

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 mediaeval 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 the 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.

1 R Helmholz, *Roman Canon Law in Reformation England* (Cambridge, 1990). The book was, in part, a companion to and development of F Maitland, *Roman Canon Law in the Church of England* (London, 1898). Professor Helmholz builds on his 1990 study in his monumental *The Canon Law and Ecclesiastical Jurisdiction from 597 to the 1640s* (Oxford, 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, 2019).

THE LIFE AND CAREER OF WILLIAM BEVERIDGE

William Beveridge was born into a clerical family in Leicestershire. He was baptised 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, where he was 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 Beveridge graduated BA in 1656 and MA in 1660, the year that 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, he 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 he was incorporated into the University of Oxford and his *Institutiones Chronologicae* was published. This was followed three years later by his *Synodikon*—a collection in Greek and Latin of the apostolic canons, the legislation of the early councils and the canonical epistles of the Church fathers; it was to become influential in the Eastern Orthodox Church (see below).⁷ However, in 1674 the French Protestant theologian Matthieu de Larroque criticised it, stimulating a defence by Beveridge in his *Vindication of His Collection of the Canons* (1678).⁸ In these two works, Beveridge articulated

2 L Cowie, 'Beveridge, William (1637–1708)', *Oxford Dictionary of National Biography* (Oxford, 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* (London, 1683).

4 The words of Isaac Milles (1638–1720): see T Baker, *History of the College of St. John the Evangelist, Cambridge*, ed J Mayor, 2 vols (Cambridge, 1869), vol II, p 646; and J Mullinger, *St. John's College* (London, 1901), pp 35–36.

5 W Beveridge, *De linguarum orientalium: praesertim Hebraicae, Chaldaicae, Syriacae, Arabicae & Samaritanæ praestantia (The Excellency and Use of the Oriental Tongues, Especially Hebrew, Chaldaee, Syriac and Samaritan, Together with a Grammar of the Syriac Language)* (London, 1658; second edition 1664).

6 W Beveridge, *Private Thoughts on Religion and a Christian Life* (Philadelphia 1829).

7 W Beveridge, *Synodikon sive Pandectae Canonum SS. Apostolorum et Conciliorum ab ecclesia graeca receptorum*, 2 vols (Oxford, 1672).

8 M de Larroque, *Observationes in Ignatianas Personii vindicias et in annotationes Beveregii in Canones Sanctorum Apostolorum* (Rouen, 1674), which was also a defence of Jean Daillé (French Reformed

within the High Church tradition the early Christian foundations of what he saw as the proper relationship between Church and State.⁹

The 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, among 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.’¹⁰ 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 him 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’.¹¹ Indeed, at St Peter Cornhill, Beveridge insisted on the erection of a chancel screen; at the church’s consecration in 1681 he preached a sermon *Concerning the Excellency and Usefulness of the Common Prayer* 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.¹² In November of that same year Beveridge was appointed as Archdeacon of Colchester. He was assiduous in his duties, particularly with his visitations, which were 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.¹³

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; this was promised in 1660, dashed with the Act of Uniformity 1662 and revisited in 1668 and 1675. On 20 November 1689, in a sermon at the opening of Convocation, Beveridge opined that

theologian, 1594–1670). W Beveridge, *Codex Canonum Ecclesiae Primitivae Vindicatus, ac Illustratus* (London, 1678).

- 9 *The Theological Works of William Beveridge*, vol 1 (Oxford, 1842), preface, p v: ‘the two great works by which he is best known’ are the *Synodikon* and the *Codex Canonum Ecclesiae Primitivae Vindicatus*, the latter inserted in volume II of the *Patres Apostolici* (Paris, 1672; Amsterdam, 1724) of Jean-Baptiste Cotelier or Cotelerius (1629–1686), a Roman Catholic patristic theologian.
- 10 *Miscellanea; Comprising I. The works and Letters of Denis Granville, D.D., Dean of Durham, II. Nathan Drake’s Account of the Siege of Pontefract Castle, III. A Brief Memoir of Mr. Justice Rokeby* (Durham, 1861), p xxi.
- 11 Baker, *History of the College of St. John*, vol II, p 704. Burnet wrote *The History of the Reformation of the Church of England*, 2 vols (London, 1679–1681). In 1675 John Tillotson (later Archbishop of Canterbury) said to Beveridge: ‘Doctor, doctor, charity is better than rubrics’: T Birch, *The Life of the Most Reverend John Tillotson* (London, 1752), p lxxxviii.
- 12 W Beveridge, *A Sermon Concerning the Excellency and Usefulness of the Common-Prayer* (London, 1682). The sermon was reissued many times, reaching its 44th edition in 1824.
- 13 With other clergy he also helped promote various devotional associations of laymen in London in the 1680s.

