

EPISCOPI VAGANTES IN CHURCH HISTORY

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LONDON

SOCIETY FOR PROMOTING CHRISTIAN KNOWLEDGE NORTHUMBERLAND AVENUE, W.C. 2

1945

BY THE SAME AUTHOR

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EPISCOPI VAGANTES IN CHURCH HISTORY

Full episcopal status involves consecration to episcopal rank, a fixed cathedral centre together with jurisdiction over a determined diocesan area. The phenomenon in Church history, which can be traced from the fourth century—if not earlier—down to the twentieth, known as episcopus vagans, was not merely an ecclesiastic whose orders were sometimes (though not usually) doubtful, but who lacked diocesan jurisdiction and had no cathedral city or place of permanent abode. So also the chorepiscopi of the early centuries were not located at the cathedral centre, and, though they were confined to one diocese, they had no jurisdiction of their own; the suffragans and titular bishops of later centuries may have been more closely associated with diocesan headquarters, but again they possessed no independent jurisdiction. Thus, some of the disadvantages experienced by the vagantes were shared by the chorepiscopi, suffragans and titulars, who although criticised from time to time, never came under the same opprobrium as the episcopi vagantes.

In modern times the chief cause of criticism levelled against the episcopus vagans has been on the ground that his episcopal status was doubtful. In early times, and in the early middle ages, he was condemned rather on the ground of vagancy. His episcopal status was for a long period, and on the whole, taken for granted, but his wandering habits disturbed the regularity of diocesan administration. The problem of dealing with him was complicated by the fact that his vagancy was not always vagrancy. He might be domiciled in one place for months or even years; he might exercise clearly defined episcopal functions within the jurisdiction of the diocesan during that period. But he possessed no security of tenure such as that allowed to the suffragans and titulars, and the rest which the sole even of his wandering foot sometimes enjoyed was fortuitous, and hung upon circumstances which his episcopal status did not make secure as in the case of the suffragans and titulars.

Two questions, therefore, have to be asked concerning the *episcopus vagans*: How did he secure his episcopal status? Why did he wander?

Mabillon ¹ in the seventeenth, Thomassin ² in the eighteenth and Hinschius ³ (though less dogmatically) in the nineteenth century, as well as a number of others who made use of their conclusions, have suggested a connection in the East between the episcopus vagans and the rural or assistant bishops, known in the third century as ἐπίσκοποι των ἄγρων, and from the fourth century onwards as chorepiscopi. Yet caution is necessary before coming to any conclusion on this question. The chorepiscopus, although criticised, and sometimes suspect on other grounds, was regarded as possessing a status stable enough to allow him to sign the decrees of Councils, as at Neo-Caesarea (314), Nicaea (325), and Ephesus (430). None the less, the subordinate condition of the chorepiscopus, and the misfortunes which sometimes overtook him no doubt caused him, in some cases, to take to the road, and join, if only for a time, the ranks of the vagantes.

This conclusion certainly supplies the easiest answer to the question: How did the vagans become episcopal? and the answer to the other question: Why did he wander? has been equally readily answered from a brief consideration of the status of a chorepiscopus. Consecrated by one bishop only; often relegated to a distant, and certainly to the rural parts of a large Eastern diocese; authorised to perform only some of a bishop's functions and never permitted to ordain unless precisely empowered to do so in particular cases, the temptation to wander away, in order to improve status, and secure a more dignified sphere of action, must often have been too strong to be resisted. Again sometimes he was dismissed by his diocesan, and sometimes he was not confirmed in his suffragan office when that diocesan died. On these two last grounds alone he was often compelled to wander.

However, it is by no means proved that the episcopi vagantes were so widely recruited from the chorepiscopi as some former investigators have suggested. It is not clear that the chorepiscopus, having started on the road, would have been able, in many cases, in view of his maimed status, to secure that recognition which the episcopus vagans often obtained. There was doubt in many minds concerning his episcopal status. The Council of Laodicea (363) attempted to suppress him on the ground that he had been consecrated by one bishop only, or that he had not previously received ordination to the priesthood.⁵ Was he a bishop after all, or merely a kind of arch-presbyter, or arch-deacon, or even rural dean, performing certain episcopal functions? The last person who was likely to persuade a synod of bishops or a popular church assembly to abandon its rules and procedure was, surely, a person of doubtful episcopal validity, and this was the condition of the chorepiscopus in early times in some quarters. Yet the early councils were seldom in doubt that they were dealing with clergy of episcopal rank when they drew up their regulations against episcopi vagantes or vacantes. We must, therefore, seek some other source for the phenomenon. than the chorepiscopi.

Here, then, is a further and a more satisfactory answer to the question how did the *vagantes* become *episcopi*? They were often bishops deprived of office, though not of episcopal status, on the ground of heresy or misconduct. When the history of the councils

¹ Acta SS. Ord. S. Benedicti (1668 ff.). Saec. III, Pt. I. Praef. n. 24 (vol. iii, p. xx ff.).

² Ancienne et nouvelle discipline (1725), Vol. I, Bk. I, Cap. XXVI-XXVIII. But the writer should be read with caution.

³ Das Kirchenrecht (1869-76), Vol. II, pp. 161 ff.

⁴ Ancyra (314), canon 13; 1st Antioch (341), canon 10.

⁵ In some areas in the time of Basil he received only priest's ordination. (Hinschius, I, 164.)

during the Arian and subsequent Christological controversies is recalled, there is little difficulty in supplying the answer to both our questions. As council followed council, and issued decrees cancelling those of its predecessors, bishops were constantly being deprived of jurisdiction, and were cast adrift in the world with nothing more than their episcopal status, and they went to swell the number of wandering bishops. The vagantes retained bishop's orders because they had been deprived only of jurisdiction. They wandered because they must seek a livelihood. It is probable that in the fourth and fifth centuries, in the East, the episcopi vagantes were more often recruited from the ranks of deprived diocesans, than from unemployed or ambitious chorepiscopi.

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Even so, deprivations do not account for all the episcopi vagantes of this period. So late as the third decade of the fifth century popular election proved to be a cause contributory to the phenomenon of the vagantes. For example, Sissinius, Patriarch of Constantinople, who died in 427, consecrated Proclus to the see of Cyzicus. But the people of Cyzicus refused to elect him, and chose another bishop. In 434 he was nominated Patriarch of Constantinople in succession to Maximian, and for some time had been serving as a priest in Constantinople,6 where he joined the anti-Nestorian party. In this case the bishop became a vagans, because he failed to secure jurisdiction, and the experience of Proclus can hardly have been isolated. It shows that a bishop who was entirely free from doctrinal or moral offence, might for years have to wait in a condition of vagancy, before securing jurisdiction. Vagancy was not always the penalty for heresy or misconduct. It might often arise from sheer misfortune, and this proved to be increasingly its cause during the centuries which followed.

