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IN THE
WEST SYRIAN TRADITION

II

TRANSLATED

BY

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PREFACE

The translation of the second part of the manuscript has been carried out in the same way as it was in the first part. However, with reference to linguistic matters, it must be said that this part is different due to the genre of materials. Furthermore, some of the documents because of syntax and vocabulary are quite difficult, and sometimes virtually obscure. This is the case particularly with the ancient laws whose formulations due to their strange terminology borrowed from the Byzantine legal usage were obviously not always understood by the scribes who copied and recopied these texts. In some texts, the linguistic physiognomy is strange due to grammatical as well as lexical idiosyncrasies in Syriac and the elements which mark the growing influence of the Arabic idiom.

In the preface of the volume on the text, it was said that the uniqueness of the documents presented, the novelty of the records and their historical importance made it necessary to put such records into historical perspective. That applies here, too. As a consequence, a different handling of these texts, namely, by providing more copious footnotes, became inevitable.

It is due solely to the support of the National Endowment for the Humanities that this work has been brought to its conclusion. I express my deepest gratitude for their assistance in the advancement of the frontiers of knowledge. Without this support, the work would still be at some distance from the hands of the readers. Thereby the National Endowment for the Humanities has placed the world of learning under tribute.

I am indebted to Professor W. Freitag who examined the English of my manuscript. As usual he has done this with an ever-ready kindness. I gladly express to him my warm gratitude.

July 15, 1975
on the 100th anniversary of
my father's birth

Arthur Vööbus

LIST OF ABBREVIATIONS

- AB = *Analecta Bollandiana*. Bruxelles.
- 'ABDISO', *Catalogus librorum* = 'ABDISO', *Catalogus librorum omnium ecclesiasticorum*, ed. J. S. ASSEMANI, in: *Bibliotheca orientalis* III, 1.
- 'ABDISO', *Catalogus librorum* = 'ABDISO', *Catalogus librorum omnium ecclesiasticorum*, ed. A. VÖÖBUS, CSCO (in preparation).
- AbhBAW = *Bayerische Akademie der Wissenschaften. Abhandlungen*. München.
- AbhPAW = *Abhandlungen der Preussischen Akademie der Wissenschaften*. Berlin.
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- BAUMSTARK, *Geschichte syr. Literatur* = BAUMSTARK, A., *Geschichte der syrischen Literatur*. Bonn 1922.
- BAR 'EBRÄYÄ, *Chronicon eccl.* = *Gregorii Barhebraei chronicon ecclesiasticum*. ed. J. B. ABBELOOS et T. J. LAMY, I-III. Parisiis-Lovanii 1872-77.
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- BAUMSTARK, «Liturgische Handschriften» = BAUMSTARK, A., «Die liturgischen Handschriften des jakobitischen Markusklosters in Jerusalem», in: *OC* I-II (1911-12).

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 BibIAHHC = *Bibliothèque archéologique et historique. Haut-Commissariat de la République Française en Syrie et au Liban*. Paris.
 BiblByz = *Bibliothèque byzantine. Traité d'Études byzantines*. Paris.
 BibIEHE = *Bibliothèque de l'École des Hautes Études. Sciences religieuses*. Paris.
 BiblGA = *Bibliotheca geographorum arabicorum. Lugduni Batavorum*.
Bibliotheca orientalis = Bibliotheca orientalis Clementino Vaticana in qua manuscriptos codicos syriacos recensuit J. S. ASSEMANI. I-III. Romae 1719-28.
 BROCKELMANN. *Lexicon Syriacum* = BROCKELMANN, C., *Lexicon Syriacum. Halis Saxonum* 1928.
 BRUNS, see *Syrisch-römisches Rechtsbuch*.
 ByZ = *Byzantinische Zeitschrift*. Leipzig-Berlin.

Catalogues of Syriac Manuscripts in Unknown Collections, see VÖÖBUS.

CH = *Church History*. Chicago.

CHARLES. *Le christianisme des arabes nomades* = CHARLES, H., *Le christianisme des arabes nomades sur le limes et dans le désert syro-mésopotamien aux alentours de l'hégire*, in: *BibIEHE* LII. Paris 1936.

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CSCO = *Corpus Scriptorum Christianorum Orientalium. Parisiis-Lovanii*.

CSCOSub = *Corpus Scriptorum Christianorum Orientalium. Subsidia. Lovanii*.

DENHĀ, *Histoire de Marouta* = *Histoire de Marouta, métropolitain de Tagrit et de tout l'Orient, écrite par son successeur Denhā*, éd. par F. NAU, in: PO III, 1. Paris 1909.

DictHGE = *Dictionnaire d'histoire et de géographie ecclésiastique*. Paris.

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Didascalia Apostolorum = *The Didascalia Apostolorum in Syriac*, ed. M. D. GIBSON, in: HS I. London 1903.

Didascalia Apostolorum in Syriac = *The Didascalia Apostolorum in Syriac*, ed. A. VÖÖBUS, in: CSCO (in preparation).

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DU CANGE. *Glossarium* = DU CANGE, *Glossarium ad scriptores mediae et infimae graecitatis*, I-II. Lyon 1688.

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DUVAL, *Littérature syriaque* = DUVAL, R., *Littérature syriaque*. Paris 1907.

EdO = *Échos d'Orient*. Paris.

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- OC = *Oriens Christianus*. Leipzig-Wiesbaden.
- OExplSt = *Oriental Explorations and Studies*. American Geographical Society. New York.
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INTRODUCTION

* In the strength of Our Lord Jesus Christ we begin to write the * p. 1
book which contains all the new canons¹ of the later patriarchs—
I mean (those) of Gīwargī², Qyriaqos³, two cycles, and of Diony-
sios⁴, of Jōhannān⁵, of Ignatios⁶, and of all the laws⁷, judgments⁸,
sentences⁹ and heritages and the rest (of the administrative affairs)
of the Greek kings¹⁰, as well as of all the judgments¹¹, laws¹²,
sentences¹³, heritages¹⁴, (legislation regarding) liberation of the
slaves¹⁵, and of all the properties¹⁶ and the rest (of the administra-
tive affairs) by the Arab rulers under whose sentences¹⁷ the believers
act and whose laws¹⁸ they accept.

Then (there follows) the reckoning of the years which began with
Adam and the chronology of the kings and of the nations according
to the (work) prepared by Eusebius of Caesarea¹⁹, and all the
administrations²⁰, these which are in the Old and New (Testament)
and the other profitable orders²¹ which the former teachers have
made for men.

¹ κανόν.

² See page 2ff.

³ See page 7ff., 19ff.

⁴ See page 27ff.

⁵ See page 37ff.

⁶ See page 54ff.

⁷ νόμος.

⁸ ܩܘܪܝܩܘܨ

⁹ ܩܘܪܝܩܘܨ

¹⁰ See page 97ff., 106ff.

¹¹ ܩܘܪܝܩܘܨ

¹² νόμος.

¹³ ܩܘܪܝܩܘܨ

¹⁴ ܩܘܪܝܩܘܨ, see page 68ff.

¹⁵ See page 88ff.

¹⁶ Or; purchases.

¹⁷ ܩܘܪܝܩܘܨ

¹⁸ νόμος.

¹⁹ This chronological section has not
survived in the manuscript.

²⁰ ܩܘܪܝܩܘܨ, also guidance, direc-
tion.

²¹ Or; ranks.

THE CANONS

Canon 1¹⁴. If a bishop throws away the ecclesiastical laws and canons, regards the ecclesiastical order as nothing, and dares arrogantly to pass over into the eparchy of another bishop there to establish *tūrgāmē*¹⁵ and to undertake ordinations¹⁶ or consecrate the myron¹⁷ or absolve one of the excommunications of the (local) bishop, * his colleague, or to alter it—the holy synod has decided that the one who does things such as these shall be dismissed from the office of the bishop.

Canon 2. A presbyter or deacon who leaves his wife and takes another—the synod has ordered (this), that if he does not depart from the curse of God, he shall not serve in the priesthood.

Canon 3. A presbyter or a deacon whose wife dies and who (then) takes another—the synod has ordered that he shall not serve if he does not depart from the curse of God.

Canon 4. A presbyter or deacon who drives (his wife away) shall not serve in the priesthood, if he does not depart from the curse of God.

Canon 5. The presbyters or deacons who dance or sing or drink with the drunkards—the holy synod has decided that they shall not serve in the priesthood, if they do not depart from the curse of God.

Canon 6. If any of the Christians takes his *šaušbīntā*¹⁸ (to wife)—the synod has ordered: if he be a presbyter or a deacon, he shall not serve in the priesthood; if, however, he is a layman he shall not enter the church at all.

Canon 7. A presbyter or deacon who takes a widow or one guilty of adultery or of fornication—the synod has ordered that he shall not serve in the priesthood at all.

¹⁴ Very seldom does a trace of the canons appear. One isolated canon has found a place of refuge upon the title page of a manuscript, namely Ms. Birm. Mingana Syr. 1, fol. 194b. In the light of the new document, we are enabled to recognize one canon in Bar 'Ebrāyā's codification work where it appears in a reduced form and is introduced under the name "Giwargi". Only in the light of the original text can it be identified and recognized that it does not belong to Giwargi, the bishop of the Arabs, whom Bar 'Ebrāyā introduces simply as "Giwargi". Another isolated canon appears in Ms. Jerus. Mark 207, fol. 1a; cf. VÖÖBUS, *Syrische Kanonessammlungen* 1, 1, A, p. 12.

¹⁵ *ܩܝܘܪܩܐܢܐ* interpretation, homily, preaching.

¹⁶ *ܩܝܘܪܩܐܢܐ*.

¹⁷ *ܡܝܪܘܢ*.

¹⁸ *ܩܝܘܪܩܐܢܐ* a godparent, sponsor.

Canon 8. If any of the Christians shall take two sisters or the wife of his brother or the wife of his uncle¹⁹ or the wife of his mother's brother or the daughter of the sister of his wife—the synod has ordered that they shall be excommunicated from the church and from the mysteries and from intercourse with Christians, as those (standing) under the curse of God until they shall have separated from one another.

Canon 9. If any of the Christians leaves his wife—without the cause of adultery or fornication, or takes another one—the synod has ordered that he shall be excommunicated from the church and from the mysteries and from intercourse with Christians; (this applies to) him and the other wife he had taken until he leaves the latter and takes back that other (wife) according to the law of God.

Canon 10. If any of the Christians betrothes and then abandons his betrothed * to look upon another or the betrothed one abandons her * p. 4 bridegroom to look upon another—the synod has ordered that they shall be excommunicated from the church of God; the same (shall be the case) with wives of men who abandon their husbands.

Canon 11. One who has lawfully been excommunicated by his bishop and who then goes to take refuge among pagans as someone who absolves the canon and annoys his bishop—the curse of God from the entire synod shall be upon him so that Christians shall not know him at all.

Presbyters or deacons who give the eucharist or baptism to the heretics shall be excommunicated from the church and the mysteries.

Canon 12. Christians who give their daughters to pagans or Moslems or Nestorians—if they are priests, they shall not serve in the priesthood. If they are laymen they are not allowed by God to enter the holy church and shall not participate in the holy mysteries.

Canon 13. The women who have become (wives) to pagans and Moslems—the holy synod has ordered that they shall not enter the church and shall not receive the eucharist.

Canon 14. Monks who leave the monasteries to take a wife and to live in the villages—it is not allowed (them) by God to employ the raiment or the cloak of monasticism or the garment²⁰ at all. Moreover, they shall not serve in the priesthood.

Canon 15. Monks and priests who carry bags²¹ of the saints and

¹⁹ Namely on the father's side.

²⁰ *σχήμα*.

²¹ Namely bags of relics.

travel around in the villages—we all have determined that they under the excommunication of God should not be received at all.

Canon 16. If somebody of those called Christians employs magic knots²² or amulets²³ or witchcrafts²⁴ which are a snare for souls—the synod has ordered that they shall be excommunicated from the church of God.

Canon 17. The priests who give baptism except male to male and female to female, one to the one²⁵ and the other to the other²⁶, shall be excommunicated from the church of God.

Canon 18. The priests who give the myron to those who are sick, whatever it (i.e., the illness) may be—they shall be excommunicated from the church of God.

Canon 19. If any of the abbots or 'esṭūnārē²⁷ or ḥebīšayē²⁸ write letters of anathema to the towns and villages—we all have determined through the anathema and the curse of God that they shall not write letters of anathema.

Nor shall they consecrate the myron at all.

Canon 20. If any of the Christians dares to do <some> work of harvest or threshing or of givint help or receiving help on the day of this holy Sunday—the holy synod has determined by the anathema of the living Word of God that the one who does so shall not enter the holy church and shall not participate in the holy mysteries. And if any of the priests and deacons contend to give the offering to the excommunicated ones, he also shall be dismissed from his rank since he is under the anathema by us all as an insolent one and an aggressor against the apostolic canons. He who dares to transgress this our regulation—the wrath of the Lord shall be on him.

Canon 21. No one of the Christians is allowed to baptize his son in the temple of the heretics; if, however, it happens that one does so, he shall be excommunicated from the church of God and from the mysteries of the Christians, namely, the holy body and blood.

