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## NOTES AND STUDIES

ARLES AND ROME: THE FIRST DEVELOPEMENTS  
OF CANON LAW IN GAUL.

THE commencement of the first attempts at codification of the Canon Law of the early Church may be placed in the East about A. D. 400, in the West not till somewhat later. For Gaul we may date the beginning of the process in the middle of the fifth century; but the ideas which began then to germinate, and the tentative efforts to express them, were only as it were the advance guard of a movement which did not attain its full force for another generation. The first half of the sixth century saw the formation of the earliest Gallic codes of which copies are still extant, though of these copies themselves none are much older than the end of the same century. The crucial period roughly synchronized with the episcopate of a prelate who may be taken as the typical representative of the meaning and vigour of this movement—Caesarius, bishop and metropolitan of Arles from 503 to 543. Recent investigation has tended to shew more and more clearly how predominant was the part played in this developement by the churches of Provence, that corner of south-eastern France of which Arles was the acknowledged head.<sup>1</sup> Most of our early Gallic collections can in fact be referred, on grounds more or less satisfactory, not only to one period but also to one neighbourhood.

But the movement in Gaul was not confined to the collection of local material and the conservation of local tradition; side by side with the process of codification, a second movement of a more distinct and articulate tendency was at work at the same time, and of this further movement of expansion the focus seems undoubtedly to have been at Arles. The school of canonists that flourished there were active in the Roman interest, and some at least of its members appear to have had no scruple, where genuine material was wanting, in supplying new material under ancient labels.

Of all the canonical collections made in Gaul the best known, certainly in modern times and perhaps in ancient times as well, is that

<sup>1</sup> See especially Duchesne *Fastes épiscopaux de l'ancienne Gaule* i, ed. 1 p. 140, ed. 2 p. 144; and Morin 'Les Statuta ecclesiae antiqua, sont-ils de S. Césaire d'Arles?' (*Revue Bénédictine* July 1913 pp. 334-342.) The latter paper, one of Dom Morin's most brilliant contributions to the critical study of Latin patristic literature, is the starting-point of the present enquiry, though I have attempted to cover rather more ground and have arrived at rather less clear-cut conclusions.

which we call after the name of its editor, Quesnel,<sup>1</sup> a name well known on the Gallican side in the history of the Jansenist controversy. Quesnel's judgement was inferior to his learning, and the Ballerini, who like Quesnel edited this canonical collection as an appendix to an edition of St Leo,<sup>2</sup> and whose work remains after 150 years a monument of completeness and of all other scholarly qualities, were able to make damaging criticisms, in the Ultramontane interest, of his historical theories. It was easy for them to riddle Quesnel's idea that this collection of canons emanated from Rome, and to shew on the contrary that, though entirely devoid of Gallic matter, it is from beginning to end a native product of Gaul. For all that Quesnel was quite justified in detecting about it a Roman atmosphere. The canonist who compiled it worked on universal rather than on local lines, from a Roman rather than a national point of view. He must have published his *corpus* somewhere about the year 500; the latest document belongs to the pontificate of Gelasius and the year 495, and the papal catalogue prefixed to the Arras MS of the Quesneliana gives the years, months, and days of each pope down to Felix, the predecessor of Gelasius. Duchesne attributes the collection to Arles; and the attribution is probable enough.

Indications of locality are naturally more numerous where the material is native and not foreign, and scholars have thought that they could detect such indications, pointing to Arles or its neighbourhood, in the case of several of the primitive collections. Morin is convinced that the nucleus of the 'Lorsch' collection—represented by a Lorsch MS, now Vat. Pal. 574, and by a Murbach MS, now Gotha i 85, both of the early ninth century—stands in intimate relation with the circle and the policy of Caesarius of Arles.<sup>3</sup> The Cologne MS (ccxii of the Chapter Library, written about A. D. 600) I had myself ascribed on the ground of its palaeography and its contents—or if not the MS itself, then the original collection of perhaps fifty years earlier from which it was derived—to Provence.<sup>4</sup> And the Corbie MS (now Paris lat. 12097), the oldest monument of Gallic Canon Law, written in the second half of the sixth century, though its script seems to me too degraded to have emanated from the more cultured Provence, is expanded, in Duchesne's view, from a collection made at Arles somewhere about 525.<sup>5</sup>

<sup>1</sup> *Sancti Leonis Magni Opera* vol. ii (appendix), Paris 1675 (in quarto: a second edition in folio followed in 1700).