Ecclesiastical disputes arising from doctrinal and discipline questions were partly responsible in yet another way for the appearance of *episcopi vagantes*. It was not always possible for a properly consecrated bishop, who had been assigned a definite jurisdiction, to enter his diocese, on account of the hostility shewn to his theological beliefs. The Council of Ancyra (314) allowed such

⁶ Cf. Johannes Zonara, Annales (1557), T. III, Col. 35.

bishops to remain at the cathedral centre where they were consecrated, with precedence over the priests attached to it. The Council of Antioch (341) passed a similar regulation, to the effect that bishops who had difficulty in getting to their sees, should always be allowed to share in the honours, benefits and functions of the episcopate. The Council of Constantinople (381) (canon 2) contemplated a situation in which, owing to hostility in a particular diocese, one bishop had the title and another occupied the see. At Carthage (419), the Donatist Petilian alleged to Alypius, Bishop of Tagaste, that some Catholic bishops in the rural areas had no jurisdiction, and in some cases there can be little doubt that these bishops fell into the ranks of the episcopi vagantes. Yet another source from which these bishops were recruited is suggested by the Council of Nicaea (canon 3), which allowed converted Novatianist bishops to retain their titles, and permitted them to be employed among the cathedral clergy, the chorepiscopi or parish priests.

From many causes, therefore, the bishops might be without jurisdiction, and a wandering career must have been the fate of many of them. In the first half of the fourth century conciliar action was being taken against the *episcopi vagantes* in the East.

The first Council of Antioch (341) prohibited the recognition of an *episcopus vagans*, who invaded a vacant see, even though he had secured popular election, unless a synod presided over by the Metropolitan accepted him (canon 16). The same Council supplemented this prohibition (canon 17), by excommunicating any bishop, who, though lawfully consecrated, and elected by the people, yet refused jurisdiction of the see offered to him, and placed him under the ban until he agreed to occupy the see, or until the provincial synod of bishops decided what to do with him. These two canons were quoted at Chalcedon (451), and, as canons 95 and 96 of that Council, became part of the corpus of Canon law.

At Sardica (343) legislation was passed against bishops coming from the West, mainly Africans, who "wandered about," not upon the lawful business of assisting the affairs of the poor or widows or orphans, but in order to secure secular dignity and

office at court. The Council decreed that such bishops should carry imperial letters of recommendation, or only come to a city when especially invited to it, unless they were fleeing to safety (canon 8). Apparently the fifth-century western practice, of employing bishops in a responsible capacity in the civil administration, was already making its appearance, but in so far as it was sought out by the bishops themselves, it encouraged vagancy, and was described as a "scandal" by the Council of Sardica. The Council went on to decree that lawful business should be transacted by the despatch of properly accredited deacons (canon 9), although no hindrance was placed against bishops travelling to Rome in order to petition the Bishop of Rome on behalf of widows and orphans (canon 10). (It will be remembered that the Western bishops largely predominated at Sardica.) Any bishop who ignored these regulations should be deprived of jurisdiction, and bishops whose place of residence was upon the main roads were to keep a sharp look out, and were warned to refuse to hold communication with travelling bishops who broke these regulations (canon II), unless they proved to be ignorant of them. In this case they were to be cautioned to return to their dioceses, and to conduct their business through the despatch of a deacon (canon 12).

The sentence of deprivation, which was intended as a means of checking episcopal vagancy, in effect only made it worse, by causing the offender to pass from being an occasional vagans into a condition of permanent vagancy. No steps were taken to secure permanent occupation for the episcopi vagantes, by appointing them as suffragans, or to such offices as the titular bishops were later appointed. No doubt this was because the early episcopus vagans was frequently an offender against morals or doctrine, and was regarded as being incapable of further employment. In these cases degradation as well as deprivation would have been a sounder policy. However, the action of the legislators may well have been moderated by the fact that many of the vagantes were the victims of misfortune and not of misconduct or heresy.

Hinschius, the eminent German historian of ecclesiastical institutions, states that the *chorepiscopi* did not appear in the West until the eighth century, on the ground that rural bishops were

appointed for the country towns with the same rights as the bishops of the big urban sees, and he says that this accounts for the large number of bishops in Africa from the third century onwards. He regards as exceptional the reference to chorepiscopi at the Synod of Riez (circa 439), when their appointment, without the consent of the Metropolitan and comprovincial bishops, was prohibited. For the rest, he says, the references to their existence in Spain, France and Germany in the early centuries appear only in forged documents. The last statement is no doubt on the whole correct. Yet Hinschius' admission that the Synod of Riez adopted a more stringent rule than the earlier synods by altogether prohibiting the chorepiscopi from ordaining clergymen, suggests that they were so well established in Southern Gaulthat careless ordinations conducted by them had already become an abuse. We know that they served at Cologne from the seventh century onwards, and, whether or not the episcopus vagans was recruited from the ranks of the chorepiscopi in early centuries in the West, he can be traced there in the records of Merovingian times.

Mr. M. E. Pickman, in the first volume of The Mind of Latin Christendom, has recently shewn that during the break-up of the Western empire, the office and status of a bishop was often coveted by members of the old Roman noblesse,7 and that, when appointed, most of them fulfilled the office with dignity and zeal. The practice of recruiting the bishops from the ranks of the magnates was maintained at the end of the sixth century, but by this time it sometimes led to abuse. Gregory, Bishop of Tours between 573 and 594, gives an account of a magnate named Austrapius, who was ordained, and later consecrated at Chantoceaux, with a view to succeeding Pientius, Bishop of Poitiers, after the latter was dead. On the death of Pientius, Charibert, King of Paris, appointed Pascentius, Abbot of St. Hilary at Paris, to succeed him at Poitiers, notwithstanding an objection lodged by Austrapius. During the interval between his consecration and the death of Pientius, Austrapius remained a bishop without jurisdiction. On the elevation of Pascentius to Poitiers he returned to his own town of Theifali, and exercised

⁷ Cf. also O. M. Dalton, Translation of History of the Franks by Gregory of Tours, Vol. I.

episcopal authority over the churches of the neighbourhood, until he was killed by pagans, when these churches were united with the see of Poitiers (*Hist. Franc.* IV, 18).

Another case of episcopal vagancy, quoted by Gregory of Tours, was that of Munderic, who was consecrated, on the nomination of the King Chilperic, and at the request of the people, to succeed Tetricus, Bishop of Langres, who was seized with apoplexy. Until Tetricus died, Munderic was given the oversight of the church of Tonnerre as Archpresbyter. He was forced to leave Tonnerre under a charge of disobedience to the royal authority, and was exiled to a town on the Rhône. Two years later, with the consent of Nicetius, Bishop of Lyons, he sojourned at Lyons for two months, and when the King refused to restore him to Tonnerre, he fled to the King's brother, Sigebert, King of the East Franks, and was made bishop of a small town of Alais with the care of fifteen parishes (*Ibid.* V, 5). At the second Council of Maçon (585), three bishops without jurisdiction signed the eighteenth canon.

