the First See without prejudice to the reverence of the same church.⁵⁸ But whenever someone wishes to become a bishop of the First See in whatever province, he is to advise the primate of the Church of Carthage and thus what he desires may be done.⁵⁹

3. A fragment from manuscript P, fol. 23.

⁵⁸ Perhaps reminding the newly elevated primates to be polite to the bishop of Carthage?

⁵⁹ This seems to be the end of the quotation, as Munier p.270, l.616 begins with "Et cum recitaret, Episcopi dixerunt: Ineffabiles gratias agimus Deo...", which seems to describe the response of Boniface and his council of 525 to the quotations that had been read aloud.

*At the very end of the Hippo material, Munier includes a previously unpublished fragment. The first canon is not found in any Gallic council, the second is from the Breviarium Hipponense.*⁶⁰

49. Titles transcribed from the council of Carthage, which has been written below.

1. Anyone who has claimed that he is the owner of items which is proven to have belonged to the church, for however long a time, let it not be supposed in prejudice of the church, nor let the negligence of an agent come in opposition; because at whatever time the church shall have found a just protector, let it recover the items owed to it immediately; so that the items, which are known to have been set aside for the poor, return to the control of the church.

2. [= *Breviarium Hipp.* canon 16. - RP]

The End

⁶⁰ Munier, p.49.