<sup>2</sup> *Sancti Leonis Magni Opera*, edited by the two brothers, Peter and Jérôme Ballerini of Verona, vol. iii (Venice 1757).

<sup>3</sup> loc. cit. p. 339.

<sup>4</sup> In *Burn Facsimiles of the Creeds* (H.B.S. vol. xxxvi, 1909) pp. 39-41.

<sup>5</sup> *Fastes épiscopaux* i (142) 144.

Two other Gallic collections of the sixth century remain to be mentioned; that of Albi, represented by two MSS, Toulouse i 364, written at Albi between 600 and 666, and Albi 2, the latter a copy of the former, but more completely preserved; and that of St Maur, represented by three nearly contemporary MSS, of date not far removed from A. D. 800, Paris lat. 1451, Vat. Reg. 1127 (from Angoulême; it once belonged to Jean du Tillet) and a third MS which came from the Jesuit college of Clermont at Paris into the Meerman collection and from thence to the Westreenen-Meerman collection at The Hague. Of these two collections the former is already located by the MSS which contain it to southern Gaul; while the latter has at least this much contact with Arles, that it gives the text of the canons both of the great council of Arles in 314 and also of the so-called 'second council', of which I shall speak presently, in a purer form in some crucial cases than any of our other MSS.<sup>1</sup>

Nearly all these ancient Gallic collections of the sixth century have in common one very significant feature, which illustrates the 'tendency' of the canonists to whom they owe their origin—the presence, in the forefront of the collections, of a list of popes from the beginning down to the respective date of each collection or manuscript. Such lists are found in the Arras and Einsiedeln MSS of the Quesnel collection, in the Corbie MS, in the Cologne MS, in the Albi MS, and in the St Maur MSS. They are rather rarely found in canonical collections outside Gaul, and their regular recurrence in the Gallic MSS is symptomatic of the 'mouvement nettement accentué vers Rome' which gathered strength in Provence and its metropolis as the influence of the school of Lerins declined.

So far we have been dealing with the work of the compilers who, for the most part in the first half of the sixth century, brought together pre-existing material into some sort of *corpus* of Canon Law. Of the contents of these compilations the vastly larger part is genuine beyond suspicion or cavil, and even the residuum, of which so much cannot be said, was in most cases admitted (there is no reason to doubt) in perfect good faith. But side by side with all this mass of honest and straightforward work there are other examples of this department of literature, produced during the same period and in the same neighbourhood, which leave a less favourable impression. Morin has drawn up a

<sup>1</sup> e.g. Arles I canon 9 (8) 'De Afris quod propria lege sua utantur . . .' where the main body of MSS has 'Arriis' for 'Afris': Arles II canon 5 'ut scripto responso consensisse significant' where the rest have 'se suo' for 'scripto': see the next part to be published of my *Eccl. Occid. Mon. Iur. Ant.* i 381-395, 426-435. Duchesne suggests Narbonne as the cradle of this collection.

formidable impeachment of the integrity of documents traceable, it would seem, to the chancery of the metropolitan see of Arles, and, even if we limit the range and blunt the edge of some of his conclusions, there are counts of the indictment on which no other verdict than that of 'guilty' can be returned. The fraudulent passing off of new goods as old, and of individual or unauthorized manuals as conciliar codes, were devices not unknown among the school of canonists whose work we have here to examine. One method is exemplified in the *Statuta ecclesiae antiqua*, which were not 'ancient' but modern, the other in the canons of the (second) 'council of Arles', which had in all probability nothing to do with a council at all.

