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ARTICLE I.

THE CANONS OF THE APOSTLES.

A Dissertation, Historical and Critical, Translated from the Latin, by Irab Chase, D. D.

INTRODUCTORY NOTE.

[THE author of this Dissertation *De Codice Canonum, quæ Apostolorum nomine circumferuntur*, is Dr. O. C. Krabbe, now a Professor in the University of Kiel. To say nothing of his other highly valuable productions, his work in German on the Origin and Contents of the Apostolical Constitutions ought to be mentioned here, as being akin to the small Latin work now presented in an English dress. It was a Prize Essay at the University of Bonn. It forms an octavo volume of about three hundred pages. It introduces the reader to a dark but deeply interesting period of Ecclesiastical History; and to all who are prepared to enter on a fundamental investigation, it furnishes important aid in solving one of the most difficult problems, and in understanding the state of the ancient church. It is already translated from the German; and, probably, it will soon be published in connection with an English version of the so called Apostolical constitutions and canons of the Apostles. Indeed, from the evidence of manuscripts, the canons of the Apostles seem once to have constituted a concluding chapter (47th) of the Eighth and last Book of the Apostolical Constitutions. But, in the present Article, they are treated as a distinct collection.

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It is unnecessary here to speak of the mighty influence which these canons have had, or of their importance in shedding light on the history of Christendom. And it would be wrong to detain the reader by apologies, or criticisms, or commendations. In the few instances in which it has seemed desirable to add anything, it has been added by the translator, and included in brackets.—
[TE.]

FROM the time of the Lutheran Reformation, a new and brighter day shone on Ecclesiastical History, as well as on all the departments of Theology. For there have been men now mentioned among theologians with merited praise, who, when they had received the liberty of thinking and speaking, applied the torch as it were, of criticism to the thick darkness of errors, and summoned to a more accurate examination various statements which, although commonly admitted, were yet not placed beyond doubt. They felt themselves under special obligations to go back to the earlier ages of the Christian church, and inspect carefully the foundation on which the Romish church had been resting. But the more they penetrated into the most interior recesses of Ecclesiastical History, and explored critically the sources themselves, the better they have understood that many things by which the Romish church has assumed her authority, and sustained herself for so many ages, are nothing else than inventions destitute of all firm and stable foundation. When those reformers, therefore, applied themselves zealously to draw from the fountains of history the means of combating the theologians of Rome, it could not but occur that they should not only reject many vain and absurd notions, but even refute and annihilate them. In breaking the supports of the Papal domination, what immortal glory they acquired to themselves by proving the falsity of the Decretal Epistles, to say nothing of anything else, no one needs to be informed.

But among the ancient writings which in former times, were advanced to great power and authority, and which helped to sustain the Popes in establishing some of their institutes and decrees, have been also the canons, which were circulated in the name of the holy apostles.¹ Nor have there been wanting in the

¹ *Κανόνες εκκλησιαστικοὶ τῶν αὐτῶν ἁγίων ἀποστόλων.* Thus the book in the French king's library, 1326, is entitled: *In Dionysius Exiguus: Regule Ecclesiasticæ sanctorum Apostolorum, prolatae per Clementem ecclesiae Romanae pontificem.* And in the king's Greek collection of canons, 2430: *Κανόνες*

atholic church those who against all appearance of truth would dare to palm these canons on the apostles, and not hesitate to set them forth as apostolical. Before the Reformation, therefore, these canons had great authority, and were even received into the body of the canon law; nor did popes omit to quote them in settling contests and in promulgating laws.

But their authority was shaken and diminished, when the greatest distrust was awakened respecting all writings which served to perpetuate and sustain the papal domination. At last, their whole force and influence were destroyed, when it was proved by the gravest reasons, that these canons are not a work of the apostles, and can rightfully be ascribed neither to the apostles nor to Clement of Rome. This became the united and harmonious voice of all the intelligent, including even theologians of the catholic church. But respecting the origin of the canons there were among theologians various opinions. No one was presented that united all suffrages. Though most agreed in denying that the canons are of apostolic origin, yet in forming a judgment how they arose, and to what age they are to be adjudged, there was much diversity. But at what time they came into existence, where they first appeared, who collected them, and why they bear the name of the apostles, all will readily perceive to be inquiries of no small importance.

And to me, as I approach this question to be solved concerning the origin of the canons, it seems requisite, that, after narrating as briefly as possible the opinions of learned men respecting this matter, and examining diligently the testimonies of the ancients, I should institute a discussion concerning the number and authority of the canons. Then we must proceed to consider whether they have one author, or are a collection of separate canons which arose in the early Christian church. Finally, if on this point we arrive at any certainty, we must inquire whether, by examining the canons themselves more carefully, and taking into view external considerations, it may be possible to determine more exactly the time in which they arose.

I Let us present the most important opinions of the authors who have written concerning the canons.

οι λεγόμενοι τῶν ἀποστόλων, διὰ Κλήμεντος. But in the Latin Ms. 1203: *Apostolorum Canones, qui pro Clementem Romanum pontificem de Graeco in Latinum, sicut quidam asserunt, dicuntur esse translati, sunt quinquaginta.* Compare Cotelierii Patr. Apost. Opera, Tom. I. p. 442;—also C. J. Can. ed. Böhmcr, and C. J. Civ. ed. Gotsfred.

The first were the well known Magdeburg centuriators,¹ who vehemently impugned their apostolic authority, and proved clearly that the work is spurious, and not to be ascribed to the apostles. Turrianus,² Binius,³ and others undertook the defence of the canons, affirming that they were made by the apostles themselves. Influenced by zeal for the order of things as established around them, they were led into this opinion, that, by the aid of those ancient regulations, they might, at their pleasure, commend and confirm certain ecclesiastical rites and various institutes of ecclesiastical discipline. But the attempt was made in vain. For even among the theologians of their own church, this opinion has not prevailed.

But along with others who descended into the arena against those papists, was John Duillé, far the most learned man of his age, and one of the most acute; who in his third book *De Pseudepigraphis Apostolicis*, entirely overthrew the insane opinion. He put forth his vigorous efforts to impugn and refute also the opinion of Alaspinaeus, bishop of Baden, who had contended that this ancient collection of canons was nothing else than a summary and abridgment of local councils and of matters sanctioned by individual bishops of the Greek churches before the Nicene council.⁴ Then, having exploded the opinions of his adversaries, Duillé proposes his own, namely, that this apocryphal collection of canons, completed, did not become known before the fifth century, and now about the end of the fifth century made its appearance, and began to be published.⁵

Among the catholic theologians, *Bellarmin*⁶ and *Baronius*⁷ admit only the first fifty canons to be legitimate; the rest, which Dionysius Exiguus had omitted in his collection, they do not think to be of legal authority, although they are received by the Greeks.

But although *Natalis Alexander*,⁸ *Antonius Pagi*,⁹ *Cabassutius*¹⁰

¹ Ceritus. Magdeb. I. Lib. II. c. VII. p. 544.

² In Tract. pro Canonibus Apostolorum et Decretalibus Epistolis contra Magd. Lib. I. Florent. 1572, 1612.

³ Praefat. ad canon. Apost. Tom. I. concil. p. 14; where he acknowledges all as genuine and apostolical, except the 65th canon and the 84th, which he would have expunged.

⁴ De Antiq. Eccles. Ritib. Lib. I Obs. 13.

⁵ De Pseudepigr. Apost. Lib. III.

⁶ De Script. Eccles. p. 40, 41. ed. Colon. 1657.

⁷ Annales ad A. 102. n. XII.

⁸ Dissert. 17. seculi I. p. 195.

⁹ Ad A. C. 56. p. 46.

¹⁰ In Notit. Ecclesiast. Histor. concil. p. 7.

and others, embrace the opinion of Daillé, yet many have taken a middle course; who would contend that all those canons are indeed fictitious and spurious, but that their origin is very ancient.

