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REDISCOVERING ANGLICAN PRIEST-JURISTS: III

William Beveridge (1637–1708)

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Thirty years ago, Richard H. Helmholz, the distinguished American legal historian, wrote a seminal work about whether Roman canon law survived in England after the Reformation. It is a masterful study of the records of the courts of the established church and the professional literature of their practitioners. In it, Professor Helmholz rebuts Stubbs and Maitland by showing how English ecclesiastical lawyers continued to look to the medieval foreign papal canon law and native provincial laws (such as synodal, archiepiscopal, and legatine legislation). While their decline after the Reformation might have been expected, Helmholz teaches us how these sources, and later continental civilian and canonist literature, continued to be invoked by English lawyers. As such, he puts into brilliant relief the wide intellectual horizons associated with ecclesiastical law prevalent in England from the 1530s to 1640s.¹ From the late seventeenth century, however, there were those in England who looked also to the Byzantine canon law of the Eastern Orthodox Church as a source of jurisprudence. They could do so largely because of the spadework of someone very worthy to be rediscovered as an Anglican priest-jurist: William Beveridge (1637-1708). What follows explores his life and career, his influence on the development of canonical thinking in the Eastern Orthodox Church, how he used law in his sermons, and the subsequent use of Beveridge by English ecclesiastical lawyers.

THE LIFE AND CAREER OF WILLIAM BEVERIDGE

William Beveridge was born into a clerical family in Leicestershire. He was baptized on 21 February 1637 at Barrow upon Soar, near Loughborough, where his grandfather, father, and elder brother were vicars in succession.² He went to school at Oakham, Rutland, then to St. John's College, Cambridge, admitted as a sizar (receiving financial assistance in return for performing menial duties).³ One college contemporary wrote how Beveridge at Cambridge was 'very rarely if ever' seen in 'places of diversion'; rather, in his leisure time, he was to be found 'either at a bookseller's shop, in useful conversation, or in his chamber at his study'.⁴

¹ R.H. Helmholz, *Roman Canon Law in Reformation England* (Cambridge: Cambridge University Press, 1990) – the book was, in part, a companion to and development of F.W. Maitland, *Roman Canon Law in the Church of England* (London: Methuen & Co., 1898). Professor Helmholz builds on his 1991 study in his monumental, *The Canon Law and Ecclesiastical Jurisdiction from 597 to the 1640s* (Oxford: Oxford University Press, 2004) and he introduces us to elements of the further use of Roman canon law beyond the 1640s in *The Profession of Ecclesiastical Lawyers: An Historic Introduction* (Cambridge: Cambridge University Press, 2019).

² L.W. Cowie, 'Beveridge, William (1637-1708)', *Oxford Dictionary of National Biography* (2004).

³ A fellow pupil at Oakham and St. John's was William Cave (1637-1713), who became a cleric and wrote on the history of the early church - the apostles, fathers, and governance by bishops, as well as *A Dissertation concerning the Government of the Ancient Church by Bishops, Metropolitans and Patriarchs* (1683).

⁴ The words of Isaac Milles (1638-1720); see: T. Baker, *History of the College of St. John the Evangelist, Cambridge*, ed. J. E. B. Mayor, 2 (1869) Vol. 2, 646; and J. B. Mullinger, *St. John's College* (1901) 35-36.

Beveridge graduated BA in 1656 and MA in 1660, the year the Master of St. John's, Anthony Tuckney (1599-1670), a Puritan and Regius Professor of Divinity, was removed during the upheavals of the Restoration. Two years after his BA saw the publication of a work by Beveridge on oriental languages.⁵ In 1661, Beveridge was ordained deacon (3 January) and, on the basis of a dispensation, priest (31 January) by Robert Sanderson, Bishop of Lincoln, and Gilbert Sheldon, Bishop of London, appointed him as Vicar of Ealing in Middlesex. That same year, Beveridge had resolved 'by the grace of God to feed the flock over which God shall set him with wholesome food, neither starving them by idleness, poisoning them with error, nor puffing them up with impertinences'.⁶ In 1669, his *Institutiones Chronologicae* was published and he was incorporated into Oxford University. In 1672 his *Synodikon* was published – a collection in Greek and Latin of the apostolic canons, the legislation of the early councils, and the canonical epistles of the church fathers. However, in 1674 the French Protestant theologian Matthieu de Larroque criticised it,⁷ stimulating a defence of it by Beveridge in his *Vindication of his Collection of the Canons* (1679). It was his 1672 *Synodikon* which was to become influential in the Eastern Orthodox Church (see below); in these two works, Beveridge articulated within the high-church tradition the early Christian foundations of what he saw as the proper relationship between Church and State.⁸

This period, following the Restoration, saw a revival of clerical professionalism in the English Church. Beveridge played his part with vigour. In 1672, he left Ealing for St. Peter Cornhill (then being re-built by Christopher Wren), presented by the mayor and aldermen of London. His ministry there was applauded by, amongst others, the non-juror cleric Denis Grenville (1637-1703): 'He hath seldom less than fourscore some time six or seven score communicants and a great many young apprentices who come every Lord's [Day] with great devotion'.⁹ In turn, Beveridge became a canon of Chichester Cathedral (1673), prebendary of Chiswick at St. Paul's Cathedral (1674), and Doctor of Divinity (1679) - while Gilbert Burnet (1643-1715) saw Beveridge as 'a man of great learning, a very practical preacher and a devout man', he was also 'in the monastic way too superstitious and singular'.¹⁰ Indeed, at St. Peter Cornhill, Beveridge insisted on the erection of a chancel screen, and at the church's consecration in 1681, he preached a sermon, *Concerning the Excellency and Usefulness of the Common Prayer* (going into its 44th edition in 1824), defending this: a chancel screen preserved the church's unity with universal practice, avoided undesirable novelty in worship, and enclosed a special place to celebrate Holy Communion. That same year (in November 1681), Beveridge was appointed as Archdeacon of Colchester. He was assiduous in his duties, particularly with his visitations, the subject of one of his sermons (see below). Further offices followed: in 1684 a prebendary at Canterbury Cathedral and in 1689 the presidency of Sion College, London.¹¹

⁵ W. Beveridge, *The Excellency and Use of the Oriental Tongues, especially Hebrew, Chaldee, Syriac and Samaritan, together with a grammar of the Syriac language* (1658, 2nd edn. 1664).

⁶ W. Beveridge, *Private Thoughts on Religion and a Christian Life*, published in 1829.

⁷ Matthieu de Larroque, 'Observationes in Ignatianas Personii vindicias et in annotationes Beveregii' in *Canones Apostolorum* (Rouen, 1674), also a defence of Jean Daillé (French Reformed theologian, 1594–1670).

⁸ *The Theological Works of William Beveridge* (Oxford, 1842), Preface: 'the two great works by which he is best known' are *Pandects* (Canons of the Holy Apostles and Councils) (Oxford, 1672) and *Codex Canonum Eccl. Primitivae Vindicatus, ac Illustratus* (1679) inserted in vol. II of the *Patres Apostolici* (Paris, 1672, Amsterdam, 1724) of Jean-Baptiste Cotelier or Cotelerius (1629-86) Roman Catholic patristic theologian.

⁹ *Miscellanea, Comprising the Works and Letters of Denis Grenville* (Surtees Society, 1861) 37, xxi.

¹⁰ T. Baker, *College of St. John* (1869), op cit., vol. 2, 704. Burnet wrote *The History of the Reformation of the Church of England* (London, vol. I, 1679, vol. II 1681). In 1675, John Tillotson (later Archbishop) said to Beveridge: 'Doctor, doctor, charity is better than rubrics': T. Birch, *The Life of John Tillotson* (1752) lxxxxviii.

¹¹ With other clergy he also helped promote various devotional associations of laymen in London in the 1680s.

