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**LA THÈSE A ÉTÉ
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THE DIOCESAN MINISTRY OF PERMANENT DEACONS
IN THE HISTORY AND CANON LAW OF THE
ROMAN CATHOLIC CHURCH TO THE
COUNCIL OF TRENT

by

Francis Thomas Kirkwood

A dissertation submitted to the
Faculty of Canon Law of the
University of Ottawa
in partial fulfilment of the
requirements for the degree of
Master of Arts in Canon Law

Ottawa, Canada, 1986

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ABBREVIATIONS

- AAS - Acta Apostolicae Sedis
- AF(FC1) The Apostolic Fathers, New York: Cima, 1947
(The Fathers of the Church, 1)
- ANF The Ante-Nicene Fathers: Translations of the
Writings of the Fathers down to A.D. 325,
edited by Alexander Roberts and James Donald-
son, American edition revised by A. Cleveland
Coxe, 8 v., Buffalo: Christian Literature
Publishing Co., 1885-1886.
- CIC (1917) Codex Iuris Canonici Pii X pontificis maximi
iussu digestus, Benedicti papae XV auctori-
tate promulgatus, 1917 edition with added
preface, annotation of sources, and index by
P. Gasparri, Vatican City: Typis Polyglottis
Vaticanis, 1938.
- CIC (1983) Codex Iuris Canonici auctoritate Ioannis
Pauli Pp. II promulgatus, Vatican City:
Typis Polyglottis Vaticanis, 1983 = Code of
Canon Law, Latin-English edition, Washing-
ton: Canon Law Society of America, 1983.
- NPNF2 A Select Library of the Nicene and Post-
Nicene Fathers of the Christian Church, 2nd
series, 14 v., Oxford: Parker, 1890-1900.
- PG Patrologiae cursus completus, [...] series
graeca, edited by J.-P. Migne, 161 v.,
Paris: 1857-1866.
- PL Patrologiae cursus completus, [series
latina], edited by J.-P. Migne, 221 v.,
Paris: 1844-1864.
- X Decretals of Gregory IX

A NOTE ON CITATION STYLE

The citation style adopted traditionally for the texts of the Corpus Iuris Canonici is confusing, arbitrary, and for the most part in the opposite order (from particular to general) to that now employed in bibliographic reference work. As this is a Master of Arts thesis and intended for a somewhat wider audience, I have taken the liberty of creating my own citation style, based on the divisions of the text in the edition of Friedberg, and proceeding from the general to the particular. The reader should find it easy to follow, though a bit less condensed. As a concession to tradition, the title abbreviations X and in VI° have been retained for the Decretals of Gregory IX and the Decretals of Boniface VIII respectively. Some examples:

<u>Traditional style</u>	<u>Style of this work</u>
c. 7, D. I	<u>Decretum</u> , part I, dist. 1, c. 7
c. 5, C. IX, q. 1	<u>Decretum</u> , part II, causa 9, q. 1, c. 5
c. 18, D. I <u>de cons.</u>	<u>Decretum</u> , part III <u>de cons.</u> , dist. 1, c. 18
c. 13, X, 1, 2	<u>X</u> , lib. I, tit. 2, c. 13
c. 5, I, 3, in VI°	<u>In VI°</u> , lib. I, tit. 3, c. 5

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INTRODUCTION

It is now almost two decades since the restoration of the permanent ministry of the ordained deacon in the Roman rite of the Catholic Church, by the 1967 Motu Proprio "Sacrum diaconatus ordinem" of Pope Paul VI.¹

The diaconate as a non-priestly sacred ministry had played an important role in the work and hierarchical development of the Church from apostolic times, and until the high Middle Ages deacons were commonly found who held permanent ecclesiastical office in right of their diaconal ordination; but more recently this had become a rarity. By the time of the 1917 Roman rite Code of Canon Law the diaconate was viewed in practice simply as a transitional stage on the way to the priesthood, and its historic functions were obscured because they were almost always exercised by, and after 1917 reserved to, men who also possessed the subsequent priestly orders of presbyter or bishop. A movement for the restoration of the diaconate as a permanent ministry, with its own functions, open to married as well as to celibate clergy, had begun in Europe in the 1940's, and had been viewed with a certain degree of

¹ In AAS, 59 (1967): p. 697-704.

favour by Pius XII,² but it was still a surprise when the fathers of Vatican Council II in 1964 decreed the future restoration of the diaconate as a proper and permanent degree of the ordained hierarchy.³

The Motu Proprio of 1967 responded to this initiative of the Council and laid down the basic norms by which the new permanent deacons as well as transitional deacons were henceforward to be governed in the Roman Catholic Church. These

² Allocution to the Second World Congress on the Lay Apostolate, 5 October 1957, in AAS, 49 (1957): p. 925. Cf. also the remarks on the studies of the restoration of the diaconate under Pius XII, in Commentary on the Documents of Vatican II, edited by Herbert Vorgrimler, New York: Herder, 1967-1969, vol. 1, p. 226.

³ Concilium Vaticanum II, sessio V, 21 nov. 1964, Constitutio dogmatica de ecclesia: Lumen gentium, no. 29, translated in The Documents of Vatican II, edited by Walter M. Abbott, Piscataway, N.J.: New Century Publishers, 1966, p. 55-56; cf. also the parallel encouragement promulgated on the same date for the restoration of the permanent diaconate where it may have fallen into disuse in the Eastern Churches, in Decretum de ecclesiis orientalibus catholicis: Orientalium ecclesiarum, no. 17, translated in Documents of Vatican II, p. 380-381. The restoration was especially desired in mission countries, where lay people were in many cases already carrying out diaconal functions without the order, as noted in Concilium Vaticanum II, sessio IX, 7 dec. 1965, Decretum de activitate missionali ecclesiae: Ad gentes divinitus, no. 16, last paragraph, translated in Documents of Vatican II, p. 605. Cf. Commentary on the Documents of Vatican II, edited by Vorgrimler, vol. 1, p. 226-230 and p. 325; and also vol. 4, p. 137-138.

norms, together with subsequent papal legislation in 1972⁴ and some modifications in the course of the consolidation of the law in the new Code of Canon Law of 1983, constitute the legal framework within which the office and ecclesiastical status of deacons are defined in the Roman Catholic Church today.

However, the current canonical legislation on deacons and their place in the Church is little developed as compared to the massive body of canon law bearing on the office and work of those in priestly orders (the bishops and presbyters). In part this is due to legislative caution; it was perceived in Rome that the forms which the restored diaconal ministry would take might have to evolve over some time, free of the inhibition of too many abstract rules which might not fit local needs and conditions. But in part the absence of a strong role for the deacon in present Roman Catholic canon law seems due to a persistence of what might be called the "sacerdotal mentality", in which the pre-eminent model for hierarchical ministry in the Church is still assumed to be that of priestly service in the worshipping community. Indeed, it has been all too common for the new permanent deacons, serving in

⁴ Paul VI, Pope, Motu Proprio, "Ad pascendum", in AAS, 64 (1972): p. 534-540.

parish ministries, to be considered by the congregation either as "mini-priests" with limited liturgical powers, or as mere glorified laymen.

The recent literature notes the problem of defining the deacon's role, but suggests no fully satisfactory solution for it. Two extremes are represented by the thorough historical and canonical studies of Barnett (1981)⁵ and of Pokusa (1979 and 1985).⁶ Barnett, writing from within the Anglican tradition, suggests that the traditional sequence of hierarchical progress in Church orders (minor orders or ministries, diaconate, presbyterate, episcopate) ought to be abolished, and with it the idea of a transitional diaconate; the remaining permanent diaconate should be a full and equal order alongside the episcopate and the presbyterate in a decenteralized Church, each order having a different professional function or ministerial job description in the local church

5 James Monroe Barnett, The Diaconate - a Full and Equal Order: a Comprehensive and Critical Study of the Origin, Development, and Decline of the Diaconate in the Context of the Church's Total Ministry and a Proposal for Renewal, New York: Seabury, 1981.

6 Joseph W. Pokusa, A Canonical-Historical Study of the Diaconate in the Western Church, J.C.D. Thesis, Washington: Catholic University of America, 1979 (Canon Law Studies, 495); and his "The Diaconate: a History of Law Following Practice", in The Jurist, 45 (1985): p. 95-135.

community. However, little indication is given as to the practical means of restoring an independent diaconal ministry or reversing the hierarchical and sacerdotal mentality of past centuries. Pokusa is more immersed in the Roman Catholic canonical tradition, and suggests a useful co-operative model of the different ordained ministries within the existing hierarchical framework of the 1983 Code of Canon Law; but he sees no possibility in current law for an independent role of the deacon. Both authors situate the deacon's ministry primarily within the parish context, despite ample historical precedent for another diaconal role and despite evidence that it is in the parish context that the deacon's distinctive ministry is most likely to be confused with those of the ordained presbyter or the lay minister.

The present thesis analyzes the canonical history of the permanent diaconal ministry from a new viewpoint. Instead of assuming the parochial context, it explores the origins and Western canonical evolution of the diaconate down to the late Middle Ages, as a non-priestly, permanent, and diocesan ministry of service in liturgy, charity and church government. The new perspective entails a certain readjustment of one's thinking; for example, the historic permanent diaconate of the early Church did not simply vanish by the year 1000, but

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continued unbroken and in its greatest canonical development down to a later date. The new interpretation here offered of the evidence is not just historical revisionism, however. It is intended to encourage the modern implementation in the Roman Catholic Church of diocesan forms of diaconal ministry that go beyond the Code of 1983 - forms that return to what was best in the past, when the deacon was not just a third-rate priest, but the bishop's right hand, eye, ear, and voice.

CHAPTER ONE

THE DIOCESAN DIACONAL MINISTRY IN THE HISTORY AND LAW OF THE ANCIENT CHURCH

Primary source material for the history of the diaconate in the earliest centuries of the Church is scattered throughout the writings of the Greek and Latin Fathers and the records of early councils as preserved in some of the medieval canonical collections.¹ In the post-Tridentine period there were a few historical treatments of the ancient duties of the order by canonists of an antiquarian bent;² but lately the twentieth-century restoration of the permanent diaconate has

1 A collection of source texts from ancient and medieval Christian authors on the diaconate and diaconal service is found in Quellen zur Geschichte der Diakonie, edited by Herbert Krimm, Stuttgart: Evangelisches Verlagswerk, 1960-1963, vol. 1, Altertum und Mittelalter. However, Krimm's compilation neglects the ancient conciliar literature and the canonical collections, so it is of limited use to the canonist.

2 The most extensive treatment before the modern movement for restoration of the diaconate is probably that of Johann Nepomuk Seidl, Der Diakonat in der katholischen Kirche, dessen hieratische Würde und geschichtliche Entwicklung: eine kirchenrechts-geschichtliche Abhandlung, Regensburg: Georg Joseph Manz, 1884. See also Louis Thomassin, Ancienne et nouvelle discipline de l'Eglise, first published at Paris in 1678-1679, new edition revised by M. André, Bar-Le-Duc: Guérin, 1864-1867, tome 1, p. 432-452 and 499-525, on the ministry of archdeacons and of deacons respectively in the ancient Church.

been accompanied by an extensive scholarly investigation of the ancient sources, so that much of the useful secondary source literature for the early canonical history of the diocesan ministry of the deacon has appeared in the past thirty years.³ Even so, there is still room for new insight into the original sources, particularly in the period of decline of the permanent diaconate from the fifth century onward, where references to persisting diaconal functions become very scattered and no adequate historical synthesis has yet been achieved.

³ Among works which include more extensive references to or citations from the early canonical sources, the most comprehensive are those by Barnett and by Pokusa cited in the Introduction (*supra*, p. viii). The following should also be mentioned: Wilhelm Schamoni, Familienväter als geweihte Diakone, Paderborn: Ferdinand Schöningh, 1953, translated into English by Otto Eisner under the title Married Men as Ordained Deacons, London: Burns & Oates, 1955; Jean Colson, La fonction diaconale aux origines de l'Eglise, Bruges: Desclée de Brouwer, 1960, and also his two articles in Diaconia in Christo: über die Erneuerung des Diakonates, edited by Karl Rahner and Herbert Vorgrimler, Freiburg: Herder, 1962, p. 3-30; Walter Croce, "Aus der Geschichte des Diakonates", also in Diaconia in Christo, p. 92-128; Irineu Wilges, A história e doutrina do diaconato até o Concílio de Trento, Roma: 1970 (Pontificia Universidade antoniana, Faculdade de teologia, Tese para o Doutorado em Teologia, n. 208); Le diaconat permanent, Ottawa: Conférence Catholique Canadienne, 1970; Edward P. Echlin, The Deacon in the Church: Past and Future, Staten Island, N.Y.: Alba House, 1971; Serafino Zardoni, I diaconi nella chiesa: ricerca storica e teologica sul diaconato, Bologna: Edizioni Dehoniane, 1983.

The present chapter cannot pretend to be exhaustive, therefore. Rather, it should be seen merely as an attempt to summarize the main lines of historical development of the diocesan ministry of the deacon during its first four or five centuries, with reference to some of the more significant canonical sources as cited in the secondary literature.

1. The Origins of the Diaconate and its Ancient Connection with the Bishop

The theological origin of the diaconate can be traced to the teachings of Jesus on service (diaconia).⁴ Its canonical origin as an office in the Church might be seen already in Jesus' choice of seventy-two other disciples as pioneers of the Gospel, in addition to the first men he sent

4 "Jesus called them to him and said to them, 'You know that among the pagans their so-called rulers lord it over them, and their great men make their authority felt. This is not to happen among you. No; anyone who wants to become great among you must be your servant [Gk. δίακονος], and anyone who wants to be first among you must be slave to all. For the Son of Man himself did not come to be served but to serve.'" (Mark 10:42-45, in the Jerusalem Bible version of 1966; cf. Matthew 20:24-28 and Luke 22:24-27). For discussion of this and other texts on Christian diaconia see: Paul Philippi, Christozentrische Diakonie: ein theologischer Entwurf, Stuttgart: Evangelisches Verlagswerk, 1963; J. C. van Dongen, Diakonia - Caritas: Motivatie tot Dienen, Kampen: J. H. Kok, 1978.

forth to preach and heal, his twelve Apostles.⁵ But the scriptural locus classicus for the establishment of the diaconate is the installation by the Apostles of seven men, led by Stephen, as their assistants, to wait on tables and conduct community business in the Jerusalem church.⁶ Because of these precedents, it is the Catholic Church's common theological and canonical tradition that the diaconate is a true sacrament of Church order, instituted by Christ as part of the Church's divinely established threefold hierarchy of deacons, presbyters and bishops.⁷

5 The sending of the seventy-two is reported in Luke 10:1; cf. Luke 9:1-2 for the earlier mission of the Apostles.

6 Acts 6:1-6. However, the term "deacons" is first used of these men only by Irenaeus, Against Heresies, III:12:10; English translation in ANF, vol. 1, p. 434.

7 There was no real doubt expressed concerning the divine origin of the diaconal order in patristic times, even by Jerome in his pro-sacerdotal polemics against the powerful deacons of the church of Rome. In the high Middle Ages, with the decline of the permanent diaconate and the proliferation of clerical status in the minor orders, the question most often asked was not whether deacons were part of the divine hierarchy of orders in the Church, but whether all the stages of holy orders were of divine institution. A definite position in favour of the divine institution of the diaconate was taken against Calvin at the Council of Trent, sess. XXIII, can. 6 de sacramento ordinis: "Si quis dixerit in Ecclesia Catholica non esse hierarchiam divina ordinatione institutam, quae constat ex episcopis, presbyteris et ministris, anathema sit". Cf. Felix Cappello, Tractatus canonico-moralis de sacramentis, vol. 4, De sacra ordinatione, Rome: Marietti, 1947, p. 50-52, and Séraphin Many, Praelectiones de sacra ordinatione, Paris: Letouzey et Ané, 1905, p. 9-12.

Modern scholarship, in exploring the early evolution of the Church's ministry, tends to be more cautious in interpreting the ordination of the Seven in Acts as the moment of origin of the diaconate in the Church. For example, it is pointed out that the diaconia of Stephen, Philip and the others of the Jerusalem Seven is of an undifferentiated sort, embracing administrative, charitable, and even presidential functions in the local church.⁸ In the Pauline epistles, however, the distinct offices of bishop (in the sense of "presiding elder" or "presbyter-in-charge") and deacon are explicitly named, alongside each other;⁹ and towards the end of the first century the Letter of Clement of Rome to the Church at Corinth (I Clement) presents the bishops (still not clearly differentiated from the other presbyters) and the

8 Colson, "Der Diakonat im neuen Testament", in Diaconia in Christo, p. 14, and also his La fonction diaconale aux origines de l'Eglise, p. 39-40; Barnett, The Diaconate - A Full and Equal Order, p. 27-31. Doubts on the identity of the Seven with the later deacons, conceived as having a purely liturgical ministry, had also been expressed in the East as early as the time of John Chrysostom, and persist in the writings of Eastern theologians and canonists; cf. Joseph Lécuyer, "Diaconat", in Dictionnaire de spiritualité, ascétique et mystique, doctrine et histoire, vol. 3, Paris: Beauchesne, 1957, cols. 800-801.

9 Philippians 1:1; I Timothy 3:1-13. On the Pauline deacons, cf. discussion by Colson, "Der Diakonat im neuen Testament", in Diaconia in Christo, p. 14-22, and also his La fonction diaconale aux origines de l'Eglise, p. 56-69.

deacons as the cornerstones of apostolic succession in the hierarchy of the church at Rome.¹⁰ But the Pauline epistles also mention deaconesses,¹¹ and give considerable prominence

10 I Clement 42:4-5, translated in AF(FC1), p. 42. Cf. Colson, La fonction diaconale aux origines de l'Eglise, p. 83-86; Barnett, op. cit., p. 44-45.

11 Romans 16:1 refers specifically to Phoebe, a woman deacon of the church at Cenchreae in Greece, while the passage on deacons in I Timothy 3:8-13 includes qualifications for men deacons in vss. 8-10, then adds in vs. 11 a parallel set of qualifications for women who exercise the office (not, as some have tried to argue, for deacons' wives). The history and true canonical status of the deaconesses of the ancient Church is a large subject and beyond the scope of the present study. It is enough to note here that though often drawn from the ranks of the widows and virgins, deaconesses were a distinct order that had a true diaconal ministry in the liturgy and in good works, though usually one limited to the service of other women. The ancient Church Orders of the East think highly of them: the third-century Didascalia apostolorum gives them a place in the Church hierarchy beside the men deacons, as assistants to the bishop, and the fourth-century Apostolic Constitutions gives a prayer for their ordination parallel to that for the deacon. Canon 19 of Nicaea (325) appears to declare that the deaconess is not ordained, only appointed; but canon 15 of Chalcedon (451) presumes her formal ordination by the laying on of hands. An active diaconal ministry of women survives in the Eastern churches into the eleventh century. In the West, on the other hand, soon after the barbarian invasions there is a tendency for councils to restrict the ministry and actually forbid the ordination of deaconesses, who come increasingly to be found only in religious communities of women. Interesting vestiges of the ministry could still be found there in the nineteenth century in the Roman rite, at the time when the German Lutherans and the Anglicans were seeking to revive it. Cf. Cappello, op. cit., vol. 4, p. 52-59; Roger Gryson, The Ministry of Women in the Early Church, translated by Jean Laporte and Mary Louise Hall, Collegeville: Liturgical Press, 1976; Cecilia Robinson, The Ministry of Deaconesses, 2nd edition, London: Methuen, 1914; Alberto Carrillo Cazares, El diaconado femenino, Bilbao: Mensajero, 1971.

to various other, charismatic ministries;¹² and around the era of I Clement the Syrian original of the Didache¹³ still recognizes the priority of charismatic prophets and teachers, only in their absence urging the election of bishops and deacons as substitutes.¹⁴ It thus appears from the Pauline and early patristic evidence that the late first and early second century were a time of tension between primitive charismatic ministries and the developing local hierarchy of bishops, deacons and presbyter-elders, a time when there still existed considerable fluidity in ministerial roles.¹⁵ For this reason it seems fruitless to inquire too closely into the nature, date and functions of the original diaconate, in later, canonical terms that do not apply very well before the

12 Cf. I Corinthians 12:27-28, where the charismatic apostles, prophets and teachers precede the church rulers.

13 On the date and provenance of the Didache cf. Francis X. Glimm in AF(FC1), p. 168, and Johannes Quasten, Patrology, Utrecht: Spectrum, 1950-1960, vol. 1, p. 36-37.

↑ 14 Didache 15, translated in AF(FC1), p. 183. Cf. Barnett, op. cit., p. 46-47, and Colson, La fonction diaconale aux origines de l'Eglise, p. 92-93.

15 Hans von Campenhausen, Kirchliches Amt und geistliche Vollmacht, Tübingen: Mohr, 1953, translated by J. A. Baker as Ecclesiastical Authority and Spiritual Power in the Church of the First Three Centuries, London: Adam & Charles Black, 1969; also Eduard Schweizer, Gemeinde und Gemeindeordnung im Neuen Testament, Zurich: Zwingli-Verlag, 1959, translated by Frank Clarke as Church Order in the New Testament, London: SCM Press, 1961.

stabilization of church order under the rule of one local bishop in the time of Ignatius and Polycarp.

What is significant when the office of deacon begins to be seen more clearly in second-century sources is the authority attached to this officer as the servant in church government of the local bishop.¹⁶ I Timothy, I Clement and the Didache had already presented bishops and deacons as the linchpins of a primitive ecclesiastical dyarchy. In striking imagery, Ignatius of Antioch around the year 110 presents a threefold hierarchy: the bishop, assisted in presiding by the presbyters (elders), whom Ignatius likens to the college of the apostles, but served directly by his beloved deacons just as the Father is served by Christ.¹⁷ Because of his vision of the bishop as centre of unity in the local church, Ignatius emphasizes both the emerging organic distinction between

16 An exhaustive treatment of the evidence for the development of the office of the bishop's deacon from apostolic times to the fourth century is found in Paul August Leder, Die Diakonen der Bischöfe und Presbyter und ihre urchristlichen Vorläufer: Untersuchungen über die Vorgeschichte und die Anfänge des Archidiaconats, Stuttgart; 1905, reprinted Amsterdam: P. Schippers, 1963 (Kirchenrechtliche Abhandlungen, 23-24).

17 Ignatius, Magnesians 6, translated in ANF, vol. 1, p. 61. Cf. Trallians 3, translated in ANF, vol. 1, p. 67. Barnett, op. cit., p. 48, following Dix, reads this as a picture of the church assembled for worship, but there seems no good reason to suppose that these passages do not apply equally to local church government.

presbyters and bishop, and the obedience and respect which are due alike to the bishop and to presbyters and deacons in his fellowship:

See that ye all follow the bishop, even as Christ Jesus does the Father, and the presbytery as ye would the apostles. Do ye also reverence the deacons, as those that carry out [through their office] the appointment of God. Let no man do anything connected with the Church without the bishop. [...] But that which seems good to him, is also well-pleasing to God, that everything ye do may be secure and valid.¹⁸

Some years later one of Ignatius's correspondents, Polycarp of Smyrna, merely urges obedience to the collective presbyterium and to the deacons, but the image and the authority assigned to deacons are the same: "Be subject to the presbyters and deacons as to God and Christ".¹⁹ While the deacon has authority in the local church, it is of a special type, conformed most closely to that of Christ the Servant; the deacon's authority is manifested by his service to bishop, presbyters and people.

Another phrase in Polycarp's letter refers to the deacons as servants of God and Christ, not of men;²⁰ but in

¹⁸ Ignatius, Smyrnaeans 8, as translated in ANF, vol. 1, p. 89-90 (the longer text).

¹⁹ Polycarp, Philippians 5, as translated in AF(FC1), p. 138.

²⁰ Loc. cit.

light of the Ignatian emphasis on unity of action with the bishop, Barnett is on doubtful ground in holding that this passage proves early deacons to have been not the bishop's assistants, but independent servants of the community.²¹ On the contrary, it is precisely because of their more intimate association with the local bishop in church government that deacons of the second or third century, rather than individual members of the presbyterium, are often named in closest connection with him in our historical sources.²² Already one Burrhus of Ephesus is so singled out by Ignatius around 110 as the deacon of bishop Onesimus, worthy of note after his bishop but before all others from that church.²³ Again,

21 Op. cit., p. 51.

22 By contrast, the role of the presbyters in local church government after the rise of the monepiscopate is much more problematical. They appear as cultic emissaries of the bishop for preaching or the conduct of celebrations in other locations, as a kind of sacerdotal college of advisors, even as a collective leadership of the local church during times of persecution, sede vacante. But the presbyterium remains a corporate institution, and no presbyter of the first three centuries exercises individual ecclesiastical authority as the bishop's steward and minister in the way that a deacon does. Indeed, the tendency is rather for deacons, already powerful in the administration of the patrimony and good works of the churches, to try to usurp the cultic prerogatives of the presbyters as Eucharistic offerers (infra, p. 20).

23 Ignatius, Ephesians 1-2, as translated in ANF, vol. 1, p. 49-50; cf. the remarks on this Burrhus by Leder, op. cit., p. 145-148.

one of the fragments of Hegesippus (ca. 170) which has been preserved in Eusebius's Ecclesiastical History traces the apostolic succession of the see of Rome from the apostle Peter down to Anicetus, the Roman bishop of the time, and his deacon Eleutherius²⁴ - an interesting echo of I Clement's doctrine of a dual apostolic succession of bishops and deacons. Early in the third century we find Hippolytus of Rome inveighing against his enemy, bishop Callistus I, formerly deacon, cemetery supervisor and right-hand man ("fellow-worker in the management of his clergy") to bishop Zephyrinus.²⁵ It should also be noted that the division of the city of Rome into diaconal regions under bishop Fabian and the provision of seven deacons to serve them, on the model of Acts 6, does not seem to have changed the special status of deacons as the bishop's assistants in the polity of the third-century Roman church, which had simply grown too large for a single deacon

24 Or Eleutherus - the spellings vary. Cf. Eusebius, Ecclesiastical History IV:22:3, in The Ecclesiastical History and the Martyrs of Palestine, translated by H. J. Lawlor and J. E. L. Oulton, London: Society for Promoting Christian Knowledge, 1927-1928, vol. 1, p. 127.