1. The case of the second council of Arles is at once the less clear and the less important of the two. The canons of this council, in the fullest form in which they have come down to us, are a *réchauffé* of those of four earlier councils, Nicaea, Arles I (A. D. 314), Orange I (A. D. 441), and Vaison I (A. D. 442), altered and adapted to the ideas of the compiler and the requirements of his day. Thus in the first canon the Nicene prohibition (can. 2) of the ordination of neophytes to the 'episcopate or presbyterate' is changed into 'diaconate or priesthood'. Next follows a canon, which would certainly not have represented the mind of the Nicene Fathers, against the ordination of married men to the priesthood, save at the cost of putting away their wives. By the third Nicene canon the clergy were allowed to have as inmates of their homes certain women only, mothers, sisters, 'aunts or persons quite beyond suspicion': but the 'Arles' adaptation limits the permission to sisters and the direct line of ascent and descent, 'grandmother, mother, daughter, granddaughter'.<sup>1</sup> And so on for the other canons.

One cannot say that this sort of free treatment of the Nicene canons is inconsistent with the claim to conciliar sanction at Arles. But there are more definite grounds for suspicion. For instance the compiler of this 'revised and enlarged edition' of the Nicene code knew and used no less than four Latin versions of the Nicene canons—that of Rufinus, and those known as the Isidorian, the Gallica, and the Gallo-Hispana. It is not very likely that this medley can represent anything else than the work of a scholar with a large library at command, and the inclination and capacity for comparison of different authorities. And Duchesne and Morin both point out that a profuse display of learning, such as implies access to a rich and well-kept collection of church archives, is characteristic of the Arles school of canonists. Again, there are certain notes of the genuine Gallic councils which seem to have become part of their traditional equipment, such as the consular (and sometimes

<sup>1</sup> If indeed we ought not, with the St Maur group of MSS, to omit the grandmother and even the mother.

imperial) date and the episcopal signatures. Thus there is no single council of all those held in south-eastern Gaul where the date is wanting, save only this so-called second council of Arles: I need only cite the two earliest, Arles of 314 'in civitate Arelatensium apud Marinum episcopum temporibus Constantini Volusiano et Anniano consulibus',<sup>1</sup> and Valence of 374 'apud ecclesiam Valentianam sub die III idus Iulias Gratiano III et Equitio consulibus'. This habit is in marked contrast with the absence of such dates in the majority of the Greek councils of the fourth century: we do not know the precise year of the councils of either Ancyra or Neocaesarea or Gangra or Laodicea. The list of episcopal signatures is not quite so constant a note of the Gallic councils as is the date: but there is hardly one of which the subscriptions are not present in some one or other of the MSS, while there is not the slightest trace of any such list for our 'second council'. The 'synodus habita in civitate Arelatensi', even if we need not call it a forgery in the fullest sense of the word, was probably at best a sort of semi-official manual of the church law of the time and place of its composition. The time will naturally have been not very long after the two latest councils which supply its material, those of 441 and 442: the place was presumably Arles itself, certainly somewhere within its jurisdiction, since the 18th canon runs: 'Ad Arelatensis episcopi arbitrium synodus congreganda, ad quam urbem<sup>2</sup> ex omnibus mundi partibus sub sancti Marini tempore legimus celebratum fuisse concilium atque conventum'. It will be noticed that there is no trace of any Romanizing interest in this 'second council': if its composition is correctly dated about A. D. 450, that was perhaps somewhat earlier than the Roman movement made itself consciously felt in the sphere of canon law.