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 among the non-jurors but not, needless to say, at the royal court.¹⁴

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*.¹⁵ The Church of England in Wales at the time was on the back foot, suffering from absentee bishops; the deposition of Thomas Watson, Bishop of St Davids, by the Archbishop of 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 (1706–1716) before his translation to Meath, was the last native Welsh-speaking bishop in Wales until 1870.¹⁶ Along with Bishop George Bull of St Davids (1705–1710), Beveridge sought change: he encouraged use of the 1664 Welsh version of the 1662 *Book of Common Prayer*; he wrote *The Church-Catechism Explained for the Use of the Diocese of St. Asaph* (1704; by 1720 in a sixth edition); he distributed a Welsh translation of a 1706 tract on confirmation by the non-juror Robert Nelson (1656–1715); and with others he 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 his home county of Leicestershire, the son of his 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

14 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* (London, 1691).

15 For the practice of *commendams*, see eg J Godolphin, *Repertorium Canonicum, or An Abridgment of the Ecclesiastical Laws* (London, 1678), pp 230–232.

16 N Doe (ed), *A New History of the Church in Wales: governance and ministry, theology and society* (Cambridge, 2020), pp 15–18.

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 St John's College, Cambridge.¹⁷

After his death, Beveridge's publications 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 that Beveridge 'delights in jingle and quibbling, affects a tune and rhyme in all he says and rests arguments upon nothing but words and sounds'.¹⁸ Unsurprisingly, however, 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.¹⁹ Over the course of the next century and a half, his various writings, including many sermons, were edited and published by, among others, the Library of Anglo-Catholic Theology.²⁰

THE INFLUENCE OF BEVERIDGE IN THE CANONICAL TRADITION OF THE EASTERN ORTHODOX CHURCH

Beveridge's name is also very dear to the heart of Eastern Orthodox canonists because the publication of his *Synodikon* in 1672 contributed greatly to the renaissance of the Byzantine canonical tradition during the eighteenth century. From its lengthy title, it is clear that this is a two-volume collection of the Byzantine *corpus canonum*, annotated with the *scholia* of the famous twelfth-century commentators.²¹ The indexes of the two volumes affirm the accuracy of its title.

The first volume starts with the so-called 'canons of the Holy Apostles'. It continues with the canons of the seven ecumenical councils accepted by the Eastern Orthodox Church: the First Council of Nicaea, the First Council of Constantinople, Ephesus, Chalcedon, the Second and Third Councils of Constantinople (the latter also known as the Council of Trullo) and the

17 The National Archives, London, PROB 11/500, sig 52.

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

19 W Beveridge, *An Exposition of the Thirty-Nine Articles* (London, 1710).

20 T Gregory (ed), *The Works of the Right Reverend Father in God, William Beveridge*, 2 vols (London, 1720); T Horne (ed), *The Works of the Right Rev. William Beveridge*, 9 vols (London, 1824); J Bliss (ed), *The Theological Works of William Beveridge*, 12 vols (Oxford, 1842–1848).

21 *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. The corpus canonum consists of the Apostolic Canons, Synodal Canons and Patristic Canons. For its gradual formation and development, see D Wagschal, *Law and Legality in the Greek East: the Byzantine canonical tradition, 381–883* (Oxford, 2015), pp 32–50.*

Second Council of Nicaea.²² 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.²³ The last section of the first volume contains the canons of the local synods: Carthage (under Cyprian), Ancyra, Neocaesarea, Gangra, Antioch, Laodicea, Sardica, Carthage (*materies Africana*) and Constantinople (394, under Nectarius).²⁴ 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,²⁵ Gregory of Nyssa, Timothy of Alexandria (unnumbered), Theophilus of Alexandria (mostly unnumbered), Cyril of Alexandria (unnumbered), Gregory of Nazianzus and Amphilochius of Iconium; an encyclical letter from Gennadius of Constantinople; and a letter from Tarasius of Constantinople to Adrian I of Rome.²⁶

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* of the great twelfth-century Byzantine canonists: Alexios Aristenos, John Zonaras

