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## Juridical Texts in the Ethicon of Barhebraeus<sup>1</sup>

### Introduction

Gregory Barhebraeus' main juridical work is undoubtedly his *ktâbâ d-Huddâyê* or Book of Directions. In the western scholarly world it is commonly referred to as the *Nomocanon*, since, like the Byzantine collections bearing this title, it contains sections devoted to ecclesiastical canons as well as to secular regulations. Both sections are characterized by the presence of a great number of *huddâyê*, personal decisions regarding ecclesiastical or secular problems, which Barhebraeus as a bishop or a Maphrian<sup>2</sup> felt obliged to form an opinion about.

Less known is that in addition to the *Nomocanon* another important corpus of juridical texts is to be found in the first two *mêmrê* of Gregory's Book of Ethics or *Ethicon*, a spiritual handbook for both monks and seculars. A special characteristic of this work is its dependence on Islamic sources.<sup>3</sup> To a great extent the regulations given in the *Ethicon* provide no new material, since their content is

#### 1 Abbreviations:

1. *Kanonessammlungen* = A. Vööbus, *Syrische Kanonessammlungen. I Westsyrische Originalurkunden I A*, CSCO 307; *I B*, CSCO 317, Leuven, 1970.

2. *Orientalisches Kirchenrecht I and II* = W. Selb, *Orientalisches Kirchenrecht*, I, *Die Geschichte des Kirchenrechts der Nestorianer*, II, *Die Geschichte des Kirchenrechts der Westsyrier (von den Anfängen bis zur Mongolenzeit)*, Oesterreichische Ak. der Wissenschaften, Philos.-Hist. Klasse, Sitzungsberichte 388, 543, Veröffentlichungen der Kommission für Antike Rechtsgeschichte 3, 6, Wien 1981, 1989.

3. *Synodicon* = A. Vööbus, *The Synodicon in the West-Syrian Tradition*, I, CSCO 367/8; II 375/6, Leuven, 1975/76.

4. *Ethicon 1* = H. Teule, *Gregory Barhebraeus Ethicon*, CSCO 218/9, Leuven 1993, *Ethicon 2* = P. Bedjan, *Ethicon seu Moralia Gregorii Barhebraei*, Paris–Leipzig, 1898, p. 121–202.

The *Ethicon* is divided into *mêmrê*, chapters and sections. My way of referring to them is as follows: *Ethicon 1 II 3* means: *Ethicon* *mêmrâ* one, chapter two, section three.

5. *Nomocanon* = P. Bedjan, *Gregorii Barhebraei Nomocanon*, Paris–Leipzig, 1898.

2 According to C. Nallino (*Il diritto musulmano nel Nomocanone siriano cristiano di Barhebreo*, *Rivista degli studi orientali* IX, Roma 1921–1923, repr. in *Raccolta di scritti editi e inediti, a cura di Maria Nallino*, IV, Roma 1942, p. 228), Barhebraeus would have written the *Nomocanon* before his elevation to the Maphrianate. A passage in the *Ethicon* makes this assumption questionable, see *Ethicon 1*, p. 80 (transl.), note 45.

3 For this aspect, see H. Teule, *Barhebraeus' Ethicon, Al-Ghazâlî and b. Sînâ*, *Islamochristiana* 18 (1992), p. 73–86.



already known from parallel texts in the *Nomocanon*. There are, however, a number of exceptions. In some instances Barhebraeus gives an original *buddâyâ* on certain liturgical matters<sup>4</sup> or even holds an opinion which is at variance with the point of view expressed in the *Nomocanon*. For example, the problem whether a person who unintentionally eats or drinks something is still allowed to receive Holy Communion is dealt with in the *Nomocanon* in a rather flexible way, whereas in the *Ethicon* Barhebraeus, for some unknown reason, adopts a much stricter position.<sup>5</sup> Barhebraeus also introduces some new regulations, e.g. on the pilgrimage to Jerusalem or on travelling in general, which are in fact adaptations of prescriptions borrowed from the *Ihyâ'ulûm al-Dîn*, the *Opus Magnum* of the great islamic scholar and Şufi Abû Hâmid Al-Ghazâlî (d. 1111).

In the present paper we shall first make an inventory of the juridical texts quoted in the *Ethicon* and, if necessary, try to identify them. Next we shall give a few examples of the way in which Barhebraeus creates new canonical material by adapting islamic prescriptions to his own christian tradition. Finally, we shall attempt to find an answer to the question whether Barhebraeus used one of the numerous juridical compilations that were extant at his time or rather drew on separate canonical works at his disposal. The same problem is set by Selb for Barhebraeus' *Nomocanon*, but it needs further investigation.<sup>6</sup> For reasons which will be explained below, special attention will be given in this respect to the juridical corpus edited by Vööbus under the title *Synodicon*.

## I. The juridical sources of the *Ethicon*

### A. The "Canons" and "Diataxeis" of the Apostles

The *Ethicon* contains a number of references to legislative sources claiming an apostolic origin. "Canons" of this kind occur in different recensions and compilations and often bear confusing and puzzling titles.<sup>7</sup> The Syriac versions of these "canons" have only been edited in part. Hence it is not easy to determine what Barhebraeus actually means, when he refers to "the Canons of the Apostles".

4 "We offer the Eucharist on the Wednesday of Mid-lent. We celebrate the Feast of Annunciation on any day it falls. Also if it falls on Wednesday of Emotions (i.e. Wednesday of Holy Week) we offer the Eucharist". Some manuscripts add: "For it precedes all feasts and without it there would have been no birth, no baptism, no passion, no cruxifixion and no resurrection. The Ancients used to celebrate passion every thirty years. But in order that it would not be given over into oblivion because of this space of time, the Fathers ordered that we should suffer the Passion of our Lord every single year and that we should celebrate in joy". *Ethicon* 1, p. 95/82.

5 *Ethicon* 1, p. 89/76.

6 *Orientalisches Kirchenrecht* II, 155.

7 Cf. *Orientalisches Kirchenrecht* I, 87, II, 92 ff.



1. In Ethicon 1 I 8<sup>8</sup> the Maphrian quotes a canon “designated as the ‘Canon’ of the Blessed Paul”, which he considers to belong to the *Canons of the Apostles*. This set of canons is a document, which under this title appears separately in various West Syrian canonical collections,<sup>9</sup> but mostly refers to Book 8 of the so-called *Octateuchus Syrus* or *Clementinus*, a West Syrian legislative compilation composed in the 7th century A.D. after the model of the Greek *Constitutiones Apostolicae*, possibly by Jacob of Edessa.<sup>10</sup> In its entirety or only partially, this work has been preserved as an appendix to biblical manuscripts<sup>11</sup> or in canonical compilations.<sup>12</sup>

Compared to the corresponding passages of either the Parisian ms Syr. 62, a voluminous juridical compilation from the 9th cent.,<sup>13</sup> or the *Synodicon*,<sup>14</sup> the Ethicon appears to give this text in an abridged form. Still it is possible to determine that Barhebraeus did not use (a text similar to that of) the *Synodicon*, which in a number of instances differs substantially from parallel texts in other collections.<sup>15</sup> At the prayer of the crowing of the cock, the Ethicon, in accordance with ms Par. Syr. 62<sup>16</sup>, reads:

“<Pray> at the crowing of the Cock, because it is *the hour* (Ethicon: ܠܫܥܬܐ ܕܝܠܕܐ; Par. Syr. 62 ܠܫܥܬܐ ܕܝܠܕܐ), which announces the coming of the day.”

The *Synodicon* only has:

“<Pray> at the crowing of the Cock, because it announces the coming of the day”.

Barhebraeus’ remark, that he found these prescriptions among the canons (ܡܘܬܐ) of the Apostles, remains somewhat puzzling, since in ms. Par. Syr. 62 and the *Synodicon* this particular section occurs under the heading Command-

<sup>8</sup> *Ethicon 1*, p. 21/18.