Nearest to Daillé comes Peter de Marcia,¹ who, because Firmilianus and Cyprian, disputing with Stephen, bishop of Rome, concerning the baptism of heretics, made not the least mention of the canons, conjectures that these canons were collected and honored with the name of the apostles, A. D. 250, and that this was done at a certain council in Iconium. For if the canons had been known before this, it cannot be explained why those men did not appeal to them, when in canons XLVI, XLVII, and XLVIII, the baptism of heretics is disapproved. I confess that this conjecture seems to me very reasonable. And to this one argument other reasons could be added, and other canons called into the discussion.

But here we must by no means omit to mention that most learned man, William Beveridge,² who has written concerning the apostolical canons with so much acuteness and excellence that his opinion is approved by almost all. Although he has not dared to affirm either that they were written by the apostles themselves, or that they were dictated to Clement of Rome as an amanuensis, yet he endeavors to prove that they are the most ancient canons of the primitive church. That canons framed by apostolic men in the end of the second century and the beginning of the third, everywhere began to be known, nay, that the collector both of the canons and of the constitutions, was not Clement of Rome, but Clement of Alexandria, he has suspected from the last canon. There are indeed many things in which I rejoice that I agree with Beveridge, but nevertheless, in a subsequent part of this essay, where I exhibit my opinion respecting the age of the canons, reasons are given why in the main point I dissent from him. Here it will be sufficient to remark that I cannot dissent from the opinion of the learned men who contend that the whole of the last canon was inserted afterwards by another hand, and, therefore, that testimony cannot be drawn from it for settling the question respecting the author of the canons.

We must now come to more recent ecclesiastical historians; most of whom, however, may be passed over in silence. For although they and persons occupied with ecclesiastical law had

¹ *Petrus de Marca, De Concordia Sacerdotii et Imperii, Lib. III. c. 2.*

² *Codex Canonum Ecclesiae Primitivae Vindicatus et Illustratus. Lond. 1678. 4.*

most frequent occasion to refer to the canons, and settle their age by solid arguments, yet most of them, I know not by what accident, have been silent on the subject. They have seemed to have answered sufficiently the demands of criticism, if they have not assumed that the canons came from the apostolic age, and have made certain conjectures respecting their origin. But among the ecclesiastical writers who flourished towards the close of the last century, I must not neglect to commend one, whose opinion I have appropriated to my own use, and have set forth more copiously, as it was incumbent on me to do. It is *Spittler*,¹ whose merits in historical erudition connected with theology are very distinguished; and who has treated concerning the antiquity of the collection of canons, but not concerning the antiquity of the particular canons; and has stated it as being fully ascertained that these canons, in the earlier ages, arose in individual churches, which claimed to themselves apostolical origin; and that for this cause, and not because apostles were the authors of the canons, any precept of an apostolic church, being conformable to the doctrine of the apostles, was honored with the name of an apostolical canon. Finally, he thought that the separate canons, everywhere scattered in the apostolic churches, were brought into a collection; but afterwards were variously modified.

This opinion has also prevailed among more recent writers on law.² Most of them have judged that the origin of the canons is to be placed in the second century and in the third; and that they, nevertheless, contain vestiges, from which it may justly be concluded that they were afterwards increased.

From this brief survey of the judgments which have been pronounced respecting the canons, it will sufficiently appear that learned men have not all received the same number, but have followed various and conflicting opinions concerning this matter. In order, therefore, to show what has been proposed correctly, and what otherwise, the only thing to be done seems to be to institute a discussion concerning the number and authority of the canons. In this, it is of primary importance to examine diligently and estimate the testimonies of the ancients, that, having surveyed these, we may discover certain common principles, as it were, from which, in conjunction with internal evidences, the origin of the canons can, with probability, be made to appear.

¹ *Geschichte des Kanonischen Rechts bis auf die Zeiten des falschen Isidor.* Halle, 1778.

² Compare *Walter*, in his *Lehrbuch des Kirchenrechts*, § 39. s. 96. 3rd Ed.

II. It is clear that among all the ancient authors, John of Antioch was the first who mentioned the apostolic canons, and these, the whole *eighty-five*, as belonging to the volume of sacred writings. And, the Trullan council, in their second canon, having passed a favorable decree concerning these canons,¹ and afterwards John of Damascus having received them into the catalogue of holy Scriptures,² very few of the Greeks have called in question their apostolic origin and authority.

The first to be mentioned, who, among the Greeks, has hesitated to ascribe the canons to the apostles, seems to be Photius.³ But the Greeks, as they never disputed concerning the number of the canons, always retained as sacred the eighty-five. Among the Latins it was different. About the year 500, Dionysius Exiguus, (who introduced our reckoning from the birth of Christ,) by translating fifty canons from Greek into Latin, presented them to the Latin church. And, to this time, it is not known why he did not translate into Latin the whole eighty-five canons, and give them all to the Latin church; whether he happened to have only *fifty* canons in his perhaps mutilated manuscript, or thought he ought to exclude from his version the latter *thirty-five*, as having been added after the collection was made. Be that matter as it may, it is certain that the Latin church received only the first fifty, and held them sacred.

Nor has the usage of the church been changed in later times. But canons, advanced to greater authority as having come from the apostles, have in many things been made arbiters. And, be it remembered, it was in a time when criticism had not yet been applied to ecclesiastical history, that no one opposed their claims. In the sixth century they are often brought forward by the popes to promote the papal interests. Their power and authority increased more and more; yet no more than the fifty came into use. This is easily ascertained from the controversy of Cardinal Humbert, who, when he contended at all points against Nicetas Peccoratus concerning the Sabbath, loudly asserted that all the ca-

¹ Ἐδοξε δὲ καὶ τοῦτο τῇ ἁγίᾳ ταύτῃ συνόδῳ κάλλιστα καὶ σπουδαιότατα, ὥστε μένειν καὶ ἀπὸ τοῦ νῦν βεβαίους καὶ ἄσφαλεις . . . τοὺς ὑπὸ τῶν πρὸ ἡμῶν ἁγίων καὶ ἐνδόξων ἀποστόλων ἐγδοῆκοντα πέντε κανόνας.

² De Fide Orthod. Lib. IV. c. 28.

³ In his Bibliotheca, Cod. 112; in his Preface to the Nomocanon, and in *Matthæi Blastariis Προσθεωρία*: Οὐ μὴν ἄλλὰ καὶ τοὺς λεγομένους τῶν ἁγίων ἀποστόλων, εἰ καὶ τινες αὐτοὺς ἀμφιβόλους διὰ τινὰς αἰτίας ἠγῆσαντο.

nons, except the fifty, were apocryphal. It appears from many passages that Gratian (A. D. 1145) thought the same.¹

Having now briefly stated the testimonies concerning the collection of the canons, we proceed to consider the origin of each.

All who have diligently examined the work, must have discovered that the canons have not proceeded from one author. The testimonies of the ancients, indeed, prove this. For often in the councils of the fourth and of the fifth century, reference is made to most ancient canons to which various names are given. Let us, therefore, trace those vestiges which may yet be found in the early ages, and bring them to light, that the origin of the canons may become more manifest.