- 22 Despite the fact that, in accordance with the manuscript tradition of the surviving canonical collections, the heading for the Canons of Constantinople (381) mentions seven canons, the *Synodikon* contains eight, with the last being in fact 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*. The Canons of Ephesus are accompanied by the Council's letter to the Synod in Pamphylia, the Canons of Trullo by the address of the Council to Emperor Justinian II. Beveridge, *Synodikon*, vol 1, pp 681–727, comprises a paraphrase in Arabic (with its Latin translation by Beveridge) of the canons of the First Council of Nicaea and the First Council of Constantinople, 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 In the second section of the *Synodikon's* second volume, Beveridge published the Acts of the last four sessions of the latter council: Beveridge, *Synodikon*, vol II, pp 293–305.
- 24 The Canons of Gangra are accompanied by the synod's letter to the bishops in Armenia. Actually, an excerpt from the Acts of this Synod. The Canons of Carthage are joined by the acts of the synod, four letters (the synod to Boniface I of Rome; the response of Cyril I of Alexandria to the synod; the response of Atticus of Constantinople to the synod; the synod to Celestine I of Rome) and the Nicene Creed. 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 Βευερηγίου (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, 2007), pp 131–182 at pp 161–168. The Canons of Constantinople (394) are published immediately after the Canons of Carthage, under a special heading, but, as a consequence of a typographical error, it appears as part of the broader section 'Canones Concilii Carthaginensis': Beveridge, *Synodikon*, vol 1, pp 678–680.
- 25 Normally, the canonical collections contain 92 Canons of Basil the Great. The *Synodikon* contains 93 canons (vol II, pp 47–150). This difference is caused by the *praemium* of Basil's letter to Diodorus being numbered as Canon 87. To these numbered canons, Beveridge added at a later point an excerpt from Basil's letter to the Nicopolitans (vol II, p 183).
- 26 For an overview of the Byzantine *corpus canonum*, see H Ohme, 'Sources of the Greek canon law to the Quinisext Council (691/2): councils and Church fathers', in W Hartman and K Pennington (eds), *The History of Byzantine and Eastern Canon Law to 1500* (Washington, DC, 2012), pp 24–114.

and Theodore Balsamon (again with original Greek text and Latin translation).²⁷ These three were the first to write systematic commentaries on each canon, contrary to the prevalent practice of isolated (short) *scholia* by unknown commentators up to the twelfth century.²⁸ Despite the fact that Zonaras was chronologically the earliest of the three, and that Balsamon knew and followed Zonaras' interpretation (often verbatim), Beveridge placed Balsamon's *scholia* first, followed by those of Zonaras.

Beveridge was not an innovator in annexing the *scholia* of Balsamon and Zonaras to the text of the canons. Evidence for this practice can be found as early as the fourteenth century.²⁹ A representative example of this category of canonical collection is the Trebizond manuscript of 1311.³⁰ However, he was the first to add to the commentaries of Balsamon and Zonaras the *Synopsis* of

- 27 For these three canonists, see S Troianos, 'Byzantine canon law from the twelfth to the fifteenth centuries', in Hartman and Pennington, *History of Byzantine and Eastern Canon Law*, pp 170–214 at pp 176–178 (Zonaras), 178–180 (Aristenos) and 180–183 (Balsamon).
- 28 See D Wagschal, 'The Byzantine canonical scholia: a case study in reading Byzantine manuscript marginalia', (2019) 43 *Byzantine and Modern Greek Studies* 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.' On the systematic twelfth-century commentary, see E Delidimos, 'Εἰσαγωγή εἰς τὴν νέαν ἔκδοσιν' ('Introduction to the new edition'), in G Rallis and M Potlis (eds), *Σύνταγμα τῶν θεῶν 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 κατῶστασιν διεπούσαις 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 (reprinted Thessaloniki, 2002; first edition 1852), pp *3–*200, at p *140, who emphasizes that 'the then drafting of interpretations on the whole corpus of the canons was a new phenomenon, characteristic of the twelfth century'.
- 29 See a list of manuscripts that contain these commentaries after the text of the canons in J-A-B 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*, vol III (Paris, 1847), p 439.
- 30 The Trebizond Codex of 1311 is preserved today in the library of the Topkapı Palace Museum in Istanbul, according to J-M Olivier, *Répertoire des bibliothèques et des catalogues de manuscrits grecs de Marcel Richard* (Turnhout, 1995), p 384 (no 1260). For the Codex, see P Menevisoglou, 'Ο κῶδιξ τῆς Τραπεζοῦντος τοῦ ἔτους 1311' ('The Trebizond Codex of the year 1311'), (1982) 3 *Ἐκκλησία καὶ Θεολογία* (*Church and Theology*) 193–206. Two copies of the Codex survive today (from 1774 and 1779). The copy of 1774 is preserved in the department of manuscripts of the Library of the Aristotle University of Thessaloniki, according to S Kyriakides, 'Χειρόγραφος Νομοκάνων τοῦ Πανεπιστημίου Θεσσαλονίκης' ('A manuscript nomocanon of the University of Thessalonikī'), 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 VIII: *Μνημόσυνον Περικλέους Βιζουκίδου* (*In Memoriam Pericles Vizoukides*) (Thessaloniki, 1960–1962), pp 57–78. The copy of 1779 is held in the department of manuscripts of the National Library of Greece (Athens), according to I Sakkellion and A Sakkellion, *Κατάλογος τῶν χειρογράφων τῆς Ἐθνικῆς Βιβλιοθήκης τῆς Ἑλλάδος* (*Catalogue of Manuscripts of the National Library of Greece*) (Athens, 1892), p 249 (no 1372).

