

PS.-ZONARAS AND A SCHOLION TO ATHANASIUS

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The entry for the word κανών reads as follows in Ps.-Zonaras, *Lexicon* κ 1143.6–16 Tittmann:

Κανών· λόγος ἔντεχνος δηλωτικός, ἀπειθύνων ὁμοιότητι πρὸς τὸ καθόλου τὸ διεστραμμένον τῶν λέξεων. ἢ κανών ἐστὶ νόμος ἀπαράβατος, καὶ μέτρον ἀδιάψευστον, πᾶσαν πρόθεσιν καὶ ἀφαίρεσιν μηδαμῶς ἐπιδεχόμενον. ἴεκ τοῦ κανόνος, ὅς ἐστι ξύλον, ᾧ κέχρηται οἱ τεχνῖται εἰς ξύλων ἢ λίθων ἀπόρθωσιν. παρατιθέντες γὰρ τὸν κανόνα τοῖς παρ' αὐτῶν ἐργαζόμενοις, δι' αὐτοῦ, εἴ τινα εὐρίσκουσιν ἐν αὐτοῖς λοξότητα εἰσοχᾶς τε καὶ ἔξοχᾶς, εἰς εὐθύτητα ἀποξέουσι καὶ ὀρθοῦσι τὸ ἐργαζόμενον.†

The last part of the text is marked by cruces because it is found in only one of the three manuscripts used by Tittmann for his edition, the apographon Kulenkampianum (K), a thirteenth-century manuscript collated by Lüder Kulenkamp.¹ The source of the marked text has not been identified. Tittmann provided no commentary on the entry, but cited J. C. Suicerus, *Thesaurus Ecclesiasticus ex Patribus Graecis*, II, Amsterdam 1682, cols. 37–41, which contains a discussion of the various meanings of κανών in the most important theological writers. Klaus Alpers in his major study of the sources of Ps.-Zonaras' *Lexicon* also did not detect the origin of this definition of κανών.²

This part of the text is in fact an excerpt from a lengthy scholion of Ioannes Zonaras on Athanasius Alexandrinus, *Epistula festalis xxxix* (properly ἡ ΛΘ' Ἑορταστικὴ Ἐπιστολὴ τοῦ Μ. Ἀθανασίου). Athanasius' *Thirty-Ninth Festal Letter*, written in AD 367, is famous because it contains the earliest known list of the twenty-seven books which make up the current New Testament canon,³ and for this reason it has

1) I. A. H. Tittmann, *Iohannis Zonarae lexicon ex tribus codicibus manuscriptis*, Leipzig 1808, xix, xxii; on the date of the apographon Kulenkampianum, see K. Alpers, *Das attizistische Lexikon des Oros*, Berlin / New York 1981, 26.

2) K. Alpers, *Zonarae Lexicon*, RE X (1972) 739–763.

3) B. M. Metzger, *The Canon of the New Testament: Its Origin, Development, and Significance*, Oxford 1987, 7–8, 210–212, 312–313; for a critical text of this work, see P.-P. Joannou, *Fonti. Discipline générale antique (IV^e–IX^e s.)*. Tome II, *Les canons des Pères Grecs*, Grottaferrata (Rome) 1963, 71–76. The *Thirty-Ninth Festal Letter* survives only in fragments in Greek and Coptic; see A. Camplani, *Athanasio di Alessandria. Lettere festali*; Anonimo. *Indice delle lettere festali*, Milan 2003, 503, 595–602. For a translation and discussion of the fragments of this letter, see G. Aragona, *La Lettre festale 39 d'Athanasie. Présentation et traduction de la version*

been called “one of the most significant documents in the history of the Christian Bible”.⁴ In the twelfth century, Ioannes Zonaras wrote scholia on the canonical writings, that is to say, on the writings of the synods, apostles, and fathers which contain rules and laws to be followed by Christians;⁵ he is considered one of the three great Byzantine commentators on the canonical writings, the others being Alexios Aristenos and Theodoros Balsamon.⁶ These scholia are of historical significance because of their immense influence on the development of canon law.⁷ The history of the transmission of the text of Zonaras’ scholia is long and complicated: in some manuscripts his work is transmitted alongside the scholia of Balsamon, but elsewhere it is transmitted separately.⁸ Modern editors tend to print the scholia of Zonaras, Balsamon, and Aristenos together, but this gives a false impression of the unity of the material: the scholia were never transmitted in this way in the manuscript tradition.