2. Of more general importance in its history than the 'second council' of Arles, and much more gravely suspect in its origin, is the document known as the *Statuta ecclesiae antiqua*. In the editions of the Concilia, this body of canons will be found printed as the fourth council of Carthage (A. D. 398), that being the place assigned to them in the Hispana: but the Hispana is one of the latest and least trustworthy of the canonical collections of the patristic period. Since the time of the Ballerini it has been universally recognized that these canons, whatever they are, are not African: Maassen emphasized their Gallic character, and ascribed to them an origin at Arles within the same limits of time (between the council of Vaison in 442 and the council of Agde in 506) as the 'second council'. Recent opinion as

<sup>1</sup> The words *temporibus Constantini* may betray the hand of a later editor; but there is no reason to doubt that the consular date of this early council represents genuine tradition.

<sup>2</sup> Note the use of *urbs* for another city than Rome.

to their authorship had tended to crystallize upon the name of Caesarius of Arles—though, since Caesarius only became bishop in 503 and the *Statuta* are cited, as is admitted on all hands, at Agde in 506, there was not much room available for Caesarius to have produced the code as a fruit of his episcopate. And certainly the bishops present at Agde (Caesarius was one of them) do not appear to regard the *Statuta* as anything but ‘ancient’, for they introduce their citation (canon 43) with the words ‘sancti patres nostri synodali sententia censuerunt’. It is Morin’s primary purpose, in the article already referred to, to shew that whatever the bishops at Agde did in their canons, that and more Caesarius himself did in his own writings, treating the *Statuta* as an existing and authoritative code, and, what is more, an African code. For in 534 Caesarius addressed a circular letter to the Gallic bishops in the matter of the deposition of Contumeliosus, bishop of Riez, and among the precedents to which he appeals are not only the decrees of the 318 bishops of Nicaea but the ‘Africani pontifices’. There is nothing at all in the context to explain this sudden introduction of African bishops, save only that the *Statuta*, ‘antiquorum patrum statuta’, are actually quoted a little way further on. Morin concludes that Caesarius accepted the attribution of the *Statuta* to an African council, and he supports his conclusion by the parallel ascriptions contained in the sixth century Gallic collections: e.g. the ‘Lorsch collection’, giving the *dossier* in the case of Contumeliosus, prefixes to the *Statuta* the title ‘Synodus Africana episcoporum ducentorum quattuor decem’. Morin’s argument makes it clear that at the beginning of the sixth century the *Statuta* were already in existence, and were already assumed to be African. We must, therefore, look behind Caesarius and behind the sixth century for their origin. A document is not necessarily late even if it is a forgery.

How far the compiler went in the direction of the *suggestio falsi* is now the problem which we have to examine. We may take it as beyond question that he lived in Gaul and published his code somewhere in the second half of the fifth century. If he labelled it *Statuta ecclesiae antiqua* he was claiming more than he had any right to claim, but we shall not feel very critical of a canonist who simply read his modern ideas into more primitive times—we are all in danger at one time or another of doing that. If he is responsible also for the words ‘Synodus Africana’, he was adding what he knew to be false, and the matter is more serious. Both the Ballerini and Maassen supposed that the connexion with Carthage or Africa was a copyist’s blunder, and acquit the author of any responsibility for it: Morin on the other hand thinks that he claimed both an African origin and a Roman guarantee for his compilation, and regards him as acting throughout

with the quite definite intention of securing, by a false title and a false colophon, an authority for his document which it would not otherwise have possessed.

It is certainly rather remarkable that no one before Morin seems to have called attention to the significance of the colophon appended to the *Statuta* in the Cologne MS, 'Finiunt constituta synodi Charta-genensis episcoporum CCXIII[I], qui scripti sunt in urbe Roma de exemplaribus papae sancti Leonis'.<sup>1</sup> If the scope of this colophon was limited to the *Statuta*, it would be difficult to demur to Morin's severe judgement of it, for the whole history of the *Statuta* is Gallic or Spanish; they are not contained in any collection or quoted by any writer outside these two countries. There is no more reason to suppose that they were ever known or copied in Rome than that they were ever known or copied in Africa. It is true that in some points their prescriptions represent Roman and not Gallic *praxis*, but that is part and parcel of their 'ultramontane' policy. Undoubtedly a leading motive of the code was the desire to assimilate the ecclesiastical law of the Gallic Churches to that of the Roman Church, and the colophon of the Cologne MS may have been only, as Morin thinks, a mere device for giving the code a better prospect of success.