25 Hippolytus, The Refutation of all Heresies IX:6-7, as translated in ANF, vol. 5, p. 128-131.

to manage.²⁶ Thus the accounts of the persecution of August 258 at Rome, in which the death of the bishop, all presbyters and the deacons had been decreed, focus on the martyrdom of bishop Xystus II and of his seven deacons. It is significant that Lawrence, the last of the seven to die, is qualified as "archdeacon" by the Liber pontificalis²⁷ and was supposed to be in a position to surrender the wealth of the church.²⁸

Indeed, the special relationship between the bishop and his deacons in the early centuries of the Church often led to deacons being chosen for the episcopate, without any need of

26 The naming of regional deacons at Rome is credited to Fabian, bishop from 236 to 250, by the text of the Liber pontificalis, edited by L. Duchesne, 2nd edition, Paris: De Boccard, 1955-1957, vol. 1, p. 148, although another reference to it is found under the name of Gaius, bishop from 283 to 296. Duchesne notes that there was convenient precedent in the division of the city into fourteen administrative regions by Augustus. A letter of bishop Cornelius, successor of Fabian from 251 to 253, concerning the condemnation of Novatian, is preserved by Eusebius and records that the Roman church at this time had 46 presbyters, 7 deacons, 101 lesser clergy, and above 1500 widows and persons in distress (Ecclesiastical History VI:43:11; in Lawlor and Oulton's translation, vol. 1, p. 211-212), from which it has been estimated that the Christian population of Rome in the year 250 must have risen to 50,000 souls. Cf. "Cornelius, Pope, St." in New Catholic Encyclopedia, New York: McGraw-Hill, 1967, vol. 4, p. 334.

27 Liber pontificalis, vol. 1, p. 155.

28 As narrated by Ambrose of Milan, De officiis ministrorum II:28 (II, para. 140), in PL, vol. 16, col. 141; translated under the title On the Duties of the Clergy in NPNF2, vol. 10, p. 65.

intervening presbyteral ordination; and even when the late Roman idea of a cursus of offices to be gone through by the clergy began to take hold, the senior deacon, or archdeacon, who had acted as a kind of executive assistant to the previous bishop, might still be considered a good choice to succeed him.²⁹ In the third century, for example, Eusebius, a deacon representing bishop Dionysius of Alexandria at the Council of Antioch in 264, was elected as bishop of Laodicea;³⁰ while early in the fourth century we find both Athanasius of Alexandria and Caecilian of Carthage being elected to fill major sees while serving them as deacons.³¹ Nowhere, however, was this tendency for a deacon to be made bishop more marked than at Rome; indeed, Lietzmann goes so far as to say that there "the college of deacons stood next to the bishop, and constituted his executive, and the papal throne

29 For many of the following examples I am indebted to Barnett, op. cit., p. 66-67 and passim.

30 Cf. Eusebius, Ecclesiastical History VII:11:26 and VII:32:5; in Lawlor and Oulton's translation, vol. 1, p. 228 and 247.

31 On the diaconal status of Athanasius at Alexandria, see Theodoret of Cyrus, Ecclesiastical History I:25, as translated in NPNE, vol. 3, p. 60-61; on Caecilian as archdeacon of Carthage, see Optatus of Milevis, De schismate Donatistarum adversus Parmenianum I:16, in PL, vol. 11, col. 916.

was usually filled from one of its members".³² Among deacons later chosen to be bishop of Rome we have already seen the deacon of Anicetus, Eleutherius, who was elected bishop in about the year 177 after the intervening reign of Soter, and the maligned deacon Callistus, who directly succeeded Zephyrinus in 219. Noteworthy later examples from Rome include the deacon Felix, elected bishop in 355 during the temporary exile of the vacillating Liberius, but now regarded as an antipope;³³ the deacon-diplomat Leo, elected bishop in 440 and known to history as Pope Leo the Great;³⁴ Gregory the Great, a deacon and former papal ambassador to Constantinople when chosen to succeed Pelagius II in 590;³⁵ and, centuries later, the archdeacon Hildebrand, who had already been the

³² Hans Lietzmann, A History of the Early Church, vol. 2, The Founding of the Church Universal, translated by Bertram Lee Woolf, 2nd edition, London: Lutterworth, 1950, p. 249.

³³ Theodoret of Cyrus, Eccelesiastical History II:14, as translated in NPNF2, vol. 3, p. 79.

³⁴ Prosper of Aquitaine, Chronicum integrum, in PL, vol. 51, col. 599, under the year of the consuls Valentinian Augustus (for the fifth time) and Anatholius, i.e., A.D. 440, tells how the Roman church was forty days without a bishop while it waited for deacon Leo to return from a mission in Gaul so he could be elected. Cf. Barnett, op. cit., p. 110.

³⁵ Gregory of Tours, Historia francorum X:1, in PL, vol. 71, col. 527. Cf. Barnett, op. cit., p. 110-111.

reforming power behind the throne of five popes when he was acclaimed as Gregory VII in 1073.³⁶

History thus shows that deacons were understood in the early Church to have a special ministry of service in the community, intimately linked with the mission of the bishop and suitable as a preparation for the episcopate. In an age when the whole local church remained the bishop's personal parish, and the term "diocese" had not yet acquired its later ecclesiastical meaning,³⁷ to speak of the deacon's service as "diocesan", as opposed to "parochial", might seem to be an anachronism. But in the sense that at this early period the deacon's ministry complemented that of the bishop to the whole local church, of whose order and apostolic succession the deacons and the bishop in presbytery were the twin pillars, the term "diocesan" in its later signification may fairly be used of the deacon's role down to the fourth century.

36 Horace K. Mann, The Lives of the Popes in the Middle Ages, vol. 7, 1073-1099, 2nd edition, London: Kegan Paul, Trench, Trubner, 1925, p. 16-21.

37 For the origins and evolution of the term, cf. A. Scheuermann, "Diözese (Dioikesis)" in Reallexikon für Antike und Christentum, vol. 3, col. 1053-1062. As a technical term in late Roman public administration, "diocese" referred to a very large aggregate of provinces, a major division of the Empire; and the Church took the term over in this sense until at least the year 1000. The individual bishop's domain in a city and the surrounding countryside was originally his "parochia".

Indeed, the role of the deacon in worship and church administration as the bishop's assistant is a constitutional reality of the early local church, and one cannot understand the organic unity of the great range of diaconal functions mentioned in the ancient patristic and canonical sources without an appreciation of this fact. For in the phrase of a fourth-century work that purported to describe the Apostles' ordering of the Church, the deacon was to be "the bishop's ear, and eye, and mouth, and heart, and soul."³⁸

2. The Ancient Functions of the Diocesan Diaconal Ministry

The ancient content of the diaconal ministry of service to the bishop can be seen both from details in the historical record and from those patristic writings and canonical texts of the second to the fifth century which are concerned with the sacramental and hierarchical ordering of the Church. Authors often divide the classical functions of the diaconate as seen in these sources into a liturgical ministry in the Church's worship, a pastoral ministry in the Church's spiritual and temporal government, and a charitable

³⁸ Apostolic Constitutions II:44; as translated under the title Constitutions of the Holy Apostles in ANF, vol. 7, p. 416.

ministry in the Church's service to the needy; but as these different types of diaconal function, especially the non-liturgical ones, evolved and sometimes came to overlap, one has to look at the sources with some care to see exactly what is implied by a given function at a given epoch.

The development of the liturgical ministry of the deacon has been studied in detail by Zenk³⁹ and also by Barnett;⁴⁰ only a few high points can be noted here. Justin Martyr (ca. 150) wrote of Christian worship at Rome for an audience of non-Christians, and is the first to specify particular duties at the bishop-president's Eucharist for the deacon: it is he who administers the consecrated Eucharistic bread and cup to all present at communion, and takes them to those not present.⁴¹ Around the year 200 in North Africa Tertullian notes that both deacons and presbyters may baptize, but only with the bishop's permission.⁴² The early Church Orders, a group of liturgical and canonical treatises of the

39 Richard E. Zenk, The Office of the Deacon in Ecclesiastical Law, J.C.D. Thesis, Rome: Pontifical Gregorian University, 1958; excerpt printed, 1969.

40 Op. cit., p. 43-131 passim.

41 Justin, First Apology 65, as translated in ANF, vol. 1, p. 185.

42 Tertullian, On Baptism 17; translated in ANF, vol. 3, p. 677.

third and fourth centuries which describe supposedly apostolic rules of worship and Church life, provide contemporary information on the role of the deacon in the liturgy and in other ministries.⁴³ In one notable Church Order, the Apostolic Tradition of Hippolytus (ca. 215),⁴⁴ the deacons are said to assist the presbyters and bishop by bearing the oils of anointing during the rite of baptism,⁴⁵ to bring the people's offerings of bread and wine to the bishop's Eucharistic table,⁴⁶ to give the cups (milk and honey, as well as the

43 The Didache is sometimes called a Church Order, but the genre really flourished later. Arthur John MacLean, The Ancient Church Orders, Cambridge: Cambridge University Press, 1910 (The Cambridge Handbooks of Liturgical Study), is a rather dated survey, written before the substantial identity of the so-called Egyptian Church Order with Hippolytus's lost Apostolic Tradition was established. On the diaconate in the Church Orders, cf. Adam J. Otterbein, The Diaconate According to the Apostolic Tradition of Hippolytus and Derived Documents, S.T.D. Thesis, Washington: Catholic University of America, 1945 (excerpt: Studies in Sacred Theology, 95).

44 On the recovery of this work and its influence cf. Quasten, Patrology, vol. 2, p. 180-186. The division and numbering of the text differs in its chief modern versions: Hippolytus, Αποστολική Παράδοσις: the Treatise on the Apostolic Tradition of St Hippolytus of Rome, Bishop and Martyr, edited by Gregory Dix, 2nd edition revised by Henry Chadwick, London: S.P.C.K., 1968; and Hippolyte de Rome, La Tradition Apostolique d'après les anciennes versions, edited by Bernard Botte, 2nd edition, Paris: Editions du Cerf, 1968 (Sources chrétiennes, 11 bis).

45 Apostolic Tradition 21:9, ed. Dix, p. 34.

46 Apostolic Tradition 4:2 and 23:1, ed. Dix, p. 6 and p. 40.

consecrated wine), but perhaps not the bread, to the people at communion,⁴⁷ to bless and distribute bread at weekday non-Eucharistic love-feasts in the bishop's absence,⁴⁸ and to teach at daily prayers.⁴⁹ Another third-century Church Order, the Syrian Didascalia Apostolorum,⁵⁰ notes that deacons should guard the doors and the offerings and keep order among the congregation at the Eucharist.⁵¹ Over a century later, the Apostolic Constitutions (ca. 380), an order dependent on the Didascalia, says the deacon may read the Gospel at the Eucharist,⁵² as well as making announcements and leading the congregation in bidding prayers.⁵³

47 Contrast Apostolic Tradition 23:4-7 and 24:1, ed. Dix, p. 41 and 43; cf. the discussion in Barnett, op. cit., p. 63-64.

48 Apostolic Tradition 26:11, ed. Dix, p. 48.

49 Apostolic Tradition 33:2, ed. Dix, p. 60.

50 Concerning the date and provenance of the work cf. the discussion in Didascalia apostolorum: the Syriac Version Translated and Accompanied by the Verona Latin Fragments, edited by R. Hugh Connolly, Oxford: Oxford University Press, 1929, reprinted 1969, p. lxxxvii-xci.

51 Didascalia apostolorum 2:57, as translated in Connolly's edition, p. 120.

52 Apostolic Constitutions II:57, as translated in ANF, vol. 7, p. 421.

53 Apostolic Constitutions VIII:5-6 and 9-11 passim, as translated in ANF, vol. 7, p. 483-486.

The early councils of the Church also contribute some interesting negative canons on the liturgical functions of deacons. In 314 the Council of Arles legislated for the Western Church that deacons should not for any reason offer (preside at) the Eucharist.⁵⁴ Apparently this practice had grown up in more remote churches where no bishop or presbyter could be had during the great persecutions of Diocletian and his successors; it illustrates a confusion between the sacerdotal and diaconal roles which the council was quick to reprobate, but also the high respect in which deacons were held at the time and, perhaps, their desire for sacerdotal rights. Likewise in 314, the Council of Ancyra in Asia Minor ruled that deacons who had lapsed during the persecution but returned to their office should keep it, but might not make

54 Canon 15: "De diaconibus quos cognouimus multis locis offerre, placuit minime fieri debere." Text in Concilia Galliae A. 314 - A. 506, edited by C. Munier, Turnhout: Brepols, 1963 (Corpus christianorum, series latina, 148), p. 12, where an alternative numbering as can. 16 is given. Cf. commentary in Charles Joseph Hefele, Histoire des conciles d'après les documents originaux, translated from the German 2nd edition into French, revised and continued by H. Leclercq et al., Paris: Letouzey et Ané, 1907-1952 (cited hereafter as Hefele-Leclercq, Histoire des conciles), vol. 1, p. 291-292. Cf. also the commentary on can. 18 of the Council of Nicaea, against presumption on the part of deacons, in The Canons of the First Four General Councils of Nicaea, Constantinople, Ephesus and Chalcedon, with Notes by William Bright, Oxford: Oxford University Press, 1892, p. 69-71, where patristic sources opposed to the offering of the Eucharist by deacons are cited.

proclamations in church.⁵⁵ This and other evidence has been interpreted to mean that deacons were able to preach in the ancient Church, but Barnett argues at some length that preaching is not an early diaconal ministry,⁵⁶ in spite of at least one unambiguous though Arian instance at Antioch around the year 350.⁵⁷

What is most important to note here about the varied liturgical functions of the ancient diaconate is their close association with the bishop. Throughout the more ancient texts the deacon assists only in the celebration of the bishop's own liturgy, in which presbyters also have their role. It appears that the presbyters began to preside as the bishop's delegated

55 Canon 2; Greek text is cited in Hefele-Leclercq, Histoire des conciles, vol. 1, p. 303, with translation and commentary. The terminology "make proclamations" is ambiguous in the Greek original; it could refer to preaching, but also could mean only reading the gospel or announcing instructions to the congregation (ibid., p. 304).

56 Barnett, op. cit., p. 78-80.

57 Philostorgius, Ecclesiastical History, III:17, in the epitome by Photius (Greek text in PG, vol. 65, col. 509, with Latin translation in col. 510), notes that the extreme Arian theorist Aetius was ordained a deacon and allowed to preach by bishop Leontius. For the date and context, cf. Michaelis Le Quien, Oriens christianus, Paris: Typographia Regia, 1740, reprinted Graz: Akademische Druck- und Verlagsanstalt, 1958, vol. 2, p. 711, and John Mason Neale, A History of the Holy Eastern Church, [vol. 5], The Patriarchate of Antioch [...] together with Memoirs of the Patriarchs of Antioch by Constantius, Patriarch of Constantinople, edited by George Williams, London: Rivingtons, 1873, p. 136-138 and 156.

Eucharistic celebrants in outlying localities, or on their own during the absence of a bishop, only in the persecutions of the third century,⁵⁸ when as we have seen deacons might also by way of exception preside at the Eucharist; and among the Church Orders the earliest to speak of a deacon assisting not only the bishop but also the presbyter appears to be the Apostolic Constitutions in the late fourth century.⁵⁹

The ancient development of the deacon's non-liturgical ministries has been traced by several recent authors.⁶⁰ From early times the evidence confirms that the participation of the deacon in the pastoral government of the Church and in its charitable work is as the assistant of the bishop. In the

⁵⁸ Barnett, op. cit., p. 99-101, discusses the evidence for the evolution of presbyteral leadership of Eucharistic celebrations from the time of I Clement to the Council of Nicaea. That this evolution was complete by the fourth century is shown by canon 1 of the Council of Ancyra of 314, which ordains that lapsed presbyters may be restored to the Church's fellowship but not to sacerdotal functions such as preaching and offering the Eucharist, and by canon 18 of Nicaea itself, which declares that deacons, who do not have the power of offering the Eucharist, should not take precedence over the presbyters, who do.

⁵⁹ Apostolic Constitutions III:20, as translated in ANF, vol. 7, p. 432; however, it is not certain that the sense of the deacons' ministry to the bishop and presbyters is specifically liturgical here.

⁶⁰ Notably, by Echlin, op. cit., p. 29-58; by Barnett, op. cit., p. 43-131 passim; and by Pokusa, A Canonical-Historical Study of the Diaconate in the Western Church, p. 7-134.

explanation of the ordination rites in Hippolytus's Apostolic Tradition, for example, there is a passage which not only insists upon the cultic distinction between the two different types of ministry, sacerdotal and diaconal, but shows to what extent the deacon was regarded at Rome in the early third century as the bishop's minister:

[All versions] We order that the bishop alone shall lay on hands at the ordaining of a deacon for this reason: that he is not ordained for a priesthood, but for the service of the bishop that he may do {only} the things commanded by him. For he is not {appointed to be} the fellow-counsellor of the {whole} clergy but to take charge {of property} and to report to the bishop whatever is necessary.... [Arabic, Ethiopic and Sahidic versions] Nor is he appointed to receive the Spirit of seniority which the presbyters share ... [Ethiopic version] but to occupy himself with that which is proper, that the bishop may trust him and that he may acquaint the bishop with what is fitting. ⁶¹

Here already in one passage is a large part of the deacon's ancient role in the government of the local church: he is the bishop's agent in business, his manager of church property, his inspector-general, his researcher, his canonical advisor - and the bishop's alone, directly responsible to him and to none other in all ecclesiastical matters.

⁶¹ Apostolic Tradition 9:1-4, ed. Dix, p. 15-16. The different texts diverge somewhat in verse 4; the readings given by Dix for the three eastern texts, and then for the Ethiopic alone where these differ, are here preferred to the less developed Latin.

Contemporary historical details help to fill out the picture of the Apostolic Tradition. Hippolytus's enemy Callistus, as deacon, was supervisor of the clergy and manager of the cemetery at Rome.⁶² In the former capacity, he exercised authority over the lesser ministries that had already come to exist in a stable fashion within the Roman Christian community,⁶³ although whether he did so by delegation from the bishop or in his own right is not at this early stage clear.⁶⁴ In the latter capacity, Callistus as deacon was

62 Supra, p. 11.

63 In the letter of Cornelius of Rome around the year 250 (supra, p. 12, note 26) there is mention of subdeacons, acolytes, exorcists, readers, and doormen as being among the minor clergy of a well-organized church like that at Rome; other ministries for which there are early testimony include those of the psalmist or cantor, the gravedigger, the ascetic, and among women the deaconess, the widow, the virgin, and again readers. These were not yet clergy in the strict sense, but lay ministers; however, their evolution into the minor orders of the medieval hierarchy began early, as is seen in Alexandre Faivre, Naissance d'une hiérarchie: les premières étapes du cursus cléricale, Paris: Beauchesne, 1977 (Théologie historique, 40).

64 The question turns on the third-century understanding of the origin of the lesser ministries; were they an exercise of the priesthood of the laity so vigorously defended by Tertullian (cf. Barnett, op. cit., p. 60-61), or were they derived from the ordained diaconal ministry, as its helpers? The name and functions of the subdeacon certainly suggest the latter interpretation to have existed for at least this one ministry in the third century. By the time of the fourth-century Apostolic Constitutions the question was settled; the deacon had jurisdiction in his own right over the lesser ministers, who were his servants (infra, p. 27).

not only, it seems, in charge of the burial ground, but the archdeacon-treasurer of the Roman church, if the plausible hypothesis is to be followed which suggests that under Roman law the early Christians were organized for civil purposes as private burial societies.⁶⁵ Certainly only a generation later it was the Roman archdeacon, Lawrence, who was believed by the persecutors to have control of the church's wealth;⁶⁶ but perhaps in foresight and certainly in his ministry of charity, he had already given it away to the poor.

Foresight and charity are indeed the marks of the bishop's deacon in the third-century literature. According to the pseudo-Clementine Letter to James, the deacon is to be his bishop's eye,⁶⁷ a metaphor which was picked up, as we

⁶⁵ The cemetery manager, in such a case, would legally be in charge of all church funds and property; cf. Leder, op. cit., p. 182-193, and the discussion by Pokusa in his thesis A Canonical-Historical Study of the Diaconate in the Western Church, p.24, notes 44-45, and in The Jurist, 45 (1985): p. 104, note 43.

⁶⁶ Supra, p. 12, note 28.

⁶⁷ Epistle of Clement to James 12, as translated in the Pseudo-Clementine Homilies in ANF, vol. 8, p. 220: "Let the deacons of the church, going about with intelligence, be as eyes to the bishop, carefully inquiring into the doings of each member of the church, ascertaining who is about to sin, in order that, being arrested with admonition by the president, he may haply not accomplish the sin." On the character and third-century date of this work cf. Quasten, Patrology, vol. 1, p. 60-63, and the references in Barnett, op. cit., p. 84-85, note 17.

have already seen, within the more elaborate characterization of the bishop's deacon in the Apostolic Constitutions,⁶⁸ and was destined to become the classic image for the archdeacon in later canonical writings. On the other hand, according to the Apostolic Tradition and the Didascalia the far-seeing deacon was to be the bishop's assistant in charity, seeking out the sick that the bishop might visit them,⁶⁹ and helping him in his aid to widows, orphans and the needy.⁷⁰ The deacons' vigilance extended also to the bishop's administration of justice; when the bishop held his court on Mondays the deacons, as well as the presbyters, were supposed to be present as observers.⁷¹

The later Church Orders derived from the Apostolic Tradition or the Didascalia apostolorum expound in greater detail the pastoral and charitable duties of the deacon already seen in these third-century sources, and add still others. By the time of the Apostolic Constitutions, late in

68 Supra, p. 16.

69 Apostolic Tradition 30, ed. Dix, p. 57.

70 Didascalia apostolorum 2:26-28 and 3:13, *passim*, as translated in Connolly's edition, p. 88, 90, 148, and analyzed in Pokusa, A Canonical-Historical Study of the Diaconate in the Western Church, p. 33-34.

71 Didascalia apostolorum 2:47, as translated in Connolly's edition, p. 111.

the fourth century, for example, the deacons and presbyters are present at the bishop's weekly court not as mere observers, but as assistant judges.⁷² The deacon seems indeed to have become something of an ecclesiastical policeman, for the same Church Order prescribes that he shall scrutinize the credentials of newcomers to the local church, lest they be tainted with heresy,⁷³ and that he shall not use force in carrying out his duties!⁷⁴ As regards the management of the lower clergy and the ministries, in the Apostolic Constitutions the deacon has acquired formal jurisdiction over them, and can excommunicate ("separate") the sub-deacon, reader, psalmist or deaconess if this proves necessary, though not in the presence of a presbyter; for all these ministers are his servants.⁷⁵

72 Apostolic Constitutions II:47, as translated in ANF, vol. 7, p. 417.

73 Apostolic Constitutions II:58, as translated in ANF, vol. 7, p. 422.

74 Apostolic Constitutions VIII:47:28 = canon 28 of the so-called Apostolic Canons (MacLean, op. cit., p. 34). Translation in ANF, vol. 7, p. 501. However, the same prohibition also applies to bishops and to presbyters.

75 Apostolic Constitutions VIII:28, as translated in ANF, vol. 7, p. 494.

A century later the last of the Hippolytan Church Orders, the fifth-century Testament of our Lord,⁷⁶ which Pokusa notes as having a pro-diaconal bias unusual in its period,⁷⁷ contains new rules regarding the burial by the deacon of unknown dead washed up from the sea,⁷⁸ his ministry to the sick and dying at the local church's guest house,⁷⁹ his investigation of the genuineness of women's claims of rape,⁸⁰ and his responsibility for the supervision and teaching of the catechumens.⁸¹ Moreover, the deacon has acquired a certain independence of action as the bishop's agent in charity: "For the help of those who are in

76 On the work's late date and relation to the Apostolic Tradition cf. Quasten, Patrology, vol. 2, p. 185. The chief editions are: Testamentum Domini nostri Jesu Christi, edited in Syriac with Latin translation by Ignatius Ephraem II Rahmani of Antioch, Mainz: Kirchheim, 1899, reprinted Hildesheim: Olms, 1968; The Testament of Our Lord, translated into English from Syriac by James Cooper and Arthur John MacLean, Edinburgh: T. & T. Clark, 1902; and a recent version not in Quasten, the Testamentum Domini éthiopiën, edition and French translation by Robert Beylot, Louvain: Peeters, 1984. The Syriac numbering [Syr.] of Rahmani and of Cooper and MacLean differs from Beylot's Ethiopic numbering [Ethiop.].

77 A Canonical-Historical Study of the Diaconate in the Western Church, p. 47-48; cf. Cooper and MacLean, p. 190.

78 Testament of Our Lord I:34 [Syr.] = 31 [Ethiop.]

79 Loc. cit.

80 Testament of Our Lord I:37 [Syr.] = 34 [Ethiop.]

81 Testament of Our Lord I:34 [Syr.] = 31 [Ethiop.]

need let him notify the Church; let him not trouble the bishop; but only on the first day of the week let him make mention about everything, so that he may know."⁸²

The so-called Apostolic Church Order, also known as the Ecclesiastical Canons of the Holy Apostles or Apostolic Canons,⁸³ stems from an entirely different textual tradition and in its short original version seems to have been one of the earliest purely canonical collections, dating from the early fourth century. Having already in a curious passage

⁸² Testament of Our Lord I:34 [Syr.] = 31 [Ethiop.]; translation from the English edition of Cooper and MacLean, p. 98.

⁸³ Not to be confused with the similarly-titled but entirely different Apostolic Canons of the later fourth century, found appended to the Apostolic Constitutions, and cited supra, p. 27, note 74. Concerning the date, original title and contents of the Apostolic Church Order consult Quasten, Patrology, vol. 2, p. 119, and MacLean, The Ancient Church Orders, p. 26-28. The primitive canonical material of chapters 16-28 of the Apostolic Church Order is given in the Greek original with a German translation by Adolf Harnack, Die Quellen der sogenannten Apostolischen Kirchenordnung, nebst einer Untersuchung über den Ursprung des Lectorats und der anderen niederen Weihen, Leipzig: Hinrichs, 1886, p. 6-31; I have had access only to the poorly-titled English edition, Sources of the Apostolic Canons, with a Treatise on the Origin of the Readership and Other Lower Orders, London: Norgate, 1895, which has the Greek text and an English translation on p. 7-27. The complete Ethiopic and Arabic texts are edited with English translations, and a translation of the Sahidic text is also given, in The Statutes of the Apostles, or Canones ecclesiastici, edited and translated by G. Horner, London: Williams & Norgate, 1904; the chapter numbers disagree among the versions.

assigned to presbyters the liturgical duties of congregational and ministerial supervision elsewhere given to deacons,⁸⁴ the work devotes two canons to the qualifications and the non-liturgical duties of deacons,⁸⁵ with emphasis upon their charitable role. Themselves generous, they are to be the doers of good works in the local church, knowing who are afflicted and compelling those who have means to assist them. In the words of the Sahidic version, the deacons must be "willing to be sent on all ministries good and secret";⁸⁶ while in a different place the Greek version declares that "those who have been deacons of good report and blameless purchase to themselves the pastorate".⁸⁷ In other words, the deacon can be assigned to do whatever the bishop wants done, and the deacon who performs his ministry well and proves capable of any task is likely to become bishop.