The scholion with which we are concerned has been published in a number of different editions based on various different manuscripts; these versions of the text diverge from what is found in the apographon Kulenkampianum. In the first complete edition of the scholia of Zonaras, W. Beveridge, *Συνοδικόν sive Pandectae Canonum SS. Apostolorum et Conciliorum ab Ecclesia Graeca receptorum*, II,

copte et de l’extrait grec, in: G. Aragione / E. Junod / E. Norello (eds.), *Le canon du Nouveau Testament. Regards nouveaux sur l’histoire de sa formation*, Geneva 2005, 198–219.

4) D. Brakke, *A New Fragment of Athanasius’s Thirty-Ninth Festal Letter: Heresy, Apocrypha, and the Canon*, HThR 103, 2010, 47.

5) S. Troianos, *Die Quellen des byzantinischen Rechts*, Berlin / Boston 2017, 289–291; P. E. Pieler, *Johannes Zonaras als Kanonist*, in: A. Oikonomides (ed.), *To Βυζάντιο κατά τον 12ο αιώνα. Κανονικό δίκαιο, κράτος και κοινωνία*, Athens 1991, 601–620.

6) Troianos (n. 5) 289: “Den Bereich der Kommentarliteratur und, allgemeiner, des kirchlichen Rechts, beherrschen drei Namen: Johannes Zonaras, Alexios Aristenos und Theodoros Balsamon. Alle drei lebten im 12. Jahrhundert. Die beiden ersten ungefähr gleichzeitig; Zonaras ist zwar vom Alter her vorausgegangen, aber Aristenos entwickelte seine schriftstellerische Tätigkeit vor ihm, so dass sein Werk älter ist.” Cf. J. S. Ersch / J. G. Gruber (eds.), *Allgemeine Encyclopädie der Wissenschaften und Künste, Erste Section A–G*, Vol. 86 Griechenland. B. Griechenland im Mittelalter und in der Neuzeit, Leipzig 1868, 461–462; J.-A.-B. Mortreuil, *Histoire du Droit Byzantin*, III, Paris 1846, 438 ff.

7) S. Troianos, *Byzantine Canon Law from the Twelfth to the Fifteenth Centuries*, in: W. Hartmann / K. Pennington (eds.), *The History of Byzantine and Eastern Canon Law to 1500*, Washington 2012, 176–178, at 178: “The work of Zonaras, which included brief legal treatises in addition to his commentary on the canons, had a decisive impact on subsequent interpreters of the canons, especially Theodore Balsamon, and on the literature of canon law in general. His interpretation of the canons has also been translated into Old Slavonic.”

8) Troianos (n. 5) 291: “Das schriftstellerische Werk des Zonaras besitzt eine üppige handschriftliche Überlieferung, bald gemeinsam mit dem entsprechenden Werk Balsamons und bald separat.” Cf. Ersch / Gruber (n. 6).

Annotationes, Oxford 1672, 221, the text of the scholion is printed in the following way: *κεκανονισμένα δὲ βιβλία ἔφη ὁ ἅγιος ἐκ τοῦ κανόνος, ὃ ἐστὶ ξύλων ἢ κέρηνηται οἱ τεχνῖται εἰς ξύλων ἢ λίθων εὐθύτητα· παρατιθέντες γὰρ τὸν κανόνα τοῖς παρ' αὐτῶν ἐργαζομένοις, δι' αὐτοῦ εἴ τινας εὐρίσκουσιν ἐν αὐτοῖς λοξότητας εἰσοχὰς τε καὶ ἐξοχὰς, εἰς εὐθύτητα ἀποξέουσι, καὶ ὀρθοῦσι τὸ ἐργαζόμενον.* Beveridge commented that he edited the text “ex codice Amerbachiano”; this refers to a fourteenth-century manuscript given to the public library of the Academia Basiliensis by Basil Amerbach in 1593, which was collated for Beveridge by J. R. Wettstein.⁹ The codex contained only the canonic scholia of Ioannes Zonaras and Theodoros Balsamon.¹⁰ Later, Migne (PG 138.564D) reprinted Beveridge’s text of the scholion and made no new study of the manuscripts.¹¹