I do not know whether Dom Morin would not have been still further confirmed in his judgement, if he had happened to light upon the two striking parallels I am now going to adduce. It was mentioned above that the 'second council' of Arles makes use of as many as four versions of the Nicene canons: and two of these four circulated in Gaul in copies guaranteed in a curiously similar manner to the Cologne MS of the *Statuta*. The epitome of Rufinus is labelled in the oldest Gallic collections (Corbie, Cologne, Albi) with the title 'Incipiunt canones Nicaeni CCCXVIII episcoporum, scripti in urbe Roma de exemplaribus sancti episcopi Innocenti'; the version known as the Gallo-Hispana has, in the solitary MS which preserves it, the colophon 'Expliciunt canones CCCXVIII episcoporum Niceni, transcripti in urbe Roma de exemplaribus sancti Innocenti episcopi'.<sup>2</sup> As to Rufinus, considerations of date and place are not *in limine* unfavourable to this claim: for the epitome of the Nicene canons is taken from the tenth book of his Church History, and that was written in Italy in the episcopate of pope Innocent. But the so-called Gallo-Hispana is as purely Gallic and Spanish in its history, and probably as Gallic in its origin, as the *Statuta* themselves. Have we not to do, then, with a standing formula

<sup>1</sup> The Corbie MS is defective for the close of the *Statuta*, or we should probably find a similar colophon there.

<sup>2</sup> See *Ecclesiae Occidentalis Monumenta Iuris Antiquissima* i 179 col a, 238 col b.



of falsification, current in the circles of the 'mouvement nettement accentué vers Rome'?

Obvious as this conclusion seems at first sight, it is not really quite so certain as it looks. The relevant facts are not yet all before us. Both in the case of the Leo colophon and in the case of the Innocent colophon, the document to which the colophon is appended is a composite one: it is not the *Statuta* only, and it is not the Gallo-Hispana only, for the text of which a Roman origin is claimed. The Nicene canons of the Gallo-Hispana are followed by the Sardican canons, numbered continuously as though themselves Nicene: and this combination of Nicaea and Sardica is characteristically Italian and Roman. The *Statuta ecclesiae antiqua*, in the Cologne MS and the other older Gallic collections, are quite similarly run on with another document, the eight or nine Anathematisms directed against the Pelagians by a Carthaginian council of 417 or 418. And the alternative is therefore open that it was the Sardican canons which were said to have been sent from Rome under guarantee of pope Innocent, and the anti-Pelagian Anathematisms which came similarly from Rome under guarantee of pope Leo.

Reserving for the moment the further examination of the Niceno-Sardican collection of the Gallo-Hispana, let us examine the problem of the *Statuta ecclesiae antiqua* in this new light.

The first and most certain result at which we arrive is that the 'council of 214 African bishops' is not a mere fiction, as we might so far have supposed and as Morin does in fact suppose,<sup>1</sup> but is a genuine historical reality, being in fact the council, on the testimony of our oldest authorities, by which these anti-Pelagian Anathematisms were promulgated. In the Corbie MS they bear the title 'Incipiunt constituta sinodica Charthagenensis episcoporum docentorum quattuordecim'; in the Cologne MS the title in the body of the MS is only 'Incipiunt canones Chartaginensis', but in the index at the beginning of the MS it is 'Canones Chartaginensis episcoporum cccxiiii'; in the Albi MS it runs 'Constituta Bitynie<sup>2</sup> sinodi Cartaginensis episcoporum numero cccxiiii'; in the St Maur group, in the index prefixed to their collection of African councils, 'Incipiunt capitula canonum concilii

<sup>1</sup> loc. cit. p. 340 'Ce soi-disant concile africain de deux cent quatorze évêques est-il simplement le fait d'une bêtise de copistes? . . . Je ne le crois pas: je suis convaincu que nous avons là un faux, un faux fabriqué dans le milieu arlésien, et cela vers le déclin du v<sup>e</sup> siècle.'