III The council of Chalcedon (A. D. 451), when, in their twenty-second canon, they decreed it unlawful for the clergy after the death of a bishop to seize the property which belonged to him, sanctioned as it were and fortified their canon by adding, *as also it is interdicted in the ancient canons*, (*καθὼς καὶ τοῖς πάλαι κανόσι ἀπηγόρευται*). But observe how wonderful it is, if we inspect the matter more thoroughly. Let us look around and examine whether there is any such prohibition in the canons of former councils. We find no canon except our fortieth apostolic canon which expressly orders that the property of the bishop be not lost, nor cease to be at his disposal, but that he have the power of leaving it to whomsoever he may please.² In view of these facts, who can doubt that the council of Chalcedon, in the words quoted, pointed to our canons? In passing, let us here remark, that ancient regulations were first cited under the name of apostolical canons in the council of Constantinople, A. D. 394. (See Zonaras, p. 527, and Balsamon, p. 768.)³ At that council there were present, besides many other bishops, Theophilus of Alexandria, Flavius of Antioch, Gregory of Nyssa, and Theodorus of Mopsuestia,—men of great eminence. No one will deny that the regulation presented in our canon LXVI, [otherwise numbered LXXIII and LXXIV,] is similar to the one which

¹ Gratian. *Distinct.* 16. Pref. and Urban II. apud Gratianum, *Dist.* 32, c. 6.

² Can. XL. Ἐστω φανερὰ τὰ ἴδια τοῦ ἐπισκόπου πράγματα, εἶγε καὶ ἴδια ἔχει, καὶ φανερὰ τὰ κυριακά, ἢ ἐξουσίαν ἔχη, τῶν ἰδίων τελευτῶν ὁ ἐπίσκοπος οἷς βούλεται καὶ ὡς βούλεται καταλείψαι, καὶ μὴ προφάσει τῶν ἐκκλησιαστικῶν πραγμάτων διαπίπτειν τὰ τοῦ ἐπισκόπου.

³ Μὴ χρῆναι πρὸς τὸ ἐξῆς μήτε παρὰ τριῶν. μή τί γε παρὰ δύο τὸν ὑπεύθυνον δοκιμαζόμενον καθαιρεῖσθαι, ἀλλὰ γὰρ πλείονος συνόδου ψήφῳ καὶ τῶν τῆς ἐπαρχίας, καθὼς καὶ οἱ ἀποστολικοὶ κανόνες διωρίσαντο.

we have inserted at the bottom of the page as having been decreed by that council.¹

It should be further remarked, that the Fathers in this general council, A. D. 381, sent epistles to Damasus, Ambrose, and other bishops then assembled at Rome, in which from an ancient canon, (*Παλαιός τε ὡς ἴσασθε θεσμός κεκράτηκα, καὶ τῶν ἁγίων ἐν Νικαίᾳ πατέρων ὄρος,*) they contended it ought to be established that bishops in their own parishes, and there only, with the assistance, if they think proper, of other neighboring bishops, should give ordination to those who become clerical persons. Nor is there any law more ancient than the Nicene council, except canons XIV. and XV, which forbid a bishop's leaving his own parish, and pervading that of another, unless a reasonable cause constrain him.²

And about that time Evagrius occupied the episcopal chair at Antioch, having been ordained by no one except his predecessor Paulinus; which Theodoret, in his Ecclesiastical History, B. V. c. 23, affirms to have been done *contrary to the ecclesiastical law*, (*παρὰ τὸν ἐκκλησιαστικὸν θεσμόν.*)—*nay, contrary to many canons*, (*παρὰ πόλλους κανόνας.*)• But manifestly his affirmation is in harmony with the canon which expressly enjoins, Let a bishop be ordained by two bishops or by three, (*Ἐπίσκοπος χειροτονεῖσθω ἐπὶ ἐπισκόπων δύο ἢ τριῶν*). May we not reasonably infer that Theodoret had in his mind our first canon, from which he judged the ordination of Evagrius to be unlawful? But if we thoroughly examine the other canons, the seventy-sixth presents itself to us, which establishes in almost so many words the judgment of

¹ Can. LXVI. Ἐπίσκοπον κατηγορηθέντα ἐπὶ τινα παρὰ ἄξιοσύστην καὶ πιστῶν προσώπων, καλεῖσθαι αὐτὸν ἀναγκαῖον ἐπὶ τῶν ἐπισκόπων κῦν μὲν ὑπαντήσῃ καὶ ἀπολογία ἢ ἐλεγχθεῖν, ὀρίζεσθαι τὸ ἐπιτίμιον· εἰ δὲ καλούμενος μὴ ὑπακούσῃ, καλεῖσθω καὶ δεύτερον, ἀποστελλομένων ἐπ' αὐτὸν δύο ἐπισκόπων· εἴν δὲ καὶ οὕτω καταφρονήσας μὴ ὑπαντήσῃ, ἢ σίνονδος ἀποφαινεῖσθω κατ' αὐτοῦ τὰ δοκοῦντα, ἔπος μὴ δόξῃ κερδαίνειν φυγοδικῶν.

² We here insert the two canons entire, to avoid the necessity of repetition hereafter.—Can. XIV. Ἐπίσκοπον μὴ ἐξεῖναι καταλείψαντα τὴν ἑαυτοῦ παροικίαν ἕτερα ἐπιπέδῃν, κῦν ἐπὶ πλείονων ἀναγκύηται, εἰ μὴ τις εὐλογος αἰτία ἢ τοῦτο βιαζομένη αὐτὸν ποιεῖν, ὡς πλέον τι κέρφος δυναμένου αὐτοῦ τοῖς ἐκεῖσε λόγῳ εὐσεβείας συμβῦλλεσθαι· καὶ τοῦτο δὲ οὐκ ἔφ' ἑαυτοῦ, ἀλλὰ κρίσει πολλῶν ἐπισκόπων καὶ παρακλήσει μεγίστῃ. Can. XV. Εἰ τις πρεσβύτερος ἢ διάκονος ἢ ὄλως τοῦ καταλέγου τῶν κληρικῶν ἀπολείψας τὴν ἑαυτοῦ παροικίαν εἰς ἕτεραν ὑπέλθῃ, καὶ πωτελῶς μεταστὰς διατρίβῃ ἐν ἄλλῃ παροικίᾳ παρὰ γνώμην τοῦ ἰδίου ἐπισκόπου· τοῦτον κελούμεν μηκέτι λειτουργεῖν, μάλιστα εἰ προσκαλοσθένου αὐτὸν τοῦ ἐπισκόπου αὐτοῦ ἐπανελθεῖν σὺχ' ἐπήκουσεν ἐπιμένων τῇ ὑταξίᾳ· ὡς λαϊκὸς μέντου ἐκείσε κοινωνεῖτω.

Theodoret: A bishop must not gratify his brother, or his son, or any other kinsman with the episcopal dignity, or ordain whom he pleases. . . . But if any one shall do so, let the ordination be invalid.¹ Most clearly, if we do not greatly err, Theodoret had this canon also in his mind.

If now we go back to the earlier time of the Christian church, we find such vestiges of the canons that it will appear that they were even then known. Nor will any one deny that most probably the Nicene council not only had regard to these canons, but also confirmed and more amply described them. We shall not deny that the canons were in use before this council.

Thus Alexander, bishop of Alexandria, when, in an epistle to Alexander, bishop of Constantinople, he mentions it as scandalous in many bishops that they received into the communion of the church several persons excommunicated by himself, sustains his opinion by these words, τῷ μήτε ἀποστολικὸν κανόνα τοῦτο συγκαταίει.² Who, indeed, is there whom it can escape, that canons XII and XIII are opposed to this abuse?³ And by this epistle, as it was written before the Nicene council, it is necessarily shown even that the whole council were acquainted with these canons.

The Nicene Fathers, when they had in mind to propose and sanction certain canons concerning eunuchs, referred to earlier canons, in which, they said, the same precepts were contained. Now our canons exhibit to us certain precepts concerning eunuchs;⁴ so that it can be affirmed, without any doubtfulness, that the Nicene Fathers had regard to these. For if this be not admitted, where can be found any other canons which establish the same rules concerning eunuchs? Wherever we may search, we find nowhere anything similar, except in our canons.

But there is another argument which confirms our conjecture.