Other editors, however, have presented a text that is closer to the version in the apographon Kulenkampianum. In S. Cyrillo, *Codices Graeci manuscripti Regiae bibliothecae Borbonicae*, I, Naples 1826, 212, the scholion is printed thus from a manuscript dated to the fourteenth-century: *κεκανονισμένα δὲ βιβλία ἔφη ὁ ἅγιος ἐκ τοῦ κανόνος, ὅς ἐστι ξύλων, ἢ κέρηνηται οἱ τεχνῖται εἰς ξύλων, ἢ λίθων ἀπόρθωσιν· παρατιθέντες γὰρ τὸν κανόνα τοῖς παρ' αὐτῶν ἐργαζομένοις, δι' αὐτοῦ, εἴ τινας εὐρίσκουσιν ἐν αὐτοῖς λοξότητας, εἰσοχὰς τε, καὶ ἐξοχὰς εἰς εὐθύτητα ἀποξέουσι, καὶ ὀρθοῦσι τὸ ἐργαζόμενον.* This manuscript contained various canonic writings and letters, as well as notices of the church councils (it is the same manuscript described in A. M. Bandini, *Catalogus Codicum Manuscriptorum Bibliothecae Mediceae Laurentianae*, I, Florence 1764, 6). The next edition of the text based on some new textual evidence was printed in G. Rhallis and M. Potlis, *Σύνταγμα τῶν θείων καὶ ἱερῶν κανόνων τῶν τε ἁγίων καὶ πανευφημῶν Ἀποστόλων καὶ τῶν ἱερῶν οἰκουμενικῶν καὶ τοπικῶν συνόδων*, IV, Athens 1854, 81: *κεκανονισμένα δὲ βιβλία ἔφη ὁ ἅγιος ἐκ τοῦ κανόνος, ὅς ἐστι ξύλων, ἢ κέρηνηται οἱ τεχνῖται εἰς ξύλων καὶ λίθων εὐθύτητα· παρατιθέντες γὰρ τὸν κανόνα τοῖς παρ' αὐτῶν ἐργαζομένοις, δι' αὐτοῦ, εἴ τινας εὐρίσκουσιν ἐν αὐτοῖς λοξότητας, εἰσοχὰς τε καὶ ἐξοχὰς, εἰς εὐθύτητα ἀποξέουσι, καὶ ὀρθοῦσι τὸ ἐργαζόμενον.* When preparing their edition Rhallis and Potlis relied mainly on Beveridge’s text, but they also discovered a copy of a previously neglected codex dated to 1311, which contained the *Nomocanon* and *Syntagma* of Photius, as well as the scholia of Zonaras and Balsamon; this may account for the very slight difference between their version of the text and that of Beveridge (ὅς instead of ὅ).¹²

9) W. Beveridge, *Synodikon, sive Pandectae Canonum SS. Apostolorum et Conciliorum ab Ecclesia Graeca receptorum*, I, Oxford 1672, xiv. I have checked the earlier editions of the Zonaras scholia listed by Beveridge (xvi–xvii), but no earlier edition contains this particular scholion. The completeness of Beveridge’s edition of the scholia of Zonaras was praised by scholars; so Ersch / Gruber (n. 6) 462: “Endlich erschien der Commentar des Zonaras vollständig in dem Synodicon von Beveridge.”

10) Beveridge (n. 9) xiv.

11) “Apud Beveregium in notis, p. 221, ex codice Amerbachiano. Edit.” (PG 156.563–564 n. α). Unfortunately a trivial error was introduced into Migne’s text (*παρατεθέντες* instead of Beveridge’s *παρατιθέντες*).

12) The codex is described in detail in G. Rhallis / M. Potlis, *Σύνταγμα τῶν θείων καὶ ἱερῶν κανόνων ...*, I, Athens 1852, 10–12. For further details, see

The relationship between these versions of the text remains unknown; further study of the question is needed. However, we can observe that the manuscript seen by Cyrillo has a text most similar to the apographon Kulenkampianum. The only difference between them is that the apographon Kulenkampianum has *τινα ... λοξότητα*, whereas Cyrillo's ms. has *τινας ... λοξότητας*. Furthermore, Cyrillo's ms. and the apographon Kulenkampianum are the only versions of the text in which the word *ἀπόρθωσιν* stands in place of *εὐθύτητα*. This must lead to the hypothesis that Cyrillo's ms. and the apographon Kulenkampianum were closely related in the textual tradition of this scholion.

Identification of the source of Ps.-Zonaras' definition of *κανών* helps us to see that in the complete version of the scholion Ioannes Zonaras is in fact referring specifically to a canon of books, *κεκανονισμένα βιβλία*.¹³ This context has been obscured in the excerpt transmitted by Ps.-Zonaras' *Lexicon*.

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C. E. Zacharia, *Historiae Iuris Graeco-Romani Delineatio*, Heidelberg 1839, 87 n. 6; Mortreuil (n. 6) 439; J. Zhisman, *Das Eherecht der orientalischen Kirche*, Vienna 1864, 32; id., *Die Synoden und die Episkopal-Ämter in der morgenländischen Kirche*, Vienna 1867, 96.

13) Corresponding to Athanasius' *τὰ βιβλία ... κανονιζόμενα*: see Joannou (n. 3) 72, lines 20–22.