<sup>9</sup> E.g. BL Add. 14.526, cf. W. Wright, *A Catalogue of Syriac Manuscripts in the British Museum acquired since the Year 1838*, II, London, 1871, 1033: ܡܠܬܐ ܕܡܬܢܐ ܕܡܬܢܐ ܕܡܬܢܐ; Harvard Syr. 93 (cf. M. Goshen-Gottstein, *Syriac Manuscripts in the Harvard College Library. A Catalogue*, Harvard Semitic Studies 23, Michigan 1979, p. 75f). See *Kanones-sammlungen*, p. 440-475.

<sup>10</sup> *Orientalisches Kirchenrecht I*, p. 93. For the edition and translation of (parts of) this Octateuch, see *Kanones-sammlungen*, p. 475 and F. Nau, *La version syriaque de l’Octateuque de Clément*, Paris 1913, p. 7f.

<sup>11</sup> Nau, *o.c.*, p. 6.

<sup>12</sup> *Kanones-sammlungen*, p. 440-475. Examples of compendia containing parts of the Octateuch are mss Paris Syr. 62 (9th cent.), Vat. Borg. 148, Mardin 309 (8th cent.) and Dam. 8/11 (the ms edited by Vööbus under the title *Synodicon*).

According to Selb (*Or. Kirchenrecht II*, 93f.) it is not certain, whether the compiler of the “Synodicon” used the Octateuch as such or rather “octateuchal” fragments as separate documents.

<sup>13</sup> The octateuchal part of this ms was edited by A. P. de Lagarde, *Reliquiae iuris ecclesiastici antiquissimae*, Leipzig 1866, 2ff.

<sup>14</sup> I 75 (87).

<sup>15</sup> Cf. *Kanones-sammlungen*, 459-463 and *Synodicon I* (transl.), 3-24.

<sup>16</sup> de Lagarde, *o.c.*, p. 27.



ments (ܠܡܕܢܐ or ܠܡܕܢܐ de Lagarde<sup>17</sup> c.q. Synodicon<sup>18</sup>) of the Apostle Paul. These Commandments actually constitute the 6th chapter of the Octateuch, bearing the title: “The order (ܡܫܡܪܬܐ / ܡܫܡܪܬܐ de Lagarde/Synodicon) of the Apostles” and *not* the 8th chapter, where, as indicated above, one would normally expect to find *canons* ascribed to the Apostles.

2. Ethicon 1 VI 7<sup>19</sup> gives two more quotations from these *Canons of the Apostles*. This time both citations were borrowed from Book VIII of the Octateuchus Syrus,<sup>20</sup> bearing the title: (ܡܫܡܪܬܐ) “Diataxeis” or (ܠܡܕܢܐ) “Commandments” of the Apostles (...): Ecclesiastical Canons (ܠܡܕܢܐ).

With respect to the first canon, Barhebraeus used a redaction, which, at the end, is slightly different from the text edited by de Lagarde:

Ethicon:

If a cleric is found to fast on the day of Sunday or Saturday with the exception of one <Saturday> – i.e. Saturday of Proclamation<sup>21</sup> – he shall be deposed (ܡܬܬܪܝܢܐ).

Ms. Par. Syr. 62:

If a cleric is found to fast on the day of Sunday or Saturday with the exception of one Saturday, his deposition shall take place (ܡܬܬܪܝܢܐ ܡܫܡܪܬܐ ܠܡܕܢܐ).

The Synodicon has the same reading as the Ethicon, be it without the addition: “which is holy Saturday”.

The second canon shows a few variants with both the edition of de Lagarde and the text of the Synodicon:

“If a bishop, priest, subdeacon, reader or singer does not fast the Fast of the Forty Days (...), he shall be deposed.”

Noteworthy is the omitting of the deacon, who has his legitimate place in the enumeration of ms Par. Syr. 62 and the Synodicon. We may exclude the possibility, that this omission is due to the inadvertence of a copyist or of Barhebraeus himself, since also the *Nomocanon*<sup>22</sup> presents the same text, omitting the deacon.<sup>23</sup>

17 O.c. p. 25.

18 I p. 74.

19 *Ethicon* 1, p. 94/81.

20 Cf. de Lagarde, o.c. p. 44 ff. The first citation in the Ethicon is canon 61 (p. 56), the second canon 66 (p. 57). In the Synodicon (I, 68, II, 80) these canons have the numbers 59 and 65.

21 Holy Saturday.

22 P. 52.

23 This is possibly an indication that for the composition of the Ethicon Barhebraeus used the same juridical *Vorlage(n)* as for the *Nomocanon*.



3. The designation “Canons of the Apostles” being rather vague, we are most fortunate to find in Ethicon 2 III 8<sup>24</sup> a reference to the “6th Book of those of Clemens”, followed by a quotation from the “Commandment of the apostle Paul”.<sup>25</sup>

This reference is extremely valuable, since it is a strong indication that Barhebraeus actually used the *Octateuchus Syrus*, (which was ascribed to Clemens of Rome), because the way in which the *Octateuch* introduces a new chapter (i.e. ch. 6) is the same as in the Ethicon: “The sixth Book of those of Clemens”.<sup>26</sup>

4. In Ethicon 2 V 5<sup>27</sup> the Maphrian mentions “the sixth diataxis of the Apostles”. The quotation given occurs indeed – be it with some variants compared to the text of de Lagarde – in the 6th book of the *Octateuchus Syrus*.<sup>28</sup>

We may conclude, that Barhebraeus found the Apostolic “Canons” quoted in the Ethicon in the *Octateuchus Syrus*. The recension used by him was not that of the Synodicon, where for the octateuchal material we find no references to a numbered division into different books.

The expression “Canons of the Apostles” does not appear to convey the specific meaning of the set of canons incorporated under this title into different juridical compilations or into the VIIIth Book of the *Octateuch*, but is to be interpreted in a wider sense, including all “diataxeis”, “Commandments” and “Canons” of the Apostles.

## B. Synodical Decisions

In Ethicon 1 I 9 Barhebraeus mentions the “Holy and Ecumenical Synods”. The synods which he actually refers to are those of Laodicea (380) and of Gangra (about 350).<sup>29</sup>

In the Syriac canonical literature the great importance attached to the decisions and canons of the first ecumenical and particular synods is reflected by the fact, that two different versions exist: the oldest is characterized by a fairly free way of rendering the Greek original<sup>30</sup> and is found in a number of canonical

<sup>24</sup> *Ethicon* 2, p. 168.

<sup>25</sup> This citation can be found in de Lagarde, *o.c.* p. 25; *Synodicon* I, p. 74 (85).

<sup>26</sup> de Lagarde, *o.c.*, p. 23.

<sup>27</sup> *Ethicon* 2, p. 193.

<sup>28</sup> de Lagarde, *o.c.*, p. 31. The Ethicon presents an abridged text, but also reverses the order as found in Par. Syr. 62. One can exclude the possibility that Barhebraeus used a redaction similar to that of the Synodicon, because the enumeration of professions in the Ethicon is quite different from that in the Synodicon (I 83/84).

<sup>29</sup> Canons of Laodicea in Ethicon 1 I 9, VI 7 (p. 23/20, 95/81), 2 I 8 and III 10 (p. 133/4, 171), of Gangra in 1 VI 7 (p. 95/81).

<sup>30</sup> *Kanonensammlungen*, 472-44.



compilations of mostly a rather limited size.<sup>31</sup> The more recent version, a more literal translation of the Greek original, is also extant in canonical compendia.<sup>32</sup> Answering the question which version was used by Barhebraeus, belongs to our inquiry into the sources he used.<sup>33</sup>

Of the council of Laodicea he quotes canon 49 (1 I 9 and VI 7), canon 52 in combination with 51 (1 VI 7), canon 54 (2 I 8) and canon 30 (2 III 10).