84 Apostolic Church Order 18 [Sahidic & Greek] = 14 [Ethiopic] = 13 [Arabic]; cf. ed. Horner, p. 134, 240-241, 302, and Harnack, Sources, p. 12-15.

85 Apostolic Church Order 20 and 22 [Sahidic & Greek] = 16 and 18 [Ethiopic] = 15 and 17 [Arabic]; cf. ed. Horner, p. 135-136, 241-243, 303-304, and Harnack, Sources, p. 17-19 and 21-23.

86 Apostolic Church Order 20 [Sahidic], as translated in Horner's edition, p. 303.

87 Apostolic Church Order 22 [Greek], as translated in Harnack, Sources, p. 23.

Something should here be said about the number of deacons available in the ancient Church, and the way in which they were assigned to perform the great variety of tasks our sources ascribe to them. In the small local churches of Syria and the East, the administration of the affairs of the see might be in the hands of one bishop and one deacon, his probable successor. But even in the larger urban centres of the Roman Empire, where the growing local church quickly became of a size and extension to require the service of more deacons, there was an ecclesiastical tradition which restricted their number in a given see to seven, the number of the Apostles' helpers in the church at Jerusalem.⁸⁸ These seven deacons might be assigned their tasks at the bishop's daily assembly of his clergy, where their attendance was especially required by Hippolytus⁸⁹ probably on account of their fewness; or

88 This custom was formally confirmed by the Council of Neocaesarea in Cappadocia (ca. 315), canon 15, cited in Hefele-Leclercq, *Histoire des conciles*, vol. 1, p. 334, and the rule found its way into Gratian's *Decretum*, part I, dist. 93, c. 12; however, it seems to have been abandoned from the fifth century, especially in the East, where the tendency to multiply deacons in the cause of liturgical splendour was such that Justinian would have to decree a limit of 100 male and 40 female deacons for Hagia Sophia in Constantinople. (Justinian, *Novellae* 3:1, in *Corpus Iuris Civilis*, vol. 3: *Novellae*, 5th edition, Berlin: Weidmann, 1928, p. 20-21).

89 *Apostolic Tradition* 33:1, ed. Dix, p. 60.

they might be given their own regional jurisdictions in the episcopal city, as came to be the case in the West, after Hippolytus's time, both at Rome and perhaps at Carthage.⁹⁰ In either case the restriction on their number required that deacons have the help of numerous lesser ministers.

Furthermore, the deacons' duties as the bishop's assistants tended to keep them in the city, close to him; pre-eminently was this true of the bishop's principal assistant and chief of the diocesan college of deacons, the archdeacon, who begins to appear in patristic sources with this new title from the middle of the fourth century.⁹¹ It is true that some deacons of the fourth century and later did receive rural postings, whether as assistants to presbyters or

90 The division of the Roman church into seven urban diaconal regions in the third century has already been noted, supra, p. 11-12, note 26. For the situation at Carthage, cf. Vincenzo Monachino, La cura pastorale a Milano, Cartagine e Roma nel sec. IV, Rome: Gregorian University, 1947 (Analecta Gregoriana, 41), p. 157-158.

91 The first near-contemporary use of the title seems to be by Optatus of Milevis in the fourth century in relation to Caecilian of Carthage (supra, p. 13, note 31), though the Liber pontificalis refers to the third-century Roman martyr Lawrence as archdeacon (supra, p. 12, note 27). For further early instances of the title, cf. A. Amanieu, "Archidiacre", in Dictionnaire de droit canonique, ed. R. Naz, Paris: Létouzey et Ané, 1935-1965, vol. 1, col. 948-950. Amanieu also cites early cases where the archdeacon was appointed by the bishop, but dismisses the contrary witness of Jerome that the archdeacon was elected by the college of deacons (Epistola CXLVI ad Evangelum, 1, in PL, vol. 22, col. 1194).

as ministers in charge of congregations;⁹² but as the urban sees reached out to the surrounding rural districts it was predominantly through the more numerous and more versatile presbyters, whether on direct suburban mission from the bishop or under the limited intermediate jurisdiction of his rural auxiliaries, the chorepiscopi.⁹³ The evolving presbyteral hegemony of country parishes was profoundly to affect the balance of ecclesiastical power in the local church in ensuing centuries, and to contribute to the decline of the diaconate.

What conclusions may be drawn from our historical and canonical survey of the ancient functions of the deacon?

First, the deacon was not a priest; he was forbidden the sacerdotal presidency in the Eucharist exercised by bishops

92 The Council of Elvira in Spain (ca. 305), canon 77, refers to baptism by deacons who govern the people without a presbyter or a bishop, apparently in rural congregations; cf. Hefele-Leclercq, Histoire des conciles, vol. 1, p. 261-262.

93 The chorepiscopi seem originally to have been the true bishops of small rural Christian churches in the East, but as time went on and the power of the urban churches over the countryside grew, canonical legislation curtailed these rural bishops' authority and independence, reducing them to a kind of auxiliary status under the urban see. In this form the institution spread to the West in the early Middle Ages. Cf. George Edward Lynch, Coadjutors and Auxiliaries of Bishops: a Historical Synopsis and a Commentary, J.C.D. Thesis, Washington: Catholic University of America, 1947 (Canon Law Studies, 238), p. 3-12; Theodor Gottlob, Der abendländische Chorepiskopat, Bonn, 1928, reprinted Amsterdam: P. Schippers, 1963 (Kanonistische Studien und Texte, 1).

and, later, by presbyters. But he was almost everything else to the local church: a kind of ecclesiastical factotum, expected to perform the most diverse tasks spiritual and temporal, whether in the liturgy, in church government or in charity. Second, there was an organic connection between the ministry of the deacon and that of his bishop - the bishop he uniquely served, the bishop he might succeed. The deacon was the executor of the bishop's policy, the assistant in all the bishop's acts, and from the bishop he possessed a subordinate but real jurisdiction in the see, appropriate to his varied tasks. Indeed, if the presbyters of the ancient Church formed the bishop's senate, the deacons and their underlings were his permanent civil service. Third and last, the ministry of the deacon was a truly universal ministry within the particular local church for which he was stably ordained.⁹⁴ The idea had not yet taken hold that the bishop's church could be subdivided; and deacons, even if given certain more local responsibilities, remained their bishop's diocesan assistants: the general staff officers of the whole local church.

⁹⁴ Ordination in the ancient Church was, in general, absolute - for the service of the Church in one place - and transfer of a bishop, presbyter or deacon from one local church to another was often condemned as an abuse. Cf. Council of Nicaea, canon 15, in Hefele-Leclercq, Histoire des conciles, vol. 1, p. 597-601.

CHAPTER TWO

THE HISTORICAL AND CANONICAL EVOLUTION OF THE DIOCESAN DIACONAL MINISTRY IN THE MEDIEVAL WEST

The canonical figure of the bishop's deacon as he appeared in the ancient Church is an impressive one, and more than a few authors have concluded with Barnett that from the fourth or fifth century to the twentieth the history of the diaconate is one of a steady decline from ancient glories, little worth examining.¹ Pokusa has demonstrated the fallacy of this approach through his penetrating analysis of the evolution of the diaconal office, and in particular of the

¹ Barnett, op. cit., p. 120-121 and passim, sees a radical decline in the status of the diaconate in the fourth century by reason of its inclusion in the sequence of clerical orders that lead to the presbyteral priesthood, and accordingly jumps directly to the twentieth-century restoration of the permanent diaconate, which he proposes to base on his pre-Nicene vision of an independent diaconal order. Other authors who give short shrift to diaconal developments after the ancient period include Seidl and Schamoni. Croce, in Diaconia in Christo, p. 112-128, offers historical details down to the year 1000 only to demonstrate the supposed complete disappearance of the permanent diaconate by that date; Hardy, in The Diaconate Now, p. 21-26, gives a brief but more balanced historical treatment of the medieval diaconate, while Echlin, op. cit., p. 61-94, covers the same ground with rather more historical evidence but little canonical material. On the other hand, Zardoni, op. cit., p. 46-48, offers only a few citations from the major medieval councils of the West.

archdiaconate, in medieval Western canon law down to the thirteenth century.² This was an evolution not paralleled in the Eastern Church, but one which adds significantly to our understanding of the potential scope of the deacon's diocesan ministry. From the viewpoint of canon law, the Middle Ages were an era of radical change but not of such complete decline in the diaconal ministry as has often been supposed; and it can indeed be argued that the fullest canonical portrait of the non-liturgical, diocesan ministry of permanent deacons is to be found not in ancient sources but in the medieval canonists' observations on the archdeacon at his apogee.

Whereas our survey of the history and functions of the diocesan diaconate in the ancient Church made use of Eastern and Western materials, the present, more detailed chapter is restricted to the Western Church from the fifth down to the sixteenth century. This is not only a desirable limitation from the point of view of our subject, the diocesan diaconal

2 Pokusa, A Canonical-Historical Study of the Diaconate in the Western Church, p. 135-341. A very thorough presentation of both ancient and medieval evidence, theological and canonical, on the diaconate down to the Council of Trent had already been made in 1970 in the theological thesis of Wilges, op. cit., written in Portuguese in Rome and apparently not known to Pokusa and other authors on the subject. Wilges's work is thematically rather than historically organized, and forms a useful complement to Pokusa for the medieval period.

ministry in the canon law of the Roman rite, but reflects the historical reality of the breakdown of ancient catholic unity between the great churches after the fifth-century schisms and the barbarian invasions, a rupture which led to the separate evolution of Western canon law from the early Middle Ages.

First a historical and canonical survey is given of the evolution and decline from the fifth to the tenth century of a local ministry of permanent deacons in the West, divorced from the bishop. This is followed by a look at the contrasting persistence and medieval canonical development of the permanent diocesan diaconal ministry of archdeacons and curial deacons.

1. The Decline of the Diaconate in the West from the Fifth to the Tenth Century

By the beginning of the fifth century the diaconate, outwardly flourishing, had begun to decline from its former eminence in the Church. The principal causes were two: the definitive subordination of most deacons to presbyters within a single ecclesiastical hierarchy of promotion, and the tendency of most deacons to specialize in their liturgical functions, to the neglect of their part in pastoral government and charity. Only the deacons closest to the bishop stood out as partial exceptions to these two patterns of erosion.

Barnett has argued convincingly that the subordination of deacons to presbyters was the result of a fourth-century theological shift in which parallel sacerdotal and ministerial hierarchies were subsumed into one sacred hierarchy of orders, to be progressed through by promotion.³ The evolution of this cursus honorum in ecclesiastical life was no doubt influenced by the Roman political ideal of an orderly progress through a series of public offices of successively greater prestige.⁴ But it also was nourished by an early emphasis upon the bishop's sacerdotal power as the high priest of Christian worship,⁵ which in time led to a thoroughly cultic

3 Barnett, op. cit., p. 105-112.

4 Cf. s.v. "Cursus honorum", in Adolf Berger, Encyclopedic Dictionary of Roman Law, Philadelphia: 1953 (Transactions of the American Philosophical Society, new series, vol. 43, pt. 2), p. 422; and also s.v. "Magistratus. Reihenfolge und Rang der Ämter", in Paulys Real-encyclopädie der classischen Altertumswissenschaft, new edition begun by Georg Wissowa, Stuttgart: Metzler, 1894-1963, vol. 14, col. 405-407. The Roman Republican sequence of offices from quaestorate to consulate was regulated by the Lex Villia annalis of 180 B.C., which set successive minimum ages for holding the different offices, and by the Lex Cornelia de magistratibus of the dictator Sulla in 81 B.C., which specified that they had to be held in a particular order. Under the Empire these laws remained in force, though the emperor could override them.

5 Bishops, and not just Christ, were called "high priests" from the second century, but the Latin sacerdos, translated as "priest", is not regularly applied to presbyters until the seventh century. Cf. P. M. Gy, "Notes on the Early Terminology of Christian Priesthood", in The Sacrament of Holy Orders, London: Aquin Press, 1962, p. 98-115.

perception of all the other ministerial offices in the Church and to their ranking by proximity to the priestly role in the offering of the Eucharist. Practical considerations were for a long time paramount, however, to the advocates of the orderly reception of ecclesiastical offices. A letter of Cyprian of Carthage (ca. 250),⁶ and later decretal letters of the Roman bishops Siricius (ca. 385),⁷ Innocent I (ca. 402)⁸ and Zosimus (ca. 418),⁹ all approve the orderly reception of the different grades of ecclesiastical ministry as a means of testing the merits and ensuring the maturity of candidates for the higher orders; and the same reasoning is apparent in the first canonical legislation on the subject, from the

6 Cyprian of Carthage, Epistle LI 8, translated in ANF, vol. 5, p. 329, observes that at Rome Cornelius "was not one who on a sudden attained to the episcopate; but, promoted through all the ecclesiastical offices, and having often deserved well of the Lord in divine administrations, he ascended by all the grades of religious service to the lofty summit of the Priesthood."

7 Siricius, Pope, Epistola I, ad Himerium 13-14 (cap. ix-x in the numbering of Dionysius); in PL, vol. 13, col. 1142-1143.

8 Innocent I, Pope, Epistola XXXVII, ad Felicem 6 (cap. v), in PL, vol. 20, col. 604-605.

9 Zosimus, Pope, Epistola IX, ad Hesychium 2 (cap. i), in PL, vol. 20, col. 671, makes an explicit comparison between the cursus of public offices and the succession of ecclesiastical grades, and considers it an impudence in either the sacred or the secular spheres to want a quick promotion without having risen from the ranks.

Council of Sardica (343),¹⁰ which urged that notable secular figures not be appointed to the episcopate straightaway, but prove themselves by going through the full sequence of ecclesiastical grades.¹¹

Evidence of the conflict occasioned by the doctrine of one sacerdotal hierarchy of promotion and subordination in the Church can be seen in a series of canonical disputes about the ecclesiastical precedence of presbyters over deacons. As early as the Councils of Arles¹² and Nicaea¹³ canons are to be

10 Canon 10; Greek and Latin texts and commentary in Hefele-Leclercq, Histoire des conciles, vol. 1, p. 790-791.

11 A related earlier canon of the Council of Nicaea, canon 2, had merely expressed opposition to the ordination of newly-baptized secular notables to the episcopate or presbyterate with little instruction; cf. Hefele-Leclercq, Histoire des conciles, vol. 1, p. 532-536. But despite the authority of the two councils, the policy was but imperfectly honoured for centuries, as can be seen both from the precipitate ordination of Ambrose of Milan within a few years of Sardica, and from the persistence of ordinations per saltum down to the time of Pope Innocent III (cf. infra, p. 101, note 193).

12 Canon 18, against the presumption of urban deacons in acting without the knowledge of the presbytery; Latin text and commentary in Hefele-Leclercq, Histoire des conciles, vol. 1, p. 293.

13 Canon 18, against presumption on the part of some deacons who sit with the presbyters or give them communion in the liturgy; cf. text and commentary in Hefele-Leclercq, Histoire des conciles, vol. 1, p. 610-614, and in The Canons of the First Four General Councils [...] with Notes by William Bright, p. xiv-xv and 68-74.

found which pronounce in favour of the presbyters, with their power of presiding for the bishop at the Eucharist, as against the deacons, the bishop's traditional servants, who could not so preside. Ambrosiaster¹⁴ and Jerome¹⁵ bear witness in particular to presbyteral indignation with the supposed liturgical and pastoral pretensions of the seven Roman deacons, who in fact had long controlled both the wealth of their church and its ordination of candidates to the presbyterate.¹⁶ In fifth-century Gaul the conflict between presbyters and deacons appears to have escalated from concern to safeguard the liturgical precedence of presbyters to a tendency, evidenced in several of the canons of the so-called

14 Quaestiones veteris et novi testamenti 101: "De jactantia romanorum levitarum", in PL, vol. 35, col. 2301-2303, where the work is attributed with doubts to Augustine. On the unknown fourth-century author of this and the pseudo-Ambrosian Commentaria in XIII epistolas beati Pauli (PL, vol. 17, col. 45-508), a writer known since the sixteenth century as Ambrosiaster, cf. Berthold Altaner, Patrology, translated from the 5th German edition of 1958 by Hilda M. Graef, New York: Herder & Herder, 1960, p. 457-458.

15 Epistola CXLVI ad Evangelium, in PL, vol. 22, col. 1192-1195.

16 For a detailed discussion of this controversy, cf. Bernhard Domagalski, "Römische Diakone im 4. Jahrhundert - zum Verhältnis von Bischof, Diakon und Presbyter", in Der Diakon: Wiederentdeckung und Erneuerung seines Dienstes, edited by Josef G. Plöger and Hermann Johann Weber, Freiburg: Herder, 1980, p. 44-56.

Statuta Ecclesiae antiqua (ca. 480),¹⁷ to restrict and diminish the deacon and to make him in every way the presbyter's subordinate.¹⁸ Nonetheless, trouble over the relative places and deportment of deacons and presbyters persists at least until the seventh century in Spain.¹⁹

One possible key to understanding the concern of the early medieval Church in the West for the submissiveness of

¹⁷ For the definitive edition and study of this early Western canonical collection, with proof of its origin in the late fifth century in the region of Marseilles, cf. Les Statuta Ecclesiae antiqua: édition, études critiques, edited by Charles Munier, Paris: Presses Universitaires de France, 1960 (Bibliothèque de l'Institut de Droit Canonique de l'Université de Strasbourg, 5).

¹⁸ Cf. the series of canons on the deacon in Munier, Statuta, p. 89-90: "57. Diaconus ita se presbyteri ut episcopi ministrum noverit. 58. Ut diaconus, praesente presbytero, eucharistiam corporis Christi populo, si necessitas cogit, iussus eroget. 59. Ut diaconus quolibet loco, iubente presbytero, sedeat. 60. Ut diaconus tempore tantum oblationis et lectionis alba utatur. 61. Ut diaconus in conventu presbyterorum interrogatus loquatur." In his study Munier shows (p. 140-141) that the compiler of the Statuta is using the Apostolic Constitutions, but deliberately ignores its statements about the deacon's importance and provides instead the restrictive canons here quoted.

¹⁹ In the year 633, deacons were still being forbidden to raise themselves above presbyters by taking seats in the first choir in church and forcing the presbyters into the second. Cf. Council of Toledo IV, canon 39, in Sacrorum conciliorum nova et amplissima collectio, edited by J. D. Mansi et al., new edition, Paris: H. Welter, 1901-1927. [hereafter cited as Mansi, Conciliorum], vol. 10, col. 629; French summary in Hefele-Leclercq, Histoire des conciles, vol. 3, p. 272.

deacons is the very marked contrast between the ecclesiastical arrangements which existed from the fifth to the ninth century in the bishop's city and in the newly created rural parishes. In the city the archdeacon and the other urban deacons closest to the bishop wielded yet a very considerable power, while the urban presbyters, though they could now claim some rights over the deacons, still held no true parishes of their own.²⁰ By contrast, under the early parochial system in the rural areas of the barbarian West, the older status levels of the urban church were inverted by the presbyter's promotion to the bishop's place. For as Addleshaw has pointed out,²¹ in the old rural minsters of the first foundation between the fourth and the eighth century, as distinct from the newer parishes founded later by benefactors, it was customary for a mission church to serve a vast though ill-defined area with but one resident presbyter, who could celebrate the Sunday Eucharist

²⁰ Scholarly opinion until the early twentieth century favoured an even later date, in the twelfth or the thirteenth century, for the creation of urban parishes with full canonical status, but the researches of H. K. Schäfer pushed the date back to Carolingian times; cf. the notice in Revue des questions historiques, new series, 34 (1905): p. 643-644, which refers to his original article of the same year in Römische Quartalschrift.

²¹ G. W. O. Addleshaw, The Early Parochial System and the Divine Office, London: Mowbray, 1957, 32 p. (Alcuin Club Prayer Book Revision Pamphlets, 15)

in place of the bishop. This presbyter was, however, assisted, like the urban bishop in his cathedral church, by a resident community of deacons and minor clergy bound with him to the collegiate daily prayer of the canonical hours.²² Indeed, for the sake of providing proper liturgy according to the urban model in the country parishes, additional rural deacons of local origin and limited education²³ were for some centuries ordained in the West for every parish where this was at all practicable.²⁴ This situation helps explain the desire

22 Addleshaw, *op. cit.*, p. 12-14. Cf. the legislation on the daily office in country churches by the Council of Tarragona (516), canon 7, in Mansi, *Conciliorum*, vol. 8, col. 542; French summary in Hefele-Leclercq, *Histoire des conciles*, vol. 2, p. 1028.

23 Cf. the story of a bishop's promise of ordination as deacon to the young Géry of Cambrai (died 626) once he had succeeded in learning the psalter by heart, as reported in Addleshaw, *op. cit.*, p. 10.

24 An anonymous little canonical collection, the *Epistola canonica*, thought on paleographic grounds to originate in sixth-century Italy (cf. Friedrich Maassen, *Geschichte der Quellen und der Literatur des canonischen Rechts im Abendlande*, I: *Die Rechtssammlungen bis zur Mitte des 9. Jahrhunderts*, Graz: Leuschner und Lubensky, 1870; reprinted Graz: Akademische Druck- und Verlagsanstalt, 1956, p. 394), insists that if a rural presbyter in a baptismal (i.e., parish) church lacks a deacon he should find a suitable candidate for the diaconate, get the approval of the people, and present him for ordination, or else ask the bishop for a deacon from the clergy of his own church. (*Epistola canonica*, canon 8, in *PL*, vol. 56, col. 891-892). The same legislation is repeated four centuries later by Atto, bishop of Vercelli (ca. 945), in his *Capitulare*, cap. 20, in *PL*, vol. 134, col. 32; English translation by Echlin, *op. cit.*, p. 84.

of the early Middle Ages to confirm the presbyters' authority over deacons, as well as the gradual decline in the pastoral prestige of simple deacons in the West despite their increase in numbers.

This is not to say that the rural deacons were totally lacking in pastoral authority. The taking of turns in the leadership of the divine office by presbyter and deacon, as ordered in 516 by canon 7 of the Council of Tarragona,²⁵ suggests that in some rural churches a co-operative sharing of the two orders in pastoral government was still possible. On this point we also have the witness of the sixth-century Italian Epistola canonica,²⁶ which Pokusa cites as unique evidence of the deacon co-operating in the administration of the ecclesiastical property of the early rural parish.²⁷ And although there were certainly cases where the parish made do without a deacon,²⁸ there were on the other hand still rural parishes or missions without a resident presbyter, put

25 Supra, p. 44, note 22.

26 Canon 9, in PL, vol. 56, col. 892-893; cf. also supra, p. 44, note 24, concerning the provenance.

27 Cf. his A Canonical-Historical Study of the Diaconate in the Western Church, p. 101-103; and his article in The Jurist, 45 (1985): p. 100.

28 Cf. Pokusa, A Canonical-Historical Study of the Diaconate in the Western Church, p. 126-132.

in the charge of a pioneering deacon, who would necessarily carry more authority and fulfil a wider range of pastoral tasks.²⁹

Nonetheless, the tendency overall from the fifth century was for increasing numbers of deacons, rural or urban, to be subordinated to presbyters and remote from the bishop, within a clergy whose hierarchical organization encouraged them to seek advancement through priestly ordination. Needless to say, many lesser deacons did so, once they had attained the canonical age. If this had not typically been set some five years later than the required age for diaconal ordination,³⁰

29 Cf. Pokusa, A Canonical-Historical Study of the Diaconate in the Western Church, p. 72-83; and his article, in The Jurist, 45 (1985): p. 105-106. Indeed, the canonical possibility of a parish being confided to a deacon or even to one of the lower clergy still remained in the high Middle Ages and down to the Code of 1917, although it was commonly held that the deacon so appointed had to be ordained presbyter within a year or lose his pastorate. Cf. D. Bouix, Tractatus de parochia, ubi et de vicariis parochialibus, necnon monialium, militum et xenodochiorum cappellanis, 2nd edition, Paris: Regis Ruffet, 1867, p. 330-332; and also S. C. of the Council, "Cuneensis et Utinensis: Praecedentiae", in AAS, 11 (1919): p. 351, concerning a deacon's prior vested right to a parish surviving even the promulgation of CIC (1917), canon 453 of which had finally restricted the office of parish pastor to presbyters.

30 In the West, Isidore of Seville, De ecclesiasticis officiis II:8:2 (PL, vol. 83, col. 789), and in the East, the Quinisext Council in Trullo of 692, canon 14 (Mansi, Conciliorum, vol. 11, col. 949-950) agree on 25 years of age for ordination to the diaconate; the Trullan canon gives 30 years as the age for ordination to the presbyterate.

the effects of the ecclesiastical hierarchy of promotion on the idea of a permanent diaconal ministry would have been still more rapid. As it was, the permanent parish diaconate persisted only until the ninth or tenth century in most parts of the West, by which time the notion of the ordinary diaconal ministry had itself undergone a radical change, and the theological rationale for a transitional, liturgical diaconate had been widely accepted.

The change in the theology of the diaconate arose out of the second principal cause of the deacon's decline, the tendency of deacons in general from the fifth century onward to specialize in liturgical functions and to neglect their ancient tasks of pastoral government and charity. The development can at least partly be traced to the diminished range of duties of deacons in service under presbyters as rural parish clergy; for despite the extensive territory of the old parish foundations the rural populations served from them were not large,³¹ and as the economy was one of subsistence from the land, the burdens of administration and charity were in no wise so onerous as in the populous urban centres of the later Empire, and could well be handled by the presbyter of the parish. Indeed, in the unsettled climate of the times the

³¹ Addleshaw, op. cit., p. 11.

principal work of the rural clergy was conceived as being the daily prayer of the office,³² which as it were brought the protection of God to the place. These rural circumstances do not, however, fully explain the increase in numbers of urban deacons, most of them occupying themselves with the liturgy.