See P Menevisoglou, 'Τὸ 'χειρόγραφον Τραπεζοῦντος' (Ἀθηνῶν 1372) τῆς ἐκδόσεως Ράλλη καὶ Ποτλή' ('The "Trebizond manuscript" (Athens 1372) of the edition of Rhalles and Potles'), in *Δύο πολύτιμα χειρόγραφα ἱερῶν κανόνων* (Πάτριος 172–Ἀθηνῶν 1372) (*Two Precious Manuscripts of Sacred Canons* (Patmos 172–Athens 1372)) (Katerini, 2006), p 71–139.

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.³¹ The exact date of the *Synopsis* is unknown, but it was probably put together at some point between the end of the sixth century and the end of the seventh. In terms of its author, some manuscripts attribute the first edition to 'Stephanos the Ephesian', but there is uncertainty about who this person was.³² For his *Synodikon*, Beveridge employed a later, revised and augmented, edition 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.³³ For this reason, in the first section of the second volume, he annexed the *scholia* of Balsamon and Zonaras, together with the *Synopsis* and Aristenos' comments on it, but only to the Basilian Canons 1–85. The rest of the Patristic canons were published only with Balsamon's and Zonaras' *scholia*.³⁴

From the *Synodikon*'s title we learn that Beveridge found the abovementioned texts after diligently reviewing various manuscripts, mainly from the Bodleian Library at Oxford, and that he enriched his *Collection* with a detailed prologue at the beginning of the first volume, and with 'wise' commentary notes (*annotationes*) annexed to the end of the second volume.³⁵ His prologue contains valuable information about the manuscripts he used. His most important source for the canonical commentaries of Balsamon and Zonaras was manuscript Baroccianus 205 in the Bodleian Library, which he characterised as 'the most precious heirloom of canon law'.³⁶ The primary source for the *Synopsis* and for Aristenos' *scholia* on it was another manuscript at the Bodleian, Baroccianus 221.³⁷

31 For the *Synopsis* of the canons, see S Troianos, 'Byzantine canon law to 1100', in Hartmann and Pennington, *History of Byzantine and Eastern Canon Law*, pp 115–169 at pp 120–124.

32 See P Menevisoglou, 'Συνόψεις καὶ ἐπιτομαὶ ἱερῶν κανόνων ἐν Βυζαντίῳ' ('Synopses and epitomes of sacred canons in Byzantium'), in *Μνήμη Μητροπολίτου Ἰκονίου Ἰακώβου (In Memory of Metropolitan Iakovos of Iconium)* (Athens, 1984), pp 77–95 at pp 78–79.

33 One of the most significant revisions of the first edition of the *Synopsis* took place in the tenth century and is attributed to the magistrate and lawmaker Symeon. See A Christophilopoulos, 'Ἡ "κανονικὴ σύνοψις" 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 towards the end of the eleventh century. See Troianos, 'Byzantine canon law to 1100', p 124.

34 With the exception of the Canon of Amphilochios of Iconium, for which no commentary of Balsamon was included, and the Canons of Gregory of Nyssa, Timothy of Alexandria, Theophilus of Alexandria, Cyril of Alexandria, Gregory of Nazianzus, Amphilochios of Iconium and Gennadius of Constantinople, for which no *scholia* by Zonaras were included.