¹ Ὅτι οὐ χρὴ ἐπίσκοπον τῷ ἀδελφῷ ἢ υἱῷ ἢ ἑτέρῳ συγγενεῖ χαρίζεσθαι τὸ ἀξίωμα τῆς ἐπισκοπῆς, χειροτονεῖν οὐς αὐτὸς βούλεται εἰ δέ τις τοῦτο ποιήσει, ἄκυρος μένετω ἡ χειροτονία . . .

² Theodoret, Hist. Eccles. Lib. 1. c. 3.

³ Can. XIII. Εἰ τις κληρικὸς ἢ λαϊκὸς ἀφορισμένος ἦτοι ἀδελφός, ὑπελθὼν ἐν ἑτέρῳ πόλει δεχθῆ ἄνευ γραμμάτων συστατικῶν, ἀφοριεσθῶ καὶ ὁ δεξάμενος καὶ ὁ δεχθείς.

⁴ Can. XXI. Εὐνοῦχος εἰ μὲν ἐξ ἐπιτηρείας ἀνθρώπων ἐγενεθὲ τις, ἢ ἐν διογμῷ ἀφαιρεθῆ τὰ ἀνδρῶν, ἢ οὕτως ἐφυ, καὶ ἐστὶν ἄξιός, ἐπίσκοπος γινέσθω.—Can. XXII. Ὁ ἀκρωτηριάσας ἐαυτὸν, μὴ γινέσθω κληρικὸς· αὐτοφονετῆς γάρ ἐστιν ἑαυτοῦ καὶ τῆς τοῦ θεοῦ δημιουργίας ἐχθρὸς. Can. XXIII. Εἰ τις κληρικὸς ὢν ἑαυτὸν ἀκρωτηριάσει, καθαιρεσθῶ, φονετῆς γάρ ἐστιν ἑαυτοῦ.

The sixty-second apostolical canon¹ expressly commands that a clerical person be deposed, if he deny his clerical character through fear of a Jew, or of a gentile, or of a heretic; but it gives no direction what shall be done to him who, before being ordained, may have denied Christ. Now the Nicene Fathers assign to such a man the same punishment that is assigned in our apostolical canon.

And it is evident that our canons, under various names indeed, were known also to other councils. Thus I would not deny that the council at Antioch, (A. D. 341,) allude to our canons when they mention *θεσμούς ἐκκλησιαστικούς και ἀρχαιότατον κρατήσαντα ἐν πεπρωμένῳ κανόνα*. Nor may we at all conjecture that the author of our canons reduced his canons, as being spurious and fictitious, into harmony with the canons of the council at Antioch, when the Fathers of the council affirm them to be *κατὰ τὸν ἀρχαῖον κανόνα*.

But let us produce another testimony, which is extant, concerning the canons. For I hold it to be certain that our canons were known to Athanasius. He refers to them for the purpose of proving that his being deposed, which the Arians had effected, was unlawful. He informs us that he was removed from his ecclesiastical office, without being summoned to trial before a council of bishops, and without being convicted by his opponents, but being accused by Arians, his enemies, unworthy of confidence. All which, he contends, was done contrary to a constant and abiding canon of the church. This compels us to think that Athanasius had in view our canon LXXIV,² which directs that a bishop be summoned to trial by bishops, and if he meet them, and be convicted, that he be punished by the council.

This opinion is confirmed by the fact that Athanasius has often quoted ecclesiastical canons in such a manner that it is obvious they accord with those of which we are treating.

But let us call into discussion those passages which are extant in Eusebius concerning our canons. Eusebius, called by the suffrages of the clergy and of the people to the office of bishop at Antioch, declined this dignity, because he thought that his ac-

¹ *Ἐἰ τις κληρικὸς διὰ φόβον ἀνθρώπινον Ἰουδαίου ἢ Ἑλλήνος ἢ αἰρετικοῦ ἀρνήσεται, εἰ μὲν ὄνομα Χριστοῦ, ἀποβαλλέσθω, εἰ δὲ καὶ τὸ ὄνομα τοῦ κληρικοῦ, καθαιρεῖσθω· μετανοήσας δὲ, ὡς λαϊκὸς δεχθήτω.*

² *Ἐπίσκοπον κατηγορηθέντα ἐπὶ τινι παρὰ ἕξιόπιστων ἀνθρώπων, καλεῖσθαι αὐτὸν ἰσογαλίον ἐκτὸς τῶν ἐπισκόπων κἄν μὲν ἀπάντησεν καὶ ὁμολογήσῃ ἢ ἐλεγχθεῖσιν, ἀρξέσθαι τὸ ἐπιτίμιον . . .*

ceptance of it would be contrary to an apostolical canon, (*ἀποστολικὸν κανόνα.*) In his life of Constantine, B. III. c. 61, he presents us an epistle of the emperor, in which he very much commends Eusebius for this; and affirms to him that he now understands that Eusebius had rightly observed the ecclesiastical canon, and had acted in accordance with apostolic tradition.¹ It will now appear to be placed beyond a doubt that both Eusebius and Constantine referred to our canon XIV.²

It remains that we inspect and weigh the testimonies of the Latin church. We have already mentioned that at first the Latin church knew nothing at all of the canons; but that afterwards she attributed great power and authority to a part of them. The first who in the Roman church has made mention of them is Julius, bishop of Rome, who referred to these canons, when, in an epistle to the Oriental bishops, he reproached them with certain things connected with the deposing of Athanasius. From this, however, we cannot conclude that the canons were then of force in the Western church. For, probably, Athanasius had informed Julius concerning this canon; and urged upon him that, relying on this canon, which the Oriental church had acknowledged, he might demonstrate to the Greek bishops that their proceeding had been unlawful.

At length, the decree of Gelasius ascribed our canons to the class of apocryphal books. Concerning this decree there have been the most diverse opinions. Indeed, some have gone so far as to contend that no council was ever held at Rome, A. D. 494, by the bishop Gelasius.³ Others think it altogether uncertain whether this decree was ever put forth by Gelasius, since no one mentions it till three hundred years afterwards. But others (we need mention only Beveridge)⁴ are of the opinion that, even if Gelasius issued a decree concerning books to be received and to be rejected, it is, nevertheless, uncertain whether those words, *the apocryphal book of the canons of the apostles*, (*liber canonum*

¹ Euseb. Vita Constant. Lib. III. c. 61. . . Τὸν κανόνα τῆς ἐκκλησιαστικῆς ἐπιστημῆς εἰς ἀκρίβειαν φυλαχθέντα . . . ἐμμενεῖν γούν τοῦτοις ἄπερ ἄρεστά τε τῷ θεῷ· καὶ τῇ ἀποστολικῇ παραδόσει σύμφωνα φαίνεται, εὐαγές.

² Ἐπίσκοπον μὴ ἐξείναι καταλείψαντα τὴν ἑαυτοῦ παροικίαν, ἐτέρῃ ἐπιπηδῶν, κὰν ὑπὸ πλειόνων ἀναγκάζεται, εἰ μὴ τις εὐλόγος αἰτία ἢ τοῦτο βιαζοκίνη αὐτὸν ποιεῖν. . . .

³ Jo. Pearson, in his *Vindiciae Epistolorum Ignatii*, P. I. c. 4.

⁴ Beveridge, *Codex Canonum Ecclesiae Primitivae Vindicatus*, Lib. I. c. IX. §3.

Apostolorum apocryphus.) proceeded from Gelasius himself. This opinion becomes probable, when we consider that, in the manuscript of Justell and in other manuscripts, these words are manifestly wanting. Besides, Hincmar, bishop of Rheims, contends that the canons of the apostles are not recounted by Gelasius in this decree. However this may be, we understand sufficiently from Isidore of Seville¹ that the Latin church rejected them entirely, and ascribed to them not even the least authority. This being made clear, we easily see why these canons have been excluded from later collections of canons; as has been done by Martin of Braga,² by Ferrand, deacon of Carthage,³ and by others. At least, by the Pseudo-Isidore, they were given out to be truly apostolical canons; and, therefore, they were received into the canonical Law. But although in the seventh century, and in later centuries also, they were called in question, yet at length they claimed for themselves ecclesiastical authority and power.