There is, therefore, sufficient evidence for the conclusion that clergymen who possessed episcopal orders, but were not located in any see, were moving about the Merovingian kingdoms, and even if it is difficult to prove the existence of *chorepiscopi* as a recognised institution in the West at this early time, yet the appointment of some of these bishops to small country areas, frequently for a limited period, shews that the functions of the *chorepiscopi* were then being fulfilled, and that in these instances they shewed a greater tendency to vagancy than the *chorepiscopi* of the East. A particularly flagrant case occurred so late as about 780, at Pongon in Bavaria, where an *episcopus vagans* was successful in intruding himself into a church built by a chaplain of Duke Ottilo. Here the *vagans* seems to have obtained the sanction of the Duke, but Virgil, the Bishop of Salzburg, excommunicated the offender.8

However, during the early middle ages in the West, the *episcopi* vagantes were recruited far more frequently from the wandering missionary bishops, and especially from the Irish, who sometimes returned to the older episcopal centres, after failing in their missions

to the pagans, or who came back with the less excusable desire of change, or again, because they lacked courage and perseverance, or sought promotion. Even though he remained faithful to his calling, a missionary bishop in that era was often compelled to follow a life of vagancy. St. Amand, an early Bishop of Trêves who died in 679, in early life conducted a tour among the clergy of his diocese for three years, "preaching, reasoning, beseeching." When the clergy refused to listen to him, he went into retirement on a small island. Later on he conducted a mission among the hostile Gascons near the Pyrenees, and then went to the other end of France among the people of King Dagobert. Still meeting with opposition, he desired to cross over to Britain. Finally, with the sanction of King Sigebert II, he built a monastery at Lavaur, but was driven away by the bishop.

Many of the missionary bishops in the West at this time were consecrated for the purpose of preaching only, other episcopal functions being forbidden to them, although sometimes the succession to a see was promised to them. S. Landelin (625–686), Bishop of Lobbes, consecrated Ursmar (644–713) as his successor, under these conditions. When the latter became Abbot and Bishop of Lobbes in 691, he consecrated Ermin as Prior and suffragan bishop, though with a status nearly equal (suppar) to his own. Consecrations to a missionary title continued well into the tenth century, indeed, so long as parts of the West required to be evangelised.

The consecrations at Lobbes, and the conduct of the assistant bishops there were no doubt unexceptional, but the practice of consecrating a successor, with permission to exercise only some of the episcopal functions, must have led to abuse elsewhere, as the incidents recorded by Gregory of Tours shew. Other instances can be quoted. Willehad, Bishop of Bremen (787–789), had assumed the title of bishop, seven years before he was entitled to do so, and had ordained clergymen to the priesthood. Gregory, the Abbot of Trêves, although only in priest's Orders, had also taken the title

⁹ Migne, P.L., LXXXVII, Col. 1267f.

¹⁰ Chron. Cameracense et Atrabense, Lib. II, c. 26 f. (Ed. by Le Glay, Paris 1824)

of Bishop, on the ground that he was administering the diocese after the death of Boniface (753). Richar, founder and Abbot of Saint Riquier on the Somme (625), and Wilmar, an early prior of Sauvigny, both adopted the title of Bishop, claiming that they fulfilled the function of a bishop by preaching the Gospel. The practice of consecrating bishops on a missionary title, with a roving commission, led to abuses of this kind, in which the episcopal status was claimed without consecration, on the ground that episcopal functions were being fulfilled. That the episcopal title was being bandied about, and that the episcopal status could be easily claimed, even under the eyes of the authorities, is shewn by the fact that clergymen "called" (vocatus) bishops frequently attested charters. The acts of the third Synod of Ingelheim (840), which dealt with the affairs of Ebbo, Archbishop of Rheims, were signed by Ratold and Amalric, two clergy, to whose names are appended the words " vocatus Episcopus" (Flodard. Hist. Remen., II, 20). Four charters of the Abbey of Hohenaugia, an Irish foundation near Strassburg, shew that Benedict, alias Tubanus, an Irishman, was both Abbot and Bishop, in the times of Charles the Great, and another charter in the same era was attested by no less than six Irishmen, who are all designated as bishops.¹¹

These wandering Irish bishops had received episcopal consecration in Ireland, without being assigned to specific sees, according to the well-known Irish custom, and when they founded abbeys in Gaul or Germany or elsewhere, it was not unnatural that they claimed episcopal status. Moreover, if the work of organising the missions was to be successfully conducted, it would be difficult for a missionary bishop to confine himself to preaching only. Yet, so soon as he began to ordain clergymen, irregularities were liable to arise, since he was not under the control of the provincial Synod, which maintained a check upon the actions of the diocesan bishops in areas where episcopal organisation had been long established. The history of the travelling Irish bishops from the seventh to the ninth centuries shews that they were not confined to any one missionary area—although they were most numerous in northern France, the Netherlands and Germany—but wandered about, and

¹¹ Mabillon, Annales, T. II, Col. 696.

increasingly engaged the attention of the Frankish Councils of the eighth and ninth centuries.

In Ireland the conditions of the episcopate rendered vagancy abroad easy. In early centuries the bishop was little more than the assistant to the abbot, who was the head of the ecclesiastical administration not only of the tribal area, but also of the whole area within the jurisdiction of the abbey. The bishop possessed little more than the status of a *chorepiscopus*, since he was consecrated not to rule a diocese, but for missionary and pastoral work. So the Irish bishop tended to wander.

Tírechán, the mid-seventh century Irish writer, makes it clear that at that date the Irish bishops were to be numbered by hundreds. Frequently a number of them lived together in one place, very often in groups of seven, a practice which is mentioned in the Lausiac History of Palladius, and according to Meissner, the modern Irish authority, it may have been an imitation of the Egyptian custom. Moreover, there is evidence for concluding that bishops in large numbers existed in Ireland long before Tírechán's time. Irish peregrini had reached Rheims in the first years of the sixth century. We are also informed that in these times vagancy was the characteristic habit of the Irish abbots and their bishops. It appears to have been inspired not only by the restlessness of the Irish temperament, but also by the desire to imitate the example of Abraham, who left his native land and travelled far; and by the exhortation of Christ that his true followers should leave kith and kin, and go on "the perfect pilgrimage," in order to evangelise the heathen. 12

The English authorities who attempted to check vagancy in the seventh century were on uncertain ground when they questioned the validity of the episcopal orders of the Irish *vagantes*, for we do not read that complaints against spurious bishops occurred in Ireland, where, according to Meissner, the rule of consecration by at least three bishops was carefully observed.¹³ At the same time

¹² He regards the case of S. Kentigern (Glasgow) as exceptional, even if it can be shown—and this is doubtful—that he was consecrated by only one bishop.

¹⁹ J. L. G. Meissner in *Hist. of the Church of Ireland* (Ed. by W. Allison Phillips), Vol. I (1933), p. 120 ff.