1. In 1 I 9 canon 49 is given in a free way, not corresponding to either of the recensions A and B. In 1 VI 7 the same canon is given more literally:

ל ודם דכרמא דאזכר סמכא נפא א א כה כה  
הכבדא כלסוד.

It is not lawful that we offer the Eucharist in the fast of the forty days, except only on Sunday and on Saturday.

Rec. A<sup>34</sup> reads:

ל ודם דכרמא דאזכר סמכא נפא א א כה  
הכה כה.

It is not lawful that the Eucharist be offered in the fast of the forty days except on Saturday and on Sunday.

Rec. B has the same text as A, but adds כלסוד at the end. This addition is also found in the Ethicon, a first indication, that Barhebraeus followed rec. B. The reading in the Ethicon סמכא נפא (opp. to Rec. A and B נפא א) is also attested in ms. Par. Syr. 62 (Siglum E in the edition of Schulthess), which follows rec. B, but quite often presents a number of variants to this recension.

2. In the same paragraph (1 VI 7) Barhebraeus puts together canons 52 and 51 (in this sequence). The text of canon 52 is exactly the same in the Ethicon and in Rec. A and B;<sup>35</sup> of canon 51 the ending is quoted in the Ethicon in an abridged form:

הלדמא דהמא כה כה הכבדא נכד.

31 BrL Add. 14.526; 12.155 and Vat. Syr. 127. Ms Par Syr. 62 presents a text, which is related to this recension, but shows a number of particularities. Cf. F. Schulthess, *Die syrischen Kanones der Synoden von Nicaea bis Chalcedon*, Abhandl. der Königl. Gesellschaft der Wiss. zu Göttingen, Phil.-Hist. Klasse, N.F., B. X, 2, Berlin 1908, I-X. For the special characteristics of ms. Par. Syr. 62 (and the related mss. Mard. 309-310), see H. Kaufhold, *Griechisch-syrische Väterlisten der frühen griechischen Synoden*, OrChr 77 (1993), 47.

32 C.f. Schulthess, l.c. and *Kanonessammlungen* 440-473. E.g. BrL Add. 14.528 and 14.529.

33 Both versions were edited by Schulthess, o.c., who calls the primitive version Rec. B and the newer transl. Rec. A. The Synodicon and Vat. Syr. 560 follow rec. B. Cf. Kaufhold, a.c., 10 ff.

34 Schulthess, 102.

35 *Ibid.*



One shall celebrate the commemoration of the martyrs on Sunday and on Saturday.

Rec. A reads:

. **אֲלֵךְ בְּשַׁבָּת וּבְיוֹם הַדְּבָרִים אֲנִי מְבָרֵךְ אֶת הַמַּרְתִּירִים**

Rec. B:

. **אֲלֵךְ בְּשַׁבָּת וּבְיוֹם הַדְּבָרִים אֲנִי מְבָרֵךְ אֶת הַמַּרְתִּירִים**

The fact, that the Ethicon has **אֲלֵךְ בְּשַׁבָּת** again points to Barhebraeus using rec. B.

Combining canon 52 and the end of canon 51 is probably the work of Barhebraeus himself, who quite often dealt with existing canonical material in a creative manner.<sup>36</sup>

### 3. Canon 54<sup>37</sup> is quoted in a way which differs from both rec. A and B.

(Ethicon: It is unlawful that priests or clerics should see some plays at banquets or at suppers, but before the **אֲנִי מְבָרֵךְ**<sup>38</sup> i.e. the story tellers enter, they shall stand up and leave.)

Line 1:

Ethicon: **אֲלֵךְ בְּשַׁבָּת וּבְיוֹם הַדְּבָרִים אֲנִי מְבָרֵךְ אֶת הַמַּרְתִּירִים**

Rec. A: **אֲלֵךְ בְּשַׁבָּת וּבְיוֹם הַדְּבָרִים אֲנִי מְבָרֵךְ אֶת הַמַּרְתִּירִים**

Rec. B: **אֲלֵךְ בְּשַׁבָּת וּבְיוֹם הַדְּבָרִים אֲנִי מְבָרֵךְ אֶת הַמַּרְתִּירִים**

Line 2:

Ethicon: **אֲלֵךְ בְּשַׁבָּת וּבְיוֹם הַדְּבָרִים אֲנִי מְבָרֵךְ אֶת הַמַּרְתִּירִים**

Rec. A: **אֲלֵךְ בְּשַׁבָּת וּבְיוֹם הַדְּבָרִים אֲנִי מְבָרֵךְ אֶת הַמַּרְתִּירִים**

Rec. B: **אֲלֵךְ בְּשַׁבָּת וּבְיוֹם הַדְּבָרִים אֲנִי מְבָרֵךְ אֶת הַמַּרְתִּירִים**

Line 3:

Eth.: **אֲלֵךְ בְּשַׁבָּת וּבְיוֹם הַדְּבָרִים אֲנִי מְבָרֵךְ אֶת הַמַּרְתִּירִים**

Rec. A: **אֲלֵךְ בְּשַׁבָּת וּבְיוֹם הַדְּבָרִים אֲנִי מְבָרֵךְ אֶת הַמַּרְתִּירִים**

Rec. B: **אֲלֵךְ בְּשַׁבָּת וּבְיוֹם הַדְּבָרִים אֲנִי מְבָרֵךְ אֶת הַמַּרְתִּירִים**

Line 4:

Ethicon: **אֲלֵךְ בְּשַׁבָּת וּבְיוֹם הַדְּבָרִים אֲנִי מְבָרֵךְ אֶת הַמַּרְתִּירִים**

Rec. A: **אֲלֵךְ בְּשַׁבָּת וּבְיוֹם הַדְּבָרִים אֲנִי מְבָרֵךְ אֶת הַמַּרְתִּירִים**

Rec. B: **אֲלֵךְ בְּשַׁבָּת וּבְיוֹם הַדְּבָרִים אֲנִי מְבָרֵךְ אֶת הַמַּרְתִּירִים**

In lines 1 and 2 the Ethicon follows rec. B, but in line 3 it is at variance with both rec. A and B. The Ethicon speaks of **אֲנִי מְבָרֵךְ** or story tellers, A of mimes or dancers, B only of mimes. However, Par. Syr. 62 provides the same reading as the Ethicon and mentions the **אֲנִי מְבָרֵךְ**. So Barhebraeus follows again rec. B in the particular redaction of ms. Par. Syr. 62.

36 For examples in the Nomocanon, see *Kanonessammlungen*, 528-535.

37 Schulthess, o.c., 104.

38 Θυμελικός: belonging to the stage.







the *Synodicon*, appears to contain material from two letters ("A" and "B");<sup>42</sup> one compilation gives citations from Letter B.<sup>43</sup> The *Ethicon* knows of both letter "A" and "B".

It is worthwhile to have a closer look at the two quotations from letter A in *Ethicon* 1 VI 6, since it offers insight into the way in which Gregory deals with juridical texts:<sup>44</sup>

About the <fast of the Apostles in the week after Pentecost> the Holy Jacob said, that it is not compulsory; otherwise, anyone not keeping this fast would be blameworthy. But perhaps, because our Lord said to his apostles: *The sons of the bridechamber cannot fast as long as the bridegroom is with them. But the day will come, when the bridegroom shall be taken from them and then they shall fast* (Mt. 9:15), therefore the apostles fasted, when our Lord ascended and the Spirit came, and it was accepted as a custom, but not prescribed.

And as the Holy Jacob said: "throughout the whole year the ascetics in the East fast seven weeks and eat seven <weeks> until they arrive at the great fast.

The *Synodicon*<sup>45</sup> has the following *Question-with-Answer*:

John: Is the fast after Pentecost compulsory? Whence dit it start?