<sup>2</sup> The unintelligible 'Bitynie' is doubtless a blunder of the scribe of the Albi MS, who in copying out his exemplar, the Toulouse MS—unfortunately now defective at this point—was not infrequently puzzled by the rubricated titles, which were sometimes faint or illegible. I have given instances in *J.T.S.* ii 267: *CONCILIUM TELENSEM* even became 'canon niceni sinod epī c'.

Cartaginensis episcoporum ccxiiii'. And the evidence of Prosper shews that this number of 214 was attached to the council of the Anathematisms quite independently of the *Statuta* and indeed probably before they came into existence. On three different occasions, in separate works, he speaks of the council of 214 bishops (identifying it, in fact, just by this detail of the number of those present) and of the decisive part it played in the Pelagian controversy.<sup>1</sup>

Now Prosper was an important person in the history of the Romanizing movement in Gaul on its doctrinal side. For a generation after the first outbreak of the Pelagian dispute, the Church of Gaul, as represented by its great theologians, Cassian of Marseilles, Vincent of Lerins, and Faustus of Riez, had strenuously resisted the extreme conceptions developed by St Augustine, especially in his latest writings, in opposition to Pelagianism. Rome, after a brief period of indecision under the pontificate of Zosimus, had thrown its influence whole-heartedly on the African side; and it would be just about the time of Leo's accession in A. D. 440 that the Roman-African theology began to make headway in Gaul. Prosper, whose intervention on the anti-Pelagian side goes back to A. D. 427, was in close relations with St Leo, went to Rome with him as his secretary, and according to one (doubtless apocryphal) account wrote the pope's letters for him. Nothing could be in itself more likely than that either Prosper or some disciple of his should be briefed from Rome for the campaign against the 'semi-Pelagianism' of Gaul, and that the brief should consist of, or at any rate should include, the definitions that had been drawn up by an African council under the eye of St Augustine.

These considerations appear to me to be enough to rebut the *prima facie* case for falsification which, as we saw, did attach both to the title of the 'African synod of 214 bishops' and to the colophon 'written out from the copies of the holy pope Leo', so long as they stood in relation only to the *Statuta ecclesiae antiqua*. When they are brought into their proper relation to the anti-Pelagian Anathematisms, there is positive reason for regarding the title as genuine, and no positive reason for not regarding the colophon as genuine too. There would still of course remain ground for suspecting that the same person who compiled the *Statuta* not only equipped them with the brevet of 'antiquity', but did his best to establish their reputation by inserting

<sup>1</sup> I repeat the references from Maassen, p. 171 n. 5: (1) *Chronicon*, sub anno 418 'Concilio apud Carthaginem habito ccxiiii episcoporum ad papam Zosimum synodalia decreta perlata, quibus probatis per totum mundum haeresis Pelagiana damnata est'; (ii) *Responsio ad capitula Gallorum, obiectio* VIII 'Et cum ccxiiii sacerdotibus, quorum constitutionem contra inimicos gratiae Dei totus mundus amplexus est...'; (iii) *Contra Collatorem* § v 'Erraverunt ccxiiii sacerdotes qui in epistula quam suis constitutionibus praetulerunt, ita apostolicae sedis antistitem beatum Zosimum adlocuti sunt...?'

them between the text of the Anathematisms and the colophon belonging to the text. This is certainly the earliest position to which we can trace them: in all the earliest Gallic collections the *Statuta* are run on without break from the Anathematisms. In the St Maur collection the preceding analysis summarizes in twenty-seven sections the matter of both Anathematisms and *Statuta*: in the Corbie MS the headline of the pages CANONES CARTHAGINENSES remains unaltered throughout both: in the Cologne MS even the actual numbering is continuous, so that after eight Anathematisms the first canon of the *Statuta* is numbered viiii, the second x, and so on. We cannot prove that it was the compiler who set them where we first find them, but it is not unlikely, nor can it be said to be alien from the habits of this school of canonists. But whether or not the device was intentional, it was certainly effective: the *Statuta* circulated henceforth under the *cachet* of African origin and papal approval.