Canon 22. A deacon who is entangled in a second marriage or who takes a widow shall not become a presbyter at all.

So have I, Gīwargī, the patriarch, and the holy bishops who are with me, determined through the anathema of the Word of God

²² Lit. tie, bandage.

²³ Or: charms, phylacteries.

²⁴ Lit. incantations, whispers of evil.

²⁵ In the feminine gender.

²⁶ In the feminine gender.

²⁷ στουλίτης.

²⁸ ~~κλεισ~~ reclusi.

that none of the bishops—those who are in subjection to our apostolic see of Antioch of Syria—are allowed to loosen or change anything in these canons which have been set up by us for correction, indeed, for the upbuilding of the believers; and whoever of the bishops shows that he transgresses one of these canons, he shall be expelled from his rank and shall become foreign to his see until he stands before the synod for judgment. These are the laws²⁹ and commandments which we have determined together in the assembly*—we all, the orthodox bishops³⁰ through the mediation of the blessed Mār Gīwargī, our patriarch—for you, the sons of the holy church, that those shall keep their godliness. However, if anyone dares (to do this) and transgresses these regulations which were set up by us for you, he shall give account to God on the day of judgment. We have set these up for the upbuilding of the church of all believers and we have ratified and determined (them) for your confirmation, o trustworthy believers, who come under this encyclical³¹. We seal it by the seal of the thrice blessed patriarch of the apostolic see of Antioch, the town of Syria where for the first time the name “Christian” was called³². The canons of Gīwargī end (here)³³.

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[LV]

THE CANONS OF PATRIARCH QYRIAQOS

Again the canons which the holy Qyriaqos¹, patriarch², set up and the synod of the holy bishops who were with him, assembled at Bēt

²⁹ νόμος.

³⁰ ὀρθόδοξος.

³¹ ἐγκύκλιον.
³² Cf. Acts XI, 26.
³³ The same text appears in Ms. Mardin Orth. 323, fol. 1a-5a. A copy of this manuscript appears in Ms. Midyat Melki 11 which includes also other records which are extant in the abovementioned codex.

¹ Qyriaqos was from Tagrit, a resident of the Monastery of Bizōnā or 'Esṭūnā near Qalliniqos; he was respected for his intellectual gifts and his life in holiness. His reputation also includes literary works; however, most of his literary creation has not survived the vicissitudes of history.

² He was elected at the synod which started on August 15, 793 A.D. in Harrān. *Chronicon ad ann. 819*, p. 21. It was at the synod of Mōṣul that he died in August 817 A.D.; the day of his death is uncertain in the tradition.

Bātin³, a village under the jurisdiction of Ḥarrān⁴, in the year 1006 of the Greeks, in the month of Tešri ḥrāi⁵.

INTRODUCTORY LETTER

Qyriaqos who by the grace of God is patriarch of the apostolic see of the town of Antioch of Syria and the holy synod of the holy bishops who gathered together with him from all parts in Bēt Bātin, a village of the believers, to the heartfelt beloved presbyters and deacons and all the holy clergy and the faithful people from whatever town and country in which they reside. Peace be with you * and praise from God our Father and our Lord Jesus Christ and the Holy Spirit.

When we inquire into the economy of God, my beloved ones, and look at the beginning of the creation, we find that with the first actuation⁶ of the universe, legislation was also given to direct the divine harmony. And as creation has been brought from nothing to existence and has been constituted by the excellency of the order⁷ of the laws⁸ and the divine commandments, so that it would not be deprived of the propensity of the useful (faculties) in human minds. Therefore the Lord of the creation has set forth the law⁹ to (this) creation about those plants which could be eaten and about those from which it must stay away¹⁰. Then because (the creation) deserted the law through the seductive counsel of the rebellious serpent¹¹, it destroyed the grace of immortality together with the abundance of delicious (fruit)¹² of which paradise was full. From that transgression of the commandment¹³, it has been led on towards all kinds of evil.

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³ Not far from Ḥarrān.

⁴ At that time Ḥarrān was an episcopal see.

⁵ In November 794 A.D. Information about the synod in the tradition is very scanty and rests upon inexact data. The data are sometimes in fact very dubious. Tradition knows that canons were set up by the synod but knowledge about the number is faulty. Our earliest source tells that 40 canons were established by the convocation at Bēt Bātin. *Chronicon ad ann. 813*, p. 250. The same appears in Mīka'el who speaks of the establishment of 40 canons regarding the reforms which the patriarch submitted to the synod. *Chronique IV*, p. 484. This has been repeated by Bar 'Ebrāyā, *Chronicon eccl.* I, col. 333. This, however, rests on a misunderstanding.

⁶ Or: move; lit. throw.

⁷ τάξις.

⁸ νόμος.

⁹ νόμος.

¹⁰ Cf. Gen. II, 15ff.

¹¹ Cf. Gen. III, 1ff.

¹² Or: trees, plants.

¹³ Gen. III, 6f.

Thereafter the written law¹⁴ was given to it by the great Moses¹⁵ that, through him, He might chastize the guilty ones and put those who anger God to the punishment they deserve.

And when even by this, the creation was (only) corrected a little, the Word of God who (emanates) everlastingly from the essence¹⁶ of the Father dawned at the end of the times. He was born carnally from the holy Virgin, I say, (from) flesh, emanating with a reasonable and intelligent soul; and He became a man—because of us, human beings, those who preceded in sins and who were stained by the multiplicity of our lawlessness. He thus committed the laws and commandments¹⁷ through the mediation of the blessed apostles¹⁸ and through the hands of them, to the fathers and the managers of the holy church, those who during all the generations have been entrusted with the shepherding of the congregation of God, (to those) who successively have moved along up to our time in order that, by observing and accomplishing them, (the congregation) should receive abundance in this world and in the new world, * the delight of the sublime mysteries¹⁹ spiritually, on which it here (also) fares sumptuously and sensibly, a delight which none of the nations had received, or was prepared for its reception, except those who are named in the name of Christ.

And when we found that these laws and commandments had a long time since become obscure in the minds of the believers and have become as (a thing) unknown to them, we see that it is (for this reason that) various rebellions²⁰ and sufferings²⁰ of every kind have come upon us from foreign people. On that account we have been estranged from the relationship of the Father who is in heaven, whenever we trod underfoot the laws and commandments that had been set by

¹⁴ νόμος.

¹⁵ Exod. XIX; Deut. V.

¹⁶ οὐσία.

¹⁷ *The Testamentum Domini N.J. Christi*, p. 22ff.

¹⁸ See *The Synodicon*, vol. I, p. 9ff.

¹⁹ His investiture into the patriarchal office plunged him immediately into continuous troubles. Very serious difficulties came from the people in 'Urhāi, whose disobedience he was not able to break. They refused to receive Bishop Zakaryā, and he was compelled to give him only some sections of the diocese. Only after his death could the diocese be united again, Mīka'el, *Chronique IV*, p. 484.

²⁰ He was trapped by the strife concerning the liturgical formula in the eucharistic celebration: «we break the heavenly bread». Whether it was a lack of circumspection or his self-confidence, or both, he put the quarrel about the very touchy liturgical formula which had given so many headaches to his predecessor on the agenda. He strictly forbade to employ it. He was met with resistance. This was so serious that he was compelled to accept a compromise with regard to its use.

Him. We, poor and sinners, thought—we, who were called though we are not worthy of the administration of the church—that there was nothing that would remove the anger of God from us, as well as the various sufferings by the barbarian nations, unless we took recourse to the divine laws. Therefore, we have altogether ordered and set up for you these (canons) which we have fixed below. If you observe them you will find eternal life through them.

THE CANONS

The first canon²¹. We all order jointly that a bishop or a priest is not allowed by God to offer two times in one day. Also that the (sacrifice) not be offered twice on the altar in one day. He who after this decree is found daring to do so shall be dismissed from his rank²².

2. No one of the bishops has the authority to appoint anyone, a presbyter or deacon, from among those who move in from another place and come to his region, until a report²³ on them is made known to him from the bishop who had (until then) supervised them.

²¹ We have at our disposal a collection of canons, preserved in Ms. Br. Mus. Add. 14, 493, fol. 160a-162a, a codex of the 10th cent. When we measure this collection against our new document we see it for what it really is. It does not present us with the full collection. It has been reduced in all its parts. The proem is left out, and the extent of the canons is reduced to 40. A clear sign of this is the numeration of the canons in this collection which goes only up to can. 32 but not to the remaining part in which the omissions are found. The compiler obviously hesitated to introduce a wrong numeration in a section where he omitted canons. That he has submitted the text to a redaction is shown by minor transpositions, replacements by preferred synonyms as well as by occasional additions. The signs of his literary taste are very clear. Can. 24 has suffered very severely, and only from the original source we can learn that this canon deals with fasting. Finally, the compiler has added a canon at the end which has no place in this collection at all but belongs to the other cycle of the canons where it is found as can. 14. This collection is therefore not the original as has been held but an epitome. By a different division of the canons and by rearrangement the cycle is brought up to 40 canons though not the original collection but this epitome which he used as the source for his information. So also Bar 'Ebrāyā. — The fate of these canons has not been lucky. One copyist who had knowledge of the 40 canons of this synod complains that he could not find them in the copy which he had at his disposal, Ms. Par. Syr. 62, fol. 285a. They had somehow been omitted from the codex. A manuscript that once contained the synodical letter of the canons, Ms. Seert 69, XVII, SCHER, *Catalogue*, p. 53, is lost. Furthermore, information about the existence of this collection of canons, see DUVAL, *Littérature syriaque*, p. 182, has been erroneous.

²² τῶντις.

²³ Lit. their deed.

Also none of those who leave the monastery shall be given the hand (of ordination) without a letter from their monastery and ratification, as to whether they are eligible or not.

* 3. A priest or a deacon has no authority to move from his country * p. 9
to another country in order to serve in it until the matter is made known to the bishop of his country and the latter acts regarding him as he deems proper.

4. We all have ordered jointly that the presbyters shall not be ordained before (the age of) thirty years except only in the case of urgency²⁴, (and then not more than) one year or two less than thirty. It is necessary that he will be attested, by everyone, as one of good and solid conduct.

In like manner also may a man of twenty years become a deacon unless there arises an urgent matter (in which case his age) may be one year or two less.

5. A presbyter or deacon who does not wear the tonsure and who is not clothed with a tunic is not allowed by God to ascend to the altar and to serve except only in emergency situations.

6. The presbyters who are young have no authority to be arrogant²⁵ toward those who are older than they but everyone of the presbyters shall offer according to his rank²⁶. Likewise shall he sit and, according to his rank, talk. Each of them shall be distinguished on account of his ability by the bishop and the company of the priests.

In like manner also the deacons, each one of them in deference to the older shall offer according to his rank and be obedient to the presbyters who are above them, in all fear of God and reverence²⁷. None of them shall dare to sit between two presbyters.

7. The priests have no authority from God to administer baptism except only male to male and female to female, only one to one²⁸ and the other to the other²⁹; whoever dares to trespass (this canon) after this decree will be suspended from his service.

8. Priests who give out the myron³⁰ in whatever manner or of the water of baptism shall be dismissed from the priesthood. They also shall be dismissed if they profane the cup of holiness or the belts of the altar.

²⁴ ἀνάγκη.

²⁵ Lit. proud.

²⁶ τάξις.

²⁷ Lit. modesty.

²⁸ Both are in the masculine gender.

²⁹ Both are in the feminine gender.

³⁰ μύρον.

* Likewise if a deacon shall do this, he shall be dismissed.

9. The presbyters and deacons who give baptism to the Nestorians or the Chalcedonians or the Julianists have no authority from God so to officiate as priests. (Also) the deacons (have no authority) so to serve.

10. The presbyter and deacon who is entangled in a second marriage or who takes a widow has no authority from God to officiate as a priest. Also no deacon (has authority) to serve; nor to ascend to the altar.

11. A presbyter or deacon who takes his *šaušbintā*³¹ to wife shall fall out from his rank. And if he is a layman, he shall be dismissed from the church.

12. A presbyter and deacon or anyone from the rest of the clergy who employs magic knots or amulets or goes to charmers or soothsayers or those who mutter incantations or write scraps of writing for fever or other sicknesses—these presbyters and deacons shall fall from their rank. In like manner if they are laymen and if women, they shall be dismissed from the church of God together with those who have employed these things.

13. A presbyter or deacon or any of the laymen has no authority to usurp the leadership of the holy church in the spiritual or physical administration except he be called by the bishop with the consent of the whole body of priests.

14. Priests and deacons or laymen or women who go to the churches or the monasteries of the Nestorians, Chalcedonians or the Julianists and give there their gifts or their tithes or their vows or give them wives—these priests and deacons shall fall from their ranks. The laymen and women shall not enter the church and shall not participate in the holy mysteries.

15. A presbyter who raises his hand against his companion has no authority to officiate; he shall not be absolved from the *nezirūtā*³³ for one month. If, however, he reviles, the regulation is twenty days.

* p. 11 * Also a deacon if he dares (to do so) and raises his hand against a presbyter shall be suspended from his service for three months in order to serve the *nezirūtā*. But if he dares (to do so) and (raises his

³¹ ܩܘܨܬܐ godparent, sponsor.