35 Beveridge, *Synodikon*, vol 1, pp 1–xxiv, and vol 11, pp 1–230. For the 'wise' *annotationes*, see N Milasch, *Τὸ Ἐκκλησιαστικὸν Δίκαιον τῆς Ὀρθοδόξου Ἀνατολικῆς Ἐκκλησίας (The Ecclesiastical Law of the Eastern Orthodox Church)*, trans M Apostolopoulos (Athens, 1906), p 282, n 8: 'σοφὰς σημειώσεις'.

36 Beveridge, *Synodikon*, vol 1, p xiv: 'pretiosum juris canonici κειμήλιον'.

37 Ibid, p xix.

Beside these manuscripts, Beveridge also consulted the printed editions of sacred canons; foremost among those editions were the ones containing the commentaries of Balsamon and Zonaras, as he admits in his prologue.³⁸ 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 his 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 the numbers 63, 104 and 112.³⁹ 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 shown, for instance, by the spelling mistake in the word 'ΑΡΧΙΕΡΕΙΣΚΟΠΟΥ', instead of the correct 'ΑΡΧΙΕΠΙΣΚΟΠΟΥ' (archbishop), in the title of the canons of Dionysius of Alexandria, in both the second volume of the *Synodikon* and the edition of Balsamon's canonical commentaries.⁴⁰

The fact that by the time of the *Synodikon's* publication there were already printed editions of the full text of the canons with the *scholia* of Balsamon or Zonaras does not diminish the great influence of the *Synodikon* in modern Orthodox canon law. Beveridge was the first to publish in the same edition both the canons and the commentaries of both Balsamon and Zonaras, in observance and restoration of the manuscript tradition in the canonical collections of the fourteenth and fifteenth centuries. Moreover, unlike other editions of the

38 Beveridge, *Synodikon* vol 1, pp xiii–xiv (Balsamon), pp xvi–xvii (Zonaras). The relevant publications were, for Balsamon, *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) and, for Zonaras, 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 Seleuciaee 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 canoniarum 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').

39 Beveridge, *Synodikon*, vol 1, pp 596–598 (63), 637–639 (104), 645–646 (112), following *Canones SS. Apostolorum*, 686–688 (63), 724–725 (104), 729–731 (112).

40 Beveridge, *Synodikon*, vol II, p 1; *Canones SS. Apostolorum*, p 879.

canons from the seventeenth century, he did not include in the *Synodikon* the first (systematic) part of the *Syntagma XIV titulorum*.⁴¹ However, he covered this omission with the first publication, in the second part of the second volume of the *Synodikon*, of the valuable *Alphabetical Syntagma* of the fourteenth-century canonist Matthew Blastares, with its famous *protheoria*.⁴²

The *Synodikon* was also the first canonical collection to publish Aristenos' *scholia* on the *Synopsis*. The latter had already been included in the second volume of the *Bibliotheca juris canonici veteris* by Voellus and Justellus, where it had been incorrectly 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 prologue 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

- 41 A late sixth-century collection of canons and secular legislation on ecclesiastical matters. The (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 (*vómoi*, 'laws') 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*. In its subsequent revisions and expansions in 883 and 1089–1090, it consisted of two parts: the systematic part with the classification of the canons and civil laws under the 14 titles, and the full text of the holy and sacred canons. See P Menevisoglou, *Ιστορική εισαγωγή εις τους κανόνες της Ορθοδόξου Εκκλησίας* (A Historical Introduction to the Canons of the Orthodox Church) (Stockholm, 1990), pp 55–73. For other editions of the canons, see *Nomocanon Photii patriarchae Constantinopolitani cum commentariis Theodori Balsamonis patriarchae Antiocheni*. Christophorus Justellus ex bibliotheca Palatina nunc primum graece edidit. *Accesere ejusdem Photii, Nili metropolitae Rhodi et Anonymi tractatus de synodis oecumenicis ex Bibliotheca Sedanensi ab eodem Justello nunc primum graece editi*, 2 vols (Paris, 1615) (vol I: Greek text; vol II: Latin translation); *Bibliotheca juris canonici veteris in duos tomos distributa, quorum unus canonum ecclesiasticorum codices antiquos, tum graecos tum latinos complectitur, subjunctis 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.*, 2 vols (Paris, 1661), vol II, 785–1140 (Greek text with Latin translation)
- 42 Beveridge, *Synodikon*, vol II, pp 1–272 (original Greek text with Latin translation). The *Alphabetical Syntagma* is a very significant fourteenth-century canonical collection in the form of an alphabetically arranged encyclopaedia of ecclesiastical law, divided, in accordance with the letters of the Greek alphabet, into 24 sections, subdivided into chapters. See Troianos, 'Byzantine Canon Law from the twelfth to the fifteenth centuries', pp 185–187. The *protheoria* is a preface containing the history of the sources of canon law and of civil law on ecclesiastical matters. Despite various attempts by other scholars during the seventeenth century, the *Synodikon* contains the first full printed edition of the *Syntagma*. For Blastares, see P Paschos, *Ο Ματθαίος Βλάσταρης και τὸ ὑμνογραφικὸν ἔργον του* (Matthew Blastares and His Hymnographical Work) (Thessaloniki, 1978).