Jacob: It is not compulsory – otherwise anyone not keeping this fast would be blameworthy – but voluntary. As to how it started, this is not exactly known. But perhaps one could say conjecturally: Christ said about the disciples: *The sons of the bridechamber cannot fast as long as the bridegroom is with them. But the day will come, when the bridegroom shall be taken from them and then they shall fast* (Mt. 9:15), because then Christ the bridegroom ascended from them and the Spirit, the Paraclete, came, perhaps the apostles began to fast, and little by little it was accepted as a custom, but not prescribed.

Truly, in the land of the East, I know of ascetic men and monks, who the whole year do as follows: they fast seven weeks and eat and drink seven <weeks>, until they arrive at the great fast.

The original *Question-and-Answer* as formulated by Jacob of Edessa is remoulded by Barhebraeus into two different canons. Compared to the *Synodicon*, Gregory gives an abridged text, but he must have used a recension similar to that of the *Synodicon*, since all words and elements given in the *Ethicon* can also be found in the *Synodicon*.

Also in the case of *Ethicon* 1 I 9<sup>46</sup> a *Question-with-Answer* from letter B is recast into a new canon.<sup>47</sup>

42 *Ibid.* and *Kanonessammlungen*, p. 286-291. For the text, see *Synodicon I*, 233-245 (transl. 215-225) = Letter "A" and 245-254 (transl. 225-233) = Letter "B".

43 *Kanonessammlungen*, 290ff. This letter was edited by K.E. Rignell, *A Letter from Jacob of Edessa to John the Stylite. Syriac Text with Introd., Translation and Commentary*, Lund, 1979, 46-68, but the ms used by him as the basis for his edition (BL Add. 14.493, a Sacerdotale) is a particular rec. of this letter and covers only partially the *Questions-and-Answers* to John, but includes some *Questions-and-Answers*, which in the juridical compendia are intended for Addai.

44 *Ethicon I*, p. 93/79.

45 I, 238 (transl. 219f.).

46 P. 22/19.

47 See *Synodicon I*, 247 (227). Cf. Rignell, *o.c.*, p. 48f.







given.<sup>55</sup> The citation in 2 III 2 should be analysed more closely. Its text runs as follows:

לֹא וְדָם דְּלִכְלִי כְּשֶׁזֶה דְּחַלְלָה אֶם דְּחִידָה דְּמִסַּח  
 דְּבִיזָה אֶם דְּנִכְזָה אֶם כְּשֶׁזֶה אֶעֱזֹל אֶלֶּה דְּמִסַּח : שְׁלֵי חַ  
 סִלְמָה דְּנִדְכִּסָּה : דְּנִכְזָה אֶם כְּשֶׁנֶּחֱסֵה נִסְחָה אֶלֶּה

It is not lawful to consider those, who eat the meat of a camel, of a חִידָה, which means a wild ass, of a wolf or any meat whatsoever, at the exception of strangled or sacrificed <meat> as strangers or as impure.

The Synodicon, however, reads:<sup>56</sup>

לֹא וְדָם דְּלִכְלִי כְּשֶׁזֶה דְּסִנְחָה דְּחַלְלָה דְּנִכְזָה דְּחִידָה  
 שְׁלֵי חַ דְּנִכְזָה דְּנִכְזָה סִלְמָה דְּנִדְכִּסָּה : דְּנִכְזָה נִסְחָה  
 אֶלֶּה.

It is not lawful to consider those, who eat the flesh of animals, of a camel, wolf, חִידָה as impure, except when <this flesh> is pagan, strangled or sacrificed.

From this juxtaposition one may conclude that at least for his canons Barhebraeus did not use the Synodicon.

#### D. The Synod of the Persian Fathers

In Ethicon 1 VI 3<sup>57</sup> Barhebraeus gives the following canon:

The Synod of the Persian Fathers decreed: A believer, who <sojourns> as a foreigner in a pagan country shall fast from the twentieth of Shbât (February) and shall celebrate the Feast <of Easter> on the twentieth of Nisân (April), if he does not know the computation.

This prescription is also given in the Nomocanon, where it belongs to the set of canons ascribed to “the Persians”.<sup>58</sup> It is worthwhile to investigate whether the quotation in the Ethicon can shed some new light on the much debated problem of the origin of the canons of the Persians.

According to Vööbus they originated in *Monophysite* circles. He bases his assumption on the fact, that in one of them mention is made of certain monasteries (i.e. the burial places of a Patriarch or Catholicos), the jurisdiction of which was taken from the hands of the local bishops in order to be reserved for “the Patri-

<sup>55</sup> Quoted in Ethicon 1 I 9 (two canons, p. 22/19) and 2 III 2 (p. 159).

<sup>56</sup> I 271 (246). Vööbus translates as follows: “it is not lawful for those, who eat the flesh of animals, camels, wolf and wild ass, except the blood is separated (sic), <otherwise the animals> shall be counted as strangled and as defiled sacrifices”.

<sup>57</sup> P. 89/75.

<sup>58</sup> P. 57.



arch in the West and the Catholicos in the East". The mentioning of both dignitaries would point to the situation of the West Syrian Church, of which the highest spiritual leader was the Patriarch of Antioch (the West), who was represented for the faithful living in *Persian* territories by "the Catholicos of the East", sc. the Metropolitan of Tagrit, in later times called "the Maphrian".<sup>59</sup> This view is contradicted by Kaufhold, who believes, that Barhebraeus probably borrowed these canons from an East Syrian ("Nestorian") source, sc. Metropolitan Gabriel of Başra (2nd half of the 9th cent.), who wrote a codification work, which is partly preserved in the Nomocanon of 'Abdisho' b. Brikhâ (d. 1318).<sup>60</sup> In this case the attribution to "the Persians" would mean, that Gregory found these canons in some East Syrian ("Persian") compilation, where they were quoted anonymously.

The citation in the Ethicon is interesting, since it is not introduced as vaguely as in the *Book of Directions* under the lemma "of the Persians", but explicitly ascribed to the *Synod of the Persian Fathers*.

In 410 A.D. an important Synod was held in Seleucia Ctesiphon. The acts and canons issued at this Synod have been preserved in the East Syrian legislative corpus, known as the *Synodicon Orientale*.<sup>61</sup> It is noteworthy to observe, that the title of the Acts of this Synod also speaks of a *Synod of the Persian* bishops, possibly an indication that Barhebraeus thought of this council of Seleucia Ctesiphon, when referring in the Ethicon to the *Synod of the Persian Fathers*.<sup>62</sup> Moreover, the canons of this Synod were not unknown in West Syrian circles, as appears from the fact, that they came to be incorporated into some West Syrian juridical compendia.<sup>63</sup>

The problem is, that not all canons attributed by Barhebraeus to the Persians (among them also the canon cited in the Ethicon) occur in the Acts of this Synod (or in the West Syr. recension of Par. Syr. 62), neither in those of the subsequent Synods held in Seleucia. Moreover, Kaufhold is right, when he remarks, that the

59 A. Vööbus, *Syriac and Arabic Documents regarding legislation relative to Syrian Asceticism*, Pap ETSE XI, Stockholm, 1960, 87 ff. Also Selb (*Orientalisches Kirchenrecht* II, 162) thinks, that "the Persians" are the West Syrians of the Eastern territories.

60 H. Kaufhold, *Die Rechtssammlung des Gabriel von Basra und ihr Verhältnis zu den anderen juristischen Sammelwerken der Nestorianer*, Münchener Universitätsschriften (Jur. Fak.), Abhandlungen zur rechtswissenschaftlichen Grundlagenforschung, Bd. 21, Berlin 1976, P. 51-56. Kaufhold shows that the canon adduced by Vööbus as a proof for his assumption is but an adaptation by Barhebraeus of a Nestorian canon.

61 J.B. Chabot, *Synodicon orientale ou recueil de synodes nestoriens*, Paris 1902, 17-36 (cf. O. Braun, *Das Buch des Synhados oder Synodicon Orientale*, Stuttgart-Wien, 1900, 5-35).

62 In the *Synodicon Orientale* the mentioning of the Persian Bishops is only found in the introduction to the acts of the Synod of A.D. 410.