The great increase in the liturgical diaconate in fifth-century Constantinople³³ seems to have arisen directly from the status of Christianity as the new established religion, endowed with buildings and financial support for the impressive celebration of religious services; more deacons meant more ceremony. Rome and the other cities of the West were not immune to the pomps of liturgy, and new urban deacons were eventually ordained for the purpose, with the tradition of only seven deacons to a church being salvaged by a distinction between the seven regional or cardinal deacons, who were the pope's immediate assistants, and the rest.³⁴ But at Rome at least in the late sixth century there are signs of

32 Addleshaw, op. cit., p. 12-14.

33 Supra, p. 31, note 88.

34 Henri Leclercq, "Diacre", in Dictionnaire d'archéologie chrétienne et de liturgie, Paris: Letouzey et Ané, 1907-1953, vol. 4, col. 742, notes without proof that in the year 520 at Rome there were one hundred deacons, most of them associated with the stational churches or with the tombs of the martyrs.

some resistance to the liturgical increase of deacons. At a Council of Rome held in 595 and reported among the extant letters of Gregory I, the pope noted that cantors were being ordained as deacons simply for the sake of their singing voices and were spending their time in liturgy while omitting the works of charity which were properly theirs; his solution was to order that deacons not sing, only read liturgical proclamations.³⁵

The decline of the urban deacon's ancient charitable ministry is also here attested to, but this decline did not necessarily stem from a lessening of Christian charitable zeal; rather, it seems that alternative and more efficient means than the individual diaconal distributions and visitations were being found for the care of the urban sick and poor. Beginning with the organized corporate charity of the Cappadocian monasteries of the fourth century,³⁶ monastic and lay deaconries and hospices had spread across the Mediterranean world, arriving in Italy in the time of Gregory I; and conservative Rome, a century after Gregory's complaint, was

35 Gregory I, Pope, Decreta sancti Gregorii papae I [in the Council of Rome (595)], cap. 1, in PL, vol. 77, col. 1334-1335. Also found among Gregory's Epistolae, IV:44, in Mansi, Conciliorum, vol. 9, col. 1226.

36. Basil Minchin, Every Man in his Ministry, London: Darton, Longman & Todd, 1960, p. 79-80.

among the last places to adopt them.³⁷ Thereafter the charitable tasks of the Roman deacons largely ceased, though the eighteen Roman deaconries where charitable work was carried on later came in the twelfth century to be associated as titles with the increased number of cardinal deacons.³⁸ It may be supposed that some, at least, of the urban deacons who were displaced from charitable work swelled the ranks of the liturgical diaconate.

Explanations in terms of the organization of country parishes, the increase of urban ecclesiastical endowments, or the changing pattern of Christian charity do not, however, get at the root of the early medieval deacon's preoccupation with liturgy. The phenomenon's underlying cause seems to have been nothing less than a new way of looking at the role of all clergy in the Church, a sacral mentality which saw the entire reason for the hierarchy of orders in the offering of spiritual sacrifices. The doctrine came to be spelled out in two

37 La carità cristiana in Roma, edited by Vincenzo Monachino, Bologna: Cappelli, 1968, p. 108-116; cf. Hardy, in The Diaconate Now, p. 23.

38 Henri Leclercq, "Diaconies", in Dictionnaire d'archéologie chrétienne et de liturgie, Paris: Letouzey et Ané, 1907-1953, vol. 4, col. 735-736, note 1. The seven older diaconal regions of Rome do not appear to have corresponded geographically with the charitable deaconries of the seventh to the sixteenth century, which suggests that the seven major deacons were not originally associated with their work.

writings, doubtfully attributed to the fathers Jerome³⁹ and Isidore of Seville⁴⁰ respectively, in which the deacons were co-opted to the sacerdotal hierarchy as purely liturgical officers by the simple expedient of ignoring all that was non-liturgical in their ministry. Reynolds⁴¹ has explored the origins and canonical impact of these works in some depth, while Pokusa⁴² has analyzed both them and the related genuine writings of Isidore⁴³ from the viewpoint of the history of the diaconate. In the present context the chief significance of this predominantly Spanish and didactic literature is that excerpts from it were copied into the local canonical and liturgical collections compiled throughout the West during the Carolingian reform of the Church in the late eighth and the

39 Ps.-Hieronymi De septem ordinibus ecclesiae, edited by A. W. Kalff, Wurzburg: 1935, viii-82 p.

40 Epistola ad Leudefredum; text in PL, vol. 83, col. 893-898, as Epistola prima Isidori Leudefredo episcopo.

41 Roger E. Reynolds, "The pseudo-Hieronymian 'De septem ordinibus ecclesiae': Notes on its Origins, Abridgements and Use in Early Medieval Canonical Collections", in Revue bénédictine, 24 (1970): p. 238-252; also "The 'Isidorian' Epistula ad Leudefredum: An Early Medieval Epitome of the Clerical Duties", in Medieval Studies, 41 (1979): p. 252-330.

42 Pokusa, A Canonical-Historical Study of the Diaconate in the Western Church, p. 136-162.

43 De ecclesiasticis officiis, in PL, vol. 83, col. 737-826; Etymologiae, in PL, vol. 82, col. 73-728.

early ninth century.⁴⁴ This widespread reception provided canonical support in ensuing centuries for an impoverished and unhistorical view of the diaconate as no more than a set of liturgical functions performed in service to the presbyter and conferred at the next-to-last stage of the road to the priesthood.⁴⁵

The new theology and new historical circumstances conspired to undermine the permanent, liturgical diaconate in the parishes of the Western Church, although the parallel institution was to continue in parishes of the Eastern Church down to the modern era. Paradoxically, the trouble seems to have begun with an attempt at restoration. Beginning in the time of the emperor Charlemagne there was a determined effort by the new

44 For example, an unedited collection of the early ninth century at the other end of Western Christendom made extensive use of these Spanish theological materials on orders and of the Statuta Ecclesiae antiqua to portray and regulate the clerical life; cf. Francis T. Kirkwood, A Ninth-Century Canonical Collection from Salzburg: the 'Collection in Two Books', B.A. Research Project, Ottawa: Carleton University, 1970.

45 This definitional approach in purely liturgical terms continued in the canonical manuals right down to the twentieth century, governing the treatment of the diaconate in the Code of 1917; for example, F. X. Wernz, Ius Decretalium ad usum praelectionum in scholis textus canonici sive iuris Decretalium, vol. 2, Ius constitutionis Ecclesiae Catholicae, 3rd ed., Prati: Giachetti, 1915, p. 44, says simply: "Ordo diaconatus est specialis potestas ex officio in Missa solemnii immediate assistendi presbytero et solemniter canendi evangelium."

Frankish rulers of the West to improve the clergy.⁴⁶ One of the seventh-century Visigothic councils had already tried to check the centrifugal tendencies of the rural clergy by reaffirming the ancient prior right of the bishop to the service of the deacons and presbyters of his diocese in the cathedral town.⁴⁷ Now in each of the cathedral towns of the Empire the formation of a community of presbyters, deacons and other clergy living together with the bishop as canons was to be the norm;⁴⁸ they were to be under a rule such as that drawn up in the eighth century for his cathedral clergy by the Frankish bishop Chrodegang of Metz,⁴⁹ or that legislated by the

46 Cf. Emile Amann, L'époque carolingienne, Paris: Bloud & Gay, 1947 (Fliche & Martin, ed., Histoire de l'Eglise depuis les origines jusqu'à nos jours, 6), p. 82-84.

47 Council of Mérida (666), canon 12, in Mansi, Conciliorum, vol. 11, col. 82.

48 In Charlemagne's famous general capitulary of 802 for his imperial inspectors-general, the 'missi dominici', a prescription is included to this effect: "Canonici autem pleniter vitam obserbent canonicam, et domo episcopali vel etiam monasteria cum omni diligentiam secundum canonica disciplina erudiantur." Cf. Capitulare missorum generale (802), cap. 22, in Capitularia regum francorum, edited by Alfredus Boretius, Hanover: Hahn, 1883-1897, vol. 1 (Monumenta Germaniae historica: Leges II, 2:1), p. 95-96. From the context it is plain that these 'canonici' are the presbyters, deacons and other ministers of the episcopal church.

49 Mansi, Conciliorum, vol. 14, col. 315-332; cf. the discussion and French summary in Hefele-Leclercq, Histoire des conciles, vol. 4, p. 18-25.

Council of Aachen (Aix-la-Chapelle) in 816,⁵⁰ and were to celebrate the divine office and pursue Christian learning. Such canonical living arrangements were also supposed to be imposed on the deacons and other clergy in the older rural parishes;⁵¹ and a network of new parish churches began to be built between the old foundations, to serve the population better.⁵² But in practice the reach of the Carolingian reform exceeded its grasp. The new parish churches and the formation of canonical communities at the cathedrals created a shortage both of clergy and of ecclesiastical revenues. The tithes decreed by Charlemagne⁵³ and the early feudal benefices could only support so many clergy. It was priests that were needed; deacons, in the new theology, were priests in training, and a luxury in their own order. By the year 1000 the permanent deacon of liturgy was a rarity in the West, outside of Rome and the other cathedral cities.

50 Concilium Aquisgranense (816), De institutione canonicorum, in Mansi, Conciliarum, vol. 14, col. 153-246. The text is based on a collection by the deacon Amalarius of Metz which adopted the liturgical conception of the diaconate; cf. Hefele-Leclercq, Histoire des conciles, vol. 4, p. 11.

51 Capitulare missorum generale (802), cap. 23, in Capitularia regum francorum, vol. 1, p. 96.

52 Addleshaw, op. cit., p. 14.

53 Cf. Amann, op. cit., p. 91-92.

However, the possibilities of the urban permanent diaconate in the service of the bishop had never been exhausted by charity and by liturgy. And indeed, the decline of the urban charitable diaconate, the preoccupation of most deacons with liturgy from the fifth century onward, even the entire five-hundred-year interlude of the rural parochial diaconate that failed in the West, merely serve to set in greater relief the persisting functions of the few major deacons in each see who continued the ancient tradition of diaconal participation in the bishop's pastoral government and diocesan administration. It was with these permanent deacons of administration and government, the diocesan curial deacons and archdeacons - rather than with the liturgical deacons, divorced from bishop in their parishes - that the true continuity of the diocesan ministry of the deacon lay in the medieval West.

2. The Diocesan Diaconal Ministry in the Middle Ages: Curial Deacons at Rome and Elsewhere

Whereas the permanent diaconate in general declined in the Western Church by the tenth century, the diocesan ministry of permanent deacons persisted down to the thirteenth century and after, both in the curial deacons who aided the bishop in his government, and in the office of his chief minister, the archdeacon. But while every diocese would have one or more

archdeacons, the presence of other deacons in the local church's diocesan curia throughout the Middle Ages is by no means so well attested in our sources, except in the most important curia of them all, the papal curia of the church at Rome. Thus the history of the diocesan diaconal ministry in the medieval West is largely the history of two ecclesiastical dignities, the Roman cardinal diaconate and the archdiaconate.

In examining the medieval canonical history of these offices as manifestations of the diaconate, however, it is important from the outset to avoid certain misconceptions grounded in later historical developments or in the pervasive and enduring sacerdotal mentality of the 1917 Code of Canon Law. For example, it has often been assumed that the archdiaconate was an entirely distinct creation from the medieval diaconate, simply because of its non-liturgical nature, its great power and its jurisdiction over presbyters, a jurisdiction which seems to contradict the principle of sacerdotal hierarchy. The historical and canonical data are quite unambiguous, however; the medieval archdiaconate was a true diaconal office,⁵⁴ and it is the identification of the diaconate solely with liturgical tasks or the notion of an

54 Cf. Pokusa, A Canonical-Historical Study of the Diaconate in the Western Church, p. 247 and passim.

inherent and universal hierarchical jurisdiction of presbyters over deacons that is suspect. Again, the fact that the Roman cardinal diaconate or the archdiaconate very frequently (but not always) was held later in the Middle Ages by those in priestly orders seems to have blinded modern authors to these offices' continuing diaconal character,⁵⁵ despite the witness of the requirement of canon law down to 1917 that one need only be a deacon to hold them.⁵⁶

55 Pokusa, for example, proves the diaconal character of the medieval archdiaconal office in the West from canonical sources, but then contends at the end of his otherwise-excellent thesis (A Canonical-Historical Study of the Diaconate in the Western Church, p. 349-350) that further developments in the office, once it came to be held only by priests, became irrelevant to the canonical history of the diaconal ministry. Such a view ignores the nuances of the canonical situation of the Roman cardinal deacon or archdeacon in priestly orders. Although a priest, he was also a deacon, as ordinations per saltum had ceased. But "every deacon is in fact a perpetual deacon, and if ordained to the priesthood or episcopate continues to exercise the functions of the diaconate; in fact he may spend much of his time in duties which the early Church would have considered diaconal." (Hardy, in The Diaconate Now, p. 35) Both the principle of subsidiarity and fidelity to the canonical sources require that we continue to recognize even priest-archdeacons or cardinal deacons with priestly ordination, in the late Middle Ages and right down to the twentieth century, as exercising a deacon's office. It then follows that legislation (or lack of it) which affects these offices, even after they came usually to be held by priests, may form a part of the canonical history of the diaconate.

56 Cf. infra, p. 66, note 78, as regards the Roman cardinal diaconate, and p. 111, note 221, as regards the archdiaconate. It appears that even after 1917 the latter office may not have been restricted to those in priestly orders.

The development of the diocesan curial diaconate of government and administration at Rome during the centuries after the fall of the Western Empire is too complex a topic to explore fully here, bound up as it was with the formation of the college of cardinals.⁵⁷ What is of interest in the present context is the fact that several new tasks were assigned to the major Roman deacons in the process, tasks which constituted an extension of existing elements of the diocesan diaconal ministry. A brief inventory of some of these new developments in the Roman curial diaconate must suffice:

1. In accord with the liturgical emphasis of the time, much honour came to be attached in the early Middle Ages to the archdeacon and the old regional deacons, who now lived with the pope as palatine deacons and took part in his solemn celebration of the Eucharist. They and the other major deacons

57 On the early history and canonical evolution of the Roman cardinalate cf. Paul Hinschius, Das Kirchenrecht der Katholiken und Protestanten in Deutschland, part I: System des katholischen Kirchenrechts mit besonderer Rücksicht auf Deutschland, Berlin: Guttentag, 1869-1897, reprinted Graz: Akademische Druck- und Verlagsanstalt, 1959, vol. 1, p. 309-337 (cited as Hinschius, Kirchenrecht); Victor Martin, Les cardinaux et la curie, tribunaux et offices, la vacance du siège apostolique, Paris: Bloud & Gay, 1930, p. 12-20; Carl Gerold Fürst, Cardinalis: Prolegomena zu einer Rechtsgeschichte des römischen Kardinalskollegiums, Munich: Fink, 1967, p. 14-73; and the authorities cited in the article on the history of the cardinalate in New Catholic Encyclopedia, New York: McGraw-Hill, 1967, vol. 3, p. 104-105.

of the papal court came to have merely ceremonial associations with the stational churches of the different Roman charitable deaconries founded in the seventh century, and thus the older regional character of the Roman diaconate was in appearance retained, though with a new geography and no real regional responsibilities. After some fluctuation the number of major Roman deacons honoured with such titles stabilized in the twelfth century at eighteen, all of them allowed to assist the pope in solemn liturgies.⁵⁸

2. Already in the third century the archdeacon of Rome and his fellow regional deacons were in charge of the temporal resources of the papacy.⁵⁹ But by the sixth century at least one of the Roman deacons under Gregory I had become a true specialist in administration of ecclesiastical property,⁶⁰ in fact an oeconomus such as the Council of Chalcedon in the previous century had ordered that all bishops

58 Cf. the twelfth-century report by John the Deacon, De ecclesia Lateranensi, cap. 8, on the role of the eighteen Roman cardinal deacons in the celebration of the papal Mass; text in PL, vol. 194, col. 1550.

59 Supra, p. 25.

60 This was the deacon Cyprian, addressed by Gregory in a letter of the year 595 as "rector of the patrimony of Sicily"; cf. Gregory I, Pope, Epistolae V:8, in PL, vol. 77, col. 729-731; English translation in NPNF2, vol. 12, part 2, p. 163-164; = Epistolae IV:6, in Mansi, Conciliorum, vol. 9, col. 1189.

should appoint,⁶¹ though not necessarily from the ranks of the diaconate. Moreover, during vacancies of the papal see in the early Middle Ages it became usual for its governance to be exercised by the archdeacon, as temporal administrator, with the assistance of the archpresbyter and the chief papal notary (primicerius).⁶² In the late eleventh or early twelfth century, however, in a shift which is still obscure, the title of archdeacon in the Roman church became largely ceremonial, and control of the papal purse strings and of the government of the Roman church sede vacante passed to a new officer, the papal chamberlain or camerarius (the modern camerlengo).⁶³

61 Council of Chalcedon (451), canon 26; cf. Greek and Latin texts in Conciliorum oecumenicorum decreta, 3rd edition, Bologna: Istituto per le scienze religiose, 1973, p. 99, and commentary in The Canons of the First Four General Councils, p. 216-219, where the creation of the new office is supposed to have occurred because the archdeacon could no longer find time for handling church finances.

62 For an analysis of the evidence for this development in the sixth and seventh centuries cf. Lorenzo Spinelli, La vacanza della Sede apostolica dalle origini al concilio Tridentino, Milan: A. Giuffrè, 1955, p. 29-44.

63 Cf. Filippo Ciabatta, De reverenda Camera apostolica et SS. Pontificum principatu civili monumenta etiam inedita, Rome: Joachim Filio, ca. 1869, vol. 2, p. 2-4, for a collection of older sources on the origins of the cardinal camerarius. One theory is that the chamberlain, whose office depended on the archdeacon's early in the eleventh century, came to prominence as the result of a suppression of the archdiaconate by none other than the reforming Gregory VII, who was all too aware of the power of his former office as a potential threat to the papal monarchy.

3. The major deacons had served as the managers of charity and of clerical discipline since early times. The decline of their early charitable responsibilities⁶⁴ does not seem to have relieved them of administrative and judicial tasks, however, as the religious establishments of the City steadily increased and the papal court became more involved in its civil affairs after the relaxation of Byzantine imperial control. The growing civil involvement of deacons as servants of the papacy is poorly documented except by their adoption of the senatorial dalmatic and by the claimed conferral of Roman senatorial rank on the Roman clergy in that extraordinary eighth-century fabrication, the Donation of Constantine.⁶⁵

64 Supra, p. 49-50.

65 "Viris enim reverentissimis, clericis diversis ordinibus eidem sacrosanctae Romanae ecclesiae servientibus illud culmen, singularitatem, potentiam et praecellentiam habere sancimus, cuius amplissimus noster senatus videtur gloria adornari, id est patricios atque consules effici necnon et ceteris dignitatibus imperialibus eos promulgantibus decorari. Et sicut imperialis militia, ita et clerici sanctae Romanae ecclesiae ornari decernimus." Text of the Donation as cited by the ninth-century pseudo-Isidorian decretals, in Decretales pseudo-Isidorianae et Capitula Angikramni, edited by Paul Hinschius, Leipzig: 1863, reprinted Aalen: Scientia, 1963, p. 253. On the history and motives of the forged Donation, in which the Roman church claimed to have been given dominion over the Empire by Constantine after his conversion, cf. Walter Ullmann, The Growth of Papal Government in the Middle Ages: a Study in the Ideological Relation of Clerical to Lay Power, New York: Barnes & Noble, 1955, p. 74-86, and "Donation of Constantine", in New Catholic Encyclopedia, New York: McGraw-Hill, 1967, vol. 4, p. 1000-1001.

But though an unruly and fickle Rome long maintained her own revived patrician and senatorial institutions, by the thirteenth century her civil and ecclesiastical government were so inextricably enmeshed that a cardinal deacon might act as an ad-hoc judge in a dispute over rural water rights and building plans.⁶⁶

4. Deacons had served as ecclesiastical messengers since Burrhus of Ephesus was sent to Ignatius,⁶⁷ and deacons represented their sees at the great Church councils of the fourth and fifth centuries.⁶⁸ But it was Leo the Great, as a deacon at Rome, who was one of the early exponents of a new type of diaconal ministry in secular diplomacy.⁶⁹ From

⁶⁶ Admittedly, it was a dispute between two religious houses; but the point is that the papal court as much as the civil magistrates had the labour of dealing with this kind of thing, and jurisdiction was by no means always followed. Cf. Robert Brentano, Rome before Avignon: a Social History of Thirteenth-Century Rome, London: Longman, 1974, p. 132-134.

⁶⁷ Cf. supra, p. 10, note 23.

⁶⁸ For example, Athanasius of Alexandria, while still a deacon, was a power at the Council of Nicaea; Leo the Great of Rome sent his deacon Hilary, along with a presbyter and a bishop, to represent him at the Robber Council of Ephesus in 449; and deacons represented several Eastern bishops at the Council of Chalcedon in 451.

⁶⁹ The reason for the unusual delay in electing Leo as bishop of Rome in 440 was that he was on a diplomatic mission to make peace between two of the military rulers of late Roman Gaul. Cf. supra, p. 14, note 34.

then on history is full of Roman deacons who serve not only as papal legates to other churches but as statesmen and as papal ambassadors in the secular courts of East and West.⁷⁰

5. In the eighth century a Roman synod had decided to prevent any intrusion of outsiders into the papacy by limiting the eligible candidates to the major deacons and presbyters of the see.⁷¹ The right to vote in a papal election belonged to the deacons as part of the Roman clergy, but an attempted reform by Nicholas II in 1059⁷² had reduced this to a right

70 Early examples include the sixth-century diplomatic careers of the Roman deacons Pelagius (later Pope Pelagius I) and Gregory (later Pope Gregory I) at Constantinople; cf. Hardy, in The Diaconate Now, p. 21-22. The institution of papal legates gained fresh impetus with the eleventh-century reform, Hildebrand himself having served in such a position in France while still a subdeacon; and throughout the High Middle Ages cardinals in deacon's orders, among others, were to be entrusted with the task of representing the Church to European monarchs on political missions. At the time of the Council of Trent one of Henry VIII's cousins; the deacon and cardinal Reginald Pole, was sent to try to bring England back to the Roman obedience under Queen Mary. The last great representative of this so-called "political" diaconate in the college of cardinals was Giacomo Antonelli, papal secretary of state under Pius IX.

71 Liber pontificalis, ed. Duchesne, vol. 1, p. 476, under Pope Stephen III (768-772). Cf. commentary in Fürst, op. cit., p. 65-66.

72 Council of Rome (1059), canon 1, in Mansi, Conciliorum, vol. 19, col. 897. There has been considerable discussion of two divergent texts of this election decree; cf. Hefele-Leclercq, Histoire des conciles, vol. 4, p. 1139-1167.

of the clergy and people to confirm or reject the choice made by the seven cardinal bishops of the suburbicarian sees. Within the next century, however, the titled deacons and titled presbyters had regained a deliberative vote alongside the suburbicarian bishops, the three orders together forming the papal electoral college.⁷³

6. The Roman clergy had been accustomed to advise the pope in synod at least annually, and the popes of the Hildebrandine reform sought to extend the benefits of such synods by inviting bishops from elsewhere to participate and make decisions for the whole Western Church. These councils of Rome were summoned every year or two from 1049 down to 1132,⁷⁴ and in them from the beginning the titled major deacons and

73 The exact date of the origin of the exclusive competence of the sacred college in its three orders to elect a pope is something of a mystery. The terminus a quo is the reform decree on papal elections of Nicholas II in 1059, but this tried to restrict a deliberative vote to the cardinal bishops. The terminus ad quem is the decree of the eleventh ecumenical council, Lateran Council III (1179), canon 1, in which all the cardinals are assumed to have a vote already, but it is specified that a two-thirds majority is required to elect. Cf. the English translation of the canon and commentary in Disciplinary Decrees of the General Councils: Text, Translation and Commentary, translated with notes by Henry J. Schroeder, St. Louis: Herder, 1937, p. 214-215; also p. 196, where Schroeder defends the view that the electoral college was defined in a lost decree of Lateran Council II (1139).

74 During this period of 83 years the indexes of Hefele-Leclercq, Histoire des conciles, vol. 4, p. 1451 and vol. 5, p. 1771, list no fewer than 39 Roman councils.

presbyters of Rome and the suburbicarian bishops played a leading part. In time they came to act with the pope as a kind of executive committee, to handle matters affecting the Church at large between conciliar meetings; thus in 1141 Innocent II issued a major condemnation of Peter Abelard with no council, on the simple advice of his cardinal clergy.⁷⁵ By the time of the canonist-pope Alexander III (1159-1181), who spent half his reign in exile from the antipopes of Frederick Barbarossa, the calling of councils was abandoned and the government of the Church at large was carried on by regular meetings in consistory of the pope and the cardinals.⁷⁶

The stage of history had been reached where the chief deacons of the Roman church, along with her chief presbyters and auxiliary bishops, had become a collegiate institution of the papal monarchy, a papal senate and electoral college. Much earlier the cardinal deacons and other functionaries had

⁷⁵ Martin, op. cit., p. 41-42.

⁷⁶ The term "cardinal" has as much as possible been avoided till now, to emphasize the continuing character as local clergy of the cardinal deacons; in fact it came into use for the suburbicarian bishops first, in the sixth century, and only later for the titled presbyters and later still for the cardinal deacons. Interpretations of the origin of the term varied even in the Middle Ages; it was thought to refer either to the status of these clergy as the "pivots" or "hinges" (cardines) of the see, or to their attachment (cf. the term "incardination") to titular churches. Cf. "Cardinal (History of)", in New Catholic Encyclopedia, vol. 3, p. 104.

already formed a true papal court, a Roman ecclesiastical curia in succession to the Roman imperial curia. Yet for all this, down to the twelfth century at least the cardinal deacons remained local permanent deacons of the diocesan church of Rome rather than being drawn from those in priestly orders or from elsewhere in the West;⁷⁷ and right down to 1917 the canonical tradition was maintained that the cardinal deacons of the Roman Curia needed no more than a deacon's orders to exercise their office.⁷⁸

77 The beginnings of the practice of bringing in men of talent from outside the Roman see to serve as cardinals and give the Roman curia broader expertise and more international representation stem from the eleventh-century Hildebrandine reform, but it is not clear that the succession of local Roman deacons as cardinals was interrupted until the departure of the papal court for Avignon in the fourteenth century.