Beveridge did not support the government policy of comprehension - which sought to make adherence to the established church acceptable to those unable in conscience to embrace it – promised in 1660, dashed with the Act of Uniformity 1662, and revisited in 1668 and 1675. In 1689, in a sermon at the opening of Convocation (20 November), Beveridge opined that comprehension could be authorised by changing national or provincial usages, but not under divine law. The policy was superseded by the Toleration Act 1689. Beveridge took the oath of loyalty to King William and Queen Mary. However, in 1691, when offered it, he took three weeks to consider whether to accept the see of Bath and Wells, which had been vacated by Thomas Ken (who would not take the oath). At first Beveridge accepted it, but then declined it – because he considered that the see was not canonically vacant, arguing that Ken had not been found to have committed any ecclesiastical offence in refusing to take the oath. William Sancroft, the deprived Archbishop of Canterbury, had urged Beveridge not to accept it, so making Beveridge popular amongst the non-jurors but not, needless to say, at the royal court.¹²

It was in the reign of Queen Anne that Beveridge was to be offered another bishopric, and on 16 July 1704 he was enthroned as Bishop of St. Asaph, in north-east Wales, resigning the Archdeaconry of Colchester, but retaining his prebendary at St. Paul's *in commendam*.¹³ The Church of England in Wales at the time was on the back foot: absent bishops; the deposition of Thomas Watson, Bishop of St. Davids, by the Archbishop Canterbury in 1699; clerical non-residence and plurality; dilapidated buildings; impoverished and under-educated clergy; and contempt for the Welsh language - John Evans, Bishop of Bangor (1706-16), before his translation to Meath, was the last native Welsh-speaking bishop in Wales until 1870.¹⁴ Along with Bishop George Bull of St. Davids (1705-10), Beveridge sought change; he encouraged use of the 1664 Welsh version of the Book of Common Prayer 1662; wrote *The Church-Catechism Explained for the Use of the Diocese of St. Asaph* (1704), by 1720 in a 6th edition; distributed a Welsh translation of a 1706 tract on confirmation by non-juror Robert Nelson (1656-1715); and with others introduced into Wales the Society for Promoting Christian Knowledge (which he helped found in 1698). But Beveridge was not shy in appointing as Dean of St. Asaph his nephew William Stanley, from Beveridge's home county of Leicester, the son of Beveridge's sister Lucy. Beveridge himself had married a sister of Lucy's husband, William Stanley senior. Beveridge's wife died before him. No children survived them.

Beveridge died in his apartments in Westminster Abbey cloisters on 5 March 1708, and was buried in St. Paul's Cathedral, having directed in his will to be 'decently interred, but without pomp or tumult'. He left £850 and some realty at Barrow upon Soar. His bequests included an endowment to Barrow upon Soar, £100 to the Society for the Propagation of the Gospel, his books to nephew William Stanley in trust to set up a public library in St. Paul's for the City clergy, and the advowson of Barrow upon Soar to his St. John's College, Cambridge.¹⁵

After his death, the publications of Beveridge were criticised by Daniel Whitby (1638–1726), a controversial theologian and Arminian priest in the Church of England who favoured the accommodation of Nonconformists; he stated: '[Beveridge] delights in jingle and quibbling, affects a tune and rhyme in all he says and rests arguments upon nothing but words and

¹² For criticism of him, see *A vindication of their majesties' authority to fill the sees of the deprived bishops, in a letter out of the country, occasioned by Dr. B—s' refusal of the bishoprick of Bath and Wells* (1691).

¹³ For the practice of *commendams*, see e.g. J. Godolphin, *Repertorium Canonicum* (1678) 230-232.

¹⁴ N. Doe, ed., *A New History of the Church in Wales: Governance and Ministry, Theology and Society* (Cambridge: Cambridge University Press, 2020) 15-18.

¹⁵ PRO, PROB 11/500, sig. 52.

sounds.¹⁶ However, unsurprisingly, Beveridge was much admired within the high-church movement. His main theological work, *An Exposition of the Thirty-Nine Articles*, was published in 1710 by his executor, and, over a century, his various writings, including many sermons, were edited and published by, *inter alia*, the Library of Anglo-Catholic Theology.¹⁷

THE INFLUENCE OF BEVERIDGE IN THE EASTERN ORTHODOX CHURCH

Beveridge's name is also very dear to the heart of the Eastern Orthodox canonists because the publication of his *Synodikon*, in 1672, contributed greatly to the renaissance of the Byzantine canonical tradition during the 18th century. From its lengthy title,¹⁸ it is clear that this is a two-volume collection of the Byzantine *corpus canonum*,¹⁹ annotated with the *scholia* of the famous 12th-century commentators. The indexes of two volumes affirm the accuracy of its title.

The first volume starts with the so-called 'canons of the Holy Apostles'. It then continues with the canons of the seven Ecumenical Councils, accepted by the Eastern Orthodox Church: I Nicea; Constantinople (381);²⁰ Ephesus;²¹ Chalcedon;²² Trullo;²³ II Nicea. The canons of the Ecumenical Councils are followed by the canons of the two general councils during the two tenures of Ecumenical Patriarch Photius the Great *Primasecunda* and Hagia Sophia.²⁴ The last section of the first volume contains the canons of the local synods: Carthage (under Cyprian); Ancyra; Neocaesarea; Gangra;²⁵ Antioch; Laodicea; Sardica; Carthage²⁶ (*materies Africana*);²⁷

¹⁶ D. Whitby, *A Short View of Dr. Beveridge's Writings* (1711) 26.

¹⁷ That is, by T. Gregory (2 vols., 1720), T. H. Horne (9 vols., 1824), and J. Bliss (The Library of Anglo-Catholic Theology, 12 vols., 1843–8).

¹⁸ *Συνοδικόν, sive Pandectae canonum ss. Apostolorum et conciliorum ab ecclesia graeca receptorum, nec non canonicarum ss. Patrum epistolarum, una cum scholiis antiquorum singulis eorum annexis et scriptis aliis huc spectantibus, quorum plurima e bibliothecae Bodleianae aliarumque mss. Codibus nunc primum edita, reliqua cum iisdem mss summa fide et diligentia collata. Totum opus in duos tomos divisum, Guilielmus Beveregius, ecclesiae anglicanae presbyter, recensuit, prolegomenis munivit et annotationibus auxit* (Oxford, 1672).

¹⁹ Apostolic Canons, Synodal Canons, and Patristic Canons. For the gradual formation and development of the Byzantine *corpus canonum* see David F. Wagschal, *Law and Legality in the Greek East: The Byzantine Canonical Tradition, 381-883* (Oxford: Oxford University Press, 2015) 32-50.

²⁰ Despite the fact that, in accordance with the manuscript tradition of the surviving canonical collections, the heading for the canons of Constantinople (381) mentions 7 canons, the *Synodikon* contains 8 canons, with the last of them being actually a 'synopsis' of the second part of canon 7. Moreover, the *Address* of the Council to Emperor Theodosius the Great is not included in the *Synodikon*.

²¹ Together with the Council's *Letter* to the Synod in Pamphylia.

²² At the end of the *Synodikon* vol. 1, 681-727, there is a paraphrase in Arabic (with its Latin translation by Beveridge) of the canons of I Nicea, of Constantinople (381) and of canons 1-27 of Chalcedon, accompanied by introductory historical commentaries (*prooemia*) also in Arabic (with Latin translation) for the first four Ecumenical Councils.

²³ Together with the *Address* of the Council to Emperor Justinian II.

²⁴ In the second section of the *Synodikon*'s second volume, Beveridge also published the *Acts* of the last four sessions of this Council: *Synodikon* vol. 2, 293-305.

²⁵ Together with the synod's *Letter* to the bishops in Armenia.

²⁶ For a comparison between the numbering of the canons of Carthage in the *Synodikon* and in the other contemporaneous canonical collections see Pavlos Menevisoglou, 'Τὸ Συνοδικὸν τοῦ Βευεργίου (1672)' ['The *Synodikon* of Beveridge (1672)'], in *Αἱ ἐκδόσεις τῶν ἱερῶν κανόνων κατὰ τὸν 16ον καὶ 17ον αἰῶνα (1531-1672)* [*The Editions of Sacred Canons during the 16th and 17th century (1531-1672)*] (Katerini: Editions Epektasis, 2007), 131-182, at 161-168.