³³ ܩܘܨܬܐ abstinence, continence, a period of imposed acts of ascetic practices as penalty.

³² Lit. bodily.

hand) against a deacon, he shall come under the regulation of suspension for one month.

But if laymen revile the priests and the deacons—they shall be suspended from the eucharist and shall observe the *nezirūtā* for one month.

16. If he who is called to become a *sā'ūrā*³⁴ dares to trespass the apostolic laws and the ecclesiastical canons and (also) if he takes a bride and bends the judgments and teaches others the same, he shall be dismissed and expelled from his honor.

17. An abbot who revolts against the bishop and organizes a party³⁵ against him and cuts off his name from the litany³⁶ has no authority from God to serve in the priesthood.

18. The abbots and those who are with them, the *'estūnārē*³⁷ and the *ḥebīšayē*³⁸, who dare to write letters of anathemas and deception³⁹ on behalf of the patriarch or the bishop to the towns and villages or who consecrate the myron—we have determined by our joint decision that they have no authority from God to do any of these things. If, however, they dare (to do so) and assail our canon, they have no authority from God to serve, so that their affair is to be made known to the bishop of the country.

19. Those who abandon the laws⁴⁰ of their monasteries and give the bribe for (obtaining) leadership—we all have determined through the dominical anathema that they shall not serve in the priesthood.

20. The monks, presbyters, deacons and laymen who carry bags⁴¹ of the saints or in their name are travelling around in the countries and villages—we all have ordered jointly that they shall not be received. Also not those who carry forged letters instead of the (genuine) writing of the bishop of the country.

21. Monks who abandon the monasteries and take wives and dwell in houses or in villages or towns—we all have ordered jointly that they are * not allowed by God to usurp this garment⁴² and the dress * p. 12 of the monks.

22. For a presbyter or deacon or a male believer or a female believer

³⁴ ܩܘܨܬܐ an overseer, visitor.

³⁵ ܩܘܨܬܐ factious meeting.

³⁶ ܩܘܨܬܐ proclamation, bidding-prayer, litany, a commemoration of bishops, etc., recited during the divine service.

³⁷ ܩܘܨܬܐ.

⁴⁰ νόμος.

³⁸ ܩܘܨܬܐ reclusi.

⁴¹ I.e. bags with relics.

³⁹ Lit. error.

⁴² σχῆμα.

who is twenty years of age and above—it is not allowed to dissolve the fast of Wednesday and Friday, except only these fifty days of the Pentecost, with the exception of that one who is in sickness or suffering whatever it may be or under duress, or the woman who bears or gives milk to her baby.

23. The believers are not allowed to buy or to sell anything on the holy day of Sunday or on the dominical festival days, not even something insignificant.

And one shall not travel on the road unless he is at a place far from his residence or in the company of many or on urgent affairs, those which are under the force of the rulers or in other emergencies.

24. None of the believers of men or of the women has the authority to fast on Saturday and on Sunday except in the case of necessity—with the sole exception of “Saturday of the Gospel”⁴³.

25. He who abandons his bishop and takes recourse to worldly rulers, he is like that one who harms his companion in one of the ways—we have determined by the dominical anathema that he should not enter the church nor have intercourse with Christians.

26. He who dares to sell any of the land⁴⁴ or rightful belongings of the holy church or usurps it for himself or gives it away as presents—we all have determined that he shall have no intercourse with the Christians until he returns what he has usurped.

27. None of the worldlings has authority to speak among the priests about ecclesiastical affairs; if anyone has a judgment or a reason (for adjudication), this should be brought to the bishop of the town.

28. Nobody has the right to allow a stranger who does not observe the day of Sunday and the feast to stay in his house; there shall be for him no participation^{*} in giving and receiving, of the *zūzē*⁴⁵ or of the dinars or of other business.

29. Every male believer or female believer who does not fast in the fast of the forty (days) shall be suspended from the reception of the holy mysteries; in like manner, he shall be suspended from the church and from the eucharist.

(So also) everyone who drinks wine or any kind of alcohol⁴⁶ from the (age of) twenty years and up.

⁴³ The Sabbath of the Gospel, i.e. Easter Eve.

⁴⁴ *عجالة* *شكارة* a field, garden plot.

⁴⁵ *كوكبة* a coin equal to a Greek drachma.

⁴⁶ Lit. wine.

30. Concerning the collection which was collected—that deals with the vows to Mār Sargīs⁴⁷ of Rešāfā⁴⁸. The Diophysites have collected this and the believers have given their vows to them but to our church, which is in Rešāfā, they have given nothing. We all jointly have set up the canon that believers are not allowed to give the *būrkatā*⁴⁹ and the vows to those who collect them except to our bishop who is in Rušāfā.

31. Because of God, woman is betrothed to man. We have set up that none of the believers has authority to betroth a woman except by the mediation of the priest.

The betrothal shall be thus: When the parents of the boy and those of the girl are gathered together in one place and when there is agreement between both, they shall send to that one so that they may hear from her mouth if she also agrees.

When they wish to make the betrothals, they shall go to the holy church and put the ring upon the door of the holy altar. When there are gathered also those who are brought near for the testimony and when the ring is being blessed upon the door of the altar, the priest takes it—a deacon being with him, and the parents of the boy and of the girl and those who were called for the testimony—and he gives the blessed ring into the hand of the girl in order that wives become betrothed through the holy church so that the divine tradition⁵⁰ which Christ⁵¹ (gave) to His church⁵² is accepted.

If, however, the girl has no parents, the one she accepts to be the one who gives her in betrothal, shall testify on her mouth⁵³ by two men * and they will give answer and they shall listen to her mouth until the ring is consecrated. Her betrothed shall not approach her and shall not see her.

Whichever one of them abandons his companion after the betrothal shall be separated from the church and shall not participate in the divine mysteries; further, Christians shall not have intercourse with him until he returns to his companion.

32. He who betrothes a wife according to this canon, the one which

⁴⁷ The most important church was dedicated to Sargīs who as martyr was widely celebrated.

⁴⁸ Known as Anastasiopolis or Sergiopolis.

⁴⁹ *بركات* blessing, presents, particularly the breads blessed.

⁵⁰ Or: observance, rite.

⁵¹ Cf. *The Constituciones apost.* VI, XXVIII, p. 375ff.

⁵² See *The Synodicon*, vol. I, p. 28.

⁵³ I.e. her open declaration.

is set forth in the preceding (ruling), and has conjugal intercourse with her before the wedding—we all have determined that the punishment to be imposed on him (is to be) as that of one who commits adultery.

Likewise also that one who takes a woman that has been betrothed to another man or who corrupts his companion.

33. Regarding the marriage dowry, we have set up that the highest limit shall be 1500 *zūzē*⁵⁴. They cannot by God give or receive above which we have determined—those which are at this highest limit. However, they are permitted (to give) less provided both parties agree. The clothes and gold which she has will be reckoned as part of these *zūzē*. And the middle limit is 1000 *zūzē* and below when both parties agree.

A boy shall not betroth a woman until he rises to the stature of a man and a girl shall not be betrothed until she rises to the stature of a woman.

34. He who takes two wives at the same time, also he who abandons his wife except for the cause of fornication and takes another, he shall be rejected from intercourse with Christians and shall not enter the church of God and shall not participate in the divine mysteries until they return to the way of established marriage and take back their legal wives.

Likewise, a wife who abandons her husband shall be rejected; so (too) that one who took her. If, however, they separate, they shall stay without marriage—she from her first husband, for it is not possible to return lest the “earth on which they walk becomes polluted”⁵⁵ according to the word of the prophet.

* p. 15 35. He who takes two sisters or a wife who has been such * for two brothers or a man who takes the daughter of his brother or a daughter of his sister or a daughter of the brother of his wife or one who had become (a wife) to the son of the brother of her husband—these shall be excluded from participation in the divine mysteries; they shall not enter the church of God and Christians shall not mingle (with them) until they separate from one another.

36. He who takes his father’s sister or his mother’s sister or she who becomes a wife to the uncle on the father’s side of her husband or of the maternal uncle (of him) or becomes (wife) to the maternal uncle

⁵⁴ See note 45.

⁵⁵ Cf. Isa. XXIV, 5.

(of her) or to the brother of his father—these shall be excluded from the reception of the divine mysteries and from the holy church.

37. He who takes a wife who has a daughter from another man or a man who has a daughter and she receives a son, they do not have authority from God to marry one another because of the kinsmanship of the flesh, as custom that belongs to the pagans or Jews or heretics (allows)—he shall be excluded from the reception of the holy mysteries and from the church and those who gave her (in marriage) together with her.

38. The believing woman is not allowed to enter the church or to walk on the street unless her head is covered and enveloped with another cloak⁵⁶ above it.

39. The priests or the deacons have no authority to enter any house where there is moaning or wailings until the completion of one month. Not even to bring the eucharist to that one who is dying until the completion of the month. If someone dares to enter, he will be liable together with the masters of that house.

Also those who make lamentations over the dead one or over the grave.

40. Regarding the temples, we have determined that the presbyter who is appointed in whatever church is not allowed to open the door on Sunday and on the days of the dominical festivals in order to conduct in them the evening service or to offer the sacrifice; however the presbyters, deacons and the believers who are in the churches shall be gathered in one main⁵⁷ church, group by group.

41. Regarding the *bēt gazā*⁵⁸ of the church *—those who have been appointed as treasurers⁵⁹ shall not give anything out from their treasury without the bishop or one who fully represents his post together with the person who has been set apart by the priests. We, however, have determined: everything that comes to the church from income⁶⁰ shall be entered by those persons who have been set apart into a small registry⁶¹ on the same day it comes in until that day on which inventory of the treasury is made and (then) is to be written into the great registry⁶².

35 He of the treasurers who dares to proceed or to enter something

⁵⁶ *ῥίον* means also outer garment.

⁵⁷ καθολικῆ.

⁵⁸ *ῥίον* *δω* treasure chamber.

⁵⁹ *ῥίον*.

⁶⁰ Lit. goods.

⁶¹ γυνῶσις.

⁶² γυνῶσις.

without these persons who (hold) the authorization of the bishop shall be expelled from his place and shall not serve in the priesthood.

42. None of the laymen going to banquets or to agapes for the departed has authority from God to sit higher up than the priests and the deacons and to talk about their affairs or to support them against one another in quarrels or contentions.

43. A woman who is in the monthly course shall be suspended from the eucharist only until the end of her hemorrhage but she may enter the church together with the believers and shall pray because she is not deprived of the Holy Spirit who is (given) in baptism.

But she who gives birth shall not be suspended from the eucharist at all.

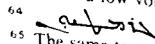
44. When the women go to a burial, they do not have the authority to catch up with one another but they shall go covertly⁶³ on the road as the law of God prescribes.

45. Those who possess a document⁶⁴ on some man for payment (of a debt) and there remains something small (to be paid), it shall be torn asunder and they shall write (a new one) for that which remains—because death is a thief and a man shall not (put his) trust in his life. One who dares (to do this) and takes a document on something that is not his has no authority to enter the church and shall not absolve the *nezirūtā*.

46. He upon whom the anathema of the church has been issued has no authority to enter the church. If he dares (to do this) and transgresses it or * approaches the worldly authorities, we have adjudged and decreed that he also shall not participate in the holy mysteries.

Likewise also he who has been cast out by the bishop and the judges of the town or upon whom a sentence has been put by them and who dares (nevertheless) to trespass the sentence of their anathema, he will have this punishment marked on him—Christians shall not mingle with him. When someone in his audacity treads underfoot the anathema and enters the church, the presbyters of the church and the deacons have no authority to serve in the priesthood until they throw out that one who dares (to do so)—if they recognize him⁶⁵.

⁶³ Or: in a low voice.

⁶⁴  γράμματεῖον, a legal document, a writ.

⁶⁵ The same text appears in Ms. Mardin Orth. 323, fol. 5b-14b.

[LVI]

THE CANONS OF PATRIARCH QYRIAQOS

The canons which were established by the holy Qyriaqos¹, the patriarch, and by the bishops who were gathered with him in the town of Harrān in the year 1124².

The first canon³. Regarding subdeacons⁴ we have determined that they shall not be less than ten years of age. And this (only) if they manage (to recite) all the Psalms of David completely.

2. When the subdeacons are brought to ordination, we have ordered that the first ones are to be those who by even a little bit of stature surpass the others, the years of their age not being requested on account of the quarrel which ensues. But a seat shall not be kept for them at the altar until they are made worthy of the order of the diaconate and (only) then shall they receive a seat having first been consecrated into the diaconate.

3. It is not allowed subdeacons to give (the sign of) peace to the altar after that one time at their ordination, until * they are found * worthy of the diaconate; for they are not deacons of the altar nor shall they take the sacrifice from the altar.

4. It is not allowed moreover that deacons be consecrated at (an age of) less than twenty years. When they reach their twentieth year, they shall receive both the ordination⁵ and the seat. They also shall abide in the subdiaconate, by comparison with those who were presented at ten years of age, for one or two years up to seven years.