78 The last surviving cardinal deacon not to advance beyond deacon's orders was Teodolfo Mertel, who died in 1899; Carlo Cristofori was the last such cardinal deacon appointed, by Leo XIII in 1885, but died in 1891. The possibility of further such appointments only vanished when CIC (1917), canon 232 § 1, prescribed that henceforward ordination as a presbyter was required for admission to the college of cardinals. The evolution away from the historic connection of the three grades in the sacred college with the actual ordained status of their members was completed in 1962 when Pope John XXIII, in his Motu Proprio "Cum gravissima", decreed that henceforth every cardinal should be consecrated bishop; cf. AAS, 54 (1962): p. 256-258. Nonetheless, it is interesting that even here the pope declared that the three grades of cardinal deacon, cardinal presbyter and cardinal bishop with all their traditional rights and faculties were to remain distinct and intact, suggesting a certain persistence of diaconal character in the office of cardinal deacon.

If the evolving Roman cardinal diaconate is the principal witness to the diocesan curial service of deacons in the early Middle Ages, however, it is not quite the only witness. For the example of the organization of the Roman church was widely imitated in the West, especially from the time of the eleventh-century Hildebrandine reform, and numerous other dioceses established or spoke of their own local cardinal clergy,⁷⁹ who seem in general to have been either the officers of diocesan government or canons of cathedral church on the Carolingian model. The predominant dignity of this sort mentioned in the local canonical sources is that of cardinal presbyters, but from the ninth to as late as the fourteenth century, there is sporadic mention of cardinal deacons or cardinal archdeacons in the dioceses of Aachen,⁸⁰ Angers,⁸¹ Autun,⁸² Bergamo,⁸³ Besançon,⁸⁴ Como,⁸⁵ Cremona,⁸⁶

79 Fürst, op. cit., p. 74-86.

80 Ibid., p. 119-124.

81 Ibid., p. 127-128.

82 Ibid., p. 129.

83 Ibid., p. 130-131.

84 Ibid., p. 131-133.

85 Ibid., p. 134.

86 Ibid., p. 139-140.

Florence,⁸⁷ Magdeburg,⁸⁸ Milan,⁸⁹ Piacenza,⁹⁰ Ravenna,⁹¹
 Rimini,⁹² Salerno,⁹³ Siena⁹⁴ and Toul⁹⁵.

The case of Compostella in Spain is especially interesting, since there survives a letter of Paschal II, dated 1101, in which the pope advises the local bishop to reform his administration on the Roman curial model and "set up cardinal presbyters or deacons in your church who may be worthy to carry out the tasks of ecclesiastical government entrusted to them".⁹⁶ Unfortunately, the bishop of Compostella seems to have followed this papal advice only to the extent of appointing seven cardinal presbyters for the cathedral chapter of his

87 Fürst, op. cit., p. 141.

88 Ibid., p. 146-151.

89 Ibid., p. 151-155.

90 Ibid., p. 162-163.

91 Ibid., p. 164-172.

92 Ibid., p. 175.

93 Ibid., p. 176-180.

94 Ibid., p. 182.

95 Ibid., p. 185-186.

96 "Cardinales in Ecclesia tua presbyteros seu diaconos tales constitua, qui digne valeant commissa sibi ecclesiastici regiminis onera sustinere." Paschal II, Pope, Epistolae et privilegia 57, in PL, vol. 163, col. 80.

diocese.⁹⁷ Nor is it clear to what extent the duties of the cardinal deacons of other sees were governmental rather than merely liturgical; certainly the passing references to them cited above often mention liturgical privileges.

The canonical collections and authors of the eleventh to the thirteenth century, the golden age of Western canon law, do contain a few references to the activity of curial deacons in diocesan government, but not always as a present reality. For example, the Collection in 74 Titles, an early systematic canonical collection of the eleventh-century Hildebrandine reform,⁹⁸ contains under its title 20 three interesting canons drawn from the ninth-century pseudo-Isidorian decretals;⁹⁹ these canons have as theme the necessity of

97 Fürst, op. cit., p. 135.

98 English text and study in The Collection in Seventy-Four Titles: a Canon Law Manual of the Gregorian Reform, translated and annotated by John Gilchrist, Toronto: Pontifical Institute of Medieval Studies, 1980. Often cited as 74T. As the translator remarks (p. x), "Gratian himself took over two-thirds of the 74T into the Decretum: thus its influence was notable and lasting.

99 Title 20, no. 167 (Gilchrist's translation, p. 162) is from Pseudo-Anacletus, Epistolae I:10-11, in Decretales pseudo-Isidorianae, ed. Hinschius, p. 70; title 20, no. 168 (Gilchrist, p. 163) is from Pseudo-Evaristus, Epistolae I:1 in Decretales pseudo-Isidorianae, ed. Hinschius, p. 87; and title 20, no. 169 (Gilchrist, p. 163) is from Pseudo-Lucius, Epistola 1, in Decretales pseudo-Isidorianae, ed. Hinschius, p. 175.

the bishop at all times being with several deacons (variously seven, five or three), to aid him in liturgy, to act as his bodyguard, and to witness to his integrity in ecclesiastical business. All three of these texts were employed by Gratian, in different contexts, in his great twelfth-century systematic compilation of older canon law, the Decretum.¹⁰⁰ However, neither Gratian in his dicta nor the early decretists (the first commentators on Gratian's work) paid much attention to the curial role of deacons as the bishop's witnesses suggested by these particular canons; rather, both Rufinus¹⁰¹ and Stephen of Tournai¹⁰² among the decretists comment that the duties of the traditional seven deacons who used to assist the bishop have now been absorbed into one man, the archdeacon.

¹⁰⁰ Collection in 74 Titles, title 20, no. 167, became Decretum, part III de cons., dist. 1, c. 59; Collection in 74 Titles, title 20, no. 168, became Decretum, part I, dist. 93, c. 11; and Collection in 74 Titles, title 20, no. 169 became Decretum, part III de cons., dist. 1, c. 60.

¹⁰¹ Rufinus of Bologna, Summa decretorum, edited by Heinrich Singer, Paderborn: 1902, reprinted Aalen: Scientia, 1963, p. 184-185, commenting on Decretum, part I, dist. 93.

¹⁰² Stephan von Doornick (Etienne de Tournai, Stephanus Tornacensis. [= Stephen of Tournai]), Die Summa über das Decretum Gratiani, edited by Johann Friedrich von Schulte, Giessen: 1891, reprinted Aalen: Scientia, 1965, p. 113, commenting on Decretum, part I, dist. 93, c. 11.

Although the Decretum contains numerous other references to deacons,¹⁰³ Gratian's chief interest in the deacon in his "harmonization of the discordant canons"¹⁰⁴ was as a liturgical officer and as the losing party in the ancient conflict between deacons and presbyters. Gratian's liturgical treatment of the deacon¹⁰⁵ is part of an acknowledged, extensive quotation of the text on the different orders in the Epistola ad Leudefredem,¹⁰⁶ which he seems to have gotten in a modified form from one of the canonical collections of Ivo of Chartres.¹⁰⁷ On the question of relations between

103 Pokusa, A Canonical-Historical Study of the Diaconate in the Western Church, p. 185-196, note 118, gives an extensive listing of passing references which he does not make use of in his argument, as they contribute little to an understanding of the deacon's ministry.

104 "Concordia discordantium canonum": Gratian's own, descriptive title for his work.

105 Decretum, part I, dist. 25, c. 1, in the edition of Emil Friedberg (Corpus Iuris Canonici, 2nd Leipzig edition, vol. 1, Leipzig: Tauchnitz, 1879), col. 90, at S. 7.

106 Cf. supra, p. 51, note 40, and compare Epistola ad Leudefredem 1-14, in PL, vol. 83, col. 893-897, with the Decretum, part I, dist. 25, c. 1, ed. Friedberg, col. 89-91. But note that in col. 91, S. 12 in Friedberg's text of Gratian there is a significant addition of unknown provenance concerning the subordination of the archpresbyter to the archdeacon (infra, p. 95).

107 Cf. Donald Edward Heintschel, The Medieval Concept of an Ecclesiastical Office, J.C.D. Thesis, Washington: Catholic University of America, 1956 (Canon Law Studies, 363), p. 29-30.

deacons and presbyters he depends¹⁰⁸ on pro-presbyteral sources such as the Statuta Ecclesiae antiqua¹⁰⁹ and Jerome's letter to Evangelus,¹¹⁰ and concludes¹¹¹ by quoting an Eastern canon¹¹² which makes an exception to the norm of presbyteral precedence over deacons only when the deacon is representing his patriarch or his metropolitan bishop. The exception was applied in Gratian's own time to curial deacons who travelled as papal or archepiscopal legates.¹¹³

But in this rather anti-diaconal context Gratian does, surprisingly, report a very significant ancient text from the pseudo-Clementine Letter to James, the one noting the role

¹⁰⁸ Decretum, part I, dist. 93.

¹⁰⁹ Decretum, part I, dist. 93, c. 17-19, reproduces the anti-diaconal canons 57-61 of the Statuta Ecclesiae antiqua (supra, p. 42, note 18), but with an erroneous attribution to a supposed council at Carthage which was common in the medieval MSS of the Spanish tradition of the collection. Cf. Les Statuta Ecclesiae antiqua, ed. Munier, p. 11 and *passim*.

¹¹⁰ Supra, p. 41, note 15. Gratian quotes Jerome's letter at length in Decretum, part I, dist. 93, c. 24.

¹¹¹ Decretum, part I, dist. 93, c. 26.

¹¹² Quinisext Council in Trullo (692), canon 7; Greek and Latin text in Mansi, Conciliorum, vol. 11, col. 943-946.

¹¹³ This interpretation is in the marginal gloss to Decretum, part I, dist. 93, c. 26, in Decretum Gratiani emendatum et notationibus illustratum una cum glossis, reprint of the 1582 Roman edition of Pope Gregory XIII, Venice: Apud Magnam Societatem, 1584, col. 601.

of the deacon as the bishop's eye of vigilance watching over the local church.¹¹⁴ Though this text gives him ample scope for a consideration of the non-liturgical diocesan ministry of curial deacons, Gratian ignores the question.

Only the Glossa ordinaria, the definitive commentary on the Decretum penned in the early thirteenth century by John the German,¹¹⁵ takes us any further. In commenting on the canon, originally from the Statuta Ecclesiae antiqua, which says that deacons should acknowledge that they are as much the presbyter's servants as they are the bishop's,¹¹⁶ the glossator remarks that this is true in the liturgy, but that in other things they are more the bishop's servants.¹¹⁷ This seems to imply some continuing role of deacons in the bishop's curia in diocesan government, but to what tasks or historical situation the gloss refers we have no clue.

114 Cf. text supra, p. 25, note 67, and compare with Decretum, part I, dist. 93, c. 6.

115 On this commentator (also known as Johannes Teutonicus or John Dutch) and his role cf. the notice in J. A. Clarence Smith, Medieval Law Teachers and Writers: Civilian and Canonist, Ottawa: University of Ottawa Press, 1975, p. 37-38.

116 Gratian, Decretum, part I, dist. 93, c. 17; taken from Statuta Ecclesiae antiqua, canon 57.

117 "In Missa; nam alibi magis sunt ministri episcopi". Glossa ordinaria on the Decretum, part I, dist. 93, c. 17, s. v. "Diaconi ita se", in the margin of the 1584 Venice edition, col. 591.

The role of deacons other than the archdeacon in the diocesan government of the Western Church outside Rome in the High Middle Ages therefore requires further historical investigation. At this stage the most that can be said is that at the beginning of the twelfth century a pope still envisaged as normal a diocesan diaconal ministry of church government by local cardinal or curial deacons in each see; and that the continued existence of such a curial diaconal ministry outside Rome is not inconsistent with the canonical texts and commentaries of the era. At Rome itself, of course, the survival of a true and permanent local curial diaconate in the ministry of some of the cardinal deacons is quite likely at least till the fourteenth century, when the popes left for Avignon.

3. The Diocesan Diaconal Ministry in the Middle Ages: the Office of Archdeacon

We lack sufficient information to judge to what extent a collective curial ministry of permanent deacons in diocesan government persisted outside Rome and after the twelfth or thirteenth century in the West. But the continuity of the diocesan diaconal ministry throughout the Western Church in the Middle Ages, both in law and in practice, was ensured by its concentration in one man in each diocese, the successor of the ancient bishop's principal deacon. It was this powerful

institution of the archdiaconate¹¹⁸ which stood out until at least the thirteenth century as a stronghold of the permanent deacon, and remained in the law of the Western Church a symbol of what the diocesan diaconate had been and might be.

118 The canonical and historical literature on the medieval archdiaconate is quite extensive. Among the fuller general studies might be mentioned the following: Thomassin, op. cit., vol. 1, p. 432-452; Lucio Ferraris, Bibliotheca canonica, iuridica, moralis, theologica nec non ascetica, polemica, rubricistica, historica, first published at Bologna in 1746, new revised edition, Rome: Typographia Polyglotta S.C. de Propaganda Fide, 1885-1892, vol. 1, s.v. "Archidiaconus", p. 375-381; Adrien Gréa, "Essai historique sur les archidiacones", in Bibliothèque de l'Ecole des chartes, 3rd series, 4 (1851): p. 39-67, 215-247; D. Bouix, Tractatus de capitulis, Paris: J. Lecoffre, 1852, p. 89-104, and also his Tractatus de iudiciis ecclesiasticis, ubi et de vicario generali episcopi, 2nd edition, Paris: Regis Ruffet, 1866, p. 342-349; Hinschius, Kirchenrecht, vol. 2, p. 183-205; Leder, op. cit., p. 305-357 (only to the eighth century); A. Amanieu, "Archidiacre", in Dictionnaire de droit canonique, vol. 1, col. 948-1004; Wilges, op. cit., p. 272-295; Pokusa, A Canonical-Historical Study of the Diaconate in the Western Church, p. 210-350. There are also numerous local historical studies, such as: Eugen Baumgartner, Geschichte und Recht des Archidiaconates der oberrheinischen Bistümer, mit Einschluss von Mainz und Würzburg, Stuttgart: 1907, reprinted Amsterdam: P. Schippers, 1965 (Kirchenrechtliche Abhandlungen, 39); Josef Löhr, Die Verwaltung des kölnischen Grossarchidiaconates Xanten am Ausgange des Mittelalters, Stuttgart: 1909, reprinted Amsterdam: P. Schippers, 1965 (Kirchenrechtliche Abhandlungen, 59-60); Gerda Krüger, Der münsterische Archidiaconat Friesland in seinem Ursprung und seiner rechtsgeschichtlichen Entwicklung bis zum Ausgange des Mittelalters, Hildesheim: 1925, reprinted Amsterdam: P. Schippers, 1962 (Geschichtliche Darstellungen und Quellen, 6); Hermann Mulders, Der Archidiaconat im Bistum Utrecht bis Ausgange des 14. Jahrhunderts, Rome: Pontificium Institutum Utriusque Iuris, 1943 (Theses ad lauream, 48).

The name of archdeacon for the bishop's principal deacon and closest assistant, as has already been seen, probably originated in the late third or early fourth century,¹¹⁹ and the term and office were practically universal in the Church by the seventh.¹²⁰ With a distinctive name came distinctive duties, at first by mere delegation from the bishop, but later ex officio. In what follows the historical and canonical evolution of the office of the archdeacon in the West in the Middle Ages will be described in three periods: from the fifth to the eighth century, from the eighth to the twelfth century and Gratian, and from then to the Council of Trent.

a) The Office of Archdeacon from the Fifth
to the Eighth Century

From the fifth to the eighth century the office of the archdeacon in the Western Church was still essentially that of the bishop's chief assistant and the head of the diocesan college of deacons. He held from the bishop by delegation all of the diocesan powers and duties of pastoral government which we

119 Supra, p. 32.

120 However, the Council of Mérida (666), canon 10, in Mansi, Concilliorum, vol. 11, col. 81, indicates that every diocese needs an archdeacon; this is perhaps a sign that the title was not yet everywhere current.

have seen in the ancient Church Orders and canons as being proper to the deacon as servant of the bishop; in the words of Leo the Great, he had "the handling of every ecclesiastical business and care".¹²¹ However, in practice a certain sub-delegation of tasks had set in, to other deacons or to the lower clergy, particularly as regards the management of the affairs of the bishop's household;¹²² leaving these tasks to others allowed the archdeacon to concentrate upon his more important duties in the general government of the diocese.

The major areas in which the canonical legislation of the period expected this principal deacon to exercise his ministry are as follows:

1. The archdeacon, as the bishop's eye of vigilance, was responsible for ecclesiastical discipline and the government of the clergy of the diocese. He was to exercise his

121. Leo wrote that when the archdeacon Aetius was removed and one Andrew put in his place in Constantinople, the patriarch was transferring the "dispensationem totius causae et curae ecclesiasticae". Cf. Leo I, Pope, Epistola CXI, ad Marcianum Augustum, cap. 2, in PL, vol. 54, col. 1021. On the background of this letter cf. Trevor Jalland, The Life and Times of St. Leo the Great, London: Society for Promoting Christian Knowledge, 1941, p. 330-331.

122. Amanieu, in Dictionnaire de droit canonique, vol. 1, col. 957: "Dans la domus ecclesiae, d'autres officiers s'occupent de l'administration ecclésiastique, qui paraissent échapper à la puissance et au contrôle de l'archidiacre, tels le primicier, le trésorier et l'économe, au moins dans quelques Eglises." Cf. also col. 951, on the same topic.

surveillance not only over the other deacons and the lower clergy, but over the presbyters of the diocese and the bishop himself. Sometimes this might just take the form of offering canonical advice or urging the bishop or presbyter to obey the law;¹²³ on other occasions, however, it might mean correcting the bishop by appealing to higher authority.¹²⁴ The archdeacon's writ extended to the rural parishes,¹²⁵ not just to the clergy of the episcopal city, and though he was a deacon even the heads of the clergy in the rural districts

123 Council of Toledo I (400), canon 20, concerning the reservation of consecration of the chrism to the bishop alone, adds an enforcing clause: "Huiusmodi constitutionem meminerit semper archidiaconus: vel praesentibus, vel absentibus episcopis suggerendam, ut eam episcopi custodiant, et presbyteri non relinquant." Cf. Mansi, Conciliorum, vol. 3, col. 1002.

124 For example, the archdeacon of Falerii between 492 and 496 complained to the pope after being removed from office because of his attempts to defend ecclesiastical property against abuse by the bishop of the place. Cf. the fragment of a letter of Gelasius I on the subject, recorded in one of the Roman canonical collections of the late eleventh century, the Collection of Cardinal Deusdedit, III:114; text in Die Kanonensammlung des Kardinals Deusdedit, I: Die Kanonensammlung selbst, edited by Victor Wolf von Glanvell, Paderborn: 1905, reprinted Aalen: Scientia, 1967, p. 319, and also as Gelasius I, Pope, Epistolarum fragmenta, "Gelasius Respecto et Leonino episcopis", in PL, vol. 59, col. 100.

125 Council of Orleans IV (541), canon 26; text in Concilia Galliae A. 511 - A. 695, edited by C. De Clercq, Turnhout: Brepols, 1963 (Corpus christianorum, series latina, 148A), p. 139, and in Mansi, Conciliorum, vol. 9, col. 117-118.

of Gaul, the archpresbyters,¹²⁶ were expected to report to him or to the bishop on matters of discipline.¹²⁷ The archdeacon even had a duty of watching over the discipline of monasteries within the diocese.¹²⁸ Matters in which he was to be vigilant included clerical dress and behaviour¹²⁹ and the correct conduct of worship,¹³⁰ as well as the right

126 The term "archpresbyter" seems to have originated around the same period as "archdeacon", and originally denoted the senior member of the order of presbyters; but in the West from the fifth century it was often used to denote the presbyter in charge of all the clergy in one of the extended rural parishes of the first foundation, ancestor of the later rural dean or vicar forane. Cf. "Archpriest", in The Catholic Encyclopedia, New York: Appleton, 1907-1912, vol. 1, p. 697-698, and the historical notes on the vicar forane in Nicola Fanelli, Guida del clero nei rapporti con la curia diocesana: manuale dei vicari generali e capitolari, ufficiali di curia, vicari foranei e parroci, Vicenza: Società Anonima Tipografica, p. 228-232.

127 Cf. Synod of Auxerre (between 561 and 605, assigned by Mansi to 578), canon 20, where the archpresbyter is supposed to report violations of clerical celibacy; text in Concilia Galliae A. 511 - A. 695, p. 267-268, and in Mansi, Conciliarum, vol. 9, col. 914.

128 The abbot was to inform the bishop or the archdeacon of problems of discipline in the monastery; cf. Synod of Auxerre, canon 23, in Concilia Galliae A. 511 - A. 695, p. 268, and in Mansi, Conciliarum, vol. 9, col. 914.

129 At the Council of Agde (506), canon 20 even instructs the archdeacon to give the clergy a haircut! Cf. text in Concilia Galliae A. 314 - A. 506, p. 202, and in Mansi, Conciliarum, vol. 8, col. 328.

130 Epistola ad Leudefredum 11, in PL, vol. 83, col. 896.

division among the clergy of ecclesiastical revenues from the oblations of the faithful.¹³¹

2. The archdeacon was also responsible for the training and provision of the clergy. He himself instructed them before their ordination and judged whether they were worthy to be ordained;¹³² he took part in the ordination rites;¹³³ his testimony even was required for the ordination of a bishop for the see.¹³⁴ One had to apply to him for clergy to serve a rural parish or a monastic church, and it was he who would install these clergy in their charges.¹³⁵

131 Epistola ad Leudefredum 12, in PL, vol. 83, col. 896.

132 Cf. Statuta Ecclesiae antiqua, canon 97, in the edition of Munier, p. 98.

133 The Statuta Ecclesiae antiqua mention a specific role for the archdeacon in ordination rites for doorkeepers (canon 97), for acolytes (canon 94) and for subdeacons (canon 93); cf. texts in the edition of Munier, p. 96-98. The Roman ordination rites of around the year 750 for presbyters and bishops also give an important place to the archdeacon; cf. Ordo romanus XXXIV 11 and 16-17, in Les Ordines romani du Haut Moyen Age, edited by Michel Andrieu, vol. 3, Louvain: 1951 (Spicilegium sacrum lovaniense, 24), p. 606-607 = Ordo romanus VIII 4-5, in PL, vol. 78, col. 1001-1002.

134 Ordo romanus XXXIV 16-17 (Andrieu) = Ordo romanus VIII 5 (PL).

135 Cf. Formulae salicae merkelianae, cap. 54 and 57, and Formulae bituricensis, cap. 5, in Formulae merovingici et karolini aevi, accedunt ordines iudiciorum Dei, edited by Carolus Zeumer, Hanover: Hahn, 1886 (Monumenta Germaniae historica: Leges V), p. 260-261 and p. 170 respectively.

3. The archdeacon had a role in councils or synods of the Church. At a council he might represent his bishop who was impeded from being present, and as knowing his mind might vote in his stead.¹³⁶ In seventh-century Spain, the order laid down for celebration of the provincial councils of Toledo specified that it was the archdeacon of the metropolitan see who directed those present and registered topics to be dealt with on the order of business.¹³⁷ In the case of a local synod at this epoch it was the archdeacon who summoned the presbyters and other clergy to take part.¹³⁸

136 For example, at Council of Orleans V (549) there were fifty bishops present and another twenty-one represented, five of these by their archdeacons and three by deacons, as well as ten by presbyters and two by abbots. Cf. the signatures to the acts of this council in Concilia Galliae A. 511 - A. 695, p. 157-161.

137 Council of Toledo IV, canon 4, in Mansi, Concilio-
rum, vol. 10, col. 617-618.

138 Synod of Metz (ca. 753), canon 3, in Mansi, Con-
cilio-
rum, vol. 12, col. 571-572. Amanieu, "Archidiacre", in Dictionnaire de droit canonique, vol. 1, col. 954, refers to canon 16 of a Council of Rouen under a king named Louis or Clovis, found in Mansi, Concilio-
rum, vol. 10, col. 1263, which he and Mansi date around the year 650. Hefele-Leclercq, Histoire des conciles, vol. 3, p. 287-288, comments however that this council or at least this canon seems to belong to a later era; and in any case the text has more to do with the archdeacon announcing the forthcoming episcopal visitation and court to be held in the district than with the diocesan synod in a legislative sense.

4. The archdeacon in the early part of this period still had charitable responsibilities. In the churches of Gaul he was supposed to relieve the bishop of responsibility for the care of widows, orphans and travellers;¹³⁹ he was also to visit prisoners and provide for their sustenance.¹⁴⁰

5. The archdeacon also played the role of judge and diocesan legal officer. According to Eastern precedent, he himself could excommunicate deacons and lower clergy for infractions of discipline,¹⁴¹ and hear ecclesiastical cases involving either clergy or laity.¹⁴² An important part of his duties seems to have been to keep an eye on the civil law courts, whether Germanic or Roman, since the clergy were

139. Statuta Ecclesiae antiqua, canon 7: "Ut episcopus gubernationem viduarum et pupillorum ac peregrinorum non per seipsum, sed per archipresbyterum vel archidiaconum agat." Text from the edition of Munier, p. 80.

140 Council of Orleans V (549), canon 20, in Concilia Galliae A. 511 - A. 695, p. 155, and in Mansi, Concilia, vol. 9, col. 134.

141 Supra, p. 27; and cf. also Council of Chalcedon, Acta, 9th and 10th sessions (the trial of Ibas, 27-28 Oct. 451), Greek and Latin text in Mansi, Concilia, vol. 7, col. 231-232, where mention is made of the excommunication of one of the plaintiffs, Maras, deacon of Edessa, by his archdeacon.