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it was always possible for an impostor, especially in England or on the mainland of Europe, to claim that he possessed Irish episcopal orders, as in the case of the vagans reported in the Vita S. Eligii, who was charged with "pretending to be a bishop."

The attitude of Theodore to the Celtic bishops in England is somewhat obscure. On more than one occasion, as in the case of Ceadda, he "confirmed" the consecration of the Celtic bishop by an additional consecration, on the peculiar grounds that since the Celtic Church observed Easter at a different date, and made use of a different tonsure, it was not in communion with the Catholic Church. These questions, of course, have nothing to do with the validity of a consecration, and it looks as though Theodore was conscious of this fact, and acting, according to his wont, diplomatically, avoided expressing any fundamental doubt about Irish consecrations. Moreover, it is not clear that his provisions, embodied in the canons of the Council of Hertford (673), expressed doubt on the validity of Irish episcopal orders as such. They were directed rather against the wandering habits of the Celtic bishops and clergy.

It is probable that the root of the objection of the ecclesiastical authorities in England and in Gaul, during the seventh century, lay in the fact that wherever the wandering Irish bishops went, they were liable to attempt to set up new episcopal jurisdiction, in fact to create new dioceses. In their own country this was one of the specific reasons for peregrination. The foundation, not merely of new parishes, but, according to Meissner, the creation of new dioceses, no matter how small, was the practice of the wandering Irish abbots and their bishops, in order to extend the influence and jurisdiction of the mother house. No doubt the Irish vagans in England and on the mainland of Europe acted in a similar way, and caused the authorities, after a time, to raise the more serious question of the validity of their episcopal orders. Anyhow, by the middle of the eighth century both in England and Gaul, legislation began to be levelled against the Irish episcopi vagantes on the ground of the invalidity of their orders.

The Council entitled Germanicum, held at Ratisbon or Augsburg (742), decreed (canon 4) that no unknown travelling bishop or priest, no matter where he came from should be allowed to perform

ministerial functions without synodal approval. Two years later at Soissons the Council issued the same prohibition, but placed the bishop "coming over from other regions" under the control of the diocesan (canon 5). At Vermeria (752) "wandering bishops" were forbidden to ordain to priest's orders. But if the clergymen so ordained proved to be worthy, they might be re-ordained (canon 14).

The episcopus vagans of this period gave offence, not only because his action often cut across the authority of the diocesan, and often ended in the ordination of unsuitable clergymen, but because his own episcopal orders were often in doubt. Indeed, so doubtful did the episcopal status of many of the bishops who were wandering throughout western Europe in the middle of the eighth century appear, that the Council of Verneuil (755), decreed (canon 13) that "wandering bishops, who have no parishes of their own, and of whose consecration we do not know the character " (nec scimus ordinationem eorum qualiter fuit), should not be allowed to function in the diocese of the bishop where the vagans happened to be, without the consent of the diocesan. "If they presumed to do this they should be suspended from office," until they attended a synod, and were tried according to canonical principles (et ibidem secundum canonicam institutionem sententiam accipiant).

These words are followed by the obscure phrase "save only for the sake of a journey" (nisi tantum pro itineris causa). If this means that even if favourable, the judgment of the synod contemplated the departure of the vagans and a continuance of his travels, it seems that an attempt was being made to confine the episcopi vagantes to missionary work, or at least to prevent them from settling down in a definite locality. At any rate the decree affords proof of the fact that by the middle of the eighth century the episcopus vagans had become a nuisance in the West.

Legislation against them continued well into the ninth century, and wandering Irish bishops were still giving trouble. The second Council of Chalons (Cabilonense) (813, canon 43), reported that "in certain places there are Irish who say they are bishops, and they ordain many careless people as priests and deacons, without the consent of their lords and masters." The Council decreed unanimously

that such ordination should be regarded as invalid (*irritam fieri debere*), because it led to simony and many other abuses. In 816 an English Council which met at Celichyth* (canon 5), prohibited the Irish from ordaining in Britain, on the ground that it "was uncertain where and by whom they had been consecrated." A few years later (827) a capitulary of Louis the Pious, the successor of Charles the Great, attempted to deal with the problem by prohibiting bishops and clergy from migrating from town to town.

The ecclesiastical authorities in France, during this period, appear to have realised that the problem of the wandering bishops could not be solved unless steps were taken to restrain the activities of the chorepiscopi or suffragans. It was not difficult for the vagans to take shelter under suffragan status. The Council of Paris (829), quoting the canons of Neo-Caesarea and Antioch, withdrew from the chorepiscopi the privilege of Confirmation, and allowed to them only the function of ordaining priests and deacons, with the consent of the diocesans. It is uncertain how far this rule was observed in other districts, but during the first half of the ninth century a strong party against the chorepiscopi appeared in France. The Council of Meaux (845), held under the influence of the reforming party, prohibited them from preparing the Chrism, administering Confirmation, the consecration of churches and permitted no more than ordination to minor orders, imposition of penance, and reconciliation of penitents, and even these restricted functions could only be carried out with the permission of the diocesan bishops. They were not even allowed by this Council to perform episcopal functions on the death of the diocesan. The same regulations were adopted in the Forged Decretals, and represent the efforts of the reforming party in the Church to remedy the abuses associated with the episcopal status and activity.¹⁴ Although defended by Nicholas I against Archbishop Rodolf of Bourges (864) and against Archbishop Arduir of Besançon (865), no privileges were allowed to them beyond those permitted by the Council of Meaux, and it was found necessary to legislate against the chorepiscopi again at the Synod of Metz (888), when * Chelsea or perhaps Chalk near Gravesend.

¹⁴ According to Weizäcker (Der Kampf gegen der Chorepiskopat des frankischen Reichs im neunten Jahrhundert [1859], pp. 20 ff.) the canons of ere not widely adopted.

similar regulations were drawn up. In the tenth century they disappeared in France, although Ademar (*Hist.* III. 25) reported one at Limogés in 931. A *chorepiscopus* named Durannus, who appears in 1040, may have been an archdeacon.

In Germany, where the dioceses were more extensive, the services of the *chorepiscopi* were more necessary. They were defended by Raban Maur, Archbishop of Mayence, and were fully recognised at the Synod of Mayence (847), but in Germany also they disappeared in the middle of the tenth century. Disputes with the diocesans led to their suppression. Yet although the institution of the *chorepiscopi* did not survive in Germany, the designation was continued. It was used of cathedral singers and archdeacons. From the twelfth century their episcopal functions were performed by the titulars.