scholar.⁴³ It was particularly problematic that Aristenos' name was placed next to the abstracts of the canons of the two Photian councils, because for these two councils no *scholia* by Aristenos survive.⁴⁴

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 twelfth century. It is no exaggeration to say that soon after the *Synodikon's* publication this structure was 'canonised' 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 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, primarily (but not exclusively) 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 eighteenth and nineteenth centuries.⁴⁵

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) is an annotated collection of the canons of the Byzantine corpus, edited by the hieromonk Agapios and the monk Nicodemos of the Holy Mountain ('Hagiorite') and approved for publication by the Holy and Sacred Synod of the Ecumenical Patriarchate of Constantinople.⁴⁶ As the *Pedalion's* editors admit in their prologue, they employed Beveridge's *Synodikon* (which was rare by their time), in order not only to transcribe from it verbatim the full original Greek text of the canons—acknowledging, thereby, the 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.⁴⁷ While the two editors do not refer explicitly

43 Beveridge, *Synodikon* vol 1, p xvii.

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

45 The *Synodikon* was translated into Russian around the end of the seventeenth century and beginning of the eighteenth, but these translations were never published. See Ivan Žužek, *Kormcaja Kniga: Studies on the Chief Code of Russian Canon Law* (Rome, 1964), pp 56–59.

46 Agapios and Nicodemos, *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*), first edition (Leipzig, 1800). For Agapios, see L Petit, 'Le canoniste Agapios Leonardos', (1899) 2 *Échos d'Orient* 204–206. See also P Menevisoglou, 'Ο ιερομόναχος Ἀγάπιος Λεονάρδος (1741–1815)' ('The hieromonk Agapios Leonardos (1741–1815)'), (1996) 3 *Ἡ καθ' ἡμᾶς Ανατολή* (*Our East*) 27–47. For Nicodemos, see N Russell, 'Nikodemus the Haghiorite', in A Casiday (ed), *The Orthodox Christian World* (Abingdon and New York, 2012), pp 318–324.

47 In Agapios and Nicodemos, *Pedalion*, p ζ, the 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'. The book in question was the *Synodikon*. They also comment that 'We hastened to find the books of the sacred Pandedts, and from there, not only to transcribe the entire and integral Greek text of the divine Canons verbatim, but also to

to Beveridge, when they mention the word ‘Pandects’ in the *Pedalion* they certainly mean the *Synodikon*, whose alternative name, as seen in its title, is ‘Pandects’.⁴⁸ 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 Beveridge’s name three times and his ‘Pandects’ eight times as the source employed by the *Pedalion*’s editors.⁴⁹ More crucially, in the footnotes to the *Pedalion*, 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), regarding typographical errors in the numbering of the Carthage canons by the ‘Pandects’ and ‘Balsamon’, 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*.⁵⁰

Nevertheless, even after the publication of the *Pedalion*, Beveridge’s *Synodikon* remained the ‘most perfect and the most critical’ 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, or Blastares’ *Alphabetical Syntagma*.⁵¹ This lacuna was filled with the publication of the six-volume *Syntagma of the Divine and Sacred Canons* (1852–1859), edited by Georgios A Rallis and Michael Potlis.⁵² Rallis and Potlis

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.’