142 In the anonymous Sancti Leodegarii vita altera, cap. 1, in PL, vol. 96, col. 347, the Merovingian saint is said, when still an archdeacon, to have been without comparison among his predecessors, "praesertim cum mundanae legis censuram non ignoraret, saecularium terribilis iudex fuit."

supposed to be judged only in ecclesiastical courts; cases involving clergy brought to the civil court were to proceed only in the presence of a presbyter or of the archdeacon.¹⁴³

When a member of the clergy or the bishop died, the archdeacon was the administrator of the estate until the deceased's will was legally proved, and he and the bishop had to take care to observe the provisions of last wills scrupulously and to avoid the misdirection of property left by the clergy.¹⁴⁴

6. The archdeacon was, finally, the bishop's administrative substitute when he was impeded from exercising the government of his see, and with the help of the members of the late bishop's household he also governed the diocese sede vacante.¹⁴⁵

143 Council of Orleans IV (541), canon 20, in Concilia Galliae A. 511 - A. 695, p. 137, and in Mansi, Conciliarum, vol. 9, col. 116.

144 Council of Paris (614), canons 9 and 10, in Concilia Galliae A. 511 - A. 695, p. 277-278, and in Mansi, Conciliarum, vol. 9, col. 116, where the same texts are numbered canons 7 and 8.

145 For the case of the vacancy of the see of Rome, cf. supra, p. 60, note 62. In the seventh century, also, Pope Martin I was exiled to Constantinople by the exarch, and wrote that "in absentia pontificis archidiaconus et archipresbyter et primicerius locum praesentant pontificis". Cf. Martin I, Pope, Epistola XV, ad Theodorum, in PL, vol. 87, col. 201. For an example from sixth-century Gaul, cf. Vita sanctae Consortiae 10, in Acta sanctorum Iunii, 3rd edition, vol. 5, Paris: Palmé, 1867, p. 215-216, where the archdeacon rules the diocese of Riez sede vacante.

In all of these tasks except the last, however, the archdeacon acted merely as the executor and delegate of the bishop in conducting diocesan business. As Amanieu notes, his power remained limited and precarious; he was merely the bishop's agent, not a necessary intermediary between bishop and clergy or bishop and people.¹⁴⁷

The portrait of the archdeacon from the fifth to the eighth century given here is largely based upon conciliar legislation which reflected current practice. The idea of the archdiaconate which was passed on to later canonists, however, underwent the same sort of liturgizing modification as had the notion of the ordinary diaconal office. The Epistola ad Leudefredum, Gratian's major source for his treatment of the office of the archdeacon¹⁴⁸ as for that of the deacon, could hardly ignore the importance of the archdeacon's numerous non-liturgical tasks, but it does try as much as possible to portray his non-liturgical duties in the light of liturgical activity:

147 Amanieu, "Archidiacre", in Dictionnaire de droit canonique, vol. 1, col. 956.

148 Decretum, part I, dist. 25, c. 1, in Friedberg's edition, col. 90-91, at S. 10-11. Immediately following this passage from the Epistola ad Leudefredum, the text of the Decretum includes an addition of unknown origin which asserts the authority of the archdeacon over the archpresbyter (S. 12 in Friedberg's edition); cf. infra, p. 95.

These are the orders and ministries of clerics which are, by episcopal authority, assigned in part to the supervision of the archdeacon and in part to the care of the primicerius and the treasurer. The archdeacon governs the subdeacons and the deacons; and the following responsibilities are his: charge of the deacons' preparation of the altar, care of incense and of bringing the sacrifice to the altar, supervision of the subdeacons in bringing to the altar what is necessary for the sacrifice, the assignment of deacons for the Epistle and Gospel as well as for the intercessions and, on Sundays or feasts, for the responsorial. Concern for parishioners, day-to-day administration, and minor disputes come under his competence. He gives suggestions to the presbyters for the upkeep of diocesan churches. At the bishop's command, he inspects the parishes; and he likewise gives the bishop an account of the furnishings and the possessions of the parochial churches and matters of ecclesiastical liberties. He receives the monetary contribution of the congregation and presents it to the bishop and distributes their proper shares to the clerics. The archdeacon advises the bishop of the misdeeds of any deacon. He notifies the presbyters of the schedule for feast days and for fasts, and he publicly announces the same in the church. When the archdeacon is absent, the next deacon takes his place. 149

As the provision for the archdeacon's absence makes plain, his office in the seventh and eighth centuries was still thought of as entirely diaconal; the next-most-senior deacon was the logical person to take his place, not one of the presbyters. In fact there were only a few isolated instances of a bishop ordaining his archdeacon as presbyter before the ninth century; and the historical sources of the

149 Epistola ad Leudefredum 10-12, as translated by Pokusa, in A Canonical-Historical Study of the Diaconate in the Western Church, p. 213-214; Latin text in PL, vol. 83, col. 896.

period indicate that such an ordination was considered an abuse, a way of getting rid of an overzealous archdeacon, since becoming a presbyter was thought necessarily to deprive the archdeacon of his important diaconal office.¹⁵⁰

b) The Office of Archdeacon from the Eighth to the Twelfth Century

Beginning in the eighth and continuing in the ninth and tenth century, the office of archdeacon underwent a transformation, acquiring greater independence and permanence of jurisdiction. Gréa has described it as an evolution from the ministry of service of the chief deacon into a permanent ecclesiastical office of supervision of the diocese,¹⁵¹

¹⁵⁰ One instance of such an attempt to "kick the archdeacon upstairs" is noted in the letters of Pope Gregory I, Epistolae II:18-20, in PL, vol. 77, col. 552-556; English translation in NPNF2, vol. 12, part 2, p. 103-105; another Latin edition as Epistolae II:i:14-16, in Mansi, Conciliorum, vol. 9, col. 1090-1093. Honoratus, archdeacon of Salona in Dalmatia, had protested vigorously to Pelagius II and then to his successor Gregory that his bishop was trying to ordain him presbyter against his will, because of his opposition to the bishop's misbehaviour. In a series of letters Gregory insisted that even though the forced ordination had apparently taken place and Honoratus had been deposed, he should be restored to the archdiaconal office anyway. The solution was theologically sound, since Honoratus still remained a deacon (cf. supra, p. 57, note 55), but the precedent was unfortunate.

¹⁵¹ In Bibliothèque de l'École des chartes, 3rd series, 4 (1851): p. 60.

with the archdeacon becoming a kind of ecclesiastical magistrate.¹⁵² This was not the result of a radical or sudden canonical reform, but of a gradual adaptation to new conditions of the existing archdiaconal institution. As Pokusa puts it, the change occurred within the existing framework of law and custom that governed the archdiaconate;¹⁵³ and canonists relied on old texts in the eleventh and twelfth century to show the office's continuity with its diaconal past.

The evolution of the new archdiaconate has to be seen against the background of the new world in which the Church of the West found itself in the Carolingian age. The late Roman world of sizeable cities and country villas was gone; the great agricultural latifundia had been occupied by the Germanic barbarians, and an amalgam of two customary institutions of social protection, Roman clientship and Germanic vassalage, had produced a feudal world of small towns and powerful rural lords, where fealty and homage, not law and order, were the reigning principles. In this changed world the bishop was often a secular as well as a religious leader; but north of the Alps in most dioceses he presided from his cathedral town

¹⁵² Gréa, in Bibliothèque de l'Ecole des chartes, 3rd series, 4 (1851): p. 52.

¹⁵³ Pokusa, in A Canonical-Historical Study of the Diaconate in the Western Church, p. 219-220.

not over an orderly local hinterland but over a sprawling spiritual fief, with poor communications, powerful competing landed interests, and frequent strife. The bishop governed through a landed parochial establishment from which he was remote; and from early Carolingian times the linkage between the benefice of land and loyalty to the land's feudal lord meant that bishops lost some of their control over both the rural churches such lords endowed and the rural clergy.¹⁵⁴

Under these feudal circumstances, bishops needed co-workers,¹⁵⁵ not servants: reliable agents of government with a more permanent jurisdiction than hitherto the archdeacon had owned. They needed them in the countryside, not just in the towns; they needed them to have the full spiritual authority which it was felt the presbyter as priest possessed. Hence the three major tendencies of the archdiaconate from the eighth to the eleventh century: a tendency to gain independent ordinary jurisdiction as the bishop's vicar, a tendency to

154 The classic study of this societal shift remains Marc Bloch, Feudal Society, translated from the French by L. A. Manyon, Chicago: University of Chicago Press, 1961.

155 It is thus that Hincmar of Reims speaks of his archdeacon in the ninth century in his Capitula anno XII episcopatus superaddita, cap. 1, in PL, vol. 125, col. 793, concerning the imposition of public penance in consultation with the bishop; the phrase is "per comministrum nostrum".

multiply in numbers and become territorially established through the founding of regional archdeaconries within one and the same large diocese; a tendency for the rural archdeacons to become priests.

The tendency for the archdeacon to acquire the status of an independent ordinary as a permanent vicar of the bishop is seen first in liturgical language. The mid-eighth-century rite for celebration of the papal Eucharist, Ordo romanus I, refers to the archdeacon as the pope's vicar in his jurisdiction over the lower clergy.¹⁵⁶ Another of the Ordines romani, apparently no longer extant, is cited in the title on the archdeacon in the first official compilation of canonical materials after Gratian, the Decretals of Gregory IX;¹⁵⁷ the passage is much more emphatic: "Let the archdeacon know that after the bishop he is vicar in all matters."¹⁵⁸ But

156 Cf. Ordo romanus I 4: "habeat archidiaconus, id est vicarius pontificis, causam", in Les Ordines romani du Haut Moyen Age, edited by Michel Andrieu, vol. 2, Louvain: 1948 (Spicilegium sacrum lovaniense, 23), p. 68 = Ordo romanus I 1, in PL, vol. 78, col. 937.

157 Decretals of Gregory IX = Decretalium Gregorii papae IX libri V, in Corpus Iuris Canonici, 2nd Leipzig edition, edited by Emil Friedberg, vol. 2: Decretalium collectiones, Leipzig: Tauchnitz, 1881, col. 1-928. Also cited using the traditional abbreviation, X.

158 "Ut archidiaconus post episcopum sciat se vicarium esse eius in omnibus." Text in X, lib. I, tit. 23: "De officio archidiaconi", c. 1: "Ex libro romani ordinis".

despite Amanieu's assertion that the text in question dates from the eighth century,¹⁵⁹ it could date from as late as the thirteenth, so too much should not be deduced from it concerning earlier ideas of the archdeacon as vicar. Pokusa¹⁶⁰ is probably on safer ground in linking the beginning of the archdeacon's role as the bishop's vicar to the creation of bodies of clerical canons at the diocesan cathedrals in the time of Chrodegang of Metz;¹⁶¹ for the rule of Chrodegang made the archdeacon the head of the body of canons, answerable only to the Bishop, and gave him disciplinary authority in the clerical community independent of his status as the principal deacon.¹⁶²

It needs perhaps to be emphasized that, apart from his role in the canonical life at the cathedral, the archdeacon's basic duties remained the same as they had been in previous centuries; what was different was not the assignment to him of

159 "Archidiaconus", in Dictionnaire de droit canonique, col. 957.

160 A Canonical-Historical Study of the Diaconate in the Western Church, p. 220-223.

161 Supra, p. 53-54.

162. Cf. Chrodegang of Metz, Regula, cap. 25, in Mansi, Conciliorum, vol. 14, col. 325, on the duties of the archdeacon in the canonical community of the cathedral. Exhortations to the archdeacon to avoid pride also here suggest something of his increased importance.

tasks which were not part of the diocesan diaconal ministry, but the measure of independence which he had acquired in performing such diaconal tasks under only a general episcopal supervision. Such independence can be verified most easily by its abuses; thus it is not surprising to find, in the early ninth century, Frankish councils that complain for the first time of the excesses of archdeacons. For example, in many places archdeacons are said to be exercising a tyrant domination over the rural presbyters, by not keeping to the diocesan tax that the bishop requests, but demanding more out of pure avarice.¹⁶³ Again, bishops are ordered to keep vigilant watch over their archdeacons, who are causing scandal and a decline of the clergy by their greed and lax morals.¹⁶⁴ The theme will recur throughout the Middle Ages.

Complaints of the greed of archdeacons have their origins in the exercise by them of the task of visitation, in the diocese as a whole or in an assigned region. It was customary for the visiting bishop to receive contributions for his support and for the needs of the diocesan church, as well as inspecting the lives of the clergy and the condition of the

¹⁶³ Council of Chalon-sur-Saône (813), canon 15, in Mansi, Concilioꝝ, vol. 14, col. 96-97.

¹⁶⁴ Council of Paris (829), book I, canon 25, in Mansi, Concilioꝝ, vol. 14, col. 555.

parishes; the archdeacon had formerly accompanied the bishop, but as the bishop's vicar he often undertook such visitations independently, and demanded tribute as well. It was of this practice that the Carolingian councils complained, but it afterwards came to be regarded as normal and regulated by custom.¹⁶⁵ As visitator the archdeacon examined the knowledge, the faith and the life of presbyters,¹⁶⁶ not merely their temporal administration of their parishes. He was supposed to be charitable but firm in correcting faults;¹⁶⁷ however, he could not actually remove an archpresbyter from a rural parish, or install a new one, without the bishop's approval.¹⁶⁸

165 Thus a reform council in England later demanded only that the archdeacon not impose new or unreasonable taxes for his visitation; cf. Council of Oxford (1222), canons 21 and 27, in Mansi, Conciliorum, vol. 22, col. 1158-1159.

166 Walter of Orleans, Capitula, cap. 1, "Quomodo archidiaconi presbyteros discutant", and cap. 2, "Quomodo per archidiaconos vita et doctrina presbyterorum cardinalium investigetur", in PL, vol. 119, col. 725-731.

167 Hincmar of Reims, Capitula archidiaconibus presbyteris data, cap. 1 and 3, in PL, vol. 125, col. 800-801.

168 Ibid., cap. 13, in PL, vol. 125, col. 802-804, where the term "decanus" (rural dean) is used for the archpresbyter. But compare a curious text of unknown origin which has found its way into Gratian's Decretum, part I, dist. 63, c. 20, with an Isidorian attribution, and declares that if the archpresbyter of one of the rural baptismal churches dies or is removed, the archdeacon is to go to the place and together with the local clergy and people choose a worthy successor.

The difficulty of visitation in the large dioceses north of the Alps was almost certainly a major factor in the innovation which began in the ninth century, and had become fairly widespread by the eleventh, of having more than one archdeacon in the same diocese.¹⁶⁹ One of the more interesting paradoxes in the history of the diocesan ministry of the deacon is that at the same time as the presence of the permanent deacon of liturgy was declining due to the need for presbyters in the expanding rural parish establishment,¹⁷⁰ the non-liturgical diaconate received a reinforcement of its numbers through the multiplication of archdeacons, to meet the needs of supervision of the rural diocese. It was as though the title "archdeacon" referred no longer to the head of the diaconal college in the diocese, but merely to any individual "super-deacon" who carried out as representative of the

¹⁶⁹ Some sources say that this innovation was introduced by bishop Heddo of Strasburg, who divided his diocese into seven rural archdiaconates in 774 (cf. "Archdeacon", in The Catholic Encyclopedia, vol. 1, p. 693), but Hinschius, Kirchenrecht, vol. 2, p. 189, note 3, refers to proofs that the documentation is false. The language of the canons of the Councils of Chalon-sur-Saône (813) and Paris (829) referred to supra, p. 91, notes 163 and 164, and of the Capitula of Walter of Orleans and Hincmar of Reims in the 860's and 870's, indicates that more than one archdeacon exists in some Frankish dioceses; but the development is very uneven. For further witnesses to the plurality of archdeacons cf. Amanieu, "Archidiaque", in Dictionnaire de droit canonique, col. 962-963.

¹⁷⁰ Supra, p. 54.

bishop, albeit with increased independence and authority, all of the original functions of the ancient diaconate, not just a liturgical ministry. The increase of the archdiaconate might even be seen as a kind of Carolingian renaissance of the older diocesan diaconate.

It was perhaps inevitable under feudal conditions that the new archdeacons should be assigned to distinct rural districts, a practice which gave to their vicarial office a new, territorial basis and jurisdiction. It is interesting to note, however, that the institution of rural archdeacons in Western Europe follows hard on the heels of the suppression of the chorepiscopate, the office of rural auxiliary bishops with regional jurisdiction over the archpresbyters of the old parishes.¹⁷¹ The new archdeacons take over the older chorepiscopal jurisdiction, in that archpresbyters are subordinate

¹⁷¹ The chorepiscopi (supra, p. 33, note 93) had flourished for a time in the Frankish kingdom, but councils of the ninth century tried to restrict their powers to those of ordinary country presbyters, and the mid-ninth-century Decretales pseudo-Isidorianae contained forged decrees of popes Damasus, Leo I and John I condemning the institution and demanding the complete suppression of the chorepiscopi. This had certainly happened before the time of Gratian, in whose Decretum, part I, dist. 68, c. 4-5, are cited the supposed prohibitions of Leo I and of Damasus. Cf. Lynch, op. cit., p. 9-11. On the continuity between chorepiscopi and rural archdeacons, cf. Amaniéu, "Archidiacre", in Dictionnaire de droit canonique, vol. 1, col. 963-964; the archdeacon even sometimes bore the chorepiscopal title!

to them, and it is in this context that the origin probably should be seen of a text added onto the archdiaconal material of the Epistola ad Leudefredum in the description of the offices in Gratian's Decretum: "The archpresbyter should recognize that he is indeed under the archdeacon, to obey his precepts just as those of his bishop."¹⁷²

The major archdeacon among the multiplicity of powerful regional archdeacons remained the archdeacon of the cathedral city, the bishop's assistant;¹⁷³ but he might have little more than a precedence of honour, rather than a general vicariate over the other archdeacons of the diocese. As Pokusa notes, this was a weakening, at least in large dioceses, of the original institution of the archdiaconate as the office of assisting the bishop throughout the local church;¹⁷⁴ and it would lead in time to a crisis of the archdiaconate when absentee bishops sought other, priestly assistance in the general government of their dioceses. In places where the

¹⁷² Decretum, part I, dist. 25, c. 1, in Friedberg's edition, col. 91, at §. 12: "Archipresbiter vero se esse sub archidiacono, eiusque preceptis, sicut episcopi sui, obedire sciat."

¹⁷³ In Italy, where the dioceses were relatively small, the single archdeacon of the cathedral city, who was usually associated with the cathedral chapter, remained the norm.

¹⁷⁴ A Canonical-Historical Study of the Diaconate in the Western Church, p. 230-231.

multiplication of archdeacons did not occur, however, the power of the one diocesan archdeacon continued to grow,¹⁷⁵ and he became in time not only effective vicar general¹⁷⁶ but a second ordinary within the diocese.

Indeed, the eleventh and twelfth centuries were a time of further evolution, as archdeacons sought to vindicate for themselves an ordinary jurisdiction in their regional archdeaconries or in the entire diocese. Even the major archdeacon of the see might live apart from the bishop in this developed state of the office, and might like his rural brethren exercise judgment in his own court; in many English dioceses the archdeacon's court became the ordinary court of first instance in ecclesiastical cases, with the bishop's court as the court of appeal.¹⁷⁷ The archdeacon was becoming a prelate-judge in his own right; the ancient diaconal assistance in the judgments of the bishop's court had become a magistracy.

¹⁷⁵ For the exceptional case of the archdeacon of Rome, cf. supra, p. 60.

¹⁷⁶ For a historians' debate over the archdeacon's status as a vicar general, cf. Amaniéu, "Archidiacre", in Dictionnaire de droit canonique, vol. 1, col. 957-959.

¹⁷⁷ Anthony J. Bevilacqua, Procedure in the Ecclesiastical Courts of the Church of England with its Historical Antecedents in the Roman and Decretal Law, J.C.D. thesis, Rome: Pontifical Gregorian University, 1956, excerpt printed, 1956, p. 21-22; as cited by Pokusa, in The Jurist, 45 (1985): p. 112, note 79.

There were numerous struggles between bishops and archdeacons from the tenth century onward over who should have the conferral of benefices and ecclesiastical preferments that lay within the archdeacon's territorial jurisdiction. Indeed, the problem became so serious that the first of the Western ecumenical councils had to pass judgment on it:

No archdeacon, archpriest, provost, or dean shall bestow on another the care of souls or the prebends of a church without the decision or consent of the bishop; indeed, as the sacred canons point out, the care of souls and the disposition of ecclesiastical property are vested in the authority of the bishop.¹⁷⁸

The multiplication of benefices was likewise not unknown where archdeacons were concerned; an English council in the twelfth century even had to rule against enterprising archdeacons who held several archdeaconries in different dioceses.¹⁷⁹ It may be that within the archdeaconry, as Pokusa remarks,¹⁸⁰

178 "Nullus omnino archidiaconus aut archipresbyter sive praepositus vel decanus animarum curam vel praebendas ecclesiae sine iudicio vel consensu episcopi alicui tribuat. Immo sicut sanctis canonibus constitutum est, animarum cura et rerum ecclesiasticarum dispensatio in episcopi iudicio et potestate permaneat." Lateran Council I, canon 4, Latin text in Conciliorum oecumenicorum decreta, p. 190; English translation and commentary in Disciplinary Decrees of the General Councils, ed. Schroeder, p. 182 ff., where the text is however numbered as canon 7.

179 Council of London (1127), canon 8, in Mansi, Conciliorum, vol. 21, col. 357.

180 Pokusa, A Canonical-Historical Study of the Diaconate in the Western Church, p. 228.

the more conscientious rural archdeacons of the Middle Ages still were faithfully carrying on the ancient diocesan ministry of the deacon as the bishop's eyes; but it is difficult to believe that the Church was well served by the zeal of the multiply beneficed archdeacons cited by this canon, super-diocesan ecclesiastical Arguses whose accumulated offices bestrode England.

The anomalous jurisdiction exercised by the archdeacons over presbyters, contrary to the general rule preserving the precedence of presbyters over deacons,¹⁸¹ and still more the revenues to be obtained from visitations and other occasions of taxation in the archdeaconries,¹⁸² led to the

¹⁸¹ *Supra*, p. 40 ff. It must not be forgotten that the fourth-century ecclesiastical theory of one sacerdotal hierarchy which placed presbyters over deacons was in the High Middle Ages reinforced socially by the secular institutions of feudalism, which ordered all of society in a hierarchy of power and protection through the bonds of fealty and homage. To the mind of the age, the archdeacon's exercise of power over priests and their benefices without holding a place equal to or above presbyters within the priestly hierarchy was a serious anomaly in the Church's social fabric. On the other hand, even lay persons with proper external feudal legitimation, such as the secular grant of the attached benefice, could be and were intruded into ecclesiastical offices; so the legitimation of the conferred benefice warred against the apparent anomaly of the archdeacon's authority over a priest.

¹⁸² The revenues of medieval archdeaconries could be quite lucrative, especially if the avarice of archdeacons and their relative independence of the bishop allowed them to increase the frequency of their diocesan visitations or to invent new procurations of money. The traffic in benefices

ignoring as early as the Carolingian period of the necessary connection between the office of archdeacon and the diaconate. One of three archdeacons of Tours who signed a document in 939 was a presbyter,¹⁸³ and by the eleventh or twelfth century this was common enough in the rural archdeacons; but at least these priests had deacon's orders.¹⁸⁴ More serious was the abuse of intruding a cleric in minor orders, or even a lay magnate, into the archdeaconry.¹⁸⁵ In the context of the ongoing struggle over lay investiture,¹⁸⁶ a large number

also extended to archdeacons; the Council of London (1102) attacked the sale of archdeacons and their revenues to the highest bidder: "Ut archidiaconatus non dentur ad firmam" (canon 2, in Mansi, Conciliorum, vol. 20, col. 1151).

183 Cf. Amanieu, "Archidiacre", in Dictionnaire de droit canonique, vol. 1, col. 977, citing the original publication by A. Salmon in Bibliothèque de l'École des chartes, 2nd series, 6 (1845): p. 447.

184 Cf. the argument given supra, p. 57, note 55, that the office of archdeacon, held by a presbyter, continued to be exercised in right of his previous diaconal ordination.

185 Cf. the comment of Schroeder in his Disciplinary Decrees of the General Councils, p. 180: "Because of their importance, not only from the standpoint of revenue but also from that of political expediency, the higher ecclesiastical offices offered an excellent vantage-ground for the realization of secular ambitions." Schroeder traces the abuse to the military appointments to Church office under Charles Martel.

186 The best study still is that of Gerd Tellenbach, Church, State and Christian Society at the Time of the Investiture Contest, translated from the German by R. F. Bennett, Oxford: Blackwell, 1940 (Studies in Medieval History, 3)

of the councils of the eleventh and twelfth centuries tried to deal with the problem of non-deacons holding the office of archdeacon.¹⁸⁷ One of the earlier examples was the Council of Poitiers (1078), which decreed: "Let those who hold the archdiaconates be made deacons."¹⁸⁸ Certainly the most succinct was the Council of London (1102): "Let archdeacons be deacons".¹⁸⁹ At the level of the ecumenical council, Lateran I in 1123 decreed that no-one should be created archdeacon unless he were a deacon;¹⁹⁰ sixteen years later Lateran II repeated the same position, adding that the archdeacon who persisted in lower orders would lose office.¹⁹¹

187 For an extensive listing of conciliar citations cf. Amanieu, "Archidiacre", in Dictionnaire de droit canonique, vol. 1, col. 977-978.

188 "Qui archidiaconatus tenent, diaconi fiant." (Canon 7, in Mansi, Conciliorum, vol. 20, col. 498.)

189 "Ut archidiaconi sint diaconi." (Canon 3, in Mansi, Conciliorum, vol. 20, col. 1151.)

190 "Nullus in archidiaconum nisi diaconus ordinetur." (Canon 6, in Conciliorum oecumenicorum decreta, p. 190; English translation in Disciplinary Decrees of the General Councils, ed. Schroeder, p. 179, where the text is canon 2.)

191 "Innovamus autem et praecipimus, ut nullus in archidiaconum vel decanum nisi diaconus vel presbyter ordinetur; archidiaconi vero, decani vel praepositi, qui infra ordines praenominatos existunt, si inoboedientes ordinari contempserint, honore suscepto priventur." (Canon 10, in Conciliorum oecumenicorum decreta, p. 199; English translation in Disciplinary Decrees of the General Councils, ed. Schroeder, p. 202.)