In England, shortly before Lanfranc's London Council of 1075, the Archbishop prohibited any further consecration of chorepiscopi at St. Martin's, Canterbury, where they seem to have existed since the time of Theodore (668-693). An attempt to improve the conditions in the Irish episcopate also was made by Lanfranc, who consecrated Patrick (1074) and Donagh (1084). In a letter to Turlough, the Irish high-king, Lanfranc complained of irregular episcopal consecrations. The bishops were being consecrated by one bishop, not by three, and several were consecrated to the same rural town. The correspondence indicates that chorepiscopi were by this date assisting the diocesans, who were already displacing the old tribal bishops in some parts of Ireland. The same irregularities called forth a letter from his successor Anselm, who wrote to King Murdoch, urging that no one could be a bishop unless he possessed jurisdiction over a specific diocese and flock, nor unless he had been consecrated by three bishops (Epistles Lib. III. 147, Migne, cxlix). In 1152 Cardinal Paparo, the papal legate at the Irish synod of Kells, decreed that on the death of a chorepiscopus an archdeacon or archpresbyter should be appointed. The last reference to chorepiscopi in Ireland occurs in 1216. The gradual creation of the regular diocesan system in Ireland and the suppression of the chorepiscopi, cut off the supply of wandering bishops from Ireland, but in later times Irish monks were to be found among the vagantes who aspired to titular bishoprics.

With the gradual elimination of the chorepiscopus, one of the factors which encouraged the phenomenon of the wandering bishops was terminated. Yet the episcopus vagans remained to trouble the authorities, and sometimes he was encouraged by the diocesan bishops. Adalbert, Archbishop of Hamburg-Bremen (†1072), in the second half of the eleventh century, consecrated and maintained no less than twenty episcopi vagantes, and among them were several Irish. Adam of Bremen says that this was done, not that the archbishop might secure useful assistants, but to increase the reputation of the see of Hamburg (Hist. Brem. IV. 44). That prelate's historical reputation confirms the chronicler's comment. At least three of these bishops remained idly at Hamburg, in the entourage of the archbishop. It is expressly stated that one of them, from a love of wandering, had already been to Jerusalem, and had been carried by the Saracens to Babylon. After his release he wandered through many lands. On the other hand, it must not be forgotten that the evangelisation of the Netherlands was carried out by wandering missionary bishops, of the eminence of the Saxon Willibrord and Boniface, and that the Irish bore an honourable part in that enterprise.

However, long before the vagant missionary bishops and the ill-regulated *chorepiscopi* had been checked, another factor appeared and created both a new stimulus to episcopal vagancy, and a new source from which the *vagantes* were drawn. This was the *episcopus in partibus infidelium*, later known as *episcopus titularis*, whose status stirred the ambition of wandering clergy, and especially that of the monks, who often fell into a career of vagancy. Sometimes the original holders of a bishopric, which became titular, on account of the exile of its occupant, became migrants, and their successors were frequently apt to wander.

We have seen that persecution in the East and in Africa during the ecclesiastical disputes of the early centuries drove many bishops from their sees. With the Saracen invasion of Asia Minor, Africa and Spain, from the seventh century onwards, this cause of unsettlement in the episcopate became acute, and continued throughout the middle ages. It was responsible for the recognition of titular bishops, who became the chief source from which the *episcopi* vagantes sprang, after the roving Irish bishops were checked. They also contributed to the number of the *chorepiscopi* in the earlier, and to that of the suffragans in the later middle ages.

So early as the time of Gregory the Great, permission was given by that Pope to bishops, whose dioceses were invaded by hostile forces, to place themselves under the care of other bishops, and yet to retain their own episcopal titles. When the Saracen conquests in Spain began in the seventh century many bishops were driven out of their sees, but were allowed to retain their titles. At one time no less than nine of them lived in a single town in the diocese of Oviedo. A Council at Oviedo (877) ¹⁵ dealt with the case, and assigned to these bishops churches and revenues in the diocese of Oviedo. In 971 at Compostella Abbot Caesarius was consecrated to Tarragona, although it was in the hands of the Saracens. After the reconquest of Toledo (1085) by Alfonso VI the titular bishops in the diocese of Oviedo were able to return to their sees.

In the East Roman Empire the problem of exiled patriarchs and bishops, who retained their titles, also appeared with the Saracen attacks. As in Spain, the hope that they would be able to return to their own sees, when the invaders were expelled, was long maintained. The Quinisext Council—in Trullo—(692) not only defended them from being compelled to endanger their lives by reoccupying their sees, but allowed them to retain their dignities and episcopal rights, including the power of ordaining. Even bishops who had not been able to occupy their sees were allowed these privileges (canon 37). Moreover, when they died, successors were consecrated to succeed them in the hope that they would one day be able to return to their sees. But that they tended to abuse their privileges is shewn by regulations warning them to be content with whatever hospitality they received, and not to pretend to jurisdiction in the diocese of other bishops.

The danger of these exiled bishops to the authority and jurisdiction of other bishops is revealed by the case of John, Archbishop of

¹⁵ The date is 901 in Mansi,

Cyprus in the time of the Emperor Justinian II (685–694). He was exiled with his suffragan bishops by the Saracens, and occupied with his suffragans the chief towns in the Hellespont, which he attempted to administer under patriarchal authority granted by the Emperor; thus challenging the authority of the Patriarch of Constantinople, who refused to recognise the arrangement, and was supported by the Bishop of Cyzicus. Somewhat earlier a similar case was that of a bishop of Isauria, who established himself with his clergy in the island of Corcyra, with the sanction of the Emperor Maurice (582). But the arrangement was quashed by the Metropolitan of Nicomedia, on appeal by Alcyson the Bishop of Corcyra. The judgment was upheld by Gregory the Great, and the Emperor deferred to it (Lib. XIV, Epis. 7 & 8, Migne LXXVII).

In the time of the Emperor Alexis Comnenus (1081–1118) the episcopi titulares in the East had become so troublesome that a regulation was made forbidding elections to bishoprics which were so distant that it was impossible to reach them, or so derelict that it was impossible to live in them. But the Emperor intervened and decreed that, on the contrary, if an ecclesiastic was nominated to a see in a country ruled by the Saracens, he might quietly enjoy the revenues of the office which he occupied in the place where he was living, in the hope that one day he would be able to go to the see to whose title he had been consecrated. This imperial ordinance was one of the earliest attempts to regulate the status of the episcopus in partibus.

In north-western Europe similar difficulties were created by bishops expelled from the eastern Teutonic borders. The first reference to a titular bishop in these parts appears in a letter addressed by John XV (985–996), to Ethelbert of England, in which the papal aprocrisarius is described as "bishop of Trêves." We have already seen that the episcopal title was somewhat indifferently used at Trêves, and the practice there went on, since Benedict IX in 1042 allowed Poppo, Archbishop of Trêves, to have episcopal assistants without assigning them to dioceses. The status of these bishops seems to resemble those created by Adalbert at Hamburg, but the employment of one of the Trêves bishops by John XV on particular papal business abroad shews that the idea of making

regular use of bishops who lacked jurisdiction, but retained a title, had quite early occurred to the authorities at Rome.