5. These who of equal stature are brought together to the subdiaconate when they reach the twentieth year shall be prepared to

¹ About this Qyriaqos, see page 7.

² I.e. in the year 812/3 A.D. This event is one about which our sources fail to inform us. The oldest source at our disposal breaks off just the year before the synod. *Chronicon ad ann. 813*, p. 260. Mika'el does not have any information about this synod, and his report about this period is very thin, *Chronique IV*, p. 493ff. The anonymous chronicle reveals the same gap in the information, *Chronicon ad ann. 1234*, II, p. 9f.

³ Rich and valuable is the material in this new document won for research. It is material which is entirely new. The concluding canon in the epitome of the other cycle in Ms. Br. Mus. Add. 14, 493, fol. 162a is taken from this cycle, namely can. 14. What has been preserved in Bar 'Ebrāyā's codification work is very little and pertains to some regulations regarding the subdeacons, the archdeacon and the nuns in reduced and reshaped form, *Nomocanon VII*, 8; VII, 6 and VII, 10.

⁴ ὑποδιάκονος.

⁵ χειροτονία.

receive the ordination of the diaconate, each of them as he was first appointed in the subdiaconate, so also is he ordered to be first in the diaconate.

6. Those of twenty years of age who come to be presented to the diaconate (and) who previously were not consecrated subdeacons and did not serve in it—ordination to the diaconate shall not be bestowed upon them before they first shall have received the subdiaconate and served three years in it, and after the service of three years they shall be presented to the ordination of the diaconate.

And if they are the only ones to be ordained⁶, they will be ranged after those who have been previously consecrated to the diaconate. If, however, (they are ordained) with those who previously served in the subdiaconate before them and were then aged of twenty years when they were consecrated to the diaconate, they will be ranged in order after those who previously served, even if they surpass them in number of years, (namely) those who previously were assigned to the consecration of the diaconate.

Those, however, who served previously in the subdiaconate and at the time of the consecration of deacons of twenty-three years had not reached twenty years, shall be ranged in order, when arrived and consecrated to the diaconate, after those of twenty-three years.

We have determined that those who will be brought to this priestly order⁷ * after the establishment of these canons must obey these canons which we have set up. But those who have previously been consecrated shall be ranged according to the order⁸ which they held before these canons.

In order (to avoid) quarrels among those who together attain the age of twenty years which is the time of consecration into the diaconate—if anyone of them be found to have been seized by sickness or if he be on a journey which hinders him from being present⁹ (then) when he rises from his sickness or returns from his journey, if he be consecrated within the interval¹⁰ of one year his rank shall be given to him (as to) those of his age who were consecrated earlier. But if one year elapses, he will be assigned after them.

7. The presbyter shall be consecrated from the men of thirty years and above. If, however, at the time of the consecration there

⁶ χειροτονηθεῖς.

⁷ τάξις.

⁸ τάξις.

⁹ Or: prepared.

¹⁰ Lit. at the completion.

shall be others among them who are older in the diaconate and who, though there is no cause to hinder them from the presbyterate, shall be hindered by their own will—if they are consecrated later on, their rank will be assigned after those who were previously consecrated.

But if one of them shall have an urgent¹² reason (on account of) sickness or of imprisonment or of the distance of the journey or that he is not yet married, he remains ready to receive (consecration) and become a presbyter. For him, his place must be kept until the completion of one year.

8. We have determined according to what is kept in all the catholic¹³ churches that the administration of those (things) which concern the altar shall belong to the archdeacon¹⁴. If he is absent, his substitute¹⁵ shall have the administration.

As for the catholic (liturgical) proclamation¹⁶, which is second (in order), we have determined that except for the dominical feasts, the presence of the patriarch or bishop and the weeks of the fast, it belongs to the archdeacon.

The *katordinos*¹⁷ will be (proper) for all deacons as well as the reading of the Apostolos.

* 9. We have determined, however, that the presbyters and deacons shall be divided equally for the "weeks"¹⁸ and accordingly that it shall be so arranged. He who rebels and does not accept the week with his companions, has no authority to perform his service and not even to step to the altar until he accepts (his assignment) and accomplishes it, being present (as required).

10. Again we have determined that all the *šabtāyē*¹⁹ of every week shall sleep in the church during the night. They shall fulfill their careful service according to the order²⁰ and shall keep custody of the holy church. He who rebels and refuses to sleep during his week in the church has no authority to enter the church not even to perform his service.

Also he shall not loosen the *nezirūtā*²¹ but shall exist only on bread

¹¹ Lit. long after.

¹² ἀνάγκη.

¹³ καθολική.

¹⁴ ἀρχιδιάκονος.

¹⁵ δευτερος.

²⁰ τάξις.

²¹ κλεισῖν abstinence, a period of imposed acts of ascetic practices as penalty.

¹⁶ κηλοία proclamation, bidding-prayer, litany.

¹⁷ κατόρδινες secundum ordinem.

¹⁸ I.e. for a weekly service.

¹⁹ κλεισῖν hebdomadaries.

shall refrain from their punishment until the completion of the eucharist or the service and then dismiss the congregation.

If, however, through their audacity, he cannot separate them through censure, he shall expel those who caused the quarrel from the company of their brothers. "What indeed does not anger God is salvaged from blame"³⁰.

16. The performance of the dominical feast is (the duty) of the archdeacon³¹. If he wishes to give of his honor to another, he shall give it in orderly³² (fashion) for the sake of peace.

If the archdeacon gives the litany³³ (or reading of the) book or something else to some of the deacons, that deacon has no authority to delegate this to another if he does not (expressly) say so, but shall return it to the archdeacon and the archdeacon may appoint whom he wants.

When the archdeacon is present, he alone shall order and give the lesson. And when he is not present, his substitute³⁴ alone shall fill his place.

The deacons, however, who have been commanded by the archdeacon once, twice, and thrice, do not receive (the order) from him or show that their refusal is without blame and not liable—if they do not (receive it), they will be suspended from service until they are persuaded and obey the archdeacon.

17. Again the deacons, when they stay at the time of the presentation of the offering in the holy of holiest, except in the case of urgency have no authority to stay in the holy of holiest—unless they shall change and shall ascend to the altar or shall go to stand among the crowd in the church.

A cleric who does not give the (sign of) peace to his colleagues or departs at the time of the giving of the peace or goes over to the men because of wrath* and does not give the peace to them, he has no authority to serve and shall not loosen the *nezirūtā*³⁵ until he abandons his folly and regrets this before them³⁶.

from Garmai, who rules over the country, has cut it into two parts, and has expelled the formula 'heavenly bread'». ΜΙΚΑ'ΕΛ, *Chronique* IV, p. 487. His last will was not to abandon the liturgical formula, and to accept no bishop, no other than that coming from the Monastery of Gubbā Barrāyā, *Chronicon ad ann. 813*, p. 255.

²⁹ ἀρχιδιάκονος.

³⁰ Quotation?

³¹ ἀρχιδιάκονος.

³² κατόρδινες, secundum ordinem.

³³ See note 16.

³⁴ δεύτερος.

³⁵ See note 21.

³⁶ Lit. to his face.

Furthermore, regarding the library³⁷ of the church, we have determined that it shall be in the hands of the archdeacon³⁸ of the church when he is present. But when he is away, he shall entrust it to someone whom he trusts. He has no authority to give the reading of what is entrusted to him if he is not his substitute³⁹.

It is not allowed anyone of the clerics to interfere with the week⁴⁰ of his companion, to offer or to do something other than these (affairs) which are (of the) *šabtāyā*⁴¹ except it be permitted him by the *šabtāyē*. Whoever dares to do this has no authority to serve and to loosen the *nezirūtā* for one month.

18. A presbyter or deacon who anathematizes himself has no authority to serve and tread before the altar for the days of a year. He shall not loosen the *nezirūtā*⁴² for fifty days.

19. A presbyter or a deacon who on Wednesday and on Friday does not include the prayer "Our Father who art in heaven" in the offering is not allowed to loosen the *nezirūtā* on that day.

In like manner also the leaders of the choirs if they do not follow closely the beginnings of the (chants) in the (service) and if there is no cause of necessity⁴³ upon any one of them.

20. No one is allowed to receive the *zūzē*⁴⁴ of the clerics except only the *šabtāyā*⁴⁵ or the *rab baitā*⁴⁶. He who despises and trespasses this decision is not allowed to serve and shall not loosen the *nezirūtā*⁴⁷ until he returns that which he has taken and likewise any other of his things.

21. Likewise also a secular if he dares to do this.

21. A presbyter or deacon who omits a funeral procession of a stranger⁴⁸ has no authority to receive the honorarium from the funeral company (for a funeral) that (comes next) after it, one which is not for a foreigner. Everyone who does not join the funeral procession of the deceased outside the gate of the dead in the proximity of the gate is not allowed to receive the honorarium from that procession⁴⁹.

³⁷ كتاب المكتبة βιβλιοθήκη.

³⁸ ἀρχιδιάκονος.

³⁹ δεύτερος.

⁴⁰ I.e. the week of an hebdomadary.

⁴¹ Hebdomadary.

⁴² See note 21.

⁴³ At the end of the canons designed for the discipline of the clergy it is necessary to mention some facts in order to understand why the ecclesiastical order had had

⁴⁴ ἀνάγκη.

⁴⁵ A coin equal to a Greek drachma.

⁴⁶ Hebdomadary.

⁴⁷ steward.

⁴⁸ See note 21.

⁴⁹ ζένος.

22. I have (set down) after the (above) also these regarding the
 * p. 24 garment⁵⁰ * of the nuns and concerning the order⁵¹ of their convents—
 they are below.

As we entered this your Christ-loving town and found in it (those)
 of the order⁵² of the women clothed in the garment⁵³ of monasticism 5
 yet in an unfitting way of life and not beautiful for the order⁵⁴ of
 monasticism, deprived of the correction and the salvation of their
 lives—we have determined also these things which are (recorded)
 below: By the anathema of the awful word of God that binds heaven
 and earth, a nun is not allowed by God to enter a bathhouse⁵⁵ nor 10
 wash her body in water.

23. It is not allowed by God for a nun to clothe in garments of
 cotton or of something else except only the dress of wool.

24. It is not allowed by God for a nun to walk on the streets or
 to circulate among the houses or to eat bread outside the convent 15
 in which she lives.

to suffer so seriously. It is necessary to take the crisis into account, which shook
 the structure of the church. A furnace of affliction was ignited in the diocese of Gubbā.
 Its development had consequences which no one could foresee. It started with the
 dismissal of Bishop Bakkōs. The refusal of the patriarch to consecrate 'Aksenāyā,
 opened the strife which spread quickly becoming a general insurrection, MIKA'EL,
Chronique IV, p. 487. When grave accusations were brought against him before
 Harūn ar-Rašid, a decree of vengeance was issued by him: ⲛⲓⲛⲁ ⲛⲓⲛⲁ ⲛⲓⲛⲁ
ⲛⲓⲛⲁ ⲛⲓⲛⲁ ⲛⲓⲛⲁ ⲛⲓⲛⲁ ⲛⲓⲛⲁ ⲛⲓⲛⲁ «an edict came out, to destroy
 the churches in the country of Tagrā, and every new church», MIKA'EL, *Chronique* IV,
 p. 489. We have a report of grave consequences that followed in 807 A.D., *ibid.* IV,
 p. 489f. The church was thrown into a deep inner crisis which struck at the very
 foundations of its existence. A hastily summoned synod could not bring the course
 of the affairs to a halt, since its communication led to setting up of a schismatic
 patriarch Abraham, a monk of the Monastery of Qartāmin, who became «a thorn
 in flesh of the church», *ibid.*, IV, p. 492. The chaos reached the depth. The cup
 of all these vexations was not yet full. Another strife flared up in the territory
 of the maphrian. Its prehistory with Šem'ōn was troublesome enough, but Qyriaqos'
 consecration of Basilios of Bālād was a complete faux pas in laying hopes upon
 a man with such dubious qualifications. The extent of all these vexations is evident.
 That under these struggles, strifes, quarrels and contentions the ecclesiastical order
 had to suffer severely is self evident. We must trust the reports that the activities
 and propaganda of the rival parties took place at the expense of ecclesiastical
 discipline and the church discipline among the congregations and the standards among
 the clergy were weakened, MIKA'EL, *Chronique* IV, p. 495. The inevitable sequel
 was a general laxity which certainly must have affected also that part of the fold
 which had remained loyal to the patriarch.

⁵⁰ σχῆμα.

⁵¹ τάξις.

⁵² τάγμα.

⁵³ σχῆμα.

⁵⁴ τάξις.

⁵⁵ βαλανεῖον.

Also men shall not enter to them at all except only a presbyter
 and a deacon to give them the eucharist.

25. Again by the anathema of the power of God we are determin-
 ing: these nuns shall be gathered together and shall dwell in common
 5 together, the entire convent where they are.

One old one shall be set apart from them to be the overseer⁵⁶ before
 them serving them in all that is needed for them. She is (to supply)
 them (every) necessity outside the convent.

26. A woman⁵⁷ is not allowed by God to let the hair of her head
 10 grow but shall cut as it is worthy of the garment⁵⁸ of monasticism.