- 48 See P Menevisoglou, ‘Αἱ κανονικὰ καὶ νομικὰ πηγὰ τοῦ Πηδαλίου’ (‘The canonical and legal sources of the *Pedalion*’, (2003) 10 *Ὁρθοδοξία (Orthodoxy)* 725–742 at 725–732.
- 49 See this report in P Menevisoglou, ‘Ἡ εἰσηγητικὴ ἔκθεσις τοῦ ἱερομονάχου Δωροθέου Βουλισημά περὶ τοῦ Πηδαλίου’ (‘The recommendation report of hieromonk Dorotheos Voulismas on the *Pedalion*’), in *Τὸ Πηδάλιον καὶ ἄλλαι ἐκδόσεις ἱερῶν κανόνων κατὰ τὸν 18ον αἰῶνα (The Pedalion and Other Editions of Sacred Canons during the Eighteenth Century)* (Katerini, 2008), pp 243–286 at 256–258. References to Beveridge and the ‘Pandects’ occur on pp 266 (twice), 267, 268, 269, 270 and 271 (twice).
- 50 Agaprios and Nicodemus, *Pedalion*, p 367: ‘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’.
- 51 Milasch, *Τὸ Ἐκκλησιαστικὸν Δίκαιον*, p 282, n 2. See also Delidimos, ‘Εἰσαγωγή’, p *190: ‘the “Synodikon” of Beveridge remained the most complete edition of all’.
- 52 G Rallis and M Potlis (eds), *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 διεπούσας διατάξεις, 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)*, 6 vols (Athens, 1852–1859). For this publication, see P Menevisoglou, ‘Τὸ Σύνταγμα Ράλλη καὶ Ποτλή (1852–1859)’ (‘The *Syntagma* of Rallis and Potlis (1852–1859)’), in *Τὸ Σύνταγμα Ράλλη καὶ Ποτλή καὶ ἄλλαι ἐκδόσεις ἱερῶν κανόνων κατὰ τὸν 19ον καὶ 20όν αἰῶνα (The Syntagma of Rallis and Potlis and Other Editions of Sacred Canons during the 19th and 20th Centuries)* (Katerini, 2009), pp 19–79. Rallis was a professor of commercial law and President of the Supreme Civil and Criminal Court of Greece (the Areopagus). Potlis was a professor of ecclesiastical law and the Greek Minister of Justice. For more on the two editors, see S Troianos, ‘Ράλλης καὶ Ποτλής’ (‘Rallis and Potlis’), in N Oikonomides (ed), *Τὸ Βυζάντιο κατὰ τὸν 12ο αἰῶνα:*

republished the full text of the canons of the Byzantine corpus, together with the *scholia* of Zonaras, Balsamon and Aristenos (in volumes 2–4), and of Blastares' *Syntagma* (in volume 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 volumes 2–4) and with a series of manuscripts found mainly in the National Libraries of Athens and Paris (for volume 6). Moreover, the editors also published the first (systematic) part of the *Syntagma in 14 Titles* (in volume 1), as well as a series of patriarchal and synodal decisions of the Ecumenical Patriarchate and excerpts of Novels of Byzantine emperors (volume 5), which were not included in the *Synodikon*.

Rallis and Potlis' *Syntagma* therefore finally 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'.⁵³ Nevertheless, in their prologue to the whole collection the editors talk about their work as a 'new edition of the *Synodikon*', a characterisation repeated in the *imprimatur* letter sent to Rallis by the Holy Synod of the Kingdom of Greece.⁵⁴ Even though this characterisation is not accurate, it reflects the great admiration of Rallis and Potlis for Beveridge's *Synodikon*, this 'precious treasure' and 'beauteous monument' of the Byzantine canonical tradition, and their 'deepest gratitude' to Beveridge himself.⁵⁵ This gratitude was expressed in the *Syntagma's* prologue, and is repeated again here, on behalf of every 'friend of ecclesiastical education', of every 'truly Greek soul' 'for the memory of this wise man', 'the excellent theologian, the possessor of the deepest knowledge about the ecclesiastical history, the notable Hellenist, who, even though from a different Christian denomination, was free from any unfair prejudice against the mother of the Christian Churches'.⁵⁶

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* (a sermon that ran to 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

Κανονικό Δίκαιο, κράτος και κοινωνία (Byzantium in the 12th Century: Canon Law, State and Society) (Athens, 1991), pp 17–24.

53 Milasch, *Τὸ Ἐκκλησιαστικὸν Δίκαιον*, 2p 79.

54 Rallis and Potlis, *Σύνταγμα* vol 1, p 1; Letter of 25 April 1852, and Prot no 2243 in *ibid*, vol II, np: 'printing of Beveridge's *Synodikon*'.