²⁷ Together with the *Acts* of the Synod, with four *Letters* (of the Synod to Boniface I of Rome; response of Cyril I of Alexandria to the Synod; response of Atticus of Constantinople to the Synod; of another Synod of Carthage to Celestine I of Rome) and with the Nicene Creed.

and Constantinople (under Nectarius; 394).²⁸ The first section of the *Synodikon*'s second volume includes the Patristic canons of: Dionysius of Alexandria; Peter of Alexandria; Gregory Thaumaturgos; Athanasius of Alexandria; Basil of Caesarea;²⁹ Gregory of Nyssa; Timothy of Alexandria;³⁰ Theophilus of Alexandria;³¹ Cyril of Alexandria;³² Gregory of Nazianzus; Amphilocheus of Iconium; Gennadius of Constantinople;³³ and Tarasius of Constantinople.³⁴

In both volumes, all canons are published in their original Greek text, side by side with its Latin translation. In the *Synodikon*'s first volume, under each one of the Apostolic and Synodal canons, Beveridge annexed the hermeneutic *scholia*³⁵ of the great 12th-century Byzantine canonists: Alexios Aristenos, John Zonaras and Theodore Balsamon.³⁶ These three were the first to write systematically commentaries on each canon,³⁷ contrary to the prevalent practice of isolated (short) *scholia* by unknown commentators up to the 12th century.³⁸ Despite the fact that Zonaras was chronologically the earliest of the three and Balsamon knew and followed - often verbatim - Zonaras' interpretation, Beveridge placed first Balsamon's *scholia*, followed by those of Zonaras. Of course, Beveridge was not an innovator in annexing the *scholia* of Balsamon and Zonaras to the text of the canons. Evidence for this practice can already be found in the 14th century.³⁹ A representative example of this category of canonical collection

²⁸ Actually, an excerpt from the Acts of this Synod. In the *Synodikon* it is published immediately after the canons of Carthage, under special heading, but, as a consequence of a typographical error, it appears as part of the broader section 'Canones Concilii Carthaginensis'. *Synodikon* vol. 1, 678-680.

²⁹ Normally, the canonical collections contain 92 canons of Basil the Great. The *Synodikon* contains 93 canons. This differentiation in the *Synodikon* is consequence of the fact that as canon 87 was numbered the *proemium* of Basil's *Letter* to Diodorus. To the 93 numbered canons of Basil (*Synodikon* vol. 2, 47-150), Beveridge added at a later point of the first section of the *Synodikon* vol. 2, 183, an excerpt from Basil's *Letter* to the Nicopolitans.

³⁰ Canons without numbering.

³¹ Most canons without numbering.

³² Canons without numbering.

³³ *Encyclical Letter*.

³⁴ *Letter* to Adrian I of Rome. See for an overview of the Byzantine *corpus canonum* in Heinz Ohme, "Sources of the Greek Canon Law to the Quinisext Council (691/2): Councils and Church Fathers," in *The History of Byzantine and Eastern Canon Law to 1500*, Wilfried Hartman and Kenneth Pennington eds. (Washington, DC: The Catholic University of America Press, 2012), 24-114.

³⁵ Original Greek text – Latin translation.

³⁶ For the three 12th-century canonists see Spyros Troianos, 'Byzantine Canon Law from the Twelfth to the Fifteenth Centuries', in *The History of Byzantine and Eastern Canon Law to 1500*, Wilfried Hartman and Kenneth Pennington eds. (Washington, DC: The Catholic University of America Press, 2012), 170-214, at 176-178 (Zonaras); 178-180 (Aristenos); 180-183 (Balsamon).

³⁷ Eirinaios Delidimos, 'Εἰσαγωγή εἰς τὴν νέαν ἔκδοσιν' ['Introduction to the New Edition'], in *Σύνταγμα τῶν θείων καὶ ἱερῶν κανόνων τῶν τε ἁγίων καὶ πανευφημῶν Ἀποστόλων, καὶ τῶν ἱερῶν Οἰκουμενικῶν Συνόδων καὶ Τοπικῶν καὶ τῶν κατὰ μέρος ἁγίων Πατέρων, ἐκδοθέν, σὺν πλείσταις ἄλλαις τὴν ἐκκλησιαστικὴν κατάστασιν διευποῦσαι διατάξεσι, μετὰ τῶν ἀρχαίων ἐξηγητῶν, καὶ διαφόρων ἀναγνωσμάτων* [*Constitution of the Divine and Sacred Canons of the Holy and All-laudable Apostles, and of the Sacred Ecumenical Councils and Local Synods and of Part of the Holy Fathers, Published with Many Other Provisions Regulating the Ecclesiastical Situation, with the Ancient Exegetes, and with Various Readings*] vol. 1, Georgios A. Rallis and Michael Potlis eds. (repr. Thessaloniki: Vasileios Rigopoulos Publications, 2002 [1st ed. 1852]), *3-*200, at *140, who emphasizes that 'ἡ τότε συγγραφή ἐρμηνειῶν ἐπὶ τοῦ συνόλου τῶν κανόνων ὑπῆρξε νέον φαινόμενον, χαρακτηριστικὸν τοῦ δωδεκάτου αἰῶνος' ('the then drafting of interpretations on the whole corpus of the canons was a new phenomenon, characteristic of the twelfth century').

³⁸ See David Wagschal, 'The Byzantine canonical scholia: a case study in reading Byzantine manuscript marginalia', *Byzantine and Modern Greek Studies* 43 (2019): 24-41, at 32, who mentions that "there are approximately 12 manuscripts dated to the ninth and tenth centuries which contain scholia. We can add a few more from (probably) the earlier eleventh century."

³⁹ See a list of manuscripts that contain these commentaries after the text of the canons in Jean-Anselme-Bernard Mortreuil, *Histoire du droit byzantin ou du droit romain dans l'empire d'Orient, depuis la mort de Justinien jusqu'à la prise de Constantinople en 1453* [*History of Byzantine Law or Roman Law in the Eastern Empire, from the Death of Justinian to the Capture of Constantinople in 1453*] vol. 3 (Paris: Gustave Thorel, 1847), 439.

is the Trebizond manuscript of 1311.⁴⁰ However, Beveridge was the first to add to the commentaries of Balsamon and Zonaras the *Synopsis* of the canons, together with Aristenos' *scholia* on the *Synopsis*. The *Synopsis* is a canonical collection which contains not the full text of each canon, but only brief abstracts of them, in epitome form.⁴¹ The exact date of the *Synopsis* is unknown, but most probably it was put together at some point between the end of the 6th century and the end of the 7th century. In terms of its author, some manuscripts attribute the first edition of the *Synopsis* to 'Stephanos the Ephesian', but there is uncertainty about who this person was.⁴² For his *Synodikon*, Beveridge employed a later, revised and augmented, edition⁴³ of the *Synopsis*, which contained the epitomes of the Apostolic and Synodal canons, as well as of the first 85 canons of Basil the Great. For this reason, in the first section of the second volume of the *Synodikon*, Beveridge annexed the *scholia* of Balsamon and Zonaras, together with the *Synopsis* and Aristenos' comments on it, only to the Basilian canons 1-85. The rest of the Patristic canons were published only with Balsamon's⁴⁴ and Zonaras'⁴⁵ *scholia*.

From the *Synodikon*'s title we also learn that Beveridge found the abovementioned texts after diligently reviewing various manuscripts, mainly from the Bodleian Library at Oxford University, and that he enriched his *Collection* with a detailed prologue, at the beginning of the

⁴⁰ The Trébizonde Codex of 1311 is preserved today in the library of the Topkapı Palace Museum (*Topkapı Sarayı Müzesi*) in Istanbul (Turkey), in accordance with Jean-Marie Olivier, *Répertoire des bibliothèques et des catalogues de manuscrits grecs de Marcel Richard* [*Marcel Richard's Directory of the Libraries and the Catalogues of the Greek Manuscripts*] (Turnhout: Brepols, 1995), 384 (no. 1260). For the Trébizonde Codex of 1311 see Pavlos Menevisoglou, 'Ο κώδιξ τῆς Τραπεζοῦντος τοῦ ἔτους 1311' ['The Trébizonde Codex of the Year 1311'], *Ἐκκλησία καὶ Θεολογία* [*Church and Theology*] 3 (1982): 193-206. Two copies of the Trébizonde Codex survive today (of the years 1774 and 1779, respectively). The copy of 1774 is preserved in the department of manuscripts of the Library of the Aristotle University of Thessaloniki (Greece), according to Stilson Kyriakides, 'Χειρόγραφος Νομοκάνων τοῦ Πανεπιστημίου Θεσσαλονίκης' ['A Manuscript Nomokanon of the University of Thessaloniki'], in *Ἐπιστημονικὴ Ἐπετηρὶς Σχολῆς Νομικῶν καὶ Οἰκονομικῶν Ἐπιστημῶν Πανεπιστημίου Θεσσαλονίκης* [*Scientific Yearbook of the School of Legal and Economic Sciences of the University of Thessaloniki*] vol 8: *Μνημόσυνον Περικλέους Βιζουκίδου* [*In Memoriam Pericles Vizoukides*] (Thessaloniki, 1960-1962), 57-78. The copy of 1779 is preserved today in the department of manuscripts of the National Library of Greece (Athens), according to Ioannis Sakkelion and Alkiviadis I. Sakkelion, *Κατάλογος τῶν χειρογράφων τῆς Ἐθνικῆς Βιβλιοθήκης τῆς Ἑλλάδος* [*Catalogue of Manuscripts of the National Library of Greece*] (Athens, 1892), 249 (no. 1372).