The canons of Qyriaqos the patriarch end (here)⁵⁹.

* [LVII]

* p. 25

THE CANONS OF PATRIARCH DIONYSIOS

The canons of the holy Dionysios¹, the patriarch² of Antioch³
 15 of Syria and of the synod which was gathered with him in the town

⁵⁶ The term used here is ⲛⲓⲛⲁ constitution, stability, post.

⁵⁷ The omitted word «nun» has been added and inserted beneath the line.

⁵⁸ σχῆμα.

⁵⁹ The same text appears in Ms. Mardin Orth. 323, fol. 14b-20b.

¹ The author of this document is one of the most eminent figures ever to have
 occupied the patriarchal throne at Antioch. He was a monk of Tell Mahrē, of
 the Monastery of Jōhannān bar AphTonyā then living in the Monastery of Ja'qōb
 of Kaišūm after his home monastery had become victim of the ravaging of the rebels
 of Našr. This personage so unusual in many respects, possessed in addition to his
 skill and abilities in ecclesiastical leadership eminent literary gifts. He has secured
 a place for his name in the history of annalistic literature. His two part historical
 work is one of the most important monuments in Syrian historiography. It is to
 be regretted that his work has survived only in a fragment in Ms. Vat. Syr. 144,
 fol. 144ab but some of it is accessible in the sections which Mika'el and an anonymous
 chronicle (*Chronicon ad ann. 1234*) have incorporated in their works. Owing to his
 accomplishments, he has been acclaimed as the Syrian Herodotus or as the Syrian
 Thucydides. About the life and work of this prelate, see ABRAMOWSKI, *Dionysius von*
Tellmahre, p. 1 ff.

² Between the lines is added: Telmahrayā.

³ About the election synod which elevated him into the patriarchal office in
 June 818 A.D. at Qalliniqos, we are informed by a section of the synodical acts.
 MIKA'EL, *Chronique* IV, p. 502, 504. His rule ended with his death on August 22,
 845 A.D.

of Qalliniqos⁴ in the year 1129⁵ according to the Greeks in the month of *Tešri qadim*⁶.

INTRODUCTORY LETTER

To the sons of the heavenly God and brothers and heirs of Christ, fellow members of the Holy Spirit through whom (you have been called) unto eternal life and to the uncorruptible heritage, wherefore you have gladly put the neck of your mind under the yoke of the evangelical⁷ commandments; to the shining and purifying orders⁸ of the glorious company of priests, deacons, and the rest of the holy clergy⁹ and the faithful people which in every town and in every country are fulfilling (their) temporary pilgrimage,—Dionysios who is, by divine grace, the patriarch of the apostolic see of Antioch, the town of God, and this holy and peaceful synod in the victorious and God-loving town of the people of Qalliniqos through Christ who is our peace, who are gathered all of one and the same mind and so made that we can say we desire the same thing, not only the dignity of sitting together (but the fellowship) of His adorable Father and the Holy Spirit. May peace ever abound in your souls with the good hope of the redemption.

Therefore in order to examine the violation and the rise of ruin-¹⁰ ation in the holy church we were gathered, my beloved ones, for spreading and supplying the concord for its believing crowds and to join the members which have been detached¹¹ from its honorable body whose head is Christ, which by him is framed and linked together

⁴ Raqqā.

⁵ I.e. in October 817 A.D.

⁶ This is a date which causes problems. An examination of the evidence leads to the possibility that the dates in our sources represent an attempt to furnish the synodical acts, whose precise time of origin was no longer known, with a date. About these literary critical problems, see VÖÖBUS, *Syrische Kanonessammlungen* I, 1, A, p. 46f.

⁷ εὐαγγελικός.

⁸ τάξις.

⁹ κληρος.

¹⁰ The heritage which Dionysios took over made it very difficult to heal the torn body of the church. Endeavors to heal these wounds were manifest already at the election synod. One decision adopted by the convocation achieved the salutary effect upon the sentiments of the monastic community of Gūbbā Barrāyā. The full release of the eucharistic formula, forbidding to make it an object of strife, deprived the bellicose monks of much of their ammunition. Cf. MIK'Ā'ĒL, *Chronique* IV, p. 500ff.

¹¹ The schismatic patriarch saw to it that the initial outlook for success in his efforts to heal the wounds was forfeited.

conveniently and aptly, fastening and joining and setting firmly¹² everyone in good * order in the proper places. (In all this) we have * p. 26 worked with all the necessary patience and endurance to practice and fulfill these (canons) by acts. However, it is known that our weakness is sustained by the divine grace so that it is not we but rather the divine grace which directs (the actions) through our hands because it is not always the hand but the work which acts as well as the peace and the sustenance of the holy churches. For this reason we are confident even though we believe that we are unuseful men and poor¹³ and in this time without order—so confused, even more than in all times¹⁴, as we adjudge it. The rebellion¹⁵ has increased and the disobedience¹⁶. In it the love of many has diminished according to the evangelical word¹⁷ and we all have grown cold, so to speak, of the divine love, and the fire that Christ has thrown into the world¹⁸ is nearly extinguished, i.e., the faith and the fervor of the spirit.

We have been entrusted with the guidance¹⁹ of the holy church. We have, indeed, with us and among us the One who did not falsely assure His apostles and said: "I am with you until the consummation of the world"²⁰, and: "If two of you shall agree on any matter and shall ask, it will be given to them from my Father who is in heaven"²¹. And again: "Where two and three are gathered in my name, there I am among them"²². Therefore, through Him are we strengthened and invigorated because we become one with Him and subdue every revolting citadel and every height which is raised against the knowledge of God and we make captive every hearing and thought for Christ whose strength is completed in our weakness²³ and whose

¹² Cf. Ephes. IV, 16.

¹³ Or: vile.

¹⁴ It is with unhappy memories that Dionysios begins his own account of his activities as the patriarch. His first undertaking was to visit the opposition monasteries. His hopes did not materialize. They were in fact disappointing. MIK'Ā'ĒL, *Chronique* IV, p. 504.

¹⁵ The counter-patriarch continued to cause troubles. The drastic resolution he imposed on his followers, not to bury him before the election of his successor who will carry on the struggle prolonged the enmity. MIK'Ā'ĒL, *Chronique*, IV, p. 503.

¹⁶ New troubles awaited him in the wings which exploded later. The aspiring maphrian of the East not only entangled Dionysios in additional trials but also involved the church in a catastrophe; this was caused by Basilios, maphrian of Tagrit, a quarrelsome and powerhungry man.

¹⁷ Cf. Matth. xxiv, 12.

¹⁸ Cf. Luke xii, 49.

¹⁹ Lit. steering, κυβερνήτης.

²⁰ Matth. xxviii, 20.

²¹ Matth. xviii, 19.

²² Matth. xviii, 20.

²³ II Cor. xii, 9ff.

wisdom prevails in our madness and in our feebleness. He grows and extends and becomes resplendent in the minds of the believers like the grain of mustard extended and grew towards the greatness of a tree salutary for the birds of the sky²⁴. The kingdom of heaven is to be understood like the spiritual and evangelical grain. 5

Therefore, my beloved ones, these (canons) of the giving²⁵ of the law must not be understood as (stemming) from us. For we are companions and members by nature although in Christ * God has ordered * p. 27 unto us this role which is very high. And we add very heavy and difficult matters, those which we have set up distinctly but which are from Christ our Lord who even up to now is speaking to you by means of us and says clearly: "Everyone who hears you hears me and everyone who rejects you rejects me, and who rejects me rejects Him who sent me"²⁶. 10

Obey²⁷, therefore, my beloved ones, and receive these (canons) 15 which appear proper to us all—through the activity of the Holy Spirit—as some corrections which are useful at this time. For it is lawful and very laudable and transmitted to us from ancient times that whenever the holy bishops of every town or country are gathered together, a profit shall be bestowed through them upon the entire 20 body of the church by the various corrections and by the care of the giving²⁸ of the law of God and the good traditions which are wisely commanded according to the variation of the circumstances of the times.

Also because of the difficulty of the present time and the trouble 25 and the confusion, nearly everyone has corrupted his way on earth; further, because of this sort of thing it is rather suitable that we say that we have been despised and delivered up and oppressed and struck. All our excellent doings and our venerable things, by which we have been brought towards God have become (a motive) for our 30 shame and humiliation. As the divine psalmist (says): "All the day long our shame has covered us"²⁹ because we have been held in contempt by that through which we have been honored. We know that He, who granted us His strength is devising (this) continually for our profit.

Let us amend ourselves, our beloved ones, considering as wise men 35 the causes of evil which have come upon us and the troubles and the

²⁴ Cf. Math. XIII, 31f.

²⁵ Lit. authorship.

²⁶ Luke x, 16.

²⁷ πείσαι.

²⁸ Lit. authorship.

²⁹ Cf. Ps. XLIV, 15.

various and manifold afflictions; let us return, everyone of us, from * his bad way so that by this we may attract unto us the mercy of God * p. 28 who because of this strikes and chastizes in order to heal and win.

And in order not to fatigue you by a prolonged discourse on these 5 things—(though) the admonition on these things was fitting, indeed, (needed) due to the rigidity of the neck and the contempt of the people who nearly all have been (thus) because of the laxity of the present time and because they have conversed with those outside and have been carried off and have been corrupted and deceived—we bring 10 forward (canons), particularly (on matters of) necessity by chosen words to demonstrate manifestly the reprehensibility of us all. But as Christ, whom you already have known, speaks with you by means of our worthlessness, be patient to hear the word so that His words shall not condemn you and judge you according to what, in that place, 15 the Lord says: "The word that he has heard itself shall adjudge for him"³⁰.

To Him be the glory and to His Father and to His Holy Spirit.

THE CANONS

The first canon³¹. None of the bishops, ignoring these (canons) that 20 have authoritatively and in every perfect order been determined by the Holy Spirit through the divine apostles and the holy fathers and have been decreed distinctly and accurately, shall assail or dare to do anything in those (matters which) belong to a town or place or eparchy of another bishop; neither may they confer the priesthood 25 or anything of the order³² of the clergy or consecrate the myron³³ or preach to the people or interfere³⁴ in a lawsuit of the people who have been condemned by the bishop of the place or (even if) not yet

³⁰ John XII, 48.

³¹ Our new source is a very rare document. That which once existed in Ms. Seert 69, XVIII, is lost. Faint traces, few in number, can be found elsewhere. In only two places does Bar 'Ebrāyā bring forward two canons which are introduced vaguely from a «Patriarch Dionysios», namely can. 5 and 12 in *Nomocanon* II, 3 and VII, 10. It seems that he drew these from an indirect source, because other important canons in the collection are not included into his work of codification. Furthermore, both are severely reshaped — almost beyond recovery.

³² τάξις.

³³ μύρον.

³⁴ Lit. carrying himself into.

condemned or (interfere) in any troubles which (have occurred) in a place or admit any people who have been punished.

He who dares (to do so) and inverts this good order, this holy synod has determined that he shall fall under the rebuke of the canons and will be (considered) foreign and shall be rejected from his order.

* p. 29 * 2. None of the bishops is permitted to consider or to do anything of the kind of thing that is foreign to those (canons) concerning second marriages which have been determined by this holy synod, i.e., the presbyters and the deacons who have become entangled in two marriages or who take a widow or an abandoned wife—they have no permission from God to use their familiar orders³⁵.

Similarly (in the case of) a presbyter who takes a wife after ordination into the priesthood.

Whoever of the bishops dares (to do so) after this synod and transgresses in something like this, this holy synod has determined that that bishop shall not serve.

3. If a bishop due to the emergency of the time and to coercion that is unavoidable shall settle down for a short (time) in another town because he frequently has no place in which to shelter himself, he shall not dare to do anything without the will and permission of the bishop of the place. And while he dwells thusly he has no permission to (exercise) any of all the sorts of functions of leadership of the priesthood if the bishop of the place does not allow him.

4. If a presbyter or a deacon or a believing man or a believing woman under excommunication by the bishop for transgression of the law, whatever it may be, has recourse to the secular rulers or to some other (person) from a foreign tribe, those who are outside the fold of the church, or to a man of the dignitaries³⁶ of the Christians so that the bishop is pressed by any one of all these actions³⁷ and by the intercession of these various persons, to loosen the law³⁸ of God and the excommunication that has been legitimately imposed or, should he not do so, (to risk) having enemies and adversaries against him—he who dares anything like this so that he transgresses, this holy synod has determined that he shall be excluded totally from mingling with Christians * and from participation in the holy mysteries and from the exchange of greeting and receiving with the believers.

³⁵ τῶν ἐκκλησιῶν.

³⁶ Lit. rulers.

³⁷ Lit. manners.

³⁸ νόμος.

And even if the bishop having been compelled by force, whatever it may be, has pardoned this, we have all thus determined that the Son of God will not pardon him neither in this world nor in the future one, (for he is) as one who has become a traitor to the piety and the law of the Christians.