But it is now sufficiently evident, that the canons of the apostles did not derive their origin from the apostles themselves, and that, not from this but from some other cause, they were honored with the name of the apostles. In this our age men have indulged their ingenuity and their imagination; and the more novel their conjectures, the more gratifying they have been to many. But in proposing and amplifying my conjecture, I refer to Spittler, who, if there is need, can give it support.⁴

From our survey of the testimonies of the ancients, it seems evident that, in the early church, single canons were circulated under the name of ancient canons, apostolical canons, ecclesiastical regulations, and ancient law, (*πάλαι κανόνες ἀποστολικοὶ κανόνες, ἐκκλησιαστικοὶ θεσμοὶ, παλαιὸς νόμος.*) Each of these canons, although made and sanctioned by later persons, has been ascribed to the apostles, if it has seemed to accord with their doctrine. These canons, therefore, were called apostolical, not [at first] from any supposed apostolical authorship, but from the nature of the doctrine inculcated in them. There were in the early ages

¹ Isidor. Hisp. ap. Anton. Augustin. Lib. I. de emendat. Gratiani Dial. VI. Gratiani Digest XVI. c. 1. Canones qui dicuntur Apostolorum, sed quia nec sedes apostolica eos recepit, nec S. S. Patres illis assensum praeberunt, pro eo, quod ab haereticis sub nomine apostolorum compositi dignoscantur, quamvis in iis utilia inveniantur.

² Compare Du Pin, Nov. Bibl. Auct. Eccles. Tom. I. p. 23.

³ Breviatio Canonum. Comp. Justelli Bibl. Juris Can. Vet. Tom. I. p. 419.

⁴ See Spittler's *Geschichte des Kanonischen Rechts*, p. 12.

many churches or parishes to which there were ascribed, as it were, a preëminence and a superior authority, because they derived their origin from apostles; whence there was given to them the name of apostolical churches.

After having diligently examined all the testimonies, I would now, without any hesitancy, contend that all the canons arose, one after another, in single churches of the first centuries, until, instead of being dispersed here and there, they were brought into one collection.

IV. Let us now see *at what time* the single canons first appeared. To guard against transgressing the proposed limits of this dissertation, it will doubtless be best to place together several canons and exhibit our judgment concerning them.

As to the first two canons, they order expressly that a bishop be ordained by two or three bishops; but a presbyter, a deacon and any other clerical person, by one bishop.¹ But how alien this rule is from the apostolic times! This we sufficiently perceive from the terms employed. For who does not know that, in the apostolic age, there was no distinction between presbyter and bishop? And since in our canons a bishop and a presbyter are distinguished in authority, in office and even in rank, it is evident that this distinction is most unsuitable to the apostolic age, in which these names were used promiscuously. To what age do we assign these canons? Certainly to one in which there was a distinction between the words bishop and presbyter, and a new signification had come into use. Besides, we find an indication of the time of their origin in the mention of *the other clerical persons*, (*οἱ λοιποὶ κληρικοί.*) So far as I can judge, it is right to conclude that these canons were framed at that time when the inferior clerical orders in the church were constituted. Now since Tertullian, in his work *De Prescriptione Haereticorum*, c. 41. mentions the inferior orders, and is the first ecclesiastical writer that has mentioned them, it follows that these canons are to be adjudged to the concluding part of the second century.

In canons III, IV. and V, certain regulations are presented in respect to the first fruits which were to be offered. As it is self-evident that the origin of these was not apostolical, I forbear to enlarge on the subject. But no one who has carefully considered the matter, will deny that these canons pertain to the Mosaic law,

¹ Can. I. Ἐπίσκοπος χειροτονεῖσθω ἐπὶ ἐπισκόπων δύο ἢ τριῶν, and Can. II. Πρεσβύτερος ἕψ' ἐνὸς ἐπισκόπου χειροτονεῖσθω, καὶ διάκονος καὶ οἱ λοιποὶ κληρικοί.

in the abrogation of which all, in the apostolic age, were agreed. This ancient observance of the Jewish church, towards the close of the third century, when bishops arrogated to themselves increased authority, prevailed so much that fruits were not only offered by the faithful, but were distributed by the bishops to all others who were needy. Of this Origen is a most substantial witness; from whose testimony it is abundantly evident, that the custom of offering first fruits was already in his time exceedingly common.¹

The fifth canon, a most dangerous rock to the Roman church, exhibits the regulation that no bishop, presbyter, or deacon, put away his wife under pretext of religion; and the seventh inculcates that no one of the clergy undertake secular cares.² Each of these canons is so consentaneous with the apostolic age, that nothing hinders our supposing it to be sanctioned by apostolic men. The subject of the sixth canon sufficiently explains why, in the Western church where celibacy was held in great honor, our canons, of which those just now quoted are unfavorable to celibacy, were received so tardily.

Then in the eighth canon it is forbidden that any bishop, or presbyter, or deacon, celebrate the sacred day of the Passover [Easter] before the vernal equinox, with the Jews, under penalty of being deposed.³ But it will not appear wonderful to any one, that I most confidently adjudge this canon to the end of the second century, if I present briefly the reasons of this judgment. What! Is any canon sanctioned, unless there be some cause requiring its promulgation? No, most certainly. Now let us inspect the canon. From what cause was it possible to decree that the Passover be not kept before the vernal equinox, with the Jews? Doubtless from the cause that, at the time of passing the decree, there had arisen many and vehement contentions respecting the day on which the Passover was to be celebrated. The canon, therefore, fits precisely the end of the second century,

¹ Origen contra Celsum, Lib. VIII. p. 400, ed. Cantabrig. Κέλσος μὲν δαιμονιώσις ἀνατιθέναι βόβλεται· ἡμεῖς δὲ τῷ εἰπόντι, βλαστησάτω ἢ γῆ βοτάνῃν χόρτου . . . ὧ δὲ τὰς ἀπαρχὰς ἀποδίδωμην, τοῖτω καὶ τὰς εἰχῆς ἀναπέμπομεν, ἔχοντες ἀρχιερέα μέγαν, διεληλυθότα τοὺς οὐρανοὺς, Ἰησοῖν, τὸν υἱὸν τοῦ θεοῦ.

² Can. VI. Ἐπίσκοπος ἢ πρεσβύτερος ἢ διάκονος τὴν ἑαυτοῦ γυναῖκα μὴ ἐκβαλέτω προφάσει εὐλαβείας· εἰ δὲ ἐκβάλη ἄφοριζέσθω· ἐπιμύνων δὲ, καθαιρείσθω. Can. VII. Ἐπίσκοπος ἢ πρεσβύτερος ἢ διάκονος κοσμικὰς φροντίδας μὴ ἀναλαμβάνεσθω· εἰ δὲ μὴ, καθαιρείσθω.

³ Can. VIII. Εἰ τις ἐπίσκοπος ἢ πρεσβύτερος ἢ διάκονος τὴν ἄγιαν τοῦ πάσχα ἡμέραν πρὸ τῆς ἑαρινῆς ἰσημερίας μετὰ Ἰουδαίων ἐπιτελέσει, καθαιρείσθω.

when this question was most vehemently agitated between Victor, bishop of Rome, and Polycrates, bishop of Smyrna.