See Pavlos Menevisoglou, 'Τὸ 'χειρόγραφον Τραπεζοῦντος' (Ἀθηνῶν 1372) τῆς ἐκδόσεως Ράλλη καὶ Ποτλῆ' ['The "Trébizonde Manuscript" (Athens 1372) of the Edition of Rhalles and Potles'], in *Δύο πολύτιμα χειρόγραφα ἱερῶν κανόνων (Πάτμος 172 - Ἀθηνῶν 1372)* [*Two Precious Manuscripts of Sacred Canons (Patmos 172 - Athens 1372)*] (Katerini: Editions Epektasis, 2006), 71-139.

⁴¹ For the *Synopsis* of the canons see Spyros Troianos, 'Byzantine Canon Law to 1100', in *The History of Byzantine and Eastern Canon Law to 1500*, Wilfried Hartmann and Kenneth Pennington eds. (Washington, DC: The Catholic University of America Press, 2012), 115-169, at 120-124.

⁴² See Pavlos Menevisoglou, 'Συνοψεις καὶ ἐπιτομαὶ ἱερῶν κανόνων ἐν Βυζαντίῳ' ['Synopses and Epitomes of Sacred Canons in Byzantium'], in *Μνήμη Μητροπολίτου Ἰκονίου Ἰακώβου* [*Memory of Metropolitan Iakovos of Iconium*] (Athens, 1984), 77-95, at 78-79.

⁴³ One of the most significant revisions of the first edition of the *Synopsis* took place in 10th century and is attributed to the magistrate and lawmaker Symeon. See Anastasios P. Christophilopoulos, 'Ἡ 'κανονικὴ συνοψις' καὶ ὁ Συμεὼν ὁ Μεταφραστὴς' ['The "Canonical Synopsis" and Symeon Metaphrastes'], in *Ἐπετηρὶς Ἐταιρείας Βυζαντινῶν Σπουδῶν* [*Yearbook of the Society of Byzantine Studies*] vol. 19 (Athens, 1949), 155-157. This revised edition was further expanded toward the end of the eleventh century. See Troianos, "Byzantine Canon Law to 1100," 124.

⁴⁴ With the exception of the canon of Amphilochios of Iconium, for which no commentary of Balsamon was included in the *Synodikon*.

⁴⁵ With the exception of the canons of Gregory of Nyssa, Timothy of Alexandria, Theophilus of Alexandria, Cyril of Alexandria, Gregory of Nazianzus, Amphilochius of Iconium, and Gennadius of Constantinople, for which no *scholia* of Zonaras were included in the *Synodikon*.

first volume,⁴⁶ and with ‘wise’⁴⁷ commentary notes (*annotationes*), annexed to the end of the second volume.⁴⁸ His prologue contains valuable information about the manuscripts he used. The most important source for the canonical commentaries of Balsamon and Zonaras was for Beveridge the manuscript Baroccianus 205 of the Bodleian Library, which he characterized as ‘the most precious heirloom of canon law’.⁴⁹ The primary source for the *Synopsis* and for Aristenos’ *scholia* on it was another manuscript at the Bodleian Library, Baroccianus 221.⁵⁰

Of course, beside these manuscripts, Beveridge also consulted the then existing printed editions of sacred canons, and foremost those editions containing the commentaries of Balsamon⁵¹ and Zonaras,⁵² as he admits in his prologue.⁵³ It is highly probable that Beveridge used the 1620 edition of Balsamon’s *scholia* as the basis for the *Synodikon*’s structure and to these he then added the *scholia* of Zonaras. This would explain Beveridge’s decision to place the canonical commentaries of Balsamon before those of Zonaras, despite the fact that in the manuscript tradition Balsamon’s comments appear after those of Zonaras. Moreover, the *Synodikon* not only faithfully follows the edition of Balsamon’s *scholia* in the numbering of the canons of Carthage, but it also makes exactly the same typographical errors as those to be found in the 1620 edition, namely, repeating twice the numbers 63, 104 and 112 of the Carthage canons.⁵⁴

Beveridge employs these printed editions not only for the text of the *scholia* of Balsamon and Zonaras, but also for the text of the canons, as it shows, for instance, the spelling mistake in the word ‘ΑΡΧΙΕΡΙΣΚΟΠΟΥ’, instead of the correct ‘ΑΡΧΙΕΠΙΣΚΟΠΟΥ’ (Archbishop), in the title of the canons of Dionysius of Alexandria, in both the second volume of the *Synodikon*⁵⁵ and in the edition of Balsamon’s canonical commentaries.⁵⁶ The fact that by the time of the *Synodikon*’s publication there were already printed editions of the full text (*in extenso*) of the canons with the *scholia* of Balsamon or Zonaras does not diminish the great influence of the

⁴⁶ *Synodikon* vol. 1, I-XXIV.

⁴⁷ Nicodim Milasch, *Τὸ Ἐκκλησιαστικὸν Δίκαιον τῆς Ὁρθοδόξου Ανατολικῆς Ἐκκλησίας* [*The Ecclesiastical Law of the Eastern Orthodox Church*], Meletios Apostolopoulos trans. (Athens: P. D. Sakellariou, Press, 1906), 282 (n. 8): ‘σοφὰς σημειώσεις’.

⁴⁸ *Synodikon* vol. 2, 1-230.

⁴⁹ *Synodikon* vol. 1, XIV: ‘pretiosum juris canonici κειμήλιον’.

⁵⁰ *Ibid.*, XIX.

⁵¹ *Canones ss. Apostolorum, conciliorum generalium et provincialium, sanctorum partum epistolae canonicae, quibus praefixus est, Photii Constantinopolitani patriarchae, Nomocanon, id est canonum et legum imperatoriarum conciliatio, et in certos titulos distributio, omnia commentariis amplissimis Theodori Balsamonis Antiocheni Patriarchae explicata, et de graecis conversa Gentiano Herveto interprete, e Bibliotheca R.D.Io. Tili, Briocensis episcopi, accessit hac editione graecus textus ex codicibus manuscriptis erutus, et cum latino locis innumeris emendato comparatus* (Paris, 1620).

⁵² In two parts. Part I: *Joannis Zonarae monachi, In canones ss. Apostolorum et sacrorum conciliorum, tam oecumenicorum quam provincialium, commentarii, a viris doctissimis latinitate donati et annotationibus illustrati, nunc primum ex regis christianissimi et aliarum regni eius bibliothecarum codicibus graece ac latine coniunctim editi. Adiectum et concilium Constantinopolitanum sub Menna patriarcha, una cum Constitutionibus Apostolorum, utraque lingua partier ex iisdem libris erutum* (Paris, 1618); Part II: *ss. pp. Gregorii Neocaesariensis episc. cognomento Thaumaturgi, Macarii Aegyptii, et Basilii Seleuciaep Isauriae episcopi, Opera omnia, quae reperiri potuerunt. Nunc primum Graecè et Latinè coniunctim edita, cum indicibus necessarijs. Accessit Ioannis Zonarae Expositio Canoniarum Epistolarum reliquarum canonum Commentario subiungenda* (Paris, 1621), 1-114 (of the Appendix: ‘Expositio canonicarum epistolarum sanctorum partum elaborate per Ioannem monachum Zonaram, qui fuit olim magnus drungarius biglae et primus a secretis. Antonio Salmatia Collegii Ambrosiani doctore theologo interprete’).

⁵³ *Synodikon* vol. 1, XIII-XIV (for Balsamon); XVI-XVII (for Zonaras).

⁵⁴ *Ibid.*, 596-598 (63); 637-639 (104); 645-646 (112). See in *Canones ss. Apostolorum*, 686-688 (63); 724-725 (104); 729-731 (112).

⁵⁵ See in the *Synodikon* vol. 2, 1.

⁵⁶ See in *Canones ss. Apostolorum*, 879.

Synodikon in modern Orthodox Canon Law. Beveridge was the first to publish in the same edition the canons with the commentaries of both Balsamon and Zonaras, in observance and restoration of the manuscript tradition in the canonical collections of the 14th and 15th centuries.