5. If one of those upon whom the honorable and adorable name of Christ has been invoked, insolently despises the venerable and honorable customs of the Christians, abandons the spirit and desires the flesh in the worldly (realm), i.e., the pagan and the Jewish, and practices circumcision of the body that has been abolished by Christ, he shall stay as one rejected and foreign from all mingling with Christians, as one who has renewed the pagan and Jewish customs and has turned from the spirit to the flesh. For hear the great Paul who says: "Behold, I, Paul, say if you circumcise yourselves, then Christ is of no benefit to you"³⁹. For what shall he suffer, where shall he go and what part shall he have in the church who does not profit from the Christ? He falls from the grace of the adoption of the sons⁴⁰ which is from Him; and (so also) if he brings the sign of Judaism and prepares himself for apostasy when he is compelled on the moment, or in the doing of this (act) for impure and ephemeral profits. Therefore we have strongly condemned this sin and have so determined by this awful and dominical word of God.

6. If a believing man or a believing woman burns with lascivious desire towards those (institutions) which are called secular marriages, he really commits the abominable impurity of adultery. And (so also) if he despises the pure law of Christ⁴¹ for this reason or takes two women together or repudiates his legitimate one and lewdly and bestially introduces another instead of her or keeps one openly and the other secretly and covertly or takes a concubine or a maidservant with his wife or falsifies the pure marriage given by God * through this secret adultery using guile to hide it for shame before the great eye of God as before the weak eyes of men. And if a believing woman (also) commits one of these things, she must be foreign to the communion of the adorable mysteries and to intercourse with the believers.

7. If one dares to attack those (regulations given) by God such as the good order⁴² of the sacerdotal canons which belongs to the

³⁹ Gal. V, 2.

⁴⁰ Rom. VIII, 15ff.

⁴¹ Matth. V, 31f.

⁴² τῶν ἐκκλησιῶν.

bishop, who takes over some (part of the) ecclesiastical administration by any and all means, who by striving for those things that are spiritual even by attacking (them) in order to submit them to his passions for impure profits whatever the reason, and who reserves for himself some function and the keeping of command in the church of God or who seizes some temple or a martyr or a monastery from those which have been set apart to God or who takes the bones of the saints and assumes the administration of them or who manages the produce that the believers offer in discernment and who contends with the bishop for similar things, claiming that he has the power to manage a church or a martyr or a temple in contempt of the dignity and the order of the church—he shall be rejected and (considered) foreign to the holy church.

8. No one of the holy clerics of the sacerdotal church shall dare to show without (due) order (things) which are (dignified) and reverent in this order attacking what is strongly decided, i.e., forbidden by the apostolic and divine canons and as a rule (of life) by the holy fathers; (the more so) if he persists in gluttony and in intoxication and for this reason despises dignity and (moreover) gives a bad example to the believers as a rule (of life) and causes—the great and adorable name to be blasphemed for which he shall also receive the punishment of the sons of Eli as well as for such illegality in these (affairs)⁴³.

But the remainder reserved to God shall be divided equally among all the clergy according to that which the prescription of the ecclesiastical canons orders.

9. None of the bishops shall dare to attack—in order to transgress it—the good order that the divine apostles in the Holy Spirit * have seen to be (proper) and to which the holy fathers have cleaved and which they have confirmed by various canons. We say therefore: every bishop who gives the laying on of the hand to one who is not of his flock and who does not stay in the place assigned to him, or who when any of the monks or seculars comes to him from different countries or places, gives him the ordination of the priesthood (just) like that, freely and without examination, or who receives those who wander around and pretend of themselves to be bishops or presbyters

⁴³ 1 Sam. IV, 11; cf. 11, 12ff. The last part of the canon which follows must be a portion of another canon misplaced here.

or deacons without exact knowledge or an adequate examination, he shall fall out of the order of the episcopate; and his deposition⁴⁴ shall become necessary according to that which the divine canons have ordered so that these things may be watched with all observance and good order that no one shall of himself do (something) without (good) order.

10. If now one of the bishops due to the coercion of these rebellious times being tormented by the enemies of the faith or by some believers and by the impudence of those in whom they have taken recourse shall give the laying on of hand to some people without examination and without the order, we command that such a laying on of hands shall be invalid and remain empty of all grace and the operation of the Spirit; indeed, it is illegal—against all ecclesiastical order and the divine canons.

11. This holy and divine synod has heard that some people have been carried away and become captive to their illicit desires and become an adversary of the ecclesiastical canons according to their own passions—beyond that which is the right disposition for making a party⁴⁵, that is to say, an agreement of oath for troubles confirming (same) by their signature and holy covenants such as these.

For this reason, the holy synod has decreed that everyone who shall dare to do anything like this whether it shall happen to the patriarch or a bishop or a cleric or an abbot*—anyone of those who have been entrusted with the ecclesiastical administration—even, indeed, if he is a bishop, he shall receive the canonical rebuke from the synod by invoking against him the punishment that seems proper according to the power of the ecclesiastical canons.

If he has been worthy of the order of the priests and the deacons, he shall fall out from his rank and shall become foreign to his service. If he is in the order of the seculars, he shall be suspended from the communion of the adorable mysteries and shall be separated from the church of God because these things are contrary to the Lord who said: “Who does not gather with me scatters”⁴⁶. He is peace and has showed this to everyone—He prefers the divergence in the piety as over against the passionate agreement, an assembly (in concord)

⁴⁴ καθάρσις.

⁴⁵ κοινόν, factious meeting.

⁴⁶ Matth. XII, 30.

over against the evil—(this even) if he is commendable⁴⁷ in thinking well as one of the holy fathers has determined⁴⁸.

12. Then, when the holy synod considered the condition⁴⁹ of this time when many monks out of necessity of circumstances which have occurred have left their holy habitations to stay in monasteries and convents which are generally far from towns and who had taken care and applied themselves to dwell in the mountains and the deserts and in thought far from the world, these actions⁵⁰ have settled them (in an honorable way). But it has not been seen that they have been obliged because of the compulsion of the time to dwell in the monasteries around the towns and even in the towns themselves and in the villages whether because of the trouble and compulsion of the time and (yet) neither has the excommunication of the Lord been applied to them.

Because it was very helpful for them to live alone and to be absolutely away from the world, therefore we all have determined authoritatively that no one absolutely can dwell in one of the places in the town or in the country of the bishop without his will and his permission. And those who are worthy to live like that and are free of suspicion must be seen * not to interfere with anything in interior (matters) but have regard only for the bishops.

Whoever is seized in a thing like this by the testimony of two persons only, this holy synod has determined that he shall definitely be removed and expelled because he had shown himself insolent and a disturber who despises the venerable habit⁵¹ of monasticism which he wears.

The canons of the holy patriarch Dionysios end (here)⁵².

⁴⁷ κλέω.

⁴⁸ Here Dionysios obviously makes a reference to a statement made by Gregorius of Nazianz: κρείστων γὰρ ἐμπαθοῦς ὁμοιοῦς ἢ ὑπὲρ εὐσεβείας διάστασις, *Oratio VI, prima de pace* PG XXXV, col. 736. The works of Gregorius were translated into Syriac very early, see VÖÖBUS, *Studies in the History of the Gospel Text in Syriac*, p. 94, 190f. In 624 A.D. an abbot Paulos, being in exile in Cyprus, prepared an extensive translation of the works of Gregorius in two volumes which included also this particular writing, as preserved in Ms. Br. Mus. Add. 12, 153, fol. 40b-48a; Add. 14, 457, fol. 59b-68a, and Add. 14, 548, fol. 49a-56b. However, translation of his works was undertaken much earlier, since there are manuscripts which are earlier than the age of Paulos. About the manuscript evidence which goes back to the 6th or 7th cent., see VÖÖBUS, *op. cit.*, p. 190f. The earliest witnesses to the textual traditions in Syriac can be supplemented by a new discovery in Ms. Mardin Orth. 129 which belongs to the 7th or 8th cent.

⁴⁹ κατάστασις.

⁵⁰ Lit. things.

⁵² The same text appears in Ms. Mardin Orth. 323, fol. 23a-30a.

⁵¹ σχῆμα.

[LVIII]

THE CANONS OF PATRIARCH JÖHANNĀN

Then the canons composed by the blessed Mār Jöḥannān¹, patriarch of Antioch² of Syria, and by the holy synod that gathered at his election in the Monastery of the holy Mār Šilā³ in the year 1158, in the month of *Tešrī ḥrāi*⁴.

INTRODUCTORY LETTER

Jöḥannān, by the unfathomable judgments of the Lord, patriarch of the apostolic see of Antioch of Syria and the holy bishops with him, those who came to his election and consecration and who were gathered together in the Monastery of the holy Mār Šilā in the country of Serūg; to the sons of the holy church in every place and town, to the presbyters, deacons and all the people who love Christ. Grace be with you and peace from God our Father and from our Lord Jesus Christ and His living and Holy Spirit, the life-producing⁵, forever. Amen.

God who is good and kind⁶, taking care of His creation, my beloved ones, by His solicitude and His diligence for His people Israel has set up the law⁷ * and determined the commandments⁸ through the chiefs of the fathers and the prophets for their correction and their discipline. To those who kept themselves carefully, God the author of the law and the giver of the commandments did good and kept them and saved them and delivered them from fighting enemies and by delighting them by abundant means and tranquil peace, preserving them; but when they⁹ were obscured by negligence and attack.

¹ Information about Jöḥannān is almost nil. Of his origin and person, nothing is known except that he came from the Monastery of Mar Zakkai near Qalliniqos.

² He was elected to the office in the year 846 A.D. His rule was rather lengthy — Jöḥannān III died December 3, 873 A.D. in Reš'ainā.

³ A monastery with reputation.

⁴ I.e. in November 846 A.D. The annalistic tradition has kept a remembrance of this convocation. It also furnishes us the exact day of the election, namely November 21, ΜΙΚΑἸΛ, *Chronique* IV, p. 547, repeated in other chronicles.

⁵ Lit. working.

⁸ Deut. V, 6ff.

⁶ Lit. sweet.

⁹ I.e. commandments.

⁷ νόμος.

anathema of the word of God that he is not be allowed to serve in anything pertaining to the leadership of the priesthood and shall not give the laying on of hands or shall not circulate in places and towns and arrange collections. He, however, who despises this regulation—we all have adjudged that he shall be entirely foreign to the order¹⁸ of the priesthood.

2. Because of the men who in ignorance and lack of faith despise the admonition of the apostolic canons—these which order that no presbyter or deacon shall be received and permitted to carry out priestly functions and serve without the letter of commendation¹⁹ or the information regarding his person * and the true indications which are clear and known—who freely and at random permit without distinction everyone who presents himself with the pretense that he is a presbyter or deacon to celebrate and serve, for which reason, it has happened to him that they were not made priests or perhaps were not consecrated at all, and afterwards, were under suspension or were from the gentiles and not even Christians. Therefore, we have determined by the dominical anathema from this day on and henceforth, that no one is to be allowed to permit one of these who in one way or another come without the letter of the bishop or the testimony of trusted and trustworthy men who demonstrate and testify that they are presbyters and deacons and are not suspended.

But he who dares (to do so) and despises and allows them—if he is a presbyter or a deacon, he shall fall out from his rank. If he is a secular he is not to be allowed to enter the church to participate in the holy mysteries. But, again, they shall not be received; also, not those who claim about themselves that they are bishops—perhaps they are not even Christians. Some persons among us have already known that this has happened.

3. There was a discussion²⁰ in the holy synod concerning those monks who abandon the garment²¹ of monasticism and fall away from their *qeyāmā*²² and renounce their promise to Christ with whom they were united; and who love the flesh and the corruptible desires of this world more than the heavy yoke of monasticism and the blissful and angelic life of those who fulfill (the functions of) the priesthood or the diaconate. Since they are monks who

¹⁸ τῶν ἐκείνων.

¹⁹ *πιστολόγιον*, συστατικός.

²⁰ Or: search, inquiry.

²¹ σχῆμα.

²² *ἑσθία* covenant, profession of monastic life.

subsequent (to monkshood) abandoned monasticism and went out into the world and have become entangled in marriage—that is to say have taken wives—this holy synod has adjudged that they are not to be allowed at all to perform priestly functions because this is not a small sin, but adultery and, (indeed, something even) more evil than adultery and fornication in the opinion of the holy fathers and skillful teachers.

4. Then because contempt was found in some places and also carelessness with regard to the sacerdotal table, * where some of the priests are offering without the consecrated tablet²³, upon some stone that was placed on the altar or on a wooden table without the tablet, others on a piece of cloth or on leather, this, the Christ-loving synod, has determined by the anathema of the word of God that none of those who perform priestly functions is to be allowed to offer without the anointed table, that is to say consecrated. It ought accurately to be investigated whether there is some indication as to the consecration and whether it was consecrated by an orthodox bishop; and this they shall do—the bishops, the *sā'ūrē*²⁴, the *peryā-deūte*²⁵ and the heads of the churches—with diligence and care. for it may be that they were broken or damaged or consecrated by the heretics.

5. There are many who despise and forget the ecclesiastical traditions. During the time of the offerings, they cover the holy mysteries with a veil²⁶ which has no cross on it. We have determined fully that no one from now on and henceforth shall cover the holy mysteries with a veil which has no cross on it. The holy men and tested shepherds are also to prevent the cross, when the veil is spread out, from being bent on one of the sides.