63 *Kanonesammlungen*, 491 f. Noteworthy is ms Par. syr. 62, the only compilation containing the complete text of the 27 canons of this Synod. Cf. Th. Lamy, *Concilium Seleucia et Ctesiphonti habitum anno 410*, Lovanii, 1868.



canons ascribed in the *Nomocanon* to the Persians – hence also the canon quoted in the *Ethicon* – are virtually without exception found in later East Syrian compilations such as that of b. at-Ṭayyib<sup>64</sup> and the codification work of Gabriel of Bašra, the Syriac *Vorlage* of b. at-Ṭayyib's collection.<sup>65</sup> This latter fact brings Kaufhold to the assumption, that Barhebraeus must have used and adapted the work of Gabriel, possibly in an anonymous way.

The weak point of this conclusion, however, is, that it does not offer a satisfactory explanation for the attribution to *the Persians* in the *Nomocanon*. One does not see why Barhebraeus would call the East Syrians (and a *fortiori* Gabriel of Bašra (!) or b. at-Ṭayyib, commonly surnamed al-ʿIrāqī), *Persians*. In his other writings he employs this designation simply for people living in Persia. Secondly, the explicit reference to “The Synod of the Persian Fathers” in the *Ethicon*, which is absent from the codification work of Gabriel of Bašra, makes this assumption even more questionable.

For the *Ethicon* it would seem to me, that a possible, though also not wholly satisfactory, explanation could be, that Gregory found the canon under discussion in some *Corpus* of Canons attributed to the Fathers, who gathered in Seleucia-Ctesiphon. The content of this corpus as it came under his hands must have contained material not included into the acts of the Synod as given in the *Synodicon Orientale* or the West Syrian juridical compilation of Ms Par. Syr. 62.

#### E. Patriarch John

In *Ethicon* 1 VI 7 one finds the following canon attributed to “Patriarch John”:

It is not allowed, that commemorations of the deceased or funeral repasts take place in the fast of the Forty <days>, unless on Sunday or on Saturday.<sup>66</sup>

This attribution is rather puzzling: in the West Syrian canonical literature one finds two Patriarchs of this name, who were active in the field of ecclesiastical legislation. The first is Patriarch John III (d.873). The *Synodicon*<sup>67</sup> gives the text of a number of decisions enacted at the Synod held at the occasion of John's election to the Patriarchal throne (846) in the monastery of Mâr Shîlâ. These canons were

64 *Fiqh an-Naṣrānîya*, “Das Recht der Christenheit”, ed./tr. W. Hoenerbach and O. Spiel, CSCO 161/2, 167/8, Louvain, 1956/7. Cf. Kaufhold, *Gabriel von Basra*, p. 53.

65 Kaufhold, *id.*, p. 52. The canon quoted in the *Ethicon* occurs in the form of a Question-and-Answer in Gabriel's work as Question 45, p. 261.

66 P. 96/80. The same canon, also attributed to Patriarch John, in *Nomocanon*, (p. 55). This prescription was undoubtedly inspired by canon 51 of Laodicea: the commemoration of the Martyrs during the fast of the forty days is only allowed on Saturday and Sunday. Cf. *Synodicon* I, 70/63.

67 II, 34f./37f.



provides us with another proof of the legislative activity of this Patriarch, since it informs us about the eight decisions taken at the Synod of Kphartutâ (869).<sup>69</sup>

Unfortunately, neither of these sets of canons contains the text of the canon under discussion.

The second Patriarch John to issue ecclesiastical canons was John X (d. 1072)<sup>70</sup>. John, before his elevation to the patriarchate known as Ishô' b. Shusân, composed a corpus of 24 canons which were known to Barhebraeus, as appears from the biography of this Patriarch in the *Chronicon Ecclesiasticum*.<sup>71</sup> Only fragments of these canons have been preserved. One of them is actually concerned with the problem of the commemoration of the deceased, the very subject of the canon we are trying to identify. The short description of this canon given by Vööbus<sup>72</sup> allows us to conclude that Barhebraeus did not borrow the citation in the Ethicon from the corpus composed by John X.

An unexpected witness of this prescription is found, however, among the canons issued by Patriarch Dionysios (d. 909). Like his predecessor John III he issued a number of canons at his election synod in the Monastery of Mâr Shîlâ. Only the Synodicon seems to have preserved this juridical corpus, where the quotation found in the Ethicon bears number 22.<sup>73</sup>

It is outside the scope of the present study to determine, whether it was Dionysios or rather a "Patriarch John", who composed this canon. As in the Ethicon and the Nomocanon it is ascribed to Patriarch Johannân, we may assume, that Barhebraeus borrowed it from the set of canons issued by John III in Mâr Shîlâ,<sup>74</sup> since all other references to "Patriarch John" in the Nomocanon are borrowed from this particular set of canons.

## F. Patriarch Cyriacus

Cyriacus (d. 817) is represented<sup>75</sup> with the following canon:

A priest or a deacon or a male believer or a female believer, who is twenty years of age and over, is not allowed to break the fast of Wednesday and Friday – except those fifty days of Pentecost – unless he is in sickness, need or under constraint, or <unless> she is a pregnant or nursing woman.

69 78ff. Cf. *Kanonessammlungen*, 55-59.

70 *Kanonessammlungen*, 71-74.

71 I, 445.

72 *Kanonessammlungen*, 72 (note 12): <On the Days of the Commemoration of the Deceased> one shall not eat meat or drink wine. It is not clear whether Vööbus gives a literal translation of this canon or rather only a description of its content.

73 *Synodicon* II, 57-68. Canon 22: 63/67.

74 The confusion between Dionysios and John is possibly due to the fact, that both promulgated canons at a Synod held in Mâr Shîlâ.

75 I VI 7, (p. 96/79f.). This canon is also quoted in the *Nomocanon*, p. 54.



The first citation in the *Ethicon* 2 III 1 runs as follows:

77 II, 6-17/7-18. Cf. *Kanonessammlungen*, 13-19.

78 Ms par. Syr. consists of 55 different juridical documents. The nrs 54 and 55 have been added by

79 This copyist of documents 54 and 55 must have lived after Barhebraeus, since he states, that he

80 Also the sacerdotale Br. L. Add. 14.493 has a set of 40 canons, but in this case we may have a spe-

81 A. Vööbus, *The Didascalia Apostolorum in Syriac* I, CSCO 401/2, II, 404/408, Louvain 1978.

82 *Didascalia* II (ed.), 263.







Apart from this latter case it is obvious, that for his citations from the *Didascalia* Barhebraeus generally follows a recension close to A.

#### H. Various authors

1. Athanasius the Great is represented with one juridical canon (on nocturnal seminal emission) taken from his *Epistula ad Amunem Monachum*<sup>88</sup> (Ethicon 2 III 7, p. 166).

2. Basil of Caesarea is referred to in Ethicon 2 III 2 (p. 159). The citation given (on the Old Testament interdiction of eating the meat of pigs) was borrowed from Letter 99, to Amphilochius.<sup>89</sup>

3. In Ethicon 2 III 7 (p. 167) Barhebraeus provides the following canon, ascribed to John of Tellâ:

“When a woman is in her menses, she is allowed to enter the Sanctuary to pray. The canon (*qâ-nûnâ*) prescribes not to approach (ܐܬܡܕܕܝܬ) the Mysteries, not because she is unclean, but on account of the honour of the Mysteries.”

John of Tellâ is, of course, John bar Qursos, bishop of Tellâ (†538),<sup>90</sup> known as the autor of a series of *canons* for clerics.<sup>91</sup> The citation in the Ethicon, however, was borrowed from John's *Decisions*, cast in the Question-and-Answer genre and destined for the priest Sargis. They have been edited twice, firstly by Lamy according to ms Par. Syr. 62<sup>92</sup>, and recently by Vööbus in his edition of the *Synodicon*.<sup>93</sup>

Compared to both editions, the Ethicon remoulds the *Question-and-Answer* into a canon, but one can still see, that the text used by Barhebraeus was closer to ms Par. Syr. 62 than to the Synodicon, since the Ethicon and the Parisian manuscript forbid the woman “to approach” (ܐܬܡܕܕܝܬ) the Mysteries, whereas the Synodicon does not allow her to partake (ܐܬܡܕܕܝܬ) of them.