Moreover, it is true that, unlike other printed editions of the 17th century,⁵⁷ Beveridge did not include in the *Synodikon* the first (systematic) part of the *Syntagma XIV titulorum*.⁵⁸ However, he covered this omission with the publication,⁵⁹ in the second part of the second volume of the *Synodikon*,⁶⁰ for the first time,⁶¹ of the valuable *Alphabetical Syntagma*⁶² of the 14th-century canonists Matthew Blastares,⁶³ with its famous *protheoria*.⁶⁴

The *Synodikon* is also the first canonical collection that ever published Aristenos' *scholia* on the *Synopsis*. The latter had already been included in the second volume of the *Bibliotheca juris canonici veteris* by Voellus-Justellus, where it had been falsely attributed to Aristenos. This false assumption was further reinforced after the publication of the *Synodikon* because Beveridge placed Aristenos' name not next to his comment on each canon's brief abstract, but next to each abstract itself. Despite Beveridge's explicit clarification in the *Synodikon*'s prologue⁶⁵ that he placed Aristenos' name next to each abstract in the sense that Aristenos wrote the comment on each canon's abstract, Aristenos was inscribed in the canonical conscience as the author of the *Synopsis*, while the popular belief became widespread that his comments on the *Synopsis* were the product of the hermeneutical work of an anonymous

⁵⁷ See the 2 volumes of *Nomocanon Photii patriarchae Constantinopolitani cum commentariis Theodori Balsamonis patriarchae Antiocheni. Christophorus Justellus ex bibliotheca Palatina nunc primum graece edidit. Accessere ejusdem Photii, Nili metropolitae Rhodi et Anonymi tractatus de synodis oecumenicis ex Bibliotheca Sedanensi ab eodem Justello nunc primum graece editi* (Paris 1615) (vol. 1: Greek text; vol. 2: Latin translation). See also *Bibliotheca juris canonici veteris in duos tomos distributa, quorum unus canonum ecclesiasticorum codices antiquos, tum graecos tum latinus complectitur, subiectis vetustissimis eorumdem canonum collectoribus latinis, alter vero insigniores juris canonici veteris collectores graecos exhibet, ex antiquis codicibus mss. bibliothecae Christophori Justelli. Horum major pars nunc primum in lucem prodit, cum versionibus latinis, praefationibus, notis et indicibus huic editioni necessariis. Opera et studio Gulielmi Voelli, Theologi ac Socii Sorbonici, et Henrici Justelli, Christophori F.* vol. 2 (Paris, 1661), 785-1140 (Greek text with Latin translation).

⁵⁸ A late sixth-century collection of canons and secular legislation on ecclesiastical matters. This (non-surviving) first edition of the *Syntagma* consisted of three parts: the first part was a thematic index, where the canons were classified, without their text, under 14 topic headings ("titles," as indicated by the collection's name) and each of the 14 titles was further divided into chapters; the second part contained the full text of the canons; the third part included excerpts of the related civil legislation that dealt with church matters. In the early seventh century, the first revision of the *Syntagma* took place and it was turned into a *Nomocanon* with the addition of the civil provisions ("laws;" νόμοι) from the third part, without their text, to the chapters of the 14 titles with the canons (κανόνες) in the first part of the collection. This addition rendered inapplicable the third part of the *Syntagma* and ever since, in its subsequent revisions and expansions in 883 and 1089/1090, it consists of two parts: (a) the systematic part with the classification of the canons and civil laws under the 14 titles; (b) the full text of the holy and sacred canons. See Pavlos Menevisoglou, *Ιστορική εισαγωγή εις τους κανόνας της Ὁρθοδόξου Ἐκκλησίας* [*An Historical Introduction to the Canons of the Orthodox Church*] (Stockholm: Holy Metropolis of Sweden and of all Scandinavia, 1990), 55-73.

⁵⁹ Original Greek text – Latin translation.

⁶⁰ *Synodikon* vol. 2, 1-272.

⁶¹ Despite various attempts by other scholars during the 17th century, the *Synodikon* contains the first full printed edition (*editio princeps*) of Blastares's *Syntagma*.

⁶² A very significant 14-century canonical collection in the form of an alphabetically arranged encyclopedia of ecclesiastical law, divided, in accordance with the letters of the Greek alphabet, into 24 sections, which are further divided into chapters. See Troianos, 'Byzantine Canon Law from the Twelfth to the Fifteenth Centuries', 185-187.

⁶³ For Blastares see P. B. Paschos, *Ὁ Ματθαῖος Βλάσταρης καὶ τὸ ὑμνογραφικὸν ἔργον του* [*Matthew Blastares and His Hymnographical Work*] (Thessaloniki, 1978).

⁶⁴ Preface containing the history of the sources of canon law and of civil law on ecclesiastical matters.

⁶⁵ *Synodikon* vol. 1, XVII.

scholar. Particularly problematic was placing Aristenos' name next to the abstracts of the canons of the two Photian Councils,⁶⁶ because for these two Councils no *scholia* of Aristenos survive.

Nevertheless, Beveridge should be praised for publishing for the first time in history the full text of each canon, together with the commentaries of the three great canonists of the 12th-century. It is no exaggeration to say that soon after the *Synodikon*'s publication this structure was 'canonized' and became the standard form of presenting the canonical material for all the subsequent editions of the holy and sacred canons of the Byzantine Church. The *Synodikon* became actually not only the main primary source of reference, but even more importantly, a true source of inspiration for a series of Eastern Orthodox editors and scholars, primarily⁶⁷ from the Greek-speaking world, who picked up the torch, passed on to them by Beveridge, in the publication of printed canonical collections, particularly during the 18th and 19th centuries.

Particular reference should be made to the two most prominent of these collections: namely, the *Pedalion* and the *Syntagma of the Divine and Sacred Canons*. The *Pedalion* (1800)⁶⁸ is an annotated collection of the canons of the Byzantine corpus, edited by the hieromonk Agapios⁶⁹ and the monk Nicodemus of the Holy Mountain ('Hagiorite')⁷⁰ and approved for publication by the Holy and Sacred Synod of the Ecumenical Patriarchate of Constantinople. As the *Pedalion*'s editors admit in their prologue, they employed Beveridge's (by their time rare)⁷¹ *Synodikon*, in order not only to transcribe from it *verbatim* the full original Greek text of the canons - acknowledging, thereby, the high prominence and authority that Beveridge's *Synodikon* enjoyed within the Eastern Orthodox Church - but also to provide an interpretation of and comments on each of the canons in modern Greek, on the basis of the *scholia* of Zonaras, Balsamon and Aristenos.⁷² While the two editors do not refer explicitly to Beveridge, when

⁶⁶ Ibid., 334-336, 339, 341, 344, 346-347, 349-355, 358-359 (*Primasecunda*); 361-364 (Hagia Sophia).

⁶⁷ But not exclusively, because already toward the end of the 17th century and the beginning of the 18th century Beveridge's *Synodikon* was translated into Russian. Nevertheless, these translations were never published. See Ivan Žužek, *Kormcaja Kniga: Studies on the Chief Code of Russian Canon Law* (Rome: Pontifical Oriental Institute, 1964), 56-59.

⁶⁸ Agapios (Hieromonk) & Nicodemus (Monk), *Πηδάλιον τῆς νοητῆς νηός, τῆς μιᾶς, ἁγίας, καθολικῆς καὶ ἀποστολικῆς τῶν Ὁρθοδόξων Ἐκκλησίας* [*The Rudder of the Noetic Ship of the One, Holy, Catholic, and Apostolic Church of the Orthodox*] (1st ed.; Leipzig: Breitkopf & Härtel, 1800).

⁶⁹ For Agapios see Louis Petit, 'Le canoniste Agapios Leonardos' ['The Canonist Agapios Leonardos'], *Échos d'Orient* [*Echoes of the Orient*] 2 (1899): 204-206. See also Pavlos Menevisoglou, 'Ο ἱερομόναχος Ἀγάπιος Λεονάρδος (1741-1815)' ['The Hieromonk Agapios Leonardos (1741-1815)'], *Ἡ καθ' ἡμᾶς Ανατολή* [*Our East*] 3 (1996): 27-47.

⁷⁰ For Nicodemus see Norman Russell, "Nikodemus the Haghiorite," in *The Orthodox Christian World*, Augustine Casiday ed. (Abingdon & NY: Routledge, 2012), 318-324.

⁷¹ See the prologue of the *Pedalion*, ζ, where its editors mention that they undertook the edition of this collection mainly in order to 'enrich' both the 'erudite and learned' and the 'simple and unlearned' 'with a book, which is difficult to find, due to the existence of only few printed copies of it, and even harder for the common man to obtain, due to its high cost' ['μὲ ἓνα βιβλίον, δύσκολον μὲν νὰ εὑρεθῆ, διὰ τὸ ὀλιγοτύπων. Δυσκολώτερον δὲ νὰ ἀποκτηθῆ ἀπὸ τὸν καθ' ἓνα, διὰ τὸ πολυέξοδον']. This reference to a book 'difficult to find' is an allusion to the *Synodikon*.