In the middle of the twelfth century they appeared in the diocese of Utrecht, and at Cologne. 16 In the latter, where they succeeded the chorepiscopi as episcopal assistants, a biographical record of no less than thirty-seven (including the chorepiscopi) from the seventh century to 1837 has been made. Another list of thirty-two at Münster dates from 1259 to 1858. There were thirty-four at Paderborn between 1210 (circa) and 1850, and twelve at Hildesheim between 1363 and 1735. They appear at Trêves, Mayence, Würzburg and Erfurt, and indeed all over Germany. We know the names of them, and the dates of the years of their service. In the earlier period, from the middle of the twelfth to the middle of the thirteenth century and onwards, they derived their titles from bishoprics in Lithuania, Latvia, Estonia and Prussia, whence they were driven, not only by heathen reaction, but by the hostility of the Teutonic Order. Later they were recruited from Dalmatia, Macedonia, . Thrace and other eastern dioceses.

The account of the titular bishops in Germany given by Heister-Binterim, Tibur, Evelt, Holzer and von Mering shews that on the whole they rendered good service. Although from time to time they were a cause of anxiety to the authorities, and charges of irregular behaviour were established against them, yet no wholesale uprising took place against the titulars in Germany, like that which Weizäcker described in connection with the *chorepiscopi* in Gaul in the ninth century. However, as we shall see, they tended to wander from diocese to diocese, and so contributed to the problem of the *episcopi vagantes*.

During the period of the Crusades, in Syria and Palestine, and especially after the fall of the Latin Kingdom in 1187, exiled bishops also came from the Latin sees in the crusading areas, and took refuge in different European towns. The papal authorities intervened, and secured their appointment in many cases as suffragans, yet many of them remained idle, or wandered around the dioceses begging and

¹⁶ Von Mering, Die hohen Würdenträger der Erzdiözese Köln (1846), p. 18, traces them back to 1051 at Cologne, but some of the names given are those of other German diocesans employed as assistants for occasional duty.

causing trouble. When those who had been appointed died, the papal authorities arranged that successors should be appointed to their sees in partibus. Thus the practice of the Eastern Church was imitated, and the supply of wandering bishops was indirectly encouraged, since the vagantes often lived under the expectation of being appointed to a vacant titular see.

Owing to racial, and later, religious rivalry in Ireland, similar trouble arose there. In 1411 the English Bishop of Killaloe was forced to leave his diocese. He took refuge in England and became a Suffragan of Lichfield, without resigning the Irish see. In 1414 the Bishop of Iniscattery and the Bishop of Kilfenora, and in 1457 the Bishop of Mayo, complained that they could not live in their sees because of the hostility of the Irish, and the Bishop of Mayo went so far as to say that his bishopric was in partibus infidelium. He was allowed by the Pope to remain at Worms where he had been consecrated and where he became a Suffragan. During the Reformation period, and especially in the reign of Elizabeth, the papal authorities consecrated a number of bishops to the Irish sees, which were occupied by bishops consecrated according to the Anglican rite. Frequently these papal bishops moved about Ireland, though the greater part of their time was spent abroad, plotting against the English administration in Ireland.17 A complete study of their movements in Elizabeth's reign has been published. 18

Early in the fourteenth century the papal authorities issued regulations, which were repeated from time to time, against the wandering bishops. There is some evidence that the Council of Vienne, convened by Clement V in 1311 to deal with the Templars, passed a decree against them. The reports of that Council do not, however, set forth the terms of its legislation against the *episcopi* vagantes, but a regulation of Clement V has survived, and this, indeed, has been accepted as a decree of the Council of Vienne by Thomassin and other writers. The Pope forbade the appointment and consecration of such bishops, who on account of "vagancy

and mendicity obscure the serenity of the episcopal dignity." Some of them, who had not yet been consecrated, posed as bishops, and travelled from diocese to diocese, offering their help to the diocesans, though without staying long in any one place (*De Electione*, I. 3). The Pope ordered that in future no consecrations to titular sees should take place without special permission from Rome, and he condemned the election of monks to the episcopate.

In 1311, also, the second Council of Ravenna, at which Archbishop Raynald presided, legislated (canon 24) against unknown vagabond bishops, who were ignorant of the language of the see from which they claimed to come, and whose conduct rendered their consecration suspect. They were not to be allowed to exercise episcopal functions until they had produced satisfactory evidence of their ordination, consecration and title before the Metropolitan, and then only with the consent of the diocesan bishop. Similar decrees were passed by the third Council of Ravenna in 1314 (canons 3 and 4).

Clement's prohibitions shew that the episcopi vagantes and titular bishops were being recruited from yet another source from the runaway monks, who, because they found the discipline of monastic life too severe, or on account of ambition, left the monastery. In earlier times the monks came from the Benedictine houses, but later they were drawn mostly from the Dominican and Franciscan Orders.²⁰ Clement V forbad the consecration of wandering monks save with his permission and that of the abbots concerned. Wandering monks who had been consecrated to titular bishoprics, were frequent at Cologne and Würzburg from the thirteenth to the sixteenth century, and also at Paderborn. The Council of Salzburg (1420) prohibited the exercise of episcopal functions by such titular bishops, unless they wore the habit of their Orders (canon 17). In some cases the diocesans welcomed the monks who were in episcopal orders because the stipends were provided by the Orders. In 1559 Paul IV decreed that monks who had assumed episcopal orders should abandon them. But the recruiting of titular bishops, who contracted the vagant habit, from the monastic orders, continued

¹⁷ Cf. G. V. Jourdan in Hist. of the Church of Ireland, Vol. II, 1934 (edited by W. Allison Phillips), pp. 388 ff., 453, 501.

¹⁸ H. G. Groves, The Titular Archbishops of Ireland in the Reign of Queen Elizabeth (1897).

¹⁹ Quoted by Hinschius, II, 173, n. 3.

²⁰ F. E. von Mering, op. cit. (1846), p. 3.

for another two hundred years. Clement XI (1700–1720) confirmed a decree of Alexander VII (1655–1667) to the effect that monks who became bishops, on the title of dioceses in heretical or schismatic areas, should not leave the monastery without the consent of the authorities in Rome, but continue to live in submission to the abbot.²¹ They might not exercise episcopal functions, even with the consent of the diocesan bishop, without the consent of the Pope.

In the middle ages the tendency to wander on the part of the titulars was never checked. In spite of the efforts of Clement V they continued to trouble the authorities throughout the fourteenth century. So late as 1392 the Synod of Utrecht complained about them in terms similar to those used by the Pope in 1311. There is plenty of evidence for the wandering habits of the medieval titular bishops. For example, Theodoric of Wirland in the thirteenth century performed episcopal functions at Cologne, Paderborn, Utrecht, and in different parts of the diocese of Mayence. Inzelerius served in the dioceses of Würzburg, Constance, Mayence and Bamberg. In the fourteenth century Hermann of Belonvilonensis served in Münster (1312), Paderborn (1320), Cologne (1322-1323), and in the Saxon part of the diocese of Mayence (1335). Hartung of Macre was in Würzburg and Mayence (1320-1330), Conrad of Ostoria in Minden and Paderborn (1358) and Walter of Diogana in Bamberg and Würzburg (1370).22 Sometimes they followed each other in succession in the same dioceses, and sometimes passed from Germany into Italy.