4. The same paragraph of the Ethicon gives a canon of “Timothy, Pope of Alexandria”:

88 Greek text ed. by P.J. Joannou, *Discipline générale antique (IVe-IXe s.)*, Fonti IX t. II, Grottaferrata 1963, p. 65.

89 Ed. Y Courtonne, *Saint Basile, Lettres II*, Paris 1961, p. 159.

90 Cf. E. Honigmann, *Evêques et évêchés monophysites*, CSCO 1276, Louvain, 1951, p. 51 f.

91 Ed. by C. Kuberczyk, *Canones Johannis bar Qursos, Tellae Mauzlatae episcopi e codicibus syriacis Parisino et quattuor Londiniensibus editi*, Leipzig, 1901.

92 Th. Lamy, *Dissertatio de Syrorum fide*, p. 62-97. This canon: p. 86 (Decisio 32).

93 *Synodicon* I, p. 211-221/transl. p. 197-205. This canon p. 217 (Decisio 31).



"When a man has intercourse with his wife, they are not allowed to approach the Holy Mysteries on the same day. When a faithful woman has her monthly course, she is not allowed to approach in order to receive the Holy Mysteries on the same day before she becomes purified".

This canon was taken from the *responsa canonica* of Timothy I of Alexandria (†355).<sup>94</sup> It constitutes a remoulding of responsa 5 and 6. Timothy's *responsa* have found a place in many juridical compendia, e.g. the Synodicon<sup>95</sup> or Par. Syr. 62.<sup>96</sup> It is striking, that Barhebraeus designates Timothy as *Pope* (ܩܦܬܐ), whereas the Synodicon and all mss used in the edition of Schulthess call him *Patriarch* of Alexandria. The only notable exception is ms. Par. Syr. 62, which speaks of Timothy as a *Pope*.

## II. New Material

As already indicated above, one of the main characteristics of the Ethicon is that it was strongly influenced by islamic authors. This influence resulted in the creation of a number of new *canons* dealing with all sorts of subjects. As a matter of fact, many of them are but adaptations of regulations directly borrowed by Barhebraeus from his islamic environment.

In this paragraph I limit myself to giving a few examples. For the rest I refer to the footnotes to the translation of *mêmra* I, where one can find a discussion about the islamic provenance of a great number of *qânûnê*. An instance is the prescription that in case someone is forced by illness to break his fast, he should compensate this by giving food to two hungry persons.<sup>97</sup> In general terms this points to the islamic practice of *kaffâra*, doing penance for failing in keeping up the rulers of fasting, e.g. by bestowing food or clothes on a definite number (from 10-60) of poor people<sup>98</sup>. In other instances, the new *canons* are direct borrowings from the *Ihyâ'ulûm al-dîn* of Al-Ghazâlî, e.g. the prescriptions about travelling, performing the pilgrimage to Jerusalem,<sup>99</sup> etc. In a few cases Barhebraeus even provides a stricter interpretation than the one given by Al-Ghazâlî himself, e.g. the last canon out of a set of four assigned to the modalities of fasting of the common believer. It deals with the practice of stimulating vomiting, which according to Barhebraeus and the general islamic jurisprudence would

94 Greek text ed. by I. Ioannou, *o.c.*, p. 240-258.

95 I, p. 140-143/p. 138-141 and p. 144-145/145. The cit. in the Ethicon: p. 141.

96 The text of these Decisions in other compendia was edited by Schulthess, *o.c.*, p. 153-155. The cit. in the Ethicon: p. 153.

97 *Ethicon* I, p. 90/77.

98 Cf. Art. *Kaffâra*, EI<sup>1</sup> (Th. Juynbol).

99 For the Jerusalem Pilgrimage, see H. Teule, *The Perception of the Jerusalem Pilgrimage in Syriac Monastic Circles*, in VI Symposium Syriacum 1992, ed. R. Lavenant, OCA 247 (1994), 319.



make fasting invalid. The normal islamic interpretation, which is also followed by Al-Ghazâlî, is that fasting is not invalidated in the case of unintentional vomiting. Barhebraeus, however, explicitly states that also if one happens to vomit by illness, his fast is broken.

### III. Did Barhebraeus use a juridical compendium?

In the introduction we posed the question whether Barhebraeus, for the juridical texts in the Ethicon as far as they are not innovations by himself, used a juridical compendium or rather drew on separate canonical material at his disposal.

At first sight it is striking that all documents quoted can be found in various compendia. Thus, by way of an example, Ms. Mard. Orth. 309, a canonical handbook from the 8th century, contains "*Apostolic Canons*", *Synodical Acts*, the *Didascalia*, the *Letters* of Basil the Great and Athanasius of Alexandria, the *Questions* addressed to Timothy of Alexandria, the "*Canons of the Persians*", juridical decisions by Jacob of Edessa and the *Questions* addressed to him by the Priest Addai.<sup>100</sup> Ms. Cambridge Add. 2023, a "large collection of Ecclesiastical Canons and Extracts from various writers relating to Ecclesiastical Law", dating from the 13th century,<sup>101</sup> embraces a.o. (parts of) the *Didascalia*, the *Syrian Octateuch*, *Synodical Acts*, Basil's *Letter to Amphilochius*, the *Questions* asked by Addai and John the Stylite to Jacob of Edessa and the latter's *Canons*. These examples are first indications that for the composition of his Ethicon Barhebraeus may have consulted a comparable juridical compendium.

A next step is of course to pass beyond these general examples and to look for indications which provide more specific information. Before entering into more details we must have a look at the different compendia themselves. In Vööbus' *Kanonessammlungen*<sup>102</sup> there is an elaborate sketch of the historical development of juridical compilations of West Syrian origin. Vööbus distinguishes four stadia. In the case of a late author as Barhebraeus we can content ourselves with turning our attention to the fourth and latest stage: compilations of this stage are characterized by the fact that besides the classical material extending till the times of Jacob of Edessa, they also include Synodical decisions enacted under Patriarchs of the 9th century. As indicated above, such documents are also found in the Ethicon.

A conspicuous example of such a compilation is the so-called *Synodicon*. The

100 See *Kanonessammlungen*, p. 443-447. In an appendix to this article I give a survey of the more voluminous juridical compendia, indicating which works quoted in the Ethicon they contain.

101 Cf. W. Wright-S. Cook, *Catalogue of the Syriac Manuscripts in Cambridge, I-II*, Cambridge 1901, p. 600 ff.

102 p. 440-498.



juridical handbook edited by Vööbus under this title is noteworthy because of its utmost completeness. Hence it is not surprising that a great number of the juridical documents quoted in the *Ethicon* are also found in this compilation, e.g. *Apostolic Canons*, *Synodical Acts*, *Canons of Jacob of Edessa*, the *Questions of Addai* and John the Stylite, promulgated by the Patriarchs "John" and Cyriacus, extracts from the *Didascalia* and *Resolutions* by Timothy I of Alexandria and John Bar Qursos.