⁷² See *ibid.*: 'Ἐσπουδάσαμεν νὰ εὗρωμεν τὰ βιβλία τῶν ἱερῶν πανδέκτων, καὶ ἀπὸ ἐκεῖ, ὄχι μόνον νὰ μεταγράψωμεν ὀλόκληρον καὶ ἀκέραιον αὐτολεξεῖ τὸ ἐλληνικὸν κείμενον τῶν θείων Κανόνων, ἀλλὰ καὶ νὰ μεθερμηνεύσωμεν εἰς τὴν ἀπλουστέραν ταύτην διάλεκτον, τὰς ἀληθεῖς καὶ ἐλληνικὰς ἐρμηνείας, τῶν γνησίων, καὶ παρὰ τῆς ἐκκλησίας ἐγκρινόμενον ἐξηγητῶν τῶν Θείων καὶ ἱερῶν Κανόνων' ['We hastened to find the books of the sacred Pandects, and from there, not only to transcribe the entire and integral Greek text of the divine Canons *verbatim*, but also to expound into this simpler dialect, the true and Greek interpretations of the authentic and approved by the Church exegetes of the Divine and sacred Canons'].

they mention the word ‘Pandects’ in the *Pedalion* they certainly mean the *Synodikon*,⁷³ whose alternative name, as appears in its title, is ‘Pandects’. Evidence for this can be found outside the *Pedalion* sources, such as in the recommendation report of Dorotheos Voulismas, the censor of the *Pedalion*, who mentions three times the name of Beveridge (William)⁷⁴ and eight times his ‘Pandects’,⁷⁵ as source employed by the *Pedalion*’s editors. Even more crucially, though, within the *Pedalion*, in its footnotes, the references of its editors to the ‘Pandects’ lead to the identification of this collection with the *Synodikon*. For example, the remark in the first footnote to Carthage canon 141 (136), about typographical errors in the numbering of the Carthage canons by the ‘Pandects’ and ‘Balsamon’,⁷⁶ is a clear reference to the repetition of the numbers 63, 104 and 112 of the Carthage canons in the *Synodikon* and in the edition of Balsamon’s *scholia*.

Nevertheless, even after the publication of the *Pedalion*, Beveridge’s *Synodikon* still remained the ‘most perfect and the most critical’⁷⁷ edition of canons, since the *Pedalion* was not a sufficient source for scientific research, mainly because it did not contain the full text of the *scholia* of Zonaras, Balsamon, and Aristenos, and Blastares’ *Alphabetical Syntagma*.⁷⁸ This lacuna was filled with the publication of the six-volume *Syntagma of the Divine and Sacred Canons*⁷⁹ (1852-1859), which was edited by Georgios A. Rallis⁸⁰ and Michael Potlis.⁸¹ In their *Syntagma*, Rallis and Potlis republished the full text of the canons of the Byzantine corpus, together with the *scholia* of Zonaras, Balsamon and Aristenos (in vols. 2-4), and of Blastares’ *Syntagma* (in vol. 6), after a new editing process of the text contained in Beveridge’s *Synodikon*, in accordance primarily with the 1779 copy of the Trebizond manuscript of 1311 (for vols. 2-4) and with a series of manuscripts found mainly in the National Libraries of Athens and Paris (for vol. 6). Moreover, Rallis and Potlis also published the first (systematic) part of

⁷³ See Pavlos Menevisoglou, “Αἱ κανονικαὶ καὶ νομικαὶ πηγαὶ τοῦ Πηδαλίου” [‘The Canonical and Legal Sources of the Pedalion’], *Ὁρθοδοξία [Orthodoxy]* 10 (2003): 725-742, at 725-732.

⁷⁴ See this report in Pavlos Menevisoglou, “Ἡ εἰσηγητικὴ ἐκθεσις τοῦ ἱερομονάχου Δωροθέου Βουλισμᾶ περὶ τοῦ Πηδαλίου” [‘The Recommendation Report of Hieromonk Dorotheos Voulismas on the Pedalion’], in *Τὸ Πηδαλίον καὶ ἄλλαι ἐκδόσεις ἱερῶν κανόνων κατὰ τὸν 18ον αἰῶνα [The Pedalion and Other Editions of Sacred Canons during the 18th Century]* (Katerini: Editions Epektasis, 2008), 243-286, at 256-258.

⁷⁵ *Ibid.*: 266 (twice), 267, 268, 269, 270, 271 (twice).

⁷⁶ *Pedalion*, 367: “Ὑπομνήσκομεν δὲ τοὺς ἀναγνώστας, ὅτι ὁ παρὰ τοῖς ἐρμηνευταῖς ἀριθμὸς τῶν κανόνων, λαθασμένος ἐστὶν ἀπὸ τοὺς τυπογράφους, τόσον ἐν ταῖς πανδέκτοις, ὅσον καὶ ἐν τῷ Βαλσαμῶνι” [‘But we remind the readers that the number assigned to the canons by the exegetes has been mistakenly inserted by the typographers, both in the Pandects and in Balsamon’].

⁷⁷ Milasch, *Τὸ Ἐκκλησιαστικὸν Δίκαιον*, 282 (n. 2): “τὸ τελειότατον καὶ κριτικώτατον ἔργον”.

⁷⁸ See Delidimos, “Εἰσαγωγή,” *190: “τὸ ‘Συνοδικὸν’ τοῦ Βενεργίου παρέμενεν ἢ πληρεστέρα ὄλων ἐκδοσις” [‘the “Synodikon” of Beveridge remained the most complete edition of all’].

⁷⁹ *Σύνταγμα τῶν θείων καὶ ἱερῶν κανόνων τῶν τε ἁγίων καὶ πανευφήμων Ἀποστόλων, καὶ τῶν ἱερῶν Οἰκουμενικῶν Συνόδων καὶ Τοπικῶν καὶ τῶν κατὰ μέρος ἁγίων Πατέρων, ἐκδοθέν, σὺν πλείσταις ἄλλαις τὴν ἐκκλησιαστικὴν κατάστασιν διεποῦσαις διατάξεσι, μετὰ τῶν ἀρχαίων ἐξηγητῶν, καὶ διαφόρων ἀναγνωσμάτων [Constitution of the Divine and Sacred Canons of the Holy and All-laudable Apostles, and of the Sacred Ecumenical Councils and Local Synods and of Part of the Holy Fathers, Published with Many Other Provisions Regulating the Ecclesiastical Situation, with the Ancient Exegetes, and with Various Readings]* vols. 1-6 Georgios A. Rallis and Michael Potlis eds. (Athens: G. Chartophylax Press, 1852-1855; vols. 1-5 & Athens: Avgi Press, 1859; vol. 6). See for the *Σύνταγμα* Pavlos Menevisoglou, “Τὸ Σύνταγμα Ράλλη καὶ Ποτλῆ (1852-1859)” [‘The Syntagma of Rallis and Potlis (1852-1859)’], in *Τὸ Σύνταγμα Ράλλη καὶ Ποτλῆ καὶ ἄλλαι ἐκδόσεις ἱερῶν κανόνων κατὰ τὸν 19ον καὶ 20ὸν αἰῶνα [The Syntagma of Rallis and Potlis and Other Editions of Sacred Canons during the 19th and 20th Century]* (Katerini: Editions Epektasis, 2009), 19-79.

⁸⁰ Professor of Commercial Law and President of the Supreme Civil and Criminal Court of Greece (Areopagus).

⁸¹ Professor of Ecclesiastical Law and Greek Minister of Justice. For Rallis and Potlis see Spyros N. Troianos, “Ράλλης καὶ Ποτλῆς” [‘Rallis and Potlis’], in *Τὸ Βυζάντιο κατὰ τὸν 12ο αἰῶνα: Κανονικὸ Δίκαιο, κράτος καὶ κοινωνία [Byzantium in the 12th Century: Canon Law, State and Society]*, Nikos Oikonomides ed. (Athens: Society of Byzantine and Post-Byzantine Studies, 1991), 17-24.

the *Syntagma in 14 Titles* (in vol. 1), as well as a series of Patriarchal and Synodal decisions of the Ecumenical Patriarchate and excerpts of *Novels* of Byzantine Emperors (vol. 5), which were not included in the *Synodikon*.