By the second half of the fourteenth century the titular bishops were sometimes granted permission to perform all episcopal functions, although a general commission was not formally issued to them until the sixteenth century. They became more and more firmly rooted in Germany, where the vast area of the sees, the territorial eminence of the diocesan bishops, the frequent absence of the latter, and their pre-occupation with secular business or ill-health hindered them from fulfilling diocesan functions. Some of the prince-

bishops employed several at the same time. The secularisation of the German episcopate had become so acute by the sixteenth century, that the idea was current that the exercise of episcopal functions was no longer the obligation of the diocesan bishop, but of the titular bishop, or bishops, whom he employed. Even two centuries earlier some of the diocesans had handed over their duties to the titular, and from the thirteenth to the fifteenth centuries, a German bishop was sometimes confirmed in the temporalities of the see, without being consecrated, so that episcopal functions in the diocese were of necessity performed by the titular. Some of the abuses, therefore, arising from travelling titular bishops, were due to the uncanonical behaviour of the diocesans. In other cases the titular was nominated for special duty to be performed in the name of the diocesan. For example, he might be nominated to preside at a diocesan synod, or become Vicar-General. In 1394 at the Council of Paris, held under the auspices of King Charles VI, during the Avignonese Schism, the titular Patriarchs of Alexandria and Jerusalem presided over all the French bishops present, and the former was, at the same time, perpetual administrator of the diocese of Carcassonne, and the latter of St. Pons de Tomieres. At this Council the titular Bishop of Jerusalem was allowed precedence after the French bishops. However, the titular bishop was never granted the privilege of ordaining for life, nor even for an extensive period. When engaged to assist a diocesan, it was usually for a specific period, as when Hermann was engaged at Mayence in 1438 for a period of six years.

Not only did the diocesan bishops encourage the system of titular bishops, by handing over to them the performance of their own duties, but the authorities at Rome sometimes encouraged irregularities by their own provisions. For example, Leo X, at the ninth session of the Lateran Council (1514), allowed the Cardinals, who were diocesan bishops, to appoint titular bishops in commendam, in order to perform their own diocesan duties, and Thomassin was of the opinion that the Council of Trent winked at this practice by remaining silent about it.

For many generations no attempt was made to legislate consistently, still less finally, for the wandering titular bishops, and they

²¹ Heister-Binterim (op. cit., infra.), p. 9.

²² On the movements of these bishops, cf.: J. H. Heister and A. J. Binterim, Suffraganei Coloniensis (1843); F. E. von Mering, op. cit.; A. Tibus, Geschichte Nachrichten uber die Weihbischofe von Münster (1863); J. Evelt, Die Weihbischofe von Paderborn (1869).

never became a properly legalised institution until modern times. Intermittent regulations, like the bull of Sixtus IV, in 1479, which fixed a hundred golden guilders, yearly, as the stipend of the titular in Würzburg, or regulations merely dealing in a negative manner with their status and activities, provided a very imperfect check upon their irregularities. Possibly the authorities continued to hope for a general return to their dioceses overseas, as those areas were won back to the faith. On the other hand, they were found to be increasingly useful not only by the diocesans, but at Rome. By the sixteenth century the Papacy more and more made use of them as apostolic delegates and vicars in the provincial sees.

EPISCOPI VAGANTES IN

The absence of definite and comprehensive legislation resulted in a continued complaint against their activities. When Cardinal Ximenes reconquered Oran in North Africa from the Moors in 1509, the titular bishop of d'Auria pretended that Oran was his titular see, and secured a papal bull in his own favour. But Ximenes discovered that Oran had never been a see, and therefore no title to it existed. The dispute went on until the claimant agreed to accept the title of Abbot from Fonseca, the successor of Ximenes—a solution which, indeed, the latter had originally proposed. At the Council of Bâle the Cardinal of Arles on one occasion made use of the vote of the titular bishops, and when their status was challenged, they appealed, according to Æneas Sylvius, to the status of St. Peter and the other apostles who, it was contended, were not located in towns or larger sees.²³

Even the Council of Trent did not succeed in dealing with the episcopi vagantes finally. Session XIV, Decret. de Ref. Caput 2 (1551) condemned the vagant habits of the titular bishops, and especially the artful devices by means of which they often attempted to conduct ordinations in dioceses where they had no status, or by which they claimed jurisdiction in areas, not attached, as they alleged, to any diocesan bishopric, or in areas belonging to monasteries exempt from episcopal jurisdiction. This Session also condemned all ordinations conducted by them without consent of the diocesans, no matter what privileges the titular claimed, and they were to be suspended for a year if they broke these regulations. At

Session XXIII (1563) they came under severe criticism. One bishop alleged that they were the creation of the devil, and although the Session refused to condemn them altogether, it prohibited (*Decret. de Ref.* Caput 10) bishops in partibus from creating jurisdiction in any existing diocese, a practice whereby an attempt was made by them to set up new dioceses. Session XXIV, *Decret. de Ref.* Caput 9 (1563) sought to check them further by formally allocating all places not situated in any diocese, to the nearest see.

Before the end of the Council, its provisions regulating the titulars were confirmed by Pius IV on 21st May, 1562, and he issued another decree on 28th June, 1563, threatening with suspension and excommunication those who disobeyed. However, they continued to give annoyance to the authorities at Rome, and in the last year of his pontificate (1572) Pius V prohibited the consecration of titular bishops, save for dioceses held by cardinals, or where they had hitherto been customary, and then only provided that a sufficient stipend could be supplied from the funds of the diocese. Even so, papal license was necessary before they could perform episcopal functions outside the diocese where they were suffragans—a regulation which proves that they still tended to pursue a wandering life. Later on, the Congregation Consistorial revived the same privilege for bishops who were not cardinals, and increased the stipend of the titulars appointed by them from 200 to 300 crowns. The diocesan might at any moment cancel the commission of a suffragan, or the latter might not be reappointed by his successor. In this case his stipend continued. It could only be taken away and given to another if a charge of idleness was proved against him, and then only by the Congregation Consistorialis (1631). Otherwise, his stipend remained for life, even though he became incompetent through sickness or old age. If the new diocesan required his services, they must be given, unless he was exempted by the papal authority.²⁴ In 1605 a Corsican archbishop appealed to the Congregation for a titular bishop on the ground of frequent ill-health, and because of the hostility of the people, who had tried to poison him, and so necessitated frequent and long absences from the diocese. The Congregation

²³ Thomassin, op. cit., Cap. XXVIII, n. 12.