Finally, in 1179, Lateran Council III under Pope Alexander III declared that when a man without deacon's orders had been appointed as archdeacon he must be able to receive ordination as deacon within a time limit, or forfeit the office.¹⁹² It is not usually noted that under the papal jurisprudence of the time, this rule would apply even to the unusual cleric who was appointed as archdeacon, but had by exception been ordained presbyter without first being made deacon.¹⁹³

The insistence of conciliar legislation on the suitability and sufficiency of ordination to the diaconate for the archdeacon's office did not, however, prevent pressure from being applied to archdeacons in deacon's orders to receive

¹⁹² "Cum autem assumptus fuerit, si archidiaconus in diaconum et decani (et reliqui admoniti) non fuerint praefixo a canonibus tempore in presbyteros ordinati, et ab illo removeantur officio et alii conferatur, qui et velit et possit convenienter illud implere." (Canon 3, in Conciliorum oecumenicorum decreta, p. 212; English translation in Disciplinary Decrees of the General Councils, ed. Schroeder, p. 217.)

¹⁹³ This was because the diaconal office was still considered as having a separate character, not merely being subsumed into the priesthood. Cf. the case of ordination to the presbyterate per saltum dealt with by Pope Innocent III and reported in the Decretals of Gregory IX, lib. V, tit. 29, c. 1, in Friedberg's edition, col. 833-834. The decision made was that the man who had been ordained to the presbyterate directly from the subdiaconate would have to be suspended, but if he were subsequently ordained as a deacon his ordination as a priest would be regularized and he would be allowed to exercise both orders. The implication is that diaconal functions are not included in presbyteral ordination; an archdeacon-presbyter must have deacon's orders to be archdeacon.

the priesthood. For example, at the close of the twelfth century Peter of Blois, archdeacon of Bath in England and candidate for the archdeaconry of London, wrote to the bishop of London, who wanted to ordain him presbyter, that he would prefer to remain a deacon, adducing historical and canonical precedent.

Is it an absurdity for deacons, and especially archdeacons, to continue in their order? For by canonical regulation, the archdiaconate requires this order. And just as the episcopacy is attached to the priesthood, so the archdeacon's order of the diaconate arises as a certain inseparable consequence.¹⁹⁴

And indeed, while the rural archdeacons, who dealt mostly with country priests, exhibited a tendency to become themselves priests from the tenth century, the major archdeacon of the diocese, who was closest to the bishop and often a member of the cathedral chapter, generally remained just a deacon until at least the thirteenth century.¹⁹⁵ The historic diocesan

194 "Et quae absurditas est, si diaconi, et maxime archidiaconi in suo ordine perseverent? Nam hunc ordinem archidiaconatus canonica censura praescribit; et sicut episcopatus presbyteratus annexus est, sic et archidiaconis diaconatus ordo quadam consequentia inseparabili cunitur." Peter of Blois, Epistola CXXIII, ad R. Londonensem episcopum, in PL, vol. 207, col. 364.

195 "... les archidiaques avaient commencé à recevoir l'ordination sacerdotale. L'usage devint plus général du XI au XIII^e siècle, mais il ne faudrait pas croire, cependant, qu'il fut jamais universel et sans exception." Cf. Amanieu, "Archidiaque", in Dictionnaire de droit canonique, vol. 1, col. 976.

ministry of the permanent deacon was thus still exercised in the Western Church in a greatly developed form well into the late Middle Ages.

The conservatism of the councils that legislated the sufficiency of the diaconate and of the archdeacons like Peter of Blois who desired to remain permanent deacons was mirrored in the canonical portrait of the archdiaconate given in the twelfth century by Gratian. His Decretum, as Pokusa has noted,¹⁹⁶ for the most part transmits an image of the archdeacon from the past, when he was more the bishop's deacon than a diocesan vicar or prelate. Gratian's principal portrait of the archdeacon,¹⁹⁷ is in fact from the seventh-century Epistola ad Leudefredum,¹⁹⁸ with the addition of one bit, on the strength of its Isidorian association probably not later in date than the ninth century, concerning the archdeacon's authority over the archpresbyter.¹⁹⁹ Elsewhere in the Decretum this assertion of archdiaconal authority is

¹⁹⁶ A Canonical-Historical Study of the Diaconate in the Western Church, p. 233-234 and 238.

¹⁹⁷ Decretum, part I, dist. 25, c. 1, in Friedberg's edition, col. 90-91 at § 10-12.

¹⁹⁸ Supra, p. 84-85.

¹⁹⁹ Supra, p. 95.

reinforced by another fairly old 'Isidorian' text on the role of the archdeacon in the choice of a new archpresbyter.²⁰⁰

However, the Decretum of Gratian does contain some indications of more recent developments in the archdiaconal office. Thus, the ninth-century text of the Council of Chalon-sur-Saône against archdeacons who as visitators demand tribute from the rural presbyters²⁰¹ is cited by Gratian²⁰² within a short and rather diverse distinction which seems to have as theme the respect and proper exercise of vicarious power;²⁰³ the context seems obliquely to admit the expanded role of the archdeacon after the eighth century as vicar of the bishop. The potential for conflict between the archdeacon and the bishop under the new dispensation is implicit in a long and rather involved case of oaths and perjury discussed by Gratian,²⁰⁴ in which the bishop by error swears to the

²⁰⁰ Decretum, part I, dist. 63, c. 20; cf. supra, p. 92, note 168.

²⁰¹ Supra, p. 91, note 163.

²⁰² Decretum, part I, dist. 94, c. 3, with title "Archidiaconi super presbiteros dominationem non exerçant".

²⁰³ The other short chapters in the same distinction deal with a subdeacon exercising a mission as delegate of his patriarch, and with the respect due to the legates of the Roman pontiff.

²⁰⁴ Decretum, part II, causa 22.

truth of something false and his archdeacon swears that he will never obey such a perjurer, but then is "forced by the bishop to show him the customary reverence".²⁰⁵ And the reality of conflict between archdiaconal and episcopal authority in an important area of ecclesiastical government is shown in the only twelfth-century text on the archdeacon cited by Gratian,²⁰⁶ the canon of Lateran Council I forbidding the conferral of benefices by archdeacons or others without the bishop's consent.²⁰⁷

Finally, the decretists, commenting upon Gratian's archdiaconal texts, added a theoretical clarification to the rather confused picture of the archdiaconate contained in the Decretum. The assertion of the archdeacon's rights over the archpresbyter certainly seemed to require analysis, in the face of the general presumption of a superiority of presbyters over deacons. As Pokusa demonstrates,²⁰⁸ the decretists of the late twelfth and early thirteenth century evolved a sharp

205 "Compellitur archidiaconus ab episcopo ad exhibendum sibi consuetam reuerentiam." Decretum, part II, causa 22, dictum ante q. 1, in Friedberg's edition, col. 860.

206 Decretum, part II, causa 16, q. 7, c. 11.

207 Canon 4 (7); cf. text supra, p. 97, note 178.

208 A Canonical-Historical Study of the Diaconate in the Western Church, p. 239-246.

distinction between the hierarchy of orders and that of jurisdiction in response to this troublesome question. The archdeacons had succeeded to the ancient (non-liturgical) duties of the seven deacons as the bishop's eyes, said they.²⁰⁹ But this meant that the archdeacon had an administrative authority and jurisdiction from the bishop which was simply in a different sphere than the hierarchy of sacred orders. In particular, Rufinus argued, the presbyter remained the superior of the archdeacon in respect of sacred functions, but the archdeacon had full jurisdiction over the presbyter in the non-sacerdotal or "secular" dimension of church life, since it was the archdeacon who was the bishop's vicar for all matters of the diocese's temporal government.²¹⁰ The nature of the archdeacon's vicarial jurisdiction in temporalibus was however contested; did he have ordinary or just delegated jurisdiction in the diocese? The glossator of the Decretum sat on the fence by holding with the decretist Huguccio that the archdeacon's jurisdiction was ordinary, but could not be exercised without the bishop's authorization, and by observing that the

209 Supra, p. 70, notes 101 and 102.

210 Rufinus of Bologna, Summa decretorum, commenting on Decretum, part I, dist. 21, c. 2; cf. Singer's edition, p. 45, and English and Latin citations and commentary in Pokusa, A Canonical-Historical Study of the Diaconate in the Western Church, p. 241.

bishop alone ought to be the ordinary judge in his cathedral city unless legitimate custom (as in England, for example) provided otherwise.²¹¹

Thus down to the beginning of the thirteenth century, despite the considerable evolution of the office, canonical doctrine and practice in respect of the archdiaconate remained consistent with earlier times. The archdeacon's office was still considered diaconal, despite the increasing numbers of deacons with priestly orders who held it, and it was still an office of assistance to the bishop in ecclesiastical government, although often with increased independence and vicarious territorial jurisdiction. The pretensions to a perpetual and ordinary jurisdiction of office which were beginning to be expressed by archdeacons in different dioceses were a matter of local custom, and had not as yet had a definite response in common ecclesiastical law. But where these greater pretensions had taken root, there had appeared already both the rapid growth of the archdeacon's power and the cause of its ruin at the Council of Trent.

211 Glossa ordinaria on the Decretum, part I, dist. 25, c. 1, s. v. "Et iurgia", in the margins of the 1584 Venice edition, cbl. 157-158; cf. English and Latin citations in Pokusa, A Canonical-Historical Study of the Diaconate in the Western Church, p. 245-246, and commentary in Heintschel, op. cit., p. 49-51.

c) Climax, Decline and Fall: the End
of the Archdeacon's Power

The office of archdeacon attained its greatest power in the Western Church of the thirteenth and fourteenth centuries, when in many places but especially in England the archdeacons were considered almost as powerful as the bishops they nominally continued to serve. In this period, also, the full flowering of Western canon law was taking place, in the official papal collections along systematic lines of the so-called decretales extravagantes or new legislation subsequent to the Decretum, and in the commentaries on this new legislation by the decretalists. It is not surprising, therefore, that the fullest canonical expression of the diocesan diaconal ministry is found in the canon law of this period, and more particularly in the Decretals of Gregory IX (1234), first and greatest of the compilations of decretals included with the Decretum of Gratian in the Corpus Iuris Canonici. But it must not be supposed that law and custom were everywhere uniform during this period; indeed, on the most crucial point concerning the archdeacon's office, the nature of his jurisdiction, the canonists were never quite able to come to agreement, and in many regions practice continued to go beyond theory.

The study of the archdeacon's office in the Decretals of Gregory IX and their Commentators by Pokusa is quite thorough,²¹² and it will be useful to follow the main lines of his work while stressing our own theme. The principal source Pokusa uses in the Decretals of Gregory IX is the title on the archdeacon's office in book I, the first real canonical treatise on the subject,²¹³ but other titles also are found to provide significant insight into the thirteenth-century canonical understanding of the archdeacon's office. In turn Pokusa explores the question of the ordination required of archdeacons according to the Decretals; the relationship of the archdeacon in the Decretals to the bishop and to other diocesan officials, notably the archpresbyter; and the continuity of the specific functions of the archdeacon as seen in the Decretals with different stages of evolution of the archdeacon's office: as vicar, as visitator, and as prelate-judge. Finally Pokusa examines certain points to be found only in the commentary of the decretalists.²¹⁴

212 A Canonical-Historical Study of the Diaconate in the Western Church, p. 248-341.

213 X, lib. I, tit. 23: "De officio archidiaconi".

214 The decretalists considered by Pokusa are Bernard of Parma (glossator of the Decretals of Gregory IX), Pope Innocent IV, Hostiensis and Johannes Andreae.

On the question of the ordination required to become archdeacon, the Décretals of Gregory IX simply repeat conciliar legislation of the eleventh and twelfth centuries.²¹⁵ The diaconate was both necessary and sufficient, according to canons cited from the Council of Poitiers (1078)²¹⁶ and from Lateran Council III (1179).²¹⁷ Since Gregory IX in issuing the collection officially promulgated it as canon law for the whole Church of the West,²¹⁸ the canon of the ecumenical council of 1179, in particular, became the definitive word on the question in the general law of the Roman rite, unless and until new legislation should change the law of the Decretals. In fact, despite the views of seventeenth-century canonists that the archdiaconate as an ecclesiastical dignity required priestly ordination within a year,²¹⁹ and despite the

215 Supra, p. 100-101.

216 Canon 7, partial text supra, p. 100, note 188; cf. X, lib. I, tit. 14, c. 1, which cites the complete text of the canon, concerning not only the archdeacons, who ought to be deacons, but other officers, who ought to be presbyters.

217 Canon 3, partial text supra, p. 101, note 192; cf. X, lib. I, tit. 6, c. 7, which cites the complete text of the canon.

218 Cf. the remarks by Pokusa, A Canonical-Historical Study of the Diaconate in the Western Church, p. 249-250, on the character as general law of the Decretals of Gregory IX.

219 Such was the position of Fagnani, for example, as cited by Thomassin, op. cit., vol. 1, p. 446.

occasional institution in post-medieval particular law of archdiaconates for which priestly ordination was indeed required,²²⁰ the canonical régime under which the diaconate was sufficient for the office of archdeacon persisted at least down to the Code of 1917.²²¹

220. Urban VIII (pope, 1623-1644) is supposed to have created such an archdiaconate at the time of the founding of a new diocese; cf. Thomassin, op. cit., vol. 1, p. 446, again citing Fagnani.

221. The situation after 1917 becomes complex. The Code of 1917 did not mention the office of archdeacon by name, but seems to have had it in mind in canon 396, § 3, which required that the dignitary who had first place in the diocesan chapter should have a doctorate in theology or in canon law. Indeed, the source referred to in the footnote to this clause is the decree of the Council of Trent, sess. XXIV, can. 12 de reformatione, which specified high educational requirements for the archdeacon. The vagueness of the wording in CIC (1917) seems to have been necessary because under particular law it was not always the archdeacon who had first place in the chapter. But this brought the requirements for the archdeacon's office within the ambit of the Code, though as a matter only partly dealt with; so it is unlikely that the former general law governing the office of archdeacon could be said to have lapsed from neglect, by the rule of CIC (1917), canon 6, 6°. Secondly, CIC (1917), canon 154, following the general sacerdotal tendency of the Code, restricted offices which had the cura animarum, whether in the external or the internal forum, to clerics who had received priestly orders. But one of the very issues on which the decretalists disagreed about the archdeacon was precisely whether he could be said to have the cura animarum, inasmuch as he was only an ecclesiastical vicar for temporal matters (cf. infra, p. 116). There thus could be genuine doubt whether the old law on the ordination needed for the archdiaconate had been changed; and it would follow from CIC (1917), canon 6, 4°, that the old law of the decretals still held in this case, since "in dubio num aliquod canonum praescriptum cum veteri iure discrepet, a veteri iure non est recedendum". It would appear, therefore, that the older law's

On the relationship of the archdeacon to the bishop, the canonical cases reported in the Decretals of Gregory IX add something to our understanding of the balance of power which had developed in the medieval Church between bishops and their archdeacons as the latter came more and more to act like independent prelates. The archdeacon is "the greatest after the bishop, and his vicar";²²² he is the bishop's vicar in all things;²²³ but there are four things he cannot do alone in this capacity, four matters for which he needs the bishop's mandate: the assignment of the cura animarum through the

minimum requirement of a deacon's rather than a priest's ordination for the archdiaconate managed to survive the 1917 codification. With the abrogation of CIC (1917) in its entirety by CIC (1983), canon 6, § 1, 1°, matters become still more interesting, as CIC (1983), canon 150, which corresponds to canon 154 of the old Code, retreats to the tautological position that an office involving that full cure of souls for which priestly ordination is required can only validly be conferred upon a priest. The significance of this text can only be understood with reference to the law of the old Code which preceded it; and in view of the general provision of CIC (1983), canon 6, § 2, that inasmuch as reference must be made to the old law, the whole canonical tradition should be taken into account, it would seem that the medieval norm that the archdeacon need only be a deacon is fully rehabilitated. Thus a permanent deacon with appropriate qualifications could today, in theory, be appointed to the office of archdeacon, in dioceses where it still exists.

222 "Maior post episcopum et ipsius episcopi vicarius"; Pope Innocent III in X, lib. I, tit. 23, c. 7.

223 In X, lib. I, tit. 23, c. 1, the text is said to occur in one of the Ordines romani; cf. supra, p. 89, note 158.

conferral of pastoral benefices;²²⁴ the giving of letters to allow ordination;²²⁵ the pronouncing of sentences in disputes;²²⁶ and the union of parishes or their transfer to another obedience.²²⁷ Yet archdeacons were able by custom to exceed the bounds of the general law. It was easy, for example, with the passage of time, for a personal episcopal delegation of powers to an archdeacon to visit or hold court in a remote rural area to become a perpetual delegation to the archdeacon's successors, and even by prescription an acquired right of the archdeaconry. In individual cases the Decretals of Gregory IX recognize such acquired rights, giving the archdeacon's relationship with his bishop in particular law an appearance quite inconsistent with that of a mere vicar to his superior, and more like that of one prelate to another.²²⁸

224 Pope Alexander III in X, lib. I, tit. 23, c. 4.

225 Pope Innocent III in X, lib. I, tit. 23, c. 8.

226 Pope Alexander III in X, lib. I, tit. 23, c. 5.

227 Pope Celestine III in X, lib. V, tit. 21, c. 8.

228 Cf. the cases in X, lib. V, tit. 31, C. 2 (bishop cannot remove parishes from archdeacon's jurisdiction), in X, lib. I, tit. 23, c. 7 (bishop and archdeacon must jointly appoint or depose rural deans whose services they share), and in X, lib. III, tit. 7, c. 6 (not the archdeacon personally, but the archdeaconry as such, has an acquired right by ancient episcopal concession to appoint to benefices and to dispose of vacant churches).

As regards the archdeacon's relationship in the Decretals of Gregory IX to the archpresbyter and to other diocesan officials, it is one of express superiority. Pokusa notes a distinction, however, between the archdeacon's proper authority over officers such as the primicerius or custos or sacrista,²²⁹ whose offices historically were derived from his own, and his delegated, vicarious authority from the bishop over the archpresbyters.²³⁰

The different archdiaconal functions in the Decretals of Gregory IX belong to different historical stages of the development of the office. One text may present the archdeacon acting as the ancient chief deacon of the bishop in the supervision of the clergy or the management of ecclesiastical property; the next will show him as vicar or as visitator in his post-Carolingian garb; another will depict him as a quasi-independent ecclesiastical magistrate, acting almost like a bishop himself, with his own officials and court. Only by an analysis in terms of different historical strata of growth is it possible to make sense of the archdeacon's office in the Decretals, out of a heterogeneous mass of law and custom.

²²⁹ X, lib. I, tit. 25-27; cf. Pokusa, A Canonical-Historical Study of the Diaconate in the Western Church, p. 269-274.

²³⁰ X, lib. I, tit. 24; cf. Pokusa, ibid., p. 274-281.

Pokusa does an excellent analysis of the different texts here,²³¹ but little is added to what has already been seen from other sources in our earlier historical discussion of the functions of the archdeacon. The same might be said of the extensive treatment given by Amanieu of the archdiaconal functions in the thirteenth century,²³² based for the most part on sources other than the Decretals of Gregory IX. It is as though the limits of variety had been reached by the end of the twelfth century; thereafter the functions of the last diocesan deacon as bishop's vicar, as visitator and as judge were capable of local variation, but the legitimate possibilities of the archdiaconal office had been explored, and there remained only abuses or aggrandizement at episcopal expense.

The heterogeneous character of the archdiaconal office in its last phase is reflected in the commentaries of the decretalists. As Pokusa shows, they had little difficulty in agreeing on the need of no more than deacon's orders for the archdeacon,²³³ but they were keenly aware of the great

231 A Canonical-Historical Study of the Diaconate in the Western Church, p. 282-310.

232 "Archidiacre", in Dictionnaire de droit canonique, vol. 1, col. 969-976.

233 A Canonical-Historical Study of the Diaconate in the Western Church, p. 312-314.

variety of local custom in respect of almost every other facet of the archdeacon's office and powers, a variety which made sure canonical definitions and conclusions very difficult to attain.²³⁴

There was a lively canonical discussion among the decretalists of the notion of cura animarum as it applied to the archdeacon. Pope Innocent IV, in his private capacity as a canonist, held that the concept did not apply, since the archdeacon had an external and temporal jurisdiction, but the cura animarum strictly speaking involved jurisdiction in the internal forum and the priestly power of binding and loosing sins.²³⁵ His contemporary, Hostiensis, thought this distinction to be nonsense and held out for a much broader view, that anyone having an ecclesiastical office with the power of the keys over the faithful, even in the external forum alone, could be said to have cura animarum.²³⁶ The difference of

²³⁴ Pokusa, A Canonical-Historical Study of the Diaconate in the Western Church, p. 314-316.

²³⁵ Innocent IV, Pope, Commentaria: apparatus in V libros Decretalium, Frankfurt: 1570, reprinted Frankfurt: Minerva, 1968, fol. 114v-115r, commenting on X, lib. I, tit. 23, c. 4.

²³⁶ Henry of Susa, Cardinal Hostiensis, Lectura in V libros Decretalium, vol. 1, In primum Decretalium librum commentaria, Venice: Iuntas, 1581, reprinted Turin: Bottega d'Erasmus, 1965, fol. 126r, at nos. 5 and 7, commenting on X, lib. I, tit. 23, c. 4.

opinion remained unresolved; a century later Johannes Andreae merely noted its existence.²³⁷

The discussion of cura animarum in connection with the archdeacon did serve to clarify further the old questions of the relationship of the archdeacon to the bishop and to the archpresbyter, however. To sum up the conclusions of the decretalists, the archdeacon was perceived as having a true but limited ordinary jurisdiction under the bishop as his diocesan vicar in all matters other than the cultic or sacerdotal, over which the archpresbyter had authority. The archdeacon was the episcopal vicar for temporal affairs, while the archpresbyter or dean was his opposite number as episcopal vicar for priestly affairs.²³⁸ But the temporal affairs over which the archdeacon had jurisdiction as the bishop's eye were broadly understood, embracing all the "material concerns and community aspects of church life".²³⁹ The archdeacon's temporal jurisdiction certainly extended, according to the

237 Johannes Andreae, In quinque Decretalium libros novella commentaria, vol. 1, In primum Decretalium librum novella commentaria, Venice: Apud Franciscum Franciscum, 1581, reprinted Turin: Bottega d'Erasmus, 1963, fol. 190r, at nos. 9-15, commenting on X, lib. I, tit. 23, c. 4.

238 Pokusa, A Canonical-Historical Study of the Diaconate in the Western Church, p. 317-339.

239 Pokusa, in The Jurist, 45 (1985): p. 115.

gloss on the Decretals of Gregory IX, to clerical undertakings and contentious cases involving clerics, to the care and repair of churches, to the instruction of the clergy and the correction of abuses;²⁴⁰ and Hostiensis even warned bishops lest by too prolonged a delegation yet other powers of government normally reserved to the bishop should end up in the hands of the archdeacon through prescription.²⁴¹

Such was the reach of the archdeacon's power at its height, as expressed in the canonical legislation and doctrine of the thirteenth century. But this apogee of the archdeacon, this canonical zenith of the diocesan ministry of the deacon, was not to last.

Three causes may be identified for the decline of the archdiaconate in the late-Middle Ages. These were, first, the prelatial pretensions and struggles for power with their bishops of many of the late medieval archdeacons; second, the rise of two new officers to assist the bishop in the government of the diocese, the judicial officialis and the vicar general; and third, the notable corruption of many

²⁴⁰ Cf. the summary of Bernard of Parma, Glossa ordinaria on the Decretals of Gregory IX, given without exact citation by Pokusa in The Jurist, 45 (1985): p. 115.

²⁴¹ Hostiensis, op. cit., vol. 1, fol. 128v, at no. 25, commenting on X, lib. I, tit. 23, c. 10.

archdeacons, so that their very office came to be seen as a kind of ecclesiastical excess.

The first of these causes was an unhappy outgrowth of the archdeacon's independence. The archdeacons of the later Middle Ages were almost a parallel government within the diocesan church. They had in some places their own courts, to which cases came first; their own delegated officials and vicars. They had in practice great powers of conferral over benefices, even though in theory this was reserved to the bishop. They had their own secular establishments and retinues, inferior to those of a cardinal or a bishop but nonetheless impressive. When they made their visitations it was more in the manner of a prince with retainers demanding provision from the local lords and peasants than it was a religious occasion of amendment.²⁴² Add to this the large size of dioceses and the remoteness of many archdeacons from

²⁴² It was even found necessary at an ecumenical council to regulate the size of the feudal retinues of horsemen that accompanied archdeacons and others on their visitations and to forbid using these as occasions for the hunt, so that their spiritual purpose might not entirely be lost sight of, and those visited might not be impoverished by the demand for hospitality. Cf. Lateran Council III (1179), canon 4, in Conciliorum oecumenicorum decreta, p. 213; English translation in Disciplinary Decrees of the General Councils, ed. Schroeder, p. 218-219. The text also found its way into the Decretals of Gregory IX, lib. III, tit. 39, c. 6.

their bishop's seat and it is seen that the archdeacon might easily desire complete self-government without episcopal interference. Some of the cases already cited from the Decretals of Gregory IX²⁴³ testify to the kinds of dispute that could and did arise between bishops and archdeacons under such circumstances.

Bishops, faced with the archdiaconal challenge to their power, began to use new weapons to safeguard their own diocesan jurisdiction. One of these was the reservation of various types of cases to the episcopal court; another was the reservation of the visitation of particular monasteries or churches within the archdeaconry to the bishop.²⁴⁴ Compacts or agreements with those affected by their power had long been a common way for archdeacons to ensure their authority; in the fourteenth century we find examples of the bishop utilizing the same technique to safeguard his power against his own archdeacons, by getting them to surrender their rights in the government of their archdeaconries in exchange for certain other honours, incomes or privileges.²⁴⁵

243. Cf. supra p. 113, note 228.

244 Cf. Amanieu, "Archidiacre", in Dictionnaire de droit canonique, vol. 1, col. 979-982, for examples of the reservation of cases and of visitation rights.