Therefore, the *Syntagma* of Rallis and Potlis supplanted the *Synodikon*, as ‘the most excellent and most proper work that has ever been published up to this point on the sources of the ecclesiastical law of the Eastern Orthodox Church’.⁸² Still, though, the editors of the *Syntagma* in their prologue to the whole collection talk about their work as a ‘new edition of the *Synodikon*’,⁸³ a characterization also repeated in the *imprimatur* letter sent to Rallis by the Holy Synod of the Kingdom of Greece.⁸⁴ Even though this characterization is not accurate, it reflects the great admiration of Rallis and Potlis for Beveridge’s *Synodikon*, this ‘precious treasure’⁸⁵ and ‘beauteous monument’⁸⁶ of the Byzantine canonical tradition, and their ‘deepest gratitude’⁸⁷ for Beveridge himself. This gratitude was expressed in the *Syntagma*’s prologue, and is repeated again here, on behalf of every ‘friend of the ecclesiastical education’,⁸⁸ of every ‘truly Greek soul’⁸⁹ ‘for the memory of this wise man’,⁹⁰ ‘the excellent theologian, the possessor of the deepest knowledge about the ecclesiastical history, the notable Hellenistic, who, even though from a different Christian denomination, was free from any unfair prejudice against the mother of the Christian Churches’.⁹¹

THE SERMONS OF BEVERIDGE AND HIS LATER USE IN ENGLISH CHURCH LAW

Beveridge delivered many high-profile and topical sermons. For instance, he preached in 1681 on the Book of Common Prayer (which went into four editions), in 1683 as a governor of the Sons of the Clergy at their annual festival and on the anniversary of the great fire of London in 1666, in the House of Lords in 1704 on the Gunpowder Plot, and there again in 1705 on King Charles I as a martyr.⁹² He also addressed church law. Three examples are offered here.⁹³

First, as might be expected, sometimes he uses the early conciliar canons. In a sermon on the presence of Christ with His ministers, he tells how Christ left ‘the power of governing the Church’ to his apostles and their successors who are ‘empowered both to declare what are those commands of Christ which men ought to observe, and also to use all means to prevail upon men to observe them’ by ‘correcting and punishing those who violate, rewarding and encouraging those who keep them’. He then turns to visitation: ‘for the better execution of this power, it has been the constant custom of the Apostles and their successors in all ages, to visit

⁸² Milasch, *Τὸ Ἐκκλησιαστικὸν Δίκαιον*, 279: ‘Τὸ Σύνταγμα Ράλλη καὶ Ποτλή εἶναι τὸ ἄριστον καὶ σκοπιμώτατον ἔργον, ὅπερ μέχρι τοῦδε ἐξεδόθη ποτὲ περὶ τῶν πηγῶν τοῦ ἐκκλησιαστικοῦ δικαίου τῆς ὀρθοδόξου Ἀνατολικῆς ἐκκλησίας.’

⁸³ Rallis and Potlis, *Σύνταγμα* vol. 1, ι.

⁸⁴ See the Letter of April 25, 1852, and with Prot. No. 2243 in *ibid.* vol. 2, w/n: ‘τύπωσιν τοῦ κατὰ Βευερέγιον *Συνοδικοῦ*’ [‘printing of Beveridge’s *Synodikon*’].

⁸⁵ *Ibid.*, vol. 1, θ: ‘θησαυρὸς πολύτιμος.’

⁸⁶ *Ibid.*: ‘περικαλλὲς μνημεῖον.’

⁸⁷ *Ibid.*: ‘αἰσθήματος βαθυτάτης ... εὐγνωμοσύνης.’

⁸⁸ *Ibid.*: ‘φίλος τῆς ἐκκλησιαστικῆς παιδείας.’

⁸⁹ *Ibid.*: ‘ἀληθῶς Ἑλληνικὴ ψυχή.’

⁹⁰ *Ibid.*: ‘πρὸς τὴν μνήμην τοῦ σοφοῦ τούτου ἀνδρός.’

⁹¹ *Ibid.*: ‘Θεολόγος ἄριστος, κάτοχος βαθυτάτων περὶ τὴν ἐκκλησιαστικὴν ἀρχαιολογίαν γνώσεων, Ἑλληνιστῆς διακεκριμένος, ἂν καὶ ἑτέρας θρησκευτικῆς ὁμολογίας, ἀπηλλαγμένος ὁμως πάσης ἀδίκου πρὸς τὴν μητέρα τῶν Χριστιανικῶν Ἐκκλησιῶν προλήψεως.’

⁹² L.W. Cowie, ‘Beveridge, William (1637-1708)’, *Oxford Dictionary of National Biography* (2004).

⁹³ The examples offered in this section are taken from J. Bliss, ed., *The Theological Works of William Beveridge* (Oxford, 1842), Vol. I, *Sermons*.

the Churches committed to their charge; to inquire into the faith and manner, both of the clergy and laity that are under them; and to use so much of their authority, and give such orders as they found necessary for the due observation of their Lord's commands'. However: 'for several ages after the Apostles, we have no ecclesiastical law or canon, as I remember, about episcopal visitations; because there was no need of them till about the sixth or seventh century, when there were several canons made concerning the time and manner of keeping them'. Namely: 'the sixth council at Arles decreed, that every bishop should go about his diocese once every year'; a 'canon of the second council at Seville, [decreed] that every bishop once a year go about his diocese, and confirm and teach'; the second council at Braga decreed 'that bishops, in their visitation should instruct their clergy how to administer the sacrament'; and the fourth council at Toledo required bishops to 'enquire into the fabric of their several churches and examine what repairs they wanted'.⁹⁴ There was of course visitation law in Beveridge's day.⁹⁵

Secondly, Beveridge often cites the Canons of 1603. For example, he preaches on how bishops must consider whom to admit to Holy Orders according to 'general rules, which the Church for that purpose has laid down'. Those rules he elucidates include the rule: 'That none be ordained, either deacon or priest, who has not first some certain place where he may exercise his function [he cites Canon 33], nor except he subscribe to the three articles mentioned in Can[on] 36'.⁹⁶

Thirdly, in one sermon Beveridge gives reasons for the administration of church courts by lay people: 'as the Churchwardens of every parish who present offenders to any of these courts are always laymen, so the Chancellors, Commissaries, officials, and other officers in these courts, who receive and examine such presentments, are ordinarily laymen too'. Then come the justifications. First: 'it is but reasonable, and in some sense necessary, that they should be so. For if none but clergymen should search into the faults of the laity, the laity might be apt to suspect they were too severely dealt with'. Second: 'being tried by men of their own rank and brotherhood before sentence is passed upon them, they cannot blame the Church for it, nor imagine that she can have any other design upon them, but only to do them good, and make them better'. Third: the causes before these courts 'are many and take up a great deal of time, before they can be brought to an issue'; so, 'if clergymen only should be employed in them, it would take them off too much from the ministry of the Word and sacraments' – this 'especially considering that the causes are not many but diverse too, and some very intricate and mixed; so that to search into the bottom of them all, and fully to understand what is just and meet to be done...requires great knowledge and skill in the whole body of the Ecclesiastical laws, and the Temporal too, so far as they any way concern the Church: which no man can attain to, without making it his constant business and study'. Indeed: 'the Church always found it necessary that her Bishops, and all that exercise her jurisdiction under them, should have some of her members learned in the laws, to direct and assist them in the administration of it, and under them to transact and try all causes relating to thereunto. Which doubtless, all things considered, is the best way the Church could ever think of, whereby to secure her governors from being maligned, her laws from being violated, and so her members from being injured through mistake or ignorance'.⁹⁷ Debate on laity and clergy serving in courts was an old one.⁹⁸

⁹⁴ Ibid., *Sermons*, p. 2, Sermon II 'Christ's presence with his ministers', especially at pp. 9, 13-16.

⁹⁵ J. Godolphin, *Repertorium Canonicum, or An Abridgment of the Ecclesiastical Laws* (London, 1678) 34, 63.

⁹⁶ *Sermons*, op cit., p. 26, Sermon II, 'The institution of ministers', at p. 46.

⁹⁷ Ibid., *Sermons*, p. 58, Sermon IV, 'Salvation in the Church only', at p. 79; see also pp. 80-81: Beveridge sets out the historical foundations of this in the Roman civil law (e.g. the Code and Novels of Justinian), in the canons of the early councils (e.g. the fourth General Council of Chalcedon), the 'Canon Law' of 'the Romish Church', and the Canons Ecclesiastical of 1603 (and here he discusses Canons 127 and 134).

⁹⁸ R.H. Helmholz, *The Profession of Ecclesiastical Lawyers: An Historic Introduction* (2019), op cit., 18-20.