But further we have determined that during the night, the divine mysteries should not be left without any light at all.

Likewise again, the priests and the deacons shall not serve except when clothed in their garment²⁷, the priests with the vestment²⁸ and a tunic, and the deacons with a tunic and a stole²⁹.

Any of the items which do not belong to the service shall not be put on the altar at all.

²³ *ἑσθία* tabula.

²⁴ *ἑσθία* an overseer, visitor.

²⁵ περιουδευτής.

²⁶ ἀναφορά.

²⁷ σχῆμα.

²⁸ *ἑσθία*, φατνώλης, φελόντιον.

²⁹ *ἑσθία* orarium.

6. This holy synod was informed that some of the presbyters, those who do not fear God (since) the judgment of God is taken away from their minds, have the temerity to offer and baptize but that they do not recite the prayers of the mysteries, that is to say (the prayers of) inclining³⁰. Therefore we have determined through the living word of God which He gave to His holy apostles that everyone who does not recite the (prayers of) inclining of the offering before someone who is upright and trustworthy, shall not be allowed to offer or to perform priestly functions at all.

* p. 39 * As to the baptism—if one recites (the liturgy) by heart³¹, he must do it before the bishop or before one who is so entrusted by the bishop. If he baptizes from a book he must also be examined so that he does not blaspheme or serve the mystery without knowledge.

The bishops must inquire about these matters whenever they visit their flocks and examine them without negligence so that sin shall not be committed against God.

7. Further this holy synod has considered that this canon and regulation has been especially despised by the heads of the priests, the one regarding the ordination³² and consecration of the presbyters and deacons which have been splendidly determined by the holy apostles and holy fathers. It is this: a presbyter shall not be consecrated except only at the age of thirty years, even if he is watchful in his way of life and eminent in his learning. And also not a deacon except he who has arrived at the age of twenty years.

Many have trodden underfoot and passed by this (regulation). The great mystery of our religion has been scoffed at, not only by the orthodox faithful, but also by the heretics. The holy synod has determined and decided that no one of the bishops is allowed to consecrate a presbyter or a deacon, except at those ages which have been determined.

8. The synod has further learned from the bishops that many of the presbyters, in ignorance, baptize without the oil of unction. They are not authorized (to do so) because it is necessary and canonical and has since the ancient time been ordered and imposed on the church of the believers. Since our assembly has been assured that this has been done by certain persons, we have decided that no one of

³⁰ Oratio secreta.

³¹ Lit. by mouth.

³² χειροτονία.

the priests is authorized to baptize without anointing, except where there is an emergency and haste (in the face) of (imminent) death.

The bishops shall be diligent, each one in his own eparchy³³, whenever the bishop consecrates the myron³⁴ for his diocese * to * p. 40
5 verify the horn of the unction. He shall watch as to whether there is something that is forbidden. The bishop shall do this, not the presbyter.

9. Because there are some bishops—we do not know for what reason—who give the laying on of hands into the presbyterate and 10 the diaconate, to men who lack eyesight, that is to say, who are blind. We (however) do not examine those who were presbyters and deacons earlier on, who then had not yet become blind, but those who became blind subsequently.

The ecclesiastical tradition deprives them of serving in the priesthood.
15 We all have determined through the anathema of the dominical word of the Lord that none of the bishops is allowed to consecrate a blind presbyter, deacon, or subdeacon. If, however, there is someone among the bishops who despises this regulation of the ecclesiastical comeliness and orderliness, he shall be reprovved and excommunicated.

20 10. Further, this Christ-loving synod was informed that some men of the presbyters because of lack of knowledge or out of contempt sometimes offer must or sometimes a drink made from the raisins—these (things) which are forbidden by the canons of the apostles³⁵; we have determined that we forbid this transgression of the law.
25 Everyone who dares (to do so) and offers something else on any of the holy altars, except crushed (grapes) and raisins and wine and, as is evident together with the bread to be consecrated, shall be discharged from his rank.

The bishops again shall keep watch with all diligence and care
30 and they also shall admonish the presbyters that they do not give the offering without the cup, for the evangelical word teaches us: "eat my body and drink my blood"³⁶.

³³ ἐπαρχία.

³⁴ μύρον.

³⁵ As can. 3 in the Apostolic Canons, called Diataxis, which was included into the Octateuch in Syriac; Ms. Par. Syr. 62, fol. 113a, cf. *Reliquiae juris eccl. antiq. syriacae*; Ms. Borg. Syr. 148, fol. 102a. See also *The Synodicon*, vol. I, p. 72f. About the recently discovered new sources, see VÖÖBUS, «Nouvelles sources de l'Octateuque clémentin syriaque», p. 105ff.

³⁶ Cf. John VI, 54,56.

Thus have we decided not only because it is canonical but also because it has scandalized many and is scandalizing those who have knowledge of the mysteries of the church.

11. Again there are men, who in (their) eagerness for the priesthood, before they married, that is to say, to take wives lawfully and canonically, are consecrated and become presbyters * and then take wives, thus trampling the canons of the holy apostles underfoot. Thus it was deemed proper by us to determine that one who takes a wife after he becomes a presbyter is not allowed to serve in the priesthood at all.

The bishops, however, shall also be watchful that they do not give the laying on of hands of the priesthood to one who does not take a wife lawfully.

12. Again, the synod has considered that many among the Christians make marriages ignorantly, indeed, without due precaution in giving (to others) for wives and to take (wives). That is: the man and his son, the woman and her daughter or two brothers, or two brothers who take the wife, and her daughter, or a man who takes the daughter of his own sister for a wife—these (affairs) belong (to the things) that are forbidden by the canons of the holy fathers; they also introduce confusion into the succession of the generations³⁷ due to kinship and carnal consanguinity.

We all have determined by the anathema and the word of God that no one of the Christians shall do one of these things from our day on and henceforth, or to be conjoined in such a marriage, forbidden and contemptible. However, if one despises (this regulation), he shall be suspended from the church of God and from the fellowship of the divine mysteries and from the intercourse of Christians until they are separated from one another.

13. It was reported to this holy synod that certain ones of the deacons before they are wedded, that is to say receive³⁸ wives, they enter (into intercourse) with them and cause pregnancy and do that which is forbidden by the canon and is an offense to the faithful people. We all have determined by the anathema that whoever of the deacons does that before the marriage shall not serve in the diaconate.

14. Regarding another attack upon and transgression of the law³⁹, information has come to us that presbyters, deacons and men of the

³⁷ γένος.

³⁸ Lit. bring in their wives.

³⁹ νόμος.

order⁴⁰ of the monks lend (money) for usury despising and treading the canon of the apostles underfoot, that one which orders that every presbyter or deacon who takes usury has to cease or to be rejected. We determine as we renew this canon that every presbyter or deacon or monk who lends (money) for usury shall not carry out priestly functions and shall not serve the service of the mysteries.

15. In order that a betrothal be (carried out) lawfully, it was previously determined by the canons of the holy fathers before us and * they have decided that when there is a betrothal, first of all there shall be an agreement⁴¹ from the boy and the girl and that then the ring shall be blessed and the betrothal thereafter commissioned by the testimony. To this legislation⁴² we all adhere and we determine that so it shall be.

16. No one of those on whom the name of Christ has been invoked is allowed to take the betrothed of his brother after his death. He who dares (to do so) and transgresses this regulation shall be suspended from the church and from participation in the divine mysteries.

17. Because there are men who when they betrothe wives for themselves keep them to the extent of many years, scorning them and where henceforward these betrothed are tormented in various ways—for it happens that some of them are those who even have no parents or protector—it seemed proper to all of us, unanimously, that a betrothed woman can remain betrothed to her betrothal up to seven years.

The bishop investigates and learns accurately the manner of the man and for what reason he has kept (her so) for a length (of years) like this. But if it seems proper to the bishop or it is said to him by trustworthy men (that he does this) and he is contemptuously and carelessly inclining towards the evil desire and so neglecting her, he shall pass a sentence over him according to that which his transgression deserves and he shall be compelled by the anathema to take her.

If, however, he is not willing, that woman is free from blame and there is no compulsion on her to wait more than seven years—but he is condemned.

But if the betrothed woman is guilty and refuses to follow her betrothed who more or less presents to her her rights, the constraint of

⁴⁰ τάγμα.

⁴¹ ~~κῆρυξ~~ concord, common consent.

⁴² νόμος.

the sentence must be imposed on her until she consents and follows her betrothed.

18. Also regarding this attack (against the discipline) the blessed and holy fathers have determined in this manner and (also) this synod gathered in the town of Qalliniqos that whoever is anathematized by the patriarch or bishop because of any transgressing of the law, whatever it may be, and who takes refuge with others of a tribe or dignitaries⁴³ of the Christians, whose violence is hard⁴⁴, * and end up (finally) as the enemies of him who anathematized them unless he dissolves it and from which (point) he is obliged to free him—we all have determined following those who have adjudged (such cases) in this way: the Son of God shall not pardon him in this world and not in that which is prepared. And every man shall know that he is contemptible and anathematized from all the mysteries of the Christians.

19. Again we have determined and decided by the word of God that all those who are bequeathed by those who are dying—(leaving) for the churches or the monasteries or to the service⁴⁵ or the poor, or to any other person whoever he may be—it is not allowed to him in whose hands it has been entrusted to appropriate them or to diminish something of them by his own will.

He who dares (to do so) and covets or foils this commandment is condemned and (stands) under the anathema of God until he fulfills this commandment.

20. However, because men without faith, despising the apostolic canons, baptize their sons and daughters in the churches and monasteries of the heretics and take the offering from them and even take⁴⁶ godparents from them—and many subsequently have been seized by the customs like these towards the heresies—we have determined and decided through the word of God that from our day and henceforth, no one shall baptize his son in the church of the heretics and shall not receive their offering and not take a godparent from them.

21. Again, there are others, who from ignorance and rudeness, baptize their sons and daughters in a church where urns of the saints are arranged. Instead of having a godparent, they place the one to be baptized upon the urn⁴⁷ of the saints and abandon (the institution

⁴³ Lit. heads.

⁴⁴ Or: whose force is rough.

⁴⁵ διακονία.

⁴⁶ Lit. make.

⁴⁷ γούρνα.

of) godparents. We have ordered, therefore, that no one shall act in this way because it is foreign to the ecclesiastical customs.

For it is lawful that every candidate for baptism shall have a godparent, namely a man for a man and a female for a female, one for one and not two or many as the skillful teachers have ordered. But after that, * (namely,) when the godparent has held the boy in (the rite of) baptism, if his parents wish to place him on the urns of the saints, they may do so if they wish.

22. These women who dance or make lamentations over their deceased ones and go out to the graves with the tambourines and dancings which anger God and are full of mockery, they shall be suspended sharply from entering the church and from participation in the holy mysteries. The priests shall be watchful that they shall not be present in the places where things such as these are being done.

23. In the same manner, every believing man or woman who goes to the sorcerers and the soothsayers or mutters incantations or talks secretly⁴⁸—they are not allowed to enter the church and shall not participate in the holy mysteries for one year although the canons order five years.

24. Whoever gives his daughter, whether he is a man or woman, to a pagan or a Jew or a Magian or the woman out of her own accord becomes (the wife) to one of these, this God-loving synod has determined that they shall be foreign to the church and from the participation in the divine mysteries.

25. But because many, drawing honor to themselves, confuse and destroy the customs and orders⁴⁹, those which have been transmitted from the holy fathers in every town and place, i.e., in the towns and locations which anciently have been designated (as the loci where) the divine myron⁵⁰ shall be consecrated, and want the divine myron to be consecrated in the villages that have not been permitted this custom, it seemed proper to us all that no one is authorized to consecrate the myron—if he does not want to transgress the precept of God and if there is no persecution—except in those places where it has been consecrated earlier, in the time of the blessed patriarch Mār Qyriaqos⁵¹. We have therefore determined in (this) decision that everyone who opposes the bishop or directs him by force to

⁴⁸ Or: whisper.

⁴⁹ τάξις.

⁵⁰ μύρον.

⁵¹ See page 7ff.

consecrate where it has not been consecrated, that we curb and abolish this attack because it has been and is the cause of troubles of divisions and quarrels.

* p. 45 * 25. Concerning the suspension of the *digamū*⁵², that is to say, of second marriages, we all have confirmed in this way authoritatively 5 that it shall be observed watchfully and is not to be loosened as long as we find it in the holy fathers, those who have governed before us the church of God. We thus have decided through the living anathema of God that no one is allowed to press on or to oppose the bishop or to dissolve this regulation. Also, because this canon is very clear 10 and evident and determined by the holy apostles and the great synods of the times which were before us.

26. We say that it is not allowed a bishop to attack (the tradition) and to dare to make an ordination⁵³ in an eparchy⁵⁴ which is not his own or to consecrate the myron or to preach or to interfere⁵⁵ 15 in order to break off a judgment of the bishop, his colleague, or one not absolved or that one which previously was dissolved. Therefore, as we adhere to the holy fathers we curb and abolish this attack (against the tradition) through the anathema of the word of God—the bishop who neglects and transgresses one of these regulations 20 which have been determined is not allowed to serve any of these (functions) of leadership in the priesthood. Every ordination made in the eparchy which is not his own shall be void according to the power of the ecclesiastical canons.