3. Before concluding this paper, it will be well to probe a little further into the two parallel instances, cited above, of canonical matter 'written down from the copies of the holy bishop Innocent'. One symptom strikes us as reassuring at the outset: whereas the copies of Leo were claimed as those of 'the holy pope', 'papae sancti Leonis', the copies of Innocent are those of 'the holy bishop Innocent', 'sancti episcopi Innocenti', 'sancti Innocenti episcopi'. It might probably enough be just in the interval between Innocent and Leo—between A. D. 416 and 440—that the practice would be growing up of formally distinguishing the Roman bishop by the title 'pope'; and at Arles the practice would be fostered as the fifth century drew on by the ultramontane tendencies of its school of canonists. So far as it goes, the title 'bishop' given to pope Innocent in the collections which make his *exemplaria* the guarantee of the two versions of the Nicene canons, that of Rufinus and that called Gallo-Hispana, appears to be in favour of the label being really contemporary.

As the version or epitome of Rufinus was Italian and must have come to Gaul from Italy, and as it is clear that it enjoyed considerable vogue in Gallic circles—it is more largely employed than any other version, for instance, in the 'second council' of Arles, and Caesarius quotes a canon from it word for word—there is nothing to hinder, and much to recommend, the view that the chancery of Arles may have derived the text at a quite early date from the chancery of Rome. Intercourse, official and semi-official, was active between the two sees from the very earliest years of the fifth century A. D.

The version of the Nicene canons known as Gallo-Hispana is, however, as purely Gallic as that of Rufinus is Italian. Its characteristics are smoothness, lucidity, logical order and developement, and to the attainment of these qualities faithfulness in rendering the original is time

after time sacrificed. The author put together his results by a conflation of two previous translations, the 'Gallica' and Rufinus, and combined, sorted, arranged, and edited without the slightest regard to the Greek, which there is no reason to think he ever looked at.<sup>1</sup> Considering the almost superstitious veneration of the Roman Church for the Nicene canons, I somewhat doubt if any scribe of the papal chancery would—except of course where there was any question of papal claims—have taken such liberties with the text. We feel that the compiler is rather a canonist and an ecclesiastic than a translator: the Nicene legislation is in fact adapted and brought up to date. His virtues and his faults are just those which are distinctive marks of the workshop of the school of Arles. I do not now feel any hesitation in locating him in Gaul and not at Rome.

Therefore if it were certain that the colophon about the *exemplaria* of Innocent applied primarily to that version of the real Nicene canons whose characteristics I have just been describing, the presumption against its veracity would be as strong as Morin felt it to be in the case of the colophon about the *exemplaria* of Leo. But it is not certain: and in fact an innocent construction can be put as easily on the one as on the other. For after the Nicene canons of the Gallo-Hispana there follow, first the Nicene Creed and the subscriptions of Osius and the two Roman presbyters, next the Sardican canons—numbered continuously, after nineteen genuine canons, as xx to xxxix—then the colophon EXPLICIUNT CANONES CCCXVIII EPISCOPORUM NICENI TRANSCRIPTI IN URBE ROMA DE EXEMPLARIBUS SANCTI INNOCENTI EPISCOPI AMEN—and last of all the remaining Nicene signatures with the title NOMINA EPISCOPORUM QUI IN CONCILIO NICAENO SUBSCRIPSERUNT ORIENTALIUM and the colophon EXPLICIUNT NOMINA EPISCOPORUM NUMERO CCXXII, OCCIDENTALIUM VERO NOMINA IDEO NON SCRIPTA QUIA APUD EOS NULLA ERAT SUSPECCIO DE HERESI. From these *data* two conclusions emerge with tolerable clearness: the first, that the