Needless to say, Beveridge was not the first or the last in England to discuss the canons of the early councils. It is well known that divines wrote extensively on these, such as John Prideaux (1578-1650), Professor of Divinity at Oxford, and Bishop of Worcester.⁹⁹ Moreover, several well-known commentators on English ecclesiastical law also explicitly rely on Beveridge as a source for the early church canons. Two examples from the eighteenth century, one a clerical jurist, the other a civilian. Edmund Gibson, Bishop of London, in his *Codex* (1713), explains (when discussing the statute 26 Henry VIII, c. 14) how it was much-debated whether a suffragan bishop, or *chorepiscopus* (appointed to assist a diocesan), was ‘strictly and properly, of the order of bishops’. This was because: ‘one bishop was sufficient for their ordination (as it was declared at the Council of Antioch [he cites Can. 10], and as the Body of the Canon Law delivers it [citing Dist. 67]’; suffragans ‘might only ordain to the inferior offices of the Church, as that of sub-deacon’ and could do so ‘without the laying on of hands’ – ‘but [they] were not allowed to confer the orders of deacon or presbyter’. Gibson then explains: ‘But these differences and restraints were probably meant for no more, than marks of distinction, between them and the superior bishops, under whom they acted, to the end there might not be two bishops equal in the same diocese’. Moreover: ‘there are other Canons, which say, that they might ordain the superior orders also, with the leave of the city bishop. And the most judicious writers have concluded them, (in their ancient state) to have been really of the order of bishops’ – here he cites Beveridge. Gibson concludes: ‘so here in England, it is certain they were so’.¹⁰⁰

Our second example is from the civilian John Ayliffe in his book on English ecclesiastical law (1726). In his introduction he provides a history of canon and ecclesiastical law from the time of the early church. He cites Beveridge on several occasions. For instance: ‘John, Bishop of Antioch, commonly called Antiochenus, who lived in the sixth century, says, That our Lord’s disciples and apostles did, by the means of Clemens, publish eighty-five Canons’, i.e., the so-called Canons of the Apostles. After discussing the contested Council of Trullo, Ayliffe writes: ‘And Bishop Beveridge has recorded this same number in his *Codex Canonum*, though Gregory Haloander [a German civilian, 1501-1531] has only inserted eighty-four of them in his Body of the Law’. Ayliffe then explains how Jean Daillé, a French Reformed theologian (1594–1670),¹⁰¹ believed that ‘these Canons were made by some impostor or other’ and Thomas Cambenus in 1689 too considered ‘these Canons to be suppositions’. However, Ayliffe continues: ‘But Bishop Beveridge opposes this conjecture, and believes they were made either in the second or third century: So that all the Decrees of the Church, during the first century, being therein digested, they were as a Code unto the Primitive Church, according to which the Discipline and Policy of the Church was to be administered’. Ayliffe concurs: ‘I do easily assent and agree with Bishop Beveridge, that these Canons were made in the third century, since they are cited, and appealed to by the Ecclesiastical writers of the fourth century. Nor will I deny them proper authority, since they seem to have their rise from the doctrine of the Apostles; and, therefore, and for no other reason, they were called the Apostolical Canons’.¹⁰²

⁹⁹ J. Prideaux, *A Synopsis of Councils* (1654, and later editions, e.g. 1674, 1681) 34-35; he adds: ‘It is not to be expected therefore that the Protestants should be obliged by the Tridentine decrees’.

¹⁰⁰ E. Gibson, *Codex Juris Anglicani* (1713) 155-156, at 156, marginal note ‘Beveridge. Pandect. t. 2. Ancyr. 13’.

¹⁰¹ For Jean Daillé see also supra n. 7.

¹⁰² J. Ayliffe, *Parergon Juris Canonici Anglicani* (1726), An Historical Introduction, iv-v. Haloander wrote *Modus legendi abbreviaturas passim in iure tam civili, quam pontificio occurrentes* (Rome, 1623); Ayliffe also cites Beveridge at e.g. xiii, ‘Bev. Prolog. SS. 26; iv’ and, for the early canons, Maastricht and on xvii Cave.

The practice continued into the nineteenth century, but interest in Beveridge waned as reliance on the early canons declined in the exposition of English ecclesiastical law. Three examples: the first is use by a common law barrister, the second by a cleric-jurist, and the third by a civilian. The barrister Archibald John Stephens cites Beveridge once, in a note, in his book on church law (1848): he seems to rely on Gibson (though he does not say so) as the topic under discussion is that of suffragan bishops and Beveridge is described (as by Gibson) among ‘the most judicious writers’ on this matter; incidentally, Stephens in the same note also cites the book *Primitive Christianity* (1676) by William Cave, Beveridge’s contemporary at St. John’s College, Cambridge.¹⁰³ The Tractarian cleric Robert Owen, in his book on canon law (1884) cites Beveridge on many occasions; for example, he explains how the ‘stream of the Canon Law’ flows through, *inter alia*, the ‘Greek canons, published by Bishop Beveridge with the notes of Balsamon and [Joannes] Zonaras’.¹⁰⁴ Finally, Robert Phillimore, in the second edition of his ecclesiastical law book (1895), uses Beveridge in a note to the statement: ‘It is remarkable that the eight General Councils on which the Eastern Church relies were convened by the authority of the Emperors of the East and West’.¹⁰⁵ However, in the latter part of the twentieth and the early twenty-first centuries Beveridge makes no appearance in the two leading works on the historical development of literature on ecclesiastical law in England.¹⁰⁶

Conclusion

William Beveridge was a remarkable man. Born into a family of clerics, he followed the clerical path, through Cambridge, to parish ministry (as a model Restoration parson), a cathedral prebendary, the office of archdeacon, and then episcopal office in Wales - where he showed a refreshingly enlightened, and practical, appreciation of the need to accommodate the Welsh language – *en route* turning down the offer of an English bishopric on grounds of its legality. It was this eye for the law which marks him out – the canon law was at the very heart of the primitive church, his theological ideal. Beveridge’s *Synodikon* is an extraordinary work. It had a lasting impact far beyond the borders of the Anglican canonical tradition, leading the Eastern Orthodox Canon Law to its modern era, through a return to the sources and structure of the canonical collections of the Byzantine Church. In this way, Beveridge is praised as a forerunner of juridical ecumenism, since the acclamatory reception of his *Synodikon* by the Eastern Orthodox canonists showed that the common canonical heritage transcends the barriers of the doctrinally separated Christian Churches. However, his interest in law was not confined to the canons of the early church. His sermons too contain much of interest in their use of legal material, not simply the ancient canon law, but also useful and practical observations about the Canons of 1603. This of itself is a valuable lesson in the fruitfulness of sermons as a source of new understandings of the historical development of ecclesiastical law. Crucially, in England, his loyalty to the high-church movement helped to guarantee the authority, utility, and durability of his *Synodikon* (or *Pandects*) among later generations of commentators on ecclesiastical law. In turn, it was used somewhat by his contemporaries, notably Gibson and

¹⁰³ A.J. Stephens, *A Practical Treatise of the Law Relating to the Clergy* (London, 1848) Vol. I, 152: ‘Beveridge, *Pandects Canonum*’; the note on 152, cites ‘Cave, Prim. Christ, par. 1. p. 224; Beveridge, *Pandect. t. 2. Ancy. 13*’ (the latter is the same reference as in Gibson: *supra*). Aycliffe too cites Cave: *supra*.

¹⁰⁴ R. Owen, *Institutes of Canon Law* (London, 1884) 5; see also notes on e.g. 23, ‘Beveregii Synodicon, I. 357’; 30, ‘Balsamon *apud* Bevereg. Synodic. T. 1. p. 88; 31, ‘Zonaras, *apud* Bevereg. Synodic. I. 135’; 46, ‘Balsamon, *ap. Bevereg. Synodic. I. p. 538*’; 50, ‘Bevereg. Synodic. I. 179’; and 135, on Trullo, ‘Beveregii Synodic. I. 243’.

¹⁰⁵ R. Phillimore, *Ecclesiastical Law* (London, 2nd ed., 1895) II.1525: ‘Beveridge, *Pand. Proleg. li*’.

¹⁰⁶ Beveridge does not appear in the index of either J.H. Baker, *Monuments of Endlesse Labours: English Canonists and Their Work, 1300-1900* (London: Hambledon Press, 1998) or R.H. Helmholz, *The Profession of Ecclesiastical Lawyers: An Historical Introduction* (Cambridge: Cambridge University Press, 2019).

Ayliffe, but, in the nineteenth century, though the cleric Owen bucked the trend, Beveridge was cited only on one occasion in the texts by the common lawyer Stephens and by civilian Phillimore. It is time to rediscover Beveridge.