The next two canons, (IX. and X,) treat concerning the holy communion to be received by all the faithful, both clergy and laity, whenever they enter the church.¹ It is with good reason that Beveridge refutes the opinion of Daillé, who, because adherents of the Roman church leave the place of worship without partaking of the host, and thus she does not observe those canons, confidently infers that she did not acknowledge their apostolic origin. But what to us is the Roman church? It belongs to herself to see why she follows another fashion. Her usage and custom can bring nothing against the antiquity of our canons. So far are these canons from being at variance with the observances of the second century, that they fit them exactly. Let us consult the Fathers of that century. Justin Martyr at once presents himself, and can vouch for the correctness of our statement. In his Apology, when he describes the eucharist to Antoninus Pius, he says expressly of the Christians that they all assembled on Sunday, and listened to the reading of the sacred Scriptures and to an address from the bishop. Then all arose together to pray; and, when prayers were ended, there was an offering of bread and wine. The bishop gave thanks. The people responded, Amen. Distribution was made, and each partook.² It is obvious, therefore, that in this century the eucharist was celebrated by all Christians, as often as they came together. It is not, then, alien from the observances of the second century, if our canons threaten excommunication to clerical and lay persons who do not partake of the communion, when an offering is made.

¹ Can. IX. Εἰ τις ἐπίσκοπος ἢ πρεσβύτερος ἢ διάκονος ἢ ἐκ τοῦ κατολόγου τοῦ ἱερατικοῦ προσφορᾶς γενομένης μὴ μεταλάβῃ, τὴν αἰτίαν εἰπάτω· καὶ ἐὰν εὐλογος ἢ, συγγνώμης τυγχανέτω· εἰ δὲ μὴ λέγῃ, ἀφορίζεσθω, ὡς αἰτίας βλάβης γεόμενος τῷ λαῷ καὶ ὑπόνοιαν ἐμποιήσας κατὰ τοῦ προσενέγκαντος. Can. X. Πάντας τοὺς εἰσιόντας πιστοὺς καὶ τῶν γραφῶν ἰκοῦντας, μὴ παραμένοντας δὲ τῇ προσευχῇ καὶ τῇ ἀγίᾳ μεταλήψει, ὡς ἀταξίαν ἐμποιοῦντας τῇ ἐκκλησίᾳ, ἀφορίζεσθαι χρῆ.

² [Apol. I. c. 67. Καὶ τῇ τοῦ ἡλίου λεγομένη ἡμέρᾳ πάντων κατὰ πόλεις ἢ ἀγροὺς μενόντων ἐπὶ τὸ αὐτὸ συνέλευσις γίνεται, καὶ τὰ ἀπονημονεῖματα τῶν ἀποστόλων, ἢ τὰ συγγράμματα τῶν προφητῶν ἀναγινώσκειται μέχρις ἐγχωρεῖ. Εἶτα παυσάμενου τοῦ ἀναγινώσκοντος, ὁ προσετώσ διὰ λόγου τὴν νουθεσίαν καὶ πρόκλησιν τῆς τῶν καλῶν τούτων μιμήσεως ποιεῖται. Ἐπειτα ἀνιστάμεθα κοινῇ πάντες, καὶ εὐχὰς πέμπομεν· καὶ, ὡς προέφημεν, παυσάμενων ἡμῶν τῆς εὐχῆς, ἄρτος προσφέρεται καὶ ὄνος καὶ ὕδωρ; καὶ ὁ προσετώσ εὐχὰς ὁμοίως καὶ εὐχαριστίας, ὅση δύναμις αὐτῷ, ἀναπέμπει, καὶ ὁ λαὸς ἀπευφημεῖ λέγων τὸ ἀμὴν· καὶ ἡ διάδοσις καὶ ἡ μετάληψις ἀπὸ τῶν εὐχαρίστη θέντων ἐκάστῳ γίνεται.]

In the next two canons, (XI and XII,) there is nothing to prevent their being adjudged to the apostolic age. That they who are guilty of a want of rectitude or of truth, be kept from the communion, agrees most fully with the first times of the Christian church.

To the *thirteenth* canon another time must be assigned. Here commendatory letters are mentioned. The ecclesiastical custom of giving such letters to those who were sent from another vicinity, arose in the third century, when, in the time of persecutions, the several churches were obliged to use the utmost caution, lest they should receive a secret Heathen or heretic; [or rather, the custom which very naturally began in the time of the apostles, then became specially important.]

Concerning canons XIV. and XV. we have already treated, and shown that regard was had to these canons in subsequent times. It remains that we here remark, in passing, that canons XIV, XV. and XVI, contain nothing which departs from the apostolic age; and therefore, although perhaps they were framed at a later time, we cannot deny that they may have belonged to the apostolic period, if we judge merely from the subjects of which they treat. [But surely the author would not contend that, in the time of the apostles, such absolute control over Presbyters was given to a bishop, as is assumed in canon XV.; nor that the inferior orders swelling 'the catalogue of clerical persons,' had already been introduced.]

Let us now proceed to the following canons, namely, XVII, XVIII, XIX and XX, concerning which the same judgment is to be pronounced. Nothing can be found in them that does not accord with the primitive church. [But here we would make the same remark which we made on the preceding paragraph. Besides, the misinterpretation of 1 Tim. 3: 2, (a consequence and a cause of much error,) the mention of 'the sacerdotal catalogue,' and perhaps some other things in these canons, seem to betray an ascetic, hierarchical and Judaizing spirit and tendency.]

The four canons which follow, (XXI, XXII, XXIII and XXIV,) decree that he who has mutilated himself, never be made a clergyman; and that if a clergyman has mutilated himself, he be deposed; but if a layman, that he be separated from communion three years. Daillé has, I think, correctly remarked that canons have not been established and promulgated in the church before some fact gave occasion for their being introduced. But if we examine the history of the primitive church whether there

may be any example which might have given occasion for these canons, we do not search long in vain. From the preceding part of our discussion it followed, that our canons were at least more ancient than the Nicene council. Epiphanius, that most grave reprover of heretics, describes at large the heresy of the Valensians, who mutilated themselves. (*Haeres. Valens, 58. Εἰσὶ δὲ πάντες ἀπόκοποι.*) But let us recollect that bloody act which, as all know, the most celebrated teacher of the early church performed upon himself; Origen I mean, who, borne away by insane and perverse juvenile ardor, perpetrated against himself such a crime. It is in the highest degree probable that these canons were not in existence when this deed was performed by Origen; and it is not improbable that the deed of Origen occasioned the establishing of these canons, so that it was forbidden, under penalty of being deposed or separated, that any similar act be done under the semblance of piety.

Although we assign also to this time canons XXV. and XXVI, as being consonant with apostolic doctrine, yet we do not assign to it canon XXVII, because there is in it a mention of the minor orders; about which circumstance we have already spoken.

Nor can we in any manner accede to the opinion of Daillé, who, with arguments that are not valid, impugns the antiquity even of canon XXVIII. This canon commands that a bishop, presbyter, or deacon striking believers who sin, or unbelievers who do an injury, be deposed. I do not see how any one can deny that in 1 Tim. 3: 2, and in Tit. 1: 7, the foundation is contained on which this canon rests. That apostolic men, therefore, could have sanctioned this canon, will be manifest to all who consider the matter without partiality.

Let us now proceed to discuss the question concerning the canons from XXX. to XXXIV.; all which I think to have been framed in the middle of the third century. Let us more accurately inspect their contents. Do they not place the image of the third century before our eyes? Now there was provision to be made by a canon lest any one obtain the office of a bishop by means of the secular powers. How abhorrent this is from the apostolic age we need not say. But afterwards, in the third century, audacious men, to the detriment of the church, obtained the episcopate in an unworthy manner. Other canons very much favor the dignity of that office. In these precepts we see the beginnings of the hierarchy.¹ And any one most easily understands

¹ Can. XXXI. *Εἰ τις ἐπίσκοπος κοσμικοῖς ἄρχουσι χρησάμενος δι' αὐτῶν ἐγ-*

that several of these canons were written to exalt the dignity of the Bishop, and increase his power.