55 *Ibid*, vol 1, p θ.

56 *Ibid*.

1704 on the Gunpowder Plot and in the same place in 1705 on King Charles I as a martyr.⁵⁷ He also addressed Church law. Three examples are offered here.⁵⁸

First, as might be expected, he sometimes 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 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’.⁵⁹ There was, of course, visitation law in Beveridge’s day.⁶⁰

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 [citing Canon 33], nor except he subscribe to the three articles mentioned in Can [on] 36.’⁶¹

57 Cowie, ‘Beveridge, William (1637–1708)’.

58 The examples offered in this section are taken from Bliss, *Theological Works of William Beveridge*, vol 1, *Sermons*.

59 Ibid, p 2, Sermon 1, ‘Christ’s presence with his ministers’, esp pp 9, 13–16.

60 Godolphin, *Repertorium Canonicum*, pp 34, 63.

61 Bliss, *Theological Works of William Beveridge*, vol 1, p 26, Sermon 11, ‘The institution of ministers’, at p 46.

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’. Thus, ‘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 only 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 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.⁶²

Debate on laity and clergy serving in courts was an old one.⁶³

62 Ibid, 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 (eg the Code and Novels of Justinian), in the canons of the early councils (eg the Fourth General Council at Chalcedon), the ‘canon law’ of ‘the Romish Church’ and the Canons Ecclesiastical of 1603 (here he discusses Canons 127 and 134).

63 Helmholz, *Profession of Ecclesiastical Lawyers*, pp 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 other divines wrote extensively on these, including John Prideaux (1578–1650), Professor of Divinity at Oxford, and Bishop of Worcester.⁶⁴ Moreover, several well-known commentators on English ecclesiastical law also explicitly rely on Beveridge as a source for the Early Church canons. We give just two examples from the eighteenth century, one a clerical jurist, the other a civilian. Edmund Gibson, Bishop of London, in his *Codex* of 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 [citing Canon 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, citing Beveridge he remarks that

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.

Gibson concludes: ‘so here in England, it is certain they were so’.⁶⁵

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’, namely 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 has only inserted eighty-four of them in his Body of the Law.’ Ayliffe then explains how Jean Daillé, a French Reformed theologian, believed that ‘these Canons were

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

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

made by some impostor or other' and in 1689 Thomas Cambenus considered 'these Canons to be suppositions'.⁶⁶ 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.⁶⁷

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. We give three examples here: 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 1848 book on Church law: 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) as being among 'the most judicious writers' on this matter. Incidentally, in the same note Stephens also cites the book *Primitive Christianity* (1676) by William Cave, Beveridge's contemporary at St John's College, Cambridge.⁶⁸ 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'.⁶⁹ Finally, Robert Phillimore, in the second edition of his

66 For Jean Daillé see also above, n 8.

67 J Ayliffe, *Paregon Juris Canonici Anglicani* (London, 1726), 'An historical introduction', pp iv–v. Haloander, a German civilian (1501–1531), wrote *Modus legendi abbreviaturas passim in iure tam civili, quam pontificio occurrentes* (Rome, 1623). Ayliffe also cites Beveridge, eg at p xiii, 'Bev. Prolog. SS. 26; iv' and, for the early canons, Mastricht (p xiii) and Cave (p xvii).

68 A Stephens, *A Practical Treatise of the Law Relating to the Clergy*, 2 vols (London, 1848), vol 1, p 152: 'Beveridge, *Pandects Canonum*'; the note on p 152 cites 'Cave, Prim. Christ, par. 1. p 224; Beveridge, *Pandect. t. 2. Ancyr. 13*' (the latter is the same reference as in Gibson—see above, n 66). Ayliffe likewise cites Cave (above, 68).

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

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.’⁷⁰ However, in the latter part of the twentieth century and the early twenty-first, Beveridge makes no appearance in the two leading works on the historical development of literature on ecclesiastical law in England.⁷¹

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

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70 R Phillimore, *Ecclesiastical Law*, second edition, 2 vols (London, 1895), vol II, p 1525: ‘Beveridge, Pand. Proleg. ii.’

71 He does not appear in the index of either J Baker, *Monuments of Endlesse Labours: English Canonists and Their Work, 1300–1900* (London, 1998), or Helmholz, *Profession of Ecclesiastical Lawyers*.