245 Ibid., vol. 1, col. 982-985.

After the work of Edouard Fournier²⁴⁶ it can no longer seriously be contended that the creation and priestly manning of the diocesan offices of vicar general and judicial officialis in the thirteenth and fourteenth centuries was the result of a deliberate attempt by bishops to counter the excessive powers of their archdeacons. But it is certain that the need for these offices arose directly from the decline of the general administrative and judicial power in the diocese of the major archdeacon of the cathedral following the multiplication of archdeaconries;²⁴⁷ and it is equally certain that the rise of the new officers of diocesan government produced a crisis of the diocesan archdiaconate. Previously, despite their pretensions, the archdeacons had been needed by their bishop, to fulfil the ancient diaconal duties of vigilance and delegated government throughout the diocese. Now, increasingly, absentee bishops had at their disposal loyal priest-vicars who could exercise spiritual as well as temporal authority in the diocesan church and who had no claim to an independent territorial prelacy. In particular, decrees framed by Boniface VIII and incorporated by that pope

246 L'origine du vicaire général et des autres membres de la curie diocésaine, Paris: 1940, 402 p.

247 Supra, p. 95.

around 1300 in his own compilation of a sixth book of the Decretals²⁴⁸ made it plain that these new vicars had no power of visitation and correction, nor of conferring benefices, such as the archdeacons claimed.²⁴⁹ The innovation spread rapidly, and as it did archdeacons found themselves excluded from their primary mission as agents of the bishop. This was the second and perhaps the most significant cause of the decline of the archdeacon in the late Middle Ages.

The third cause was the corruption of the archdeacons. This seems to have been a constant problem. We have already seen an accusation of avarice against archdeacons on the occasion of their pastoral visitations, in a council dating from the ninth century;²⁵⁰ we have seen an English council of the twelfth century condemn the holding of multiple archdiaconates by the same cleric in different dioceses.²⁵¹ Lateran Council IV (1215) found it necessary to forestall archdeacons

248 Decretals of Boniface VIII = Liber sextus Decretalium Bonifacii papae VIII, in Corpus Iuris Canonici, 2nd Leipzig edition, edited by Emil Friedberg, vol. 2: Decretalium collectiones, Leipzig: Tauchnitz, 1881, col. 931-1124. Also cited using the traditional abbreviation, in VI°.

249 In VI°, lib. I, tit. 13: "De officio vicarii", c. 2-3.

250 Supra, p. 91-92.

251 Supra, p. 97.

and others, supposed to conduct the ecclesiastical visitation of their territories, who simply accepted the customary revenues of the visit as a bribe and stayed away.²⁵² An even more serious problem was that of absentee beneficiaries who accepted the living of an archdiaconate or other office but made no attempt to exercise the accompanying duties, often with the excuse of a purchased papal dispensation; such were condemned by the reform Council of Constance (1414-1418).²⁵³ But while all of these abuses condemned by councils of the Middle Ages could be laid at the door of archdeacons, many of them also were shared in by others. To see why the excesses of the archdeacons were more hated by the people, why indeed archdeacons were considered as being especially corrupt, one has to resort to secular writers of the era, with their funds of popular anecdote. From such sources the collector of archdiaconal trivia learns of cases where archdeacons used their

252 Canon 33, regulating the procurations for expenses on the occasion of visitation, provided that except in case of manifest and urgent need these were to be demanded only when the archdeacon or other visitator personally conducted the visitation. Text in Conciliorum oecumenicorum decreta, p. 250; English translation in Disciplinary Decrees of the General Councils, ed. Schroeder, p. 270.

253 Sessio XLIII, 21 mart. 1418, Statuta de reformatione ecclesiae, c. 5, "De dispensationibus". Text in Conciliorum oecumenicorum decreta, p. 448-449; English translation in Disciplinary Decrees of the General Councils, ed. Schroeder, p. 454.

power of vigilance to impose a tax upon sin, for their own enrichment; of archdeacon's spies who told their neighbours' faults to his court; of the bribery of archdeacons to ignore flagrant clerical concubinage and other local abuses.²⁵⁴ It is not perhaps accidental that a popular practice exercise in the scholastic method for students in the High Middle Ages was to conduct a disputation on the question of whether an archdeacon could be saved.²⁵⁵

As late as 1556 there did appear to be some hope of saving the Roman Catholic archdiaconate, when Cardinal Pole, himself a deacon, acting as papal legate during the Catholic restoration of Queen Mary issued his reform decrees for the English Church.²⁵⁶ In them he mildly called upon archdeacons to again take up residency in their archdeaconries or at the

254. These examples are collected from the English and French sources of the later Middle Ages in a book illustrating the popular religious life and beliefs of the time: William Edwards, A Medieval Scrap-Heap, London: Rivingtons, 1930, p. 331-333.

255. Ibid., p. 133; for part of the argument from a sample disputation on this topic by Thomas Aquinas, cf. Hardy, in The Diaconate Now, p. 24-25.

256. Reformatio Angliae ex decretis Reginaldi Poli cardinalis sedis apostolicae legati, anno domini MDLVI, in Mansi, Conciliarum, vol. 33, col. 1009-1034; English version in The Reform of England, by the Decrees of Cardinal Pole, Legate of the Apostolic See; promulgated in the Year of Grace 1556, translated with an introduction by Henry Raikes, Chester: R. H. Spence, 1839, x-62 p.

cathedral church, as the bishop saw fit, "that they may bestow on their offices the attention that is due".²⁵⁷ In particular, the archdeacons were to assist the bishop again in the examination of candidates for orders, as his auxiliaries.²⁵⁸ The discipline of canonical visitation by the archdeacons in their archdeaconries was to be restored, with the archdeacons acting truly as eyes of the bishop and reporting all serious matters to him, and a stiff fine for excessive procuration of expenses by the archdeacon.²⁵⁹ These reform decrees of course came to naught with the accession of Elizabeth, but the office of archdeacon, held by priests, remains a respected one in the Church of England.

But the Council of Trent had already been sitting sporadically since 1545, in belated response to the Protestant revolt, and with a burst of energy in 1563 it brought forth reform decrees that struck a fatal blow at the remaining power of the archdeacon. For by request of the court of Spain,²⁶⁰

257 The Reform of England, by the Decrees of Cardinal Pole, in Decree 3, p. 24.

258 Ibid., in Decree 6, p. 39.

259 Ibid., in Decree 12, p. 60-61.

260 J. Waterworth, "History of the Council of Trent", in The Canons and Decrees of the Sacred and Oecumenical Council of Trent, translated by J. Waterworth, London: Dolman, 1848, p. ccxxix.

a text was enacted in the twenty-fourth session in the decree De reformatione which destroyed the customary judicial power of archdeacons by limiting the hearing of all ecclesiastical cases in first instance to the bishop alone, and reserving all matrimonial and criminal matters which might arise during the archdeacon's visitation to the judgement of the bishop.²⁶¹

The archdeacon's right of visitation where sanctioned by custom was retained, but only with consent of the bishop,²⁶² and as bishops were themselves strongly ordered to visit their dioceses, the use made of archdeacons as visitators was sure to decline drastically. Finally, the major archdeacon of the cathedral chapter, once again called the bishop's eyes, was to have high educational qualifications: either a master's degree in theology, or a master's or doctorate in canon law.²⁶³

261 Council of Trent, sessio XXIV, 11 nov. 1563, Decretum de reformatione, c. 20. Text in Conciliorum oecumenicorum decreta, p. 772-773; English translation in The Canons and Decrees of the Sacred and Oecumenical Council of Trent, ed. Waterworth, p. 229-231.

262 Ibid., c. 3. Text in Conciliorum oecumenicorum decreta, p. 761-763, with the restriction on the archdeacon beginning on p. 762 at line 6; English translation in The Canons and Decrees of the Sacred and Oecumenical Council of Trent, ed. Waterworth, p. 208-210.

263 Ibid., c. 12. Text in Conciliorum oecumenicorum decreta, p. 766-767; English translation in The Canons and Decrees of the Sacred and Oecumenical Council of Trent, ed. Waterworth, p. 217-219.

The Council of Trent seems to have been attempting to return the archdiaconate to its pristine character as a ministry of expert assistance to the bishop in ecclesiastical government, purged of its accrued prelatical rights and of the exercise of ordinary judicial jurisdiction. It is quite significant in this connection that the council also contemplated a restoration of the non-liturgical functions of semi-permanent deacons, to include tasks of charity and government,²⁶⁴ and

264. On 6 July 1563 the council considered a lengthy draft text on the diaconate and the lower orders, which included specific approbation of the deacon's ancient charitable ministry and even referred in passing to a diaconal role in governing the Church. Cf. the text "Diaconorum officium" in Concilium Tridentinum, Diariorum, actorum, epistularum, tractatum nova collectio, edidit Societas Goerresiana, vol. 9: Concilii Tridentini actorum, pars sexta, complectens acta post sessionem sextam (XXII) usque ad finem concilii (17. sept. 1562 - 4. dec. 1563), edited by Stephanus Eheses, Freiburg: Herder, 1924, p. 601; for an English translation cf. Echlin, op. cit., p. 102-104. Perhaps because of the need for speed, the longer descriptions of the different orders were all omitted from the canon on the reform of the diaconate and the lesser orders which was approved at the general session nine days later. Instead a shorter text was decreed, of which the key part read as follows: "Ut sanctorum ordinum a diaconatu ad ostiaratum functiones, ab apostolorum temporibus in ecclesia laudabiliter receptae, et pluribus in locis aliquamdiu intermissae, in usum iuxta sacros canones revocentur, nec ab haereticis tamquam otiosae traducantur: illius prisci moris restituendi desiderio flagrans, sancta synodus decernit, ut in posterum huiuscemodi ministeria non nisi per constitutos in dictis ordinibus exercentur." Cf. Council of Trent, sessio XXIII, 15 iul. 1563, Decreta super reformatione [sacramenti ordinis], c. 17, in Conciliorum oecumenicorum decreta, p. 750. The mind of the council in this attempted restoration of the diaconate is clearly given in the longer draft text, however.

that it made no decision to change the common law that the diaconate sufficed for the office of archdeacon. Had these dispositions had the effects intended, the diocesan ministry of the deacon might have had an early renaissance in the sixteenth-century Church.

However, in the long result of time these decrees of Trent had only negative effect, in wrecking the archdeacon's office. The reasons for their failure, and the canonical history of the dwindling of the office of archdeacon (still diaconal, but now always held by a deacon in priest's orders) into a merely honorary function within the cathedral chapter, are beyond the scope of the present thesis, which has sought only to explore the ancient character and the medieval development of the diocesan ministry of the permanent deacon.

That there was such a ministry, that it survived to the end of the Middle Ages, and that its canonical statute was the only successful paradigm of the diaconate in the Western Church for fifteen hundred years, leads to some interesting conclusions, however, for the present restoration of the permanent diaconate in the Roman rite.

CONCLUSION

The canonical history of the diocesan ministry of permanent deacons reveals its persistence and importance in the life of the Western Church, from Christian beginnings right down to the Council of Trent.

In early Church history as in the ancient Church Orders and the oldest conciliar texts, the figure of the deacon emerges as one of very great importance indeed, whether in the liturgy, in the charitable ministry, or in the pastoral government of the local (diocesan) church. The deacon was seen as a universal minister and a mirror of Christ the Servant himself; there was virtually no task which he could not be delegated to perform, other than the priestly one of presiding in offering the Eucharist. Yet the deacon in the ancient Church was primarily the assistant of the bishop, with bishop and deacon forming together the twin pillars of the apostolic succession of teaching and government in the local church. Deacons often were called upon to succeed their bishops directly; and a diocesan role of the deacon appears almost a constitutional feature of ancient Church organization.

Only with the rise of presbyters to priestly status and canonical superiority over deacons in the fourth century

did the diaconal ministry begin to decline, a decline accelerated by the notion of a sacerdotal hierarchy of promotion in holy orders, by the growth of a purely liturgical diaconate, and by the evolution of other means of charitable administration lying beyond the deacon's control. Deacons were multiplied in the West in the early Middle Ages, separated for the most part from the diocesan bishop, and made the assistants of presbyters, in a noble experiment of five hundred years in which the Western Church tried and ultimately failed to provide in rural parishes the same diaconal presence as in the cathedral cities. The supposed disappearance of the permanent diaconate in the Western Church by the year 1000 was actually a retreat of the diminished, and now mostly transitional, liturgical diaconate to the canonical life in the cathedral towns.

The diocesan permanent diaconate of service to the bishop persisted, however, in its curial and archdiaconal forms, until the late Middle Ages and beyond. The Roman cardinal deacons acquired extensive powers of government while remaining mere deacons, and the Roman curia included cardinals who were permanent deacons with legatine or political responsibilities down to 1899. Other dioceses than Rome also had cardinal deacons of their own, and papal policy at the beginning of the twelfth century was to encourage such a local

cardinal diaconate of church government. Medieval canonists show some awareness of a curial function of permanent deacons in the twelfth and thirteenth century, though they tend to see the ministry of the archdeacon as absorbing it.

This last became the most highly developed and persistent form of the diocesan diaconal ministry. In the hands of the bishop's chief deacon from the fifth to the eighth century were concentrated all the powers and offices of the ancient deacons in church government and administration. By the ninth or tenth century the archdeacon had become the bishop's vicar and the superior of all the other clergy in respect of his authority of administration and discipline. Larger dioceses were divided into several independent archdeaconries, each with a regional archdeacon, and these rural archdeacons began to be men in priestly orders. Even those in minor orders or laymen were sometimes intruded, and councils and canonists had to insist repeatedly on the need of deacon's orders for the archdiaconate. The bishop's major archdeacon in the cathedral town, however, was usually a permanent deacon down to the thirteenth century; and the office remained diaconal in law.

But the power of archdeacons, who now in some places by custom had their own courts with quasi-ordinary jurisdiction as well as extensive rights of visitation, taxation and preferment, began to rival that of the bishops they served;

and the late Middle Ages saw a reaction in which bishops took measures to restrict or bypass their archdeacons. Priestly vicars-general with less independence began to be placed in charge of the government of dioceses by bishops. Most of the accrued independent powers of the archdeacon, who was by now almost always in priest's orders, were removed from him by the Council of Trent; but the reform failed and the office later declined to relative insignificance.

History does not lie; but it can be distorted, falsified, misconstrued, worst of all ignored. The present inquiry into the canonical history of the ministry of the deacon leads to one simple conclusion: the primary canonical image of the diaconate in the history of the Western Church is not that of a liturgical officer, but that of the assistant-general to the bishop. The ancient diocesan ministry of the deacon, an irreducible of history, has however been distorted, through the diaconate's absorption as a transitional stage in the priestly hierarchy of promotion; it has been falsified, through wrong description as a mere set of liturgical duties; it has been misconstrued as an office of independent power in its greatest medieval manifestation, the archdiaconate, only to end ignored as an honorary dignity of little worth, held only by deacons who are priests.

Some of the lessons to be drawn for the present Roman Catholic restoration of the diaconate from this long canonical history are obvious, some less so. One of the more obvious ones can be seen in the twice-told tale of the permanent diaconate's decline in the West: first as a rural liturgical ministry, cut off from the varied tasks in church government exercised on the bishop's behalf by ancient deacons; then later as an archdiaconate grown remote from the bishop and haughty in its pretensions to ordinary jurisdiction. In both declines a root cause was the crisis of canonical identity produced by the separation of the diaconal ministry from the service of the bishop. If we want the newly restored permanent diaconate to flourish, history suggests that stronger ties will have to be forged between deacons and bishops.

A somewhat less obvious lesson from canonical history for the renewal of the diaconate is the danger of ministerial over-specialization. Deacons were truly the Church's general staff officers in ancient times; when they lost their charitable and governmental functions and entered into liturgical isolation the diaconate declined as a permanent calling. The archdeacon too was a generalist, carrying on the ancient diaconal pattern of varied service in government throughout the early Middle Ages; but when he became a proud prelate ill adapted to serve the Church in new ways, he too was left

behind by canonical history. Even the cardinal deacons of the Roman church flourished as models of flexible diaconal service only until they became frozen into the matrix of the papal electoral college in the twelfth century, and captives of their later princely estate.

The least obvious but most important lesson of the canonical history of the diocesan diaconate is the necessity of a dynamic, evolving pattern of ministry in the Church. The creative tension between charismatic and official ministries in the earliest Church gave way to a golden age of the official diaconate, in which new ways of service were being discovered, new ministries developed in the diaconal orbit, because the theology of the diaconate was not yet fixed in the priestly mold. Bishops and presbyters shared a common origin and common constraints as senior Church officers and cultic leaders; the deacons, the all-purpose helpers, were different, flexible, available for new assignments from the bishop and from canon law. Then came the new order, as the deacon was incorporated into the sacerdotal hierarchy and over the centuries became regarded as no more than a servant of the altar. The pattern was fixed, the image frozen; the diaconate decayed.

Perhaps the greatest discovery of Vatican Council II, based on its return to the Bible, is that one way of looking

at the Church or at her ministry is not enough. The Church constantly needs new images which can rejuvenate its old institutions, allow it to give new witness to the Gospel by acquiring a different perspective on its outward, canonical forms. Hence there is need for more than just the sacerdotal conception of the ministry; an adequate paradigm must embrace all the non-sacral diaconal images of canonical history, as well as the priestly hierarchical image.

One new paradigm of the Church's ordained ministry that might be helpful is a metaphor that extends the sacral hierarchical model into other dimensions of service, drawing on the language of modern sociology and physical science. The inadequacy of the sacerdotal hierarchical image of the Church is seen in the vertical culture which it forces upon her, a lifeless two-dimensional schematic with an ascending clerical ladder of deacons, presbyters and bishops superimposed upon the great prostrate horizontal mass of the laity, the rest of the faithful. The Church is both formed and governed by the threefold sacrament of order in its midst, but not as a monarchy with three estates lording it over a proletariat. Rather, to borrow the language of physics, it is a three-dimensional, organic continuum, shaped as it were by three hierarchical axes of ordained clerical direction and witness, at right angles to each other, as it were, in the midst of the

people of God. These three distinct dimensional axes of the metaphor correspond to the distinct ministries of bishops, presbyters and deacons within the one sacrament of order, three distinct ways of structuring the Church; the hierarchy is three-dimensional, not vertical. Any two of these axes form a plane, one partial perspective on the Church of the moment; and the entire three-dimensional Christian structure is itself but a cross-section of the evolving world line of the mystical Body of Christ, progressing along a fourth dimension, the temporal axis of history, from the impetus of the Resurrection to the hidden consummation of the grand design of God. And though a forward view may be had only through the darkly glass of the prophetic Spirit, the Christian can look back along the Church's world line with the telescope of historical knowledge and see the structure from different perspectives as her self-perception evolves.

This is not just an abstract new language for speaking about the Church and her ministry, though; for it completely transforms our canonical and historical perception of the diaconate. Without regarding the diaconal dimension as in any way inessential to the ordering of the Church, the new metaphor allows us to understand and regret how most Catholics for more than a thousand years have ignored the constitutional reality of the diocesan diaconal ministry. In terms of the

three-dimensional metaphor, the problem has been one of frozen perspective, a fixed sacerdotal-liturgical outlook that has progressively foreshortened our historical perception of the Church's diaconal reality and focused on the cultic plane formed by the episcopal and presbyteral axes. And this partial imaging of the Church continues in the sacerdotal hierarchical assumptions and canonical structures that purport to govern the restored permanent diaconate today, while ignoring its distinctive historical dimension as a diocesan ministry of authority in service.

It might be argued that this ignoring of history and imperfect restoration of the diaconate are not a serious problem; that the Church has in the past reshaped its ministry to suit current needs; that there is no pressing requirement for a diocesan diaconal ministry in a Church well served by good priests; that the faithful are not used to non-priestly and non-celibate authority in the local church and would find it confusing and disturbing. But I answer that we ignore the lessons of history at our peril; that the relationship between bishop and deacon in church government comes close to being a constitutional element of the life of the early and medieval Church; that good priests in non-parochial diocesan service are in many cases really doing deacons' work by virtue of their deacon's orders --- and that it is high time for the

recovery of an alternative, non-priestly, non-celibate image of servant authority in the Church.

Indeed, perhaps only in this way can new patterns of Christian action be stirred up in the half-reformed, hesitant, hierarchy-hemmed Catholicism of the late twentieth century. For the restoral of a strong diaconal order in the government of the Church is essential, not only to make its canonical image and structure better correspond to the fullness of new theological metaphors, but to desacralize the Church for witness to the post-Christian world, by fully reopening the non-cultic planes of ministry long devalued in Church organization and canon law.

One such plane, that formed by the co-operation of deacons and presbyters in parish leadership, has begun haltingly to be explored since the restoration of the permanent diaconate in 1967; but an image is lacking of what the truly diaconal parish could be, for so long as the sacerdotal mentality alone persists. Without a change of perspective on the ordering of the Church, that mentality will persist, and the parochial permanent diaconate will die again the death which it suffered once before in the ninth or tenth century, as a merely liturgical luxury.

Canonical history, as reviewed in this thesis, teaches that the missing element needed to make the Church's ministry

whole is the ancient link between deacons and bishop, and the effective participation of permanent deacons on the plane of diocesan government of the Church. Canonical structures at the diocesan level are required which reopen the possibility of deacons governing, deacons administering, deacons advising, deacons judging, deacons supervising lay ministers and even presbyters, deacons indeed acting in every non-priestly sphere in the closest unity with the bishop. The ordination of lay Christians with appropriate gifts for the diocesan ministry of service as deacons of their bishop, whether in the curia of the diocese or in pioneering new ministries, will not only free priests for parishes, but provide new models of diaconal responsibility that can free all permanent deacons to rediscover the ancient potential of their order.

Of course, if the diaconal revolution in diocesan service is to come to pass, and deacons are to be restored as a third force in the government of the Church, new organs which are not so new will be needed. The deacon can hold offices of ecclesiastical government in the Code of 1983,¹

¹ CIC (1983), canon 266, § 1: "Per receptum diaconatum aliquis fit clericus", together with CIC (1983), canon 274, § 1: "Soli clerici obtinere possunt officia ad quorum exercitium requiritur potestas ordinis aut potestas regiminis ecclesiastici."

but the actual openings for him in Church government are few more than for the laity,² as he has been systematically excluded from the regular exercise of many offices of diocesan government by the requirement of priestly orders. This will have to be changed in the general law or bypassed by particular law to the extent necessary to allow a deacon to function as a senior officer in his bishop's diocesan service.³ It is true that a deacon, or a lay person, can serve now as diocesan finance officer (the Chalcedonian oconomus).⁴

2 CIC (1983), canon 228, § 1: "Laici qui idonei reperiantur, sunt habiles ut a sacris Pastoribus ad illa officia ecclesiastica, et munera assumantur, quibus ipsi secundum iuris praescripta fungi valent." The practical meaning of this deliberately vague provision for lay rule in the new law has been explored by James H. Provost, "The Participation of the Laity in the Governance of the Church", in Studia canonica, 17 (1983): p. 417-448.

3 Pokusa, in The Jurist, 45 (1985): p. 116, notes that "the 1983 Code precludes, for all practical purposes, any reintroduction of the deacon as the primary assistant to the bishop. [...] The 1917 Code formalized the actual exclusion of all clerics but priests from positions of authority. It did so when deacons had become only those in process of preparation for the priesthood. Now, however, though the Latin Church has thousands of permanent deacons, the 1983 Code of Canon Law excludes deacons from every position exercising juridic authority vis-à-vis priests." In the light of the argument presented above on the inadequacy of the sacerdotal hierarchical model of the ministry, this legislative obsession with the continued subordination of deacons to presbyters is unfortunate, to say the least.

4 There is no restriction whatsoever as to clerical status in CIC (1983), canon 494, concerning the naming and duties of the finance officer.

There seems no good reason why the law should not also allow a qualified deacon to function as an episcopal vicar⁵ for other specific areas of non-priestly service. In principle, even a restored office of vicar general in temporalibus should be open to a competent deacon.⁶ History suggests too that a qualified deacon should be allowed to serve as chief or moderator of the diocesan curia,⁷ an office which in practice is performed in some North American dioceses by the chancellor.⁸ Deacons should also be allowed to be judicial vicars,⁹ following the medieval archdiaconal precedent. In short, the role of deacons in diocesan government should be restored as immediate and responsible assistants to the bishop, not just as diocesan office boys.

5 Prohibited by CIC (1983), canon 478, § 1, which requires all episcopal vicars or vicars general to be priests, without distinction as to duties.

6 This was the essence of the archdeacon's office according to the medieval decretalists.

7 CIC (1983), canon 473, § 3 seems to allow the bishop a certain latitude here, although suggesting that the office should be filled by a vicar general, who would have to be a priest.

8 The office of chancellor is open to deacons and even to lay persons, it would seem, according to the wording of CIC (1983), canon 483, § 2, but it is conceived of in the Code more as that of the diocesan secretary and archivist.

9 Prohibited by CIC (1983), canon 1420, § 4.

And the deacons of a diocese, if they become numerous, will need a corporate voice through some sort of collegiate organization, which will have an elected or appointed chief who must be in a special relationship to the bishop.... It will be necessary to re-invent the archdiaconate, though hardly in its late medieval form. But note that the archdiaconate in many places still survives as a dignity, governed largely by particular law; and it would appear that nothing prevents the appointment of a permanent deacon¹⁰ with high qualifications in theology or canon law¹¹ to an existing archdiaconal office not totally governed by the statutes of a cathedral chapter¹² when such an office becomes vacant, and the renewed attribution to the restored archdeacon of significant functions in diocesan government. The experiment should be tried.

¹⁰ Cf. supra, p. 111, note 221, concerning the present survival of the requirement of no more than the diaconate for the archdeacon's office.)

¹¹ Just to be on the safe side, though it is not clear that this provision of the Council of Trent (supra, p. 126) would apply to archdeacons not heads of cathedral chapters.

¹² Apart from difficulties which might be encountered with the wording of the particular statutes in question, there is in the case of archdeacons whose statute is part of a cathedral chapter's the problem that CIC (1983), canon 503, describes the chapter as a college of priests ("sacerdotum collegium"), and CIC (1983), canon 504 reserves the changing of anything in the chapter to Rome.

For the full restoration of the permanent deacon in the Roman Catholic Church will not have taken place until the complete restoration in law and in practice of his diocesan ministry, a project to which national conferences of bishops should address themselves without delay. Bishop and deacon, bishop and archdeacon were the normal diocesan leadership team of the Church for almost fifteen hundred years, and with the enduring shortage of priests the times are right for a return to an ordained but non-sacerdotal ministry in diocesan government. Theology, history and pastoral need all advise a renewal of the ancient canonical statute of the diocesan permanent diaconate, an institution whose time has returned.

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