In canons XXXIX, XL and XLI, there are similar efforts to commend the episcopal honor and dignity. In canon XXXIX, it is authoritatively declared that the bishop shall have care of the ecclesiastical revenues, and administer them as in the presence of God, (*καὶ διοικεῖται ἀπὸ αὐτοῦ εἰς θεοῦ ἐφορῶντος.*) Nay, canon XL directs that presbyters and deacons perform nothing without the bishop. These are the beginnings and foundations from which the hierarchy was elevated to its highest eminence. In view of these facts, who does not acknowledge that these canons were not only well known and spread abroad in the third century, but also that there were in them the germs of regulations, which the Papal church in later times has used as the basis of her system?

Moreover, they decide another thing pertaining to ecclesiastical discipline, concerning which, in the third century, there had arisen great discord; namely, concerning the revenues which were to be paid to the bishops. Although the priests often imposed on the laymen a greater tribute than was proper, yet they often endeavored in vain to collect it. Our *forty-first* canon deduced from the religion of the Jews the layman's duty of paying to the priest; since they who wait at the altar (Deut. 18), are also maintained by the altar.¹ And this also accords with the habits of the third century; when it was believed that the Christian church is to be formed and regulated after the model of the Jewish church, and the priesthood of the Christians, after the model of the Levitical priesthood.

Concerning the antiquity of canon XXXV, in which the authority of Metropolitan bishops is established, we find a contest still undecided. Daillé vehemently assails the canon, and denies its antiquity. But although in the true and undoubted monuments of the apostles we readily concede to Daillé that there appears no vestige of the Metropolitans, yet we must oppose him in respect to this canon. Great force and great influence, in our opinion, ought to be attributed to the fact that the Nicene council

κρατῆς ἐκκλησίας γένηται, καθαιρείσθω καὶ ὑφοριεῖσθω, καὶ οἱ κοινωνοῦντες αὐτῷ πάντες. Can. XXXIX. Πάντων τῶν ἐκκλησιαστικῶν πραγμάτων ὁ ἐπίσκοπος ἐχέτω τὴν φροντίδα, καὶ διοικεῖτω αὐτὰ, ὡς θεοῦ ἐφορῶντος. . . . Can. XL. οἱ πρεσβύτεροι καὶ διάκονοι ἀνευ γνώμης τοῦ ἐπισκόπου μηδὲν ἐπιτελείωσαν. . . . Can. XLI. Προστάσομεν τὸν ἐπίσκοπον ἐξουσίαν εἶχειν τῶν τῆς ἐκκλησίας πραγμάτων. . . . ὥστε κατὰ τὴν αὐτοῦ ἐξουσίαν πάντα διοικεῖσθαι. . . .

¹ . . . Ὁ γὰρ νόμος τοῦ θεοῦ διετάξατο, τοὺς τῷ θυσιαστηρίῳ ὑπηρετοῦντας ἐκ τοῦ θυσιαστηρίου τρέφεσθαι.

called the privileges of the Metropolitans, *the ancient customs*, (τὰ ἀρχαῖα ἔθνη.) And indeed the Nicene council establishes nothing on this subject as a new arrangement; but, rather, directs that the ancient usages continue. As the testimony in this case can in no way be weakened, it is right to conclude that the privileges of the Metropolitans were in use long before the Nicene council.

All agree in acknowledging the antiquity of canons XXXVI. and XXXVII; nor have I anything which I might bring forward against the origin of them in the apostolic age. [But still we ought to bear in mind the following considerations: 1. That here the distinction between a bishop and a presbyter is such as is no where found in the genuine writings of the apostles. 2. That here *cities* and *countries* are spoken of as being subject (ἐνομοίμεναι) to a bishop; and bishops are spoken of as holding, possessing, or governing those *cities or countries*, (κατέχοντες τὰς πόλεις ἐκείνας ἢ τὰς χώρας,)—whereas, in the Acts of the Apostles, 20: 17—28, a very different style is used in reference to the elders or presbyters (πρεσβυτέρους) of the church at Ephesus, whom the apostle Paul charged to take heed to themselves and to all the flock over which the Holy Ghost had made them overseers or bishops, (ἐπισκόπους). In the age of the apostles, the pastor took oversight of the flock, and was bishop of the *church* in this or that place. In the age of these canons, he claimed jurisdiction over the whole place. 3. That the arrogant and lordly tone with which the thirty-seventh canon closes, indicates not the apostolic but later times]. Indeed, I can say nothing against canon XXXVIII, although there is in it a mention of Pentecost.¹ For in ancient ecclesiastical writers, Pentecost is found in a double sense. Besides one festive day, it signifies also the whole interval of fifty days between the Passover and Pentecost; and in this more extended sense there is sometimes mention of Pentecost in the ecclesiastical writers of the second century.

Concerning the canons which follow next we have already given an opinion. Here it will be sufficient to remark that even in canons XLIV. and XLV, there is nothing dissonant from apostolic doctrine; [but in respect to all these canons, (from the forty-second to the forty-fifth, inclusive,) and to others where

¹ Can. XXXVIII. Δεύτερον τοῦ ἔτους σύνοδος γινέσθω τῶν ἐπισκόπων, καὶ ἀνακρινέτωσαν ἀλλήλους τὰ δόγματα τῆς εὐσεβείας καὶ τὰς ἐμπικτούσας ἐκκλησιαστικὰς ἀντιλογίας διαλυέτωσαν· ἅπαξ μὲν τῇ τετάρτῃ ἑβδομαδίᾳ τῆς πεντηκοστῆς, δεύτερον δὲ ὑπερβερεταίου δωδεκάτῃ.

bishops are introduced as belonging to an order entirely distinct from that of presbyters, and where sub-deacons, readers, and others of the minor clerical orders are mentioned, we must be permitted to doubt their having come from the apostolic age, until some proof be adduced.]

In canons XLVI, XLVII and XLVIII, the baptism of heretics is represented as a defilement by which every one who participates with them becomes exposed to damnation; and, under penalty of being deposed, a Bishop or Presbyter is forbidden to re-baptize one who has been truly baptized.¹ To what age, then, would we adjudge these canons? We refer them, most confidently, to the end of the third century, there having arisen, at length, in the third century, controversies respecting the baptism of heretics. Nor did any controversy on this subject arise before the two councils at Carthage had confirmed the ancient custom of baptizing heretics, and Stephen, bishop of Rome, had rejected their decrees. It would here be out of place to expatiate on this discord concerning the baptism of heretics. But every one will understand that our canons could not have been written at any other time than about the end of the third century, when there was enkindled on this subject a most bitter controversy.

We must now speak concerning canons XLIX. and L. Canon XLIX. inculcates that baptism be administered in the name of the Father, and of the Son, and of the Holy Spirit; and canon L. forbids that any bishop or presbyter, under penalty of being deposed, perform merely one immersion given in reference to the death of the Lord, instead of three immersions pertaining to one initiation.² All must acknowledge it to have been a very ancient custom to immerse three times those who were baptized. But nevertheless, we deny the apostolic origin of these canons. For, without any doubt, they are directed against that kind of heretics, who, instead of the name of the Father, Son, and Holy Spirit, used this formula in baptizing: 'I baptize thee into the death of Christ.' Eunomius, an Arian, as he denied the divinity of the

¹ Can. XLVII. Ἐπίσκοπος ἢ πρεσβύτερος τὸν κατ' ἀλήθειαν ἔχοντα βάπτισμα ἂν ἴσωςθεν βαπτίσῃ, ἢ τὸν μεμολυσμένον παρὰ τῶν ἀσεβῶν ἐὰν μὴ βαπτίσῃ, καθαιρείσθω, ὡς γελῶν τὸν σταυρὸν καὶ τὸν τοῦ κυρίου θάνατον, καὶ μὴ διακρίνων ἱερέας τῶν ψευδιερῶν.