<sup>1</sup> The following instances illustrate his entire independence of the Greek text: can. 1 'a barbaris aut a dominis castrati', G-H adds 'uel a iudicibus': can. 5 'munus purum offeratur deo', G-H adds 'et in diebus ieiuniet in pascha': can. 6 'urbis Romae episcopus', G-H adds 'habet vicinas sibi provincias et Anthioiciae totam Coelem' [i. e. Coele-Syria]: can. 8 'ad ecclesiam nostram' 'ecclesiae nostrae', where the original had only 'the Church', and 'our Church' is presumably contrasted with the Arian Church of the barbarians: can. 8 'castella' is added to 'civitates' and 'vici': can. 14 'loca' are added to 'civitates': can. 16, the original and the earlier versions dealt only with usurious clergy, G-H adds 'et laici a comunione ecclesiastica sequestrentur': can. 17 deacons are ministers to the bishop, G-H adds 'and to the presbyters', words significant of a change that came about in the fourth century: can. 19 for 'quae in scemate' τῶν ἐν τῷ σχήματι, G-H substitutes 'quae in schismate fuerunt, sive de illis quae in catholica semper fide manserunt'—not understanding the phrase in his exemplar, and desirous at all costs to produce something lucid and logical.

final title and colophon must be read together (whether as a title or as a colophon), since the sense requires that *ORIENTALIMUM* and *OCCIDENTALIMUM* should be brought into direct contrast with one another: the second and more important that, if we omit the Sardican canons and their colophon, we find that the signatures of Osius and the Romans to the Creed is now followed without break by the remaining (Oriental) signatures, and it will hardly be questioned that that was the original arrangement.

But if so, the scope of the Innocent-colophon must be limited to the inserted matter, that is to the Sardican canons: and to treat the Sardican canons as Nicene was a purely Italian, not to say Roman, idiosyncrasy, only conceivable in a *milieu* where historical knowledge was so weak (and dogmatic prepossession so strong) as it was in Roman Church circles after St Jerome had retired to Palestine. Any appearance of Sardican canons under the guise of Nicene in a Gallican collection is an infallible sign of Italian influence.<sup>1</sup> And as it was Zosimus, the immediate successor of Innocent, who pressed the Nicene authority of the Sardican canons upon the Church of Africa, there is nothing unlikely in a similar attempt from Rome in the time of Innocent to commend their acceptance to the Church of Gaul.

To sum up, then, our results: it appears to be established that an important school of canonists flourished in the chancery of the metropolitan see of Arles in the fifth and sixth centuries, and further that as the fifth century progressed two tendencies became gradually characteristic of their work—the tendency to Romanize the local or Gallican church law, and the tendency to equip their own productions with labels of fictitious antiquity or authority. Obviously either of these two dominant ideas might account for emphasis laid on *exemplaria* of pope Innocent or pope Leo. We could not say off-hand whether the motive was an honest desire to advertise the value and promote the circulation of documents actually received from Rome, or whether the *soi-disant* Roman material had never crossed the Alps at all but had originated in the fertile brain of some Romanizing canonist at Arles. Each case must be decided on its own merits and probabilities: to me it seems more likely than not that all the pieces concerned—the epitome of Rufinus, the Nicaeno-Sardican canons, the anti-Pelagian Anathematisms of the 214 African bishops—did really come to Gaul from Rome. It is another question whether occasion was not sometimes taken to extend the guarantee of Roman origin contained in the colophons to cover other matter that was not Roman at all.

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<sup>1</sup> For indications of this in the case of the Quesnel collection see *Ecl. Occid. Mon. Iur. Ant.* i 274.