There are two other conspicuous facts which make it attractive to investigate more closely the possibility that Barhebraeus used this very compendium. Firstly, we indicated above, that the *Synodicon* seems the only surviving handbook to have preserved *both* Letters in the Question-and-Answer genre by Jacob of Edessa to John the Stylite. Also the *Ethicon* gives quotations from both letters.<sup>103</sup> Secondly, the date and place of its composition. The *Synodicon* was written in A.D. 1204, shortly before the lifetime of Barhebraeus, in the village of Bartelli (northern Iraq) in the Eastern Territories of the Jacobite Church within the jurisdiction of the Maphrian of the East. When Barhebraeus wrote his *Ethicon* (1279), he had occupied this function already for more than 15 years. His maphrianate is characterized by extensive travelling, including in the northern parts of Iraq. Moreover, the *Synodicon* was known to one of his predecessors, Dionysius II Šlibâ, as appears from an addition to the colophon of ms Dam. 8/11 (= the *Synodicon*), which says, that Dionysius, catholicos of the East, saw this work, which he declares to belong to the Priest Daniel of Bet Bartelli. This Dionysius is most probably Dionysius II Šlibâ (d. 1231), who stayed 8 years in the village of Bartelli.<sup>104</sup> At first sight it is hardly conceivable that the *canonist* Barhebraeus would be unacquainted with such an important compendium, composed in a region much frequented by him and already known to one of his predecessors.

However, a number of arguments eliminate this hypothesis. Firstly, in section one of this paper we noted several times that the wording or recension of a particular fragment in the *Ethicon* is at variance with the corresponding passage of the *Synodicon*. This was the case for most quotations from the *Octateuchus Syrus*, the *Canons of Jacob of Edessa*, a Decision (Question-and-Answer nr 6) addressed to the priest Addai and the Decision by John of Tella.<sup>105</sup> Moreover, we found that *Addai, Question-and-Answer nr 4* quoted in the *Ethicon*, was not incorporated into the *Synodicon*.<sup>106</sup> Lacking in this compendium are also the quo-

103 See *supra*, note 42.

104 cf. *Chronicon Ecclesiasticum* III, 404; J. M. FIEY, *Les diocèses du «maphrianat» syrien 629-1860*, PdO V, 147.

105 See *supra*, p. 39.

106 see *supra*, p. 32.



tations from the *Canons of the Persians*,<sup>107</sup> Athanasius' Letter to Ammon, Basil's Letter to Amphilocheus of Iconium and from the *Didacalia*, which is only represented in the *Synodicon* with a very short abstract.<sup>108</sup> The canon ascribed in the *Ethicon* to Patriarch John is attributed to his successor Patriarch Dionysius in the *Synodicon*.<sup>109</sup> And finally, Barhebraeus designates Timothy as *Pope* of Alexandria, whereas in the *Synodicon* he bears the title of *Patriarch*.

Hence it is clear that the *Synodicon* was not the source from which Barhebraeus drew the canonical material which he used in the *Ethicon*.

For the already mentioned Ms Cambridge Add. 2023, which is also a fairly complete compilation and possibly dates from Barhebraeus' lifetime, we cannot but formulate a similar conclusion: the Maphrian cannot have used this (or a similar) collection, since it does not contain the two prescriptions of Jacob of Edessa on the offering of the Eucharist by Stylites and Recluses quoted in *Ethicon* 1 I 9.<sup>110</sup> Also lacking are Jacob's first *Letter to John* (Letter A), the canon ascribed to the *Persian Fathers*, the *Synodical Decisions* enacted by Patriarch John III and Patriarch Cyriacus, Athanasius' *Letter to Ammon*, the *Decisions* by John Bar Qursos and Timothy of Alexandria.<sup>111</sup>

On the other hand, it would seem to me that there are several reasons why Ms Par. Syr. 62, or, more probably, an extension based on this manuscript, has a much better chance of being the source from which Barhebraeus drew his juridical material.

The first reason is that with respect to the quotations from the Synods of Gangra and Laodicea we found that the *Ethicon* does not only follow the so-called primitive version (Rev. B in the edition of Schulthess), which is extant in several compilations, but even gives exactly the same reading as Ms. Par. Syr. 62, which follows recension B, but also presents a number of particularities not attested by other manuscripts of this recension.

Secondly, the canons claiming an apostolic origin, quoted in the *Ethicon*, were probably borrowed from the *Octateuchus Syrus*. Also Par. Syr. 62 gives quotations from this *Octateuch*, be it with a few, unimportant variants. Thirdly, Par. Syr. 62 gives the *Decisions* of Timothy I of Alexandria. It is striking that besides the *Ethicon*, only this compilation designates him as *Pope*, whereas the other compendia provide him with the title *Patriarch* or *Bishop*. Fourthly, Par. Syr. 62

<sup>107</sup> But this may be due to the mutilated state of the manuscript, Cf. *Synodicon II*, p. 102.

<sup>108</sup> See *Synodicon II*, p. 156/157.

<sup>109</sup> See *supra*, p. 36.

<sup>110</sup> *Ethicon I*, p. 22/19.

<sup>111</sup> See Wright-Cook, *o.c.*, p. 600-627.

For other important juridical compendia, such as Mss Harvard Syr. 93, Mard. Orth. 309 and 310, and Vat. Syr. 560, all dating from the 8th. Cent., I refer to the Synopsis at the end of this paper, where one can find which juridical works cited in the *Ethicon* are lacking in these compilations.



contains Basil's letter to Amphilochius.<sup>112</sup> The text of the fragment in the Ethicon is an abridgment of the corresponding passage in Par. Syr. 62, fol. 210v. The same holds true for Athanasius' Letter to Ammon.<sup>113</sup> The Ethicon provides the passage concerned (fol. 192v) in a slightly abridged form.

Fifthly, the text of the *Decision* by John bar Qursos is in agreement with Par. Syr. 62 rather than with the *Synodicon*. Finally, for the *Didascalia Apostolorum* we demonstrated, that the Ethicon quotes this work according to Recension A, the same recension as also used in ms. Par. Syr. 62. In one instance, however, the Ethicon substantively differs from this recension and hence from Par. Syr. 62. It should be noted, however, that the *Didascalia* part of the Parisian manuscript (fol. 1r-89v) originally did not belong to it,<sup>114</sup> since it is written in a different hand and was added to the original only after 1501 A.D.<sup>115</sup>

The original manuscript begins with quire nr. 9. It is most probable that the eight lacking quires also contained the complete text of the *Didascalia*, since the *Didascalia*, which now forms part of Par. Syr. 62 has about the same length.<sup>116</sup> This would offer a good explanation for the fact that one citation from the *Didascalia* in the Ethicon differs so significantly from the corresponding passage in the *Diadascalia* of ms. Par. Syr. 62 in its present form, whereas for the rest the Ethicon is hardly at variance with this manuscript.

Apart from the problem of the *canon of the Persian Fathers*<sup>117</sup> the most striking difference between the Ethicon and Ms. Par. Syr. 62 is that the latter does not provide the text of the canons of Jacob of Edessa, neither his resolutions sent to John the Stylite, but only those intended for the priest Addai. This can be explained by the fact, that the older part of the manuscript (dating probably from the 9th century) is broken off exactly at the end of Jacob's *Decisions* sent to Addai.; the rest of the manuscript is written in a more recent hand.<sup>118</sup> It is not exclu-

112 See H. Zotenberg, *Catalogue des manuscrits syriaques et sabéens (mandaïtes) de la bibliothèque nationale*, Paris, 1874, p. 25, nr. 25.

113 Zotenberg, *o.c.*, p. 25, nr. 20.

114 This fact remains unnoticed by Vööbus, *Didascalia I* (text), p. 13\*.

115 This would explain the existence of the notes on fol. 89v (cf. Zotenberg, *Catal.*, p. 29). Apparently, the *Didascalia* part of the actual Par. Syr. 62 was a separate work in the days of Patriarch 'Azîz from Amida (enthroned in A.D. 1361), who says to have given it to the "Holy See of Mâr Jacob the Recluse" in Salah, i.e. the famous (actually ruined) St. Jacob Monastery in Salhi, about 8 kms north of Midyat. A second note speaks of the selling of this *Didascalia* part by one priest to another.

116 It consists of 9 quires (hence, the actual ms contains twice a ninth quire!), 27 lines to the page. The original part (fol. 90r, etc.) has 29-33 lines to the page, which would explain why the "original" *Didascalia* part would have consisted of only eight quires.