² Can. L. Εἰ τις ἐπίσκοπος ἢ πρεσβύτερος, μὴ τρία βαπτίσματα μᾶς μνήσῃς ἐπιτελήσῃ, ἀλλ' ἐν βάπτισμα τὸ εἰς τὸν θάνατον τοῦ κυρίου διδόμενον, καθαιρείσθω· οὐ γὰρ εἶπεν ὁ κύριος, Εἰς τὸν θάνατόν μου βαπτίσατε, ἀλλὰ κορευθέντες μαθητεύσατε πάντα τὰ ἔθνη, βαπτίζοντες αὐτοὺς εἰς τὸ ὄνομα τοῦ πατρὸς καὶ τοῦ υἱοῦ καὶ τοῦ ἁγίου πνεύματος.

Son and of the Holy Spirit, wished not to baptize by trine immersion, but only into the death of Christ. Of this fact Socrates informs us in his Ecclesiastical History, B. V. c. 24. From this account, therefore, it is exceedingly clear when these canons were brought into existence. For they were framed for the purpose of abolishing the perverse practice of those heretics.

Let us now pass to the second part of the canons, which, for a long time, was not received at all in the Latin church, but obtained among the Greeks the same authority which they accorded to the first part.

It has seemed to me right to agree with the learned men who have treated concerning them, that in canons LI, LIII and the eight next following, nothing opposes our referring their origin to the apostolic age. For they exhibit certain general regulations which can be promulgated at almost any time. But the case is different with canons LII and LXII, which are expressly opposed to those who affirm that a returning penitent ought not to be re-admitted.¹ They examine this error, and direct that those who had fallen away, be received. We know very well, that, in the third century, this rigor against the lapsed arose from the Novatian controversies. To this time, therefore, we assign both these canons.

Several of the other canons (LXIII, LXV, LVI, LXVII, LXX, LXXI, and LXXII,) no one has assailed; but all allow them a very high antiquity. . . .

But our canon LXIV. must be subjected to a more careful examination. It forbids that any one fast on the Lord's day or on the Sabbath except one only, to wit, the great or ante-Paschal,— [the Saturday before Easter.]² Although the observance which our canon exhibits in respect to fasting, is not so ancient as to reach the apostolic age, yet we cannot refer it to so late a time as Duillé assigns to it. For Tertullian, (De coron. Milit. c. 3.) assures us that, in his time, the observance prevailed which our canon commends. And also from Epiphanius and other writers of the fourth century, it can easily be seen that not only among the Montanists but also among the orthodox, this custom was very common in the third century. Canon LXIX. enjoins, under the hea-

¹ Can. LII. *Εἰ τις ἐπίσκοπος ἢ πρεσβύτερος τὸν ἐπιστρέφοντα ἀπὸ ἁμαρτίας οὐ προσδέχεται, ἀλλ' ἀποβάλλεται, καθαιρείσθω, ὅτι λυπεῖ χριστὸν τὸν εἰπόντα, χαρὰ γίνεσθαι ἐν ὄψεσιν ἐπὶ ἐνὶ ἁμαρτωλῶ μετανοούντα.*

² Can. LXIV. *Εἰ τις κληρικὸς εὐρεθῆ τὴν κυριακὴν ἡμέραν νηστεύων ἢ τὸ σάββατον πλὴν τοῦ ἐνὸς μόνου, καθαιρείσθω· εἰ δὲ λαϊκὸς, ἀφορίζεσθω.*

riest penalty, the fast of Lent, commencing the fortieth day (Quadragesima) before Easter, and the fasts on Wednesday and Friday, (the fourth day of the week, and the day of the Preparation). Besides, in this canon itself, the inferior clerical orders are mentioned, which not obscurely indicates the time of its origin; and the rest of its contents, indeed, confirms this indication. I am fully convinced that the ecclesiastical law, here presented, was not received earlier than in the third century. There are, however, among the learned, some who endeavor to vindicate the apostolic origin of this Fast of Lent, appealing to passages of Jerome and Augustin, who derive this custom from apostolic tradition. But with these Fathers, the expressions used in those passages are general forms of speaking, which are by no means to be perverted. It is evident, on the contrary, from the concurring statements of writers in the third century and in the fourth, that the Fast, as here regulated, was not observed till in the third century.¹

Against the antiquity of canon LXXIII, learned men have mentioned well founded objections. For when, in this canon, it is forbidden that any one appropriate to his own use a vessel of silver or of gold, or a curtain, that has been consecrated, it follows that at the time when the canon was framed, the Christians had sacred edifices and precious vessels.² . . . We therefore place this canon in the beginning of the third century, when it is most certain that spacious and costly buildings for Christian worship were erected.

But we readily acknowledge the very high antiquity of the next following canons, as far as to the eighty-fourth; since, [in most points,] they do not depart from the simplicity of the apostolic age. Only this it seems proper to remark against canon LXXXII, that in the words *as our Onesimus appeared*, (οἷος Ὀνήσιμος, ὁ ἡμέτερος ἀνεφάνη,) it endeavors to impose on the reader a false author. This, although it does not pertain to the subject of which the canon treats, throws upon it an unfavorable suspicion; [which is not a little increased by the apparent assumption of unlimited power for councils of bishops in canon LXXIV,

¹ Can. LXX. Εἰ τις ἐπίσκοπος ἢ πρεσβύτερος ἢ διάκονος ἢ ἀναγνώστης ἢ ψάλτης τὴν ἅγιαν τεσσαρακοστὴν τοῦ πύσχα ἢ τετράδα ἢ παρασκευὴν οὐ νηστεύει, καθαιρεῖσθω, ἐκτός ἐι μὴ δι' ἀσθένειαν σωματικὴν ἐμποδίζοιτο· ἐι δὲ λαϊκὸς εἴη, ἀφορίζεσθω.

² Can. LXXIII. Σκεδὸς χρυσοῦν ἢ ἀργυροῦν ἁγιασθὲν ἢ ἑθόνην μηδεὶς ἐτι εἰς ἐκείαν χρῆσιν σφετερίζεσθω· παράνομον γὰρ· ἐι δὲ τις φωραθῆιη, ἐπιτιμᾶσθω ἀφορισμῷ.

and by the mention of 'the *sacerdotal* administration' in canon LXXXIII].

The eighty-third canon rejects the practice of those who obtain at the same time an office in the Roman government and in the church.¹ In this, regard is probably had to the proceeding in the council at Antioch, which deposed Paul of Samosata, because, among other offences, he was occupied as a secular magistrate.

It remains that we speak concerning the last of these canons. Scarcely any one of them bears upon itself more openly than this the vestiges of a later time. It is therefore easy to fix the time of its origin. This canon presents a catalogue of the sacred books of the New Testament, enumerating all those which it deems canonical Even the two epistles of Clement, and the constitutions are set forth in our canon as being apostolical. If now we institute a comparison between this canon and the catalogue of canonical books which Eusebius, in his *Ecclesiastical History*, B. III. c. 25, has given us, we readily perceive that our canon was not made up till in the end of the fourth century, when the books just now mentioned, which it proclaims to be canonical, were brought into the canon of the sacred Scriptures. And if we inquire why this last canon was framed, the answer is easy and prompt,—that by its aid spurious books might be commended.

In view of this discussion, who is there that will not maintain with us, that our canons were formed *at different times* in the churches denominated apostolical as having been planted by apostles, and that they were afterwards gathered into the collection which we now possess?

¹ Can. LXXXIII. 'Επίσκοπος ἢ πρεσβύτερος ἢ διάκονος στρατείας σχολάζων καὶ βουλόμενος ἀμφοτέρω κατέχειν, Ῥωμαϊκὴν ἄρχὴν καὶ ἱερατικὴν διοίκησιν, καταρείσθω· τὰ γὰρ τοῦ καίσαρος καίσαρι, καὶ τὰ τοῦ θεοῦ τῷ θεῷ.