²⁴ Cf. Benedict XIV, De Synodo Diocesana (1764), T. I. Lib. XIII, Cap. XIV, on the appointment and remuneration of titulars as suffragans in the mid-eighteenth century.

refused to allow the archbishop to consecrate a new titular, but permitted him to appoint one already consecrated if such could be found. In 1649 the Knights of St. James of the Sword in Spain appealed for a titular bishop for Merida and some other places, on the ground that these towns were not situated in any diocese, and were dependent on the Order. The Congregation refused permission, and if, as it was alleged, Pius V and Gregory XII had allowed the Order this privilege, it was without consulting the Congregation. This refusal was repeated later when the Knights, through the King, appealed for a titular Bishop of Tunis to be sent to them. On this occasion the Congregation mentioned that the creation of titular bishops was contrary to ancient discipline, which allowed bishops only in large towns. It appealed to the regulation of the Council of Vienne (1311) against titulars, and alleged that the Council of Trent had permitted them only to Cardinals, and that Pius V had only allowed them, in addition, where they had been customary. Moreover, the Congregation referred to Sessions XXIII and XXIV of Trent, which prohibited the creation of new sees by titulars, and assigned all areas not officially connected with any diocese to the nearest see. It is noteworthy that the titular bishops were placed under the supervision of the Congregation Consistorialis, and not under the Propaganda, which was concerned only with bishops actually going on foreign service.

This spasmodic legislation and control was strengthened, according to the Canonist Fagnan, quoted by Thomassin, by the regulation that from time to time the titulars were to go to Rome, ²⁵ in order to shew respect and obedience to the Pope, and to report to the *Congregation Consistorialis* on the condition of their dioceses overseas, and of the attempts made by them to promote the spread of the gospel there. On one occasion the titular Patriarch of Constantinople sent a delegate to Constantinople, and reported to the Congregation on the state of the Church there.

On the other hand, while the papal authorities were clearly trying to control the titular bishops, and at least to prevent any increase in their numbers and to stop them from wandering, the system of papal delegates and vicars, and the policy of the local ecclesiastical administration contributed to their survival. At the beginning of the sixteenth century Cardinal Campeggio, when engaged in drawing up regulations for the reform of the Church in Germany, defended the exercise of episcopal functions, under a title in partibus, by the Vicars General. These officials were to be supported by stipends, created by papal sanction, drawn from the diocesan revenues in Germany.

Yet the authorities at Rome never lost sight of the titulars. No title was allowed to be taken from a distant see now occupied by a Catholic Mission, nor from a see formerly Catholic and now Protestant. No titular might be translated to another see without papal dispensation. He was subject in the last resort to the authority of the Pope and not to the local diocesan.

In the nineteenth century considerable restriction in the employment of bishops in partibus took place in Germany, following upon the secularisation of the prince-bishops. In Prussia their appointment was controlled by a concordat between Church and State. In 1866, when Hanover and the Upper Rhenish provinces were annexed, no interference with the existing procedure in their appointment took place, but the State no longer supported them. In Bavaria, Würtemburg, Baden and Hesse no titular bishops existed at the time when those areas were embodied in the Empire. The ecclesiastical authorities in those regions were left free to appoint them, but the State refused to be responsible for their stipends, nor would it guarantee to titulars, if appointed, the same rights and privileges enjoyed by the diocesan bishops in those areas. In Austria a concordat was agreed upon guaranteeing the stipends of suffragans, but when the concordat lapsed, the ecclesiastical authorities were left free to pay the stipends from diocesan funds, and titular bishops were appointed in Vienna, Prague, Salzburg and Brixen.

Similar regulations governed the appointment of titular bishops or suffragans in other countries, especially in Spain and Portugal, where there was not the same need for them, as Benedict XIV pointed out. Still fewer were appointed in France and Italy—where the sees are usually small, and suffragan help was not often required. But towards the end of the century they were to be found in most

²⁵ Hinschius denies that they were under this obligation; perhaps he refers to a privilege enjoyed by the German titulars.

Catholic lands—in Germany, Austria, Spain, Italy, France, Switzerland, Holland, Belgium, Turkey, South America and Australia.

On 27th February, 1882, the *Propaganda* decreed that the title episcopus in partibus should be abandoned, and the title episcopus titularis should be used in future. This pronouncement may be said to mark the final regularisation and recognition of the titular bishops in the Roman Communion. The old problem of vagancy was in the nineteenth century finally overcome. Since the regular appointment of titulars or suffragans, as army chaplains, for example, in Austria 1778, and in Prussia 1868; in new missionary provinces; as Apostolic Delegates and Nuncios, and among the Roman prelates, the titular bishops have enjoyed a recognised and honourable status. The same honourable status has long been enjoyed by titular bishops of the Greek Church in Rome, London and wherever Greek-speaking members of the Orthodox Church live. Consequently, vagancy is no longer sponsored by the greater Christian Churches, but certain titulars, alleged to have obtained their orders in modern times from some of the lesser Eastern Churches, still worry ecclesiastical authorities.

This enquiry shews that episcopi vagantes can be traced back to the first half of the fourth century. It is possible that they had made their appearance even earlier. Lightfoot suggested that Hippolytus about the year 200 was an episcopus vagans, although he conducted his wandering in the cause of historical investigation. In the fourth century the episcopi vagantes were recruited from the chorepiscopi, but more especially from bishops dispossessed of jurisdiction, though not of orders, on account of heresy or schism, or moral offences. In the West, in the Merovingian lands they consisted of persons consecrated with a view to appointment when a see became vacant, and later on these were reinforced by the wandering Irish bishops, and bishops driven out of their dioceses by persecution or invasion, especially in Spain and East Prussia. During the crusading period this process was continued, and the custom of recognising titular bishops, consecrated for dioceses under Saracen and Seljuk occupation, encouraged the continuance of the vagantes, until the legislation which had been maintained in the West from the Frankish Councils of the eighth century down to the Council of Trent, together with the supervision of the titulars by the Congregation Consistorialis, gradually checked their vagant habits, and secured for them an honourable status in the Roman Communion. Reading the evidence as a whole, the chief cause of vagancy appears to have been lack of jurisdiction. In former centuries when the chief shepherds of the Church were not restrained by a clearly defined sphere of action and influence, whether diocesan or suffragan, not only was the temptation to wander never absent, but the bishop was under no definite synodal supervision and control.

Perhaps a word of caution may be thrown out in conclusion. Although recruited from among chorepiscopi, missionary bishops and titulars, in successive periods of the history of the Church, it must not be assumed that all, or even a majority of the chorepiscopi, missionary bishops and titulars, even in early times, possessed the character of episcopi vagantes. But these episcopal functionaries easily fell into a wandering life, by reason of the fact they did not possess, for several hundred years, a fixed or defined status like the diocesan episcopate, and because they were never brought under the control of provincial synods. Not until the Curia intervened, and then only after many generations, were these irregularities of the episcopi vagantes checked, and then they were finally brought to rest in the status of the modern episcopii titulares of the Roman Church.