117 Although Ms Par. Syr. 62 seems the only West Syrian compilation to give the complete text of the 27 canons issued "at the Synod of the Persian Fathers", sc. in Seleucia-Ctesiphon in 410, the canon quoted in the Ethicon is not found among the set of canons of Seleucia Ctesiphon incorporated into Par. Syr. 62. Hence, in this instance, Barhebraeus' source cannot have been Par. Syr. 62. See *supra*, notes 78 and 79.

118 See Zotenberg, *Catalogue*, p. 28. Cf. *supra*, the passage on patriarch Cyriacus, p. 19f.



ded that the original manuscript, besides the *Questions-and-Answers* to Addai, also contained Jacob's *Canons* and *Decisions* sent to John the Stylite, especially since I do not know of larger compilations containing only Jacob's correspondence with Addai to the exclusion of his other juridical decisions<sup>119</sup> and secondly, since it is not uncommon that in juridical compendia, the Decisions ascribed to be Bishop of Urhoy begin with his correspondence with Addai.<sup>120</sup>

### Conclusion

By way of a conclusion we may state that the frequent instances of a perfect agreement between the original part of ms Par. Syr. 62 and the Ethicon – which are much more important than the few differences of only minor importance – suggest that Barhebraeus used a compendium similar to this manuscript. Since the Ethicon also contains canons ascribed to the Patriarchs John and Cyriacus, which are not found in Par. Syr. 62, its source must have been an enlarged redaction of the Parisian manuscript including also the Synodical Acts promulgated by later Patriarchs.

Consequently, unlike Par. Syr. 62, probably dating from the 9th century, it must have belonged to the fourth and final (?) stage in the development of the canonical compendia.<sup>121</sup>

119 Cf. the Appendix at the end of this article.

120 See Ms Cambridge Add. 2023 (Wright–Cook, *o.c.*, p. 623–626) and Ms. Harvard Syr. 93 (M. Goshen-Gottstein, *Catalogue*, p. 75). Goshen-Gottstein's too succinct description can be completed by a number of remarks by Vööbus in *Kanoneessammlungen* p. 203 (note 3), p. 227 (note 98) and p. 293 (note 122). From this it appears that in this ms the part devoted to the juridical works of Jacob of Edessa also begins with his resolutions sent to Addai, followed by his Canons, next a second series of resolutions intended for Addai as well as resolutions sent to Thomas and finally to John the Stylite.

121 *Kanoneessammlungen*, p. 484–487. Also the original part of Par. Syr. 62 was enlarged with later additions, but the copyist responsible for them did not think it necessary to include Cyriacus' canons, since these could be found in other collections. See Zotenberg, *Catalogue*, p. 28/9.



Appendix: List of Juridical Compilations from the 8th- till the 13th cent.  
(For footnotes, see next page)

Ethicon	Harv. Syr. 93 <sup>1</sup> 8th cent.	Mard. Orth. 309 <sup>2</sup> 8th cent.	Mard. Orth. 310 <sup>3</sup> 8th cent.	Vat. Syr. 560 <sup>5</sup>	Par. Syr. 62 9th cent.	Cambr. Add. 2023 13th cent. <sup>7</sup>	Dam. Syr. 8/11 1204 <sup>8</sup>
Diatexis of the Apostles/ Ocateuchus VI	59r-60r, 89v	8r-12v, 18	—	?	90r-102v <sup>6</sup>	?	I 72-84
Canons of the Apostles/ Ocateuchus VIII	60r	21r-27r	—	?	113r-121r	?	I 58-72
Synod of Gangra	69r-72v	47v-50r	31v-36r	?	134r-137v	—	I 103-104
Synod of Laodicea	77v-80v	57v-60r	49r-53v	?	147r-150r	—	I 116-125
Persian Fathers	—	146r-148v	168v-172v	83rv, 72r	237v f.	—	I 198
Athanasius' Letter to Ammun	—	110r-114r	118r-120r	43v-45r	192r-194v	—	—
Basil's Letters	—	114r-130r	120v-144v	45r-59r	194v-214r	—	—
Didascalia	—	—	—	1r-22r	1r-89r	169r-205r	II 156
Decisions of John of Tella	—	?	193v-201v	68v-72r	262r-267r	245r-250v	I 145-156
Responsa Canonica of Timothy I	89v-91v	102v-104r	106v-108v	37r-38v	183v-185r	—	I 140-143
Jacob of Edessa, Canons	18r-25r	?	191r-195v <sup>4</sup>	?	?	275v-277v	I 269-272
Letter A to John the Stylite	—	—	—	—	?	—	I 2333-245
Letter B to John the Stylite	37v-44v	—	—	—	?	285r-291r	I 245-254
Letter to Addai	1r-18r 25r-33v	158v-159r	212r	—	273r-284v	259r-275v 277v-281v	I 258-269
Canon of Patr. John/ Dionysius	—	—	—	—	—	—	II 57-68
Cyriacus	—	—	—	—	(cf. fl. 285r)	—	II 6-17



## Notes to Appendix

- 1 Mutilated at the beginning, this ms shows many lacunae: "man muss mit der Möglichkeit rechnen, dass ihre ursprüngliche Selbständigkeit von noch weitreichenderem Ausmass war", *Kanonessammlungen*, 454.

My thanks are due to Dr. H. Kaufhold for communicating me the correct numbering of the folios of this ms.

- 2 The contents of this ms can partly be known from *Kanonessammlungen*, 443 f. Selb (II, 90 and 93) remarks that Vööbus' indications of the folios are sometimes not correct. My indications of the folios are based on Selb II, 100 f., 106-109, 120-127 as well as on information given to me by H. Kaufhold.

The ms is mutilated at the beginning and the end. Hence, in its original state it may have contained even more works referred to in the Ethicon. With respect to the works of Jacob of Edessa, this ms gives a number of unspecified *Questions-and-Answers* as well as a series of *tuhmê* (Vööbus translates by "kanones"). It is not certain whether they contain the text of Jacob's canons found in other compilations.

- 3 This ms is mutilated at the beginning (14 fol. are lacking). and the end (1 fol. missing); throughout the whole ms there are many lacunae. Cf. *Kanonessammlungen* 447. For this ms Vööbus mentions 199 fol. Selb gives the number of 239 fol., which is more in agreement with Vööbus' mentioning 25 quires of ten fol. each. I follow the numeration of Selb.

Ming. Syr. 8 is a copy of this ms.

- 4 Numeration of Vööbus, *Kanonessammlungen*, p. 203. Selb II does not mention the canons. Cf. A. Mingana, (*Catalogue of the Mingana Collection of Manuscripts*, Vol. I, Cambridge 1933, col. 36) only mentions for Ming. syr. 8 the correspondence with Addai.

- 4 Mutilated at the beginning, many lacunae. Cf. *Kanonessammlungen* 455, Selb II, 101, A. Van Lantschoot, *Inventaire des manuscrits syriaques des fonds Vatican (490-631)*, Barberini Oriental et Neofyti, Studi e Testi 243, Città del Vaticano, 1965, 78.

For the canons of the Synods of Gangra and Laodicea (belonging to the Antiochian Corpus Canonum), see Kaufhold, *Griechisch-Syrische Väterliste* (see *supra* note 31), 12.

- 6 Cf. Zotenberg, *Catal.* 22. Fol. 90-102v contain extracts from Books I-VII of Clemens, among which the quotations in the Ethicon. Cf. *supra* p. 25.

- 7 For this compilation, see Wright-Cook, *Catal.* II, 600 ff. and *Kanonessammlungen*, 464 ff. According to Selb II, 100 f., 106-109, 120-127, virtually all the juridical works quoted in the Ethicon are also found in this collection; no further precisions are given.

According to the description of Wright-Cook this would only be true for a limited number of texts.

- 8 For the *Synodicon* I refer to the pagination of Vööbus' edition (Vol. I and II).