These matters seem proper to our priestly assembly to say and to write to you beloved⁵⁶, o sons of the holy church of God. We added 25 nothing strange to that which the holy fathers have determined and taught, and we have done no novelty in the decree but (we present here) a remembrance of what have been determined in the former times. Since (the precepts) have been obscured and despised in our 30 present time, we called it to your mind, beloved, God-loving (friends) so that if you keep them they shall keep you, and if you obey⁵⁷ them and do them, you will merit the crown of victory and the recompences of justice by the prayers of all the saints, especially by the intercession of Mary, mother of God. Amen⁵⁸. 35

⁵² δὶγαμος.

⁵³ χειροτονία.

⁵⁴ ἐπαρχία.

⁵⁵ Lit. hear.

⁵⁶ Lit. to introduce himself.

⁵⁷ Lit. to your love.

⁵⁸ Lit. hear.

⁵⁸ The same text appears in Ms. Mardin Orth. 323, fol. 30b-39b.

* [LIX]

* p. 46

ON ILLEGITIMATE MARRIAGES BY JÖHANNĀN

1

Different kinds of illegitimate¹ marriages and the decision of the 5 divine law² about them which have been traced and have been made manifest by the care of Jöħannān³ are indicated below.

- (1) No one can take his sponsoree for five generations.
- (2) Also the woman cannot become wife to her sponsor for five generations.
- 10 (3) A man cannot take a woman and his son her daughter.
- (4) Nor a man a woman and his son her mother.
- (5) Also not that a man and his son (take) two sisters.
- (6) Also two brothers (cannot take) a woman and her daughter.
- (7) Also not that a man (takes) a woman and gives his daughter 15 to her brother.
- (8) And not that a man (takes) a woman and gives his daughter to her father.
- (9) And not that a man (takes) the sister or the daughter of the brother of his wife.
- 20 (10) And not the daughter of the brother of his wife.
- (11) And also not the wife of his wife's brother.
- (12) And also not the wife of his brother.
- (13) Or the wife of the son of his sister.
- (14) Or the wife of his uncle on the father's side.
- 25 (15) Or the wife of the uncle on the mother's side.

(I)⁴ A man who takes the woman and his son (takes) her daughter. The man takes the mother-in-law of his son. Their children are brothers and sisters of the sons⁵ and daughters⁶. They are also maternal and paternal uncles.

30 And (they are) maternal and paternal aunts of their own children.

¹ νόμος with the negative particle.

² Or: prescript.

³ Nothing more is said about who this Jöħannān was.

⁴ The following text is presented graphically in 13 schemes.

⁵ Lit. boys.

⁶ Lit. girls.

The woman becomes (wife) to the father of her son-in-law.

* p. 47 * The son takes the sister of his brothers and sisters from...⁷.

Their children call the man grandfather and the father ...⁸ of the paternal aunts and maternal uncles and ...⁹. And they call (the woman) grandmother and ...¹⁰ and the paternal aunts maternal uncles and aunts.

Her daughter becomes (married) to the brother of her brothers and sisters from her mother.

(II)¹¹ A man takes a daughter¹² and his son her mother.

The man takes the sister of the children of his son and the daughter 10 of ...¹³.

Their children call the man their father and the grandmother ...¹⁴ of their maternal aunts.

The daughter¹⁵ becomes (married) to the grandfather of her brothers from the mother and to the father of the husband of her mother. 15

His son takes the grandmother of his brothers from the father and the mother-in-law of his father.

Their children call their father the brother of the sons of their sister from the mother. And a woman their mother and the grandmother of the paternal uncles and paternal aunts. And (they) call 20 the man their grandfather and the father of the children of their sister from the mother. And (they call) the daughter¹⁶ their sister and the mother of their paternal uncles and paternal aunts.

Her mother becomes (married) to the brother of the children of her daughter. 25

(III) The man and his son take two sisters.

The man takes the sister of his daughter-in-law and the maternal aunt of his grandsons.

Their children call the son¹⁷ their brother and husband of their mother-in-law¹⁸. And (they call) the wife of the boy their aunt. And 30

⁷ The text has suffered here.

⁸ The text is damaged.

¹¹ Each scheme is arranged similarly, having a title.

¹² Lit. girl.

¹³ The text has suffered here.

¹⁴ The text has suffered here.

¹⁸ There must be a mistake in the text; instead of ~~ܩܘܕܝܫܐ~~

⁹ The text has suffered here.

¹⁰ The text has suffered here.

¹⁵ Lit. girl.

¹⁶ Lit. girl.

¹⁷ I.e. the son.

~~ܩܘܕܝܫܐ~~ the text should read ~~ܩܘܕܝܫܐ~~

(they call) their (own) children the children of brothers and the children of their maternal aunts.

The woman becomes (married) to the grandfather of the children of her sister and the brother-in-law and the father-in-law of her sister.

5 * His son takes the maternal aunt of his brothers and sisters from * p. 48 (his) father.

Their children call the man¹⁹ their grandfather and husband of their maternal aunt²⁰. And the wife their maternal aunt and mother of their paternal uncles and paternal aunts. And they call their (own) 10 children paternal uncles, paternal aunts and also sons of the maternal aunt.

Her sister becomes (married) to the brother of her sister's children.

(IV) Two brothers who take the wife and her daughter.

The man takes the mother-in-law of his brothers and the mother 15 of his daughter-in-law.

Their children (call) that son²¹ paternal uncle and his wife their sister from the mother. They call their children of the paternal uncles and children of the sister from the mother.

The wife becomes (married) to the brother of her son-in-law.

20 His brother takes the sister of the children of his brother from the mother.

Their children call that man paternal uncle and his wife grandmother. And they call their children (of the first brother and his wife) children of the paternal uncles and maternal uncles.

25 Her daughter becomes (married) to the paternal uncle of her brothers from the mother.

(V) A man who takes a woman and gives his daughter to her brother.

* The man takes the paternal aunt of the children of his daughter. * p. 49

30 Their children call the young man maternal uncle and (his) wife their sister. And they call their children children of the maternal uncle and children of their sister.

The woman²² becomes (married) to the grandfather of the children of her brother.

¹⁹ I.e. the father.

²¹ Lit. boy.

²⁰ The text is wrong here; instead

²² The text has ~~ܩܘܕܝܫܐ~~ which must be

~~ܩܘܕܝܫܐ~~ it should read ~~ܩܘܕܝܫܐ~~.

an error.

The young man takes the sister of the children of his sister and he is the maternal uncle of the brothers of his wife from the father.

Their children call the man their grandfather and his wife paternal aunt. And they call their children maternal uncles and maternal aunts and sons of the paternal aunt.

The daughter²³ of the man becomes (married) to the maternal uncle of her brothers from the father and not of the mother of her brothers.

(VI) The man who gives his daughter to the father of his wife.

The man takes a sister of the children of his daughter and the daughter of his son-in-law as of his daughter.

Their children call that man grandfather and his wife their maternal aunt. And they call their children maternal uncles, maternal aunts and children of their sister.

His daughter becomes (married) to the grandfather of her brothers from the father.

(VII) A man who takes the sister or the daughter of the sister of his wife.

A man (marries) the sister of his wife; that is to say: this evicts²⁴ her sister and it is shameful to cling to one who becomes one body with her sister.

A man (marries) the daughter of the sister of his wife; that is to say: this evicts²⁵ her maternal aunt and this is shameful because the maternal aunt is like her mother.

A man (marries) the daughter of the brother of his wife; that is to say: this evicts²⁶ her paternal aunt and this is shameful because the paternal aunt is like the father.

(VIII) The man who takes the wife of the son of his father-in-law and mother-in-law.

A man who takes the wife of the maternal uncle of his children and the wife of the son of his father-in-law and mother-in-law (commits) a shameful act.

A man takes the wife of the brother of his wife.

Their children call previous children who were for the man and

²³ The text reads $\sigma\lambda\alpha\sigma$ which must be an error.

²⁴ Lit. invades, attacks.

²⁵ Lit. invades, attacks.

²⁶ Lit. invades, attacks.

his wife on the side of their maternal uncle, and children of the maternal uncles and from his wife, and on the side of the father, brothers, and (those) of the first wife, children of the paternal aunt.

The woman becomes (married) to the husband of the paternal aunt of her children and to the brother-in-law of her husband.

(IX) The man who takes the wife of his maternal uncle or the wife of his paternal uncle or the wife of the brother.

(Re the wife of the maternal uncle) it is shameful because he soils the bedroom of the maternal uncle, the brother²⁷ of his mother.

(Re the wife of the paternal uncle) it is equally shameful because he soils the bedroom of his paternal uncle who is like the father.

(Re the wife of the brother) it is equally very abominable when (one takes) the wife of the son of the brother or (the wife) of the son of the sister.

15 All these marriages are illegitimate:

* (1) A man and his son (taking) the wife and daughter.

* p. 50

(2) A man who takes the daughter²⁸ and his son her mother.

(3) A man and his son who take two sisters.

(4) Two brothers who take the woman and her daughter.

20 (5) He who takes the woman and gives his daughter to her brother.

(6) He who gives his daughter to the father of his wife.

(7) He who takes the sister or the daughter of the sister of his wife.

(8) A man who takes the wife of the son of his father-in-law and the mother-in-law.

25 (9) He who takes the wife of the brother or the wife of the paternal uncle or the wife of the maternal uncle²⁹.

[LX]

THE CANONS OF PATRIARCH IGNATIUS

Then the canons composed by the holy Ignatios¹, patriarch of

²⁷ The text contains an error, reading here $\sigma\lambda\alpha\sigma$. ²⁹ Another source for this text appears in Ms. Mardin Orth. 323, fol. 39b-42a.

²⁸ Lit. girl.

¹ Information about Ignatios is very scanty. We know that he was not one of the pretenders to the patriarchal throne but that he was brought out from the quietness of monastic life. Mika'el says that he was from the Monastery of H'arbaz, but

Antioch of Syria, and by the holy bishops with him who were prepared for his election² and his consecration in the Monastery of Mār Zakkai³ by the side of Qalliniqos⁴ in the year 1189 of the Greeks, in the month of Ḥazīrān⁵, Thursday, the fifth day of it.

INTRODUCTORY LETTER

Ignatios, by the unfathomable judgments of the Lord, patriarch of the apostolic see of Antioch of Syria, and the venerable metropolitans and bishops with him who came for his election and his consecration and were gathered in the Monastery of Mār Zakkai in the neighborhood of Qalliniqos to the sons of the holy church in every place and town, to the presbyters and deacons and all the people loving Christ. Grace be with you and peace * from God our Father and from our Lord Jesus Christ and His living and Holy Spirit, the Vivifier. Amen.

When God, good and very merciful, created man, He from the beginning gave him a natural law⁶, i.e., the conscience by which he shall choose what is good and observe it and shall hate and repel what is to be rejected. Besides that, He put to him a law in paradise⁷. If he

another source is a little more fluent. It tells us that his name was Iṣō' and he was brought out from the anchorite's cell near the Euphrates in the diocese of Šemišat, and that the Monastery of Ḥ'arbaz was the place where he had been educated, *Chronicon ad ann. 1234*, II, p. 276.

² He was elected June 5, 878 A.D., 'ELIYA BAR ŠINAYĀ, *Opus chronologicum* I, p. 186. He died on March 26, 883 A.D. in Morebā Q'astrā, *Chronicon ad ann. 1234*, II, p. 276. This location was near Labargūh, Ms. Šarf. Syr. 16/5, fol. 14b. Thus his rule lasted only 4 years and 10 months. During the period of his office he consecrated 26, according to another source 16 bishops, numbers which palaeographically speaking could easily become a source of confusion — this little is all that has been recorded but there is absolutely nothing about the ecclesiastical conditions under him.

³ This was a monastery with reputation. In the history of Syrian monasteries it occupies a place of honor among the loci of study and learning. The biography of Marūtā, composed by Denhā, tells that Marūtā, when he had completed his preparatory studies, in the pursuit of his further studies went to the Monastery of Mār Zakkai. In his choice the determinative factor was that this monastery was outstanding in the study of the works of Gregorius of Nazianz; DENHĀ, *Histoire de Marouta*, p. 70.

⁴ Known also as Raqqā.

⁵ I.e. June 5, 878 A.D. Concerning the synod in question, the sources have preserved some recollection. One source even tells us something about its pre-history. See note 19.

⁶ νόμος.

⁷ Gen. II, 16f.

had observed it, he would have lived an immortal life. But when he transgressed it, he received the sentence of the death⁸.

Afterwards, however—when the conscience had been corrupted in many ways and had become dull in the proving of what is due until it (all) ended in evils and love of them as of good things—all flesh corrupted its lawful way, as is shown⁹ by the punishments, bitter pains and chastisements of all kinds. He purified the earth severely of sin as in the days of Noah by the deluge¹⁰ and other chastisements in other times because the order¹¹ and the law¹² had willfully not been observed.

Afterwards He also gave corporeal Israel the written law for the awakening of the law of conscience through Moses¹³, the head of the prophets, in order that (it would become manifest which are the) things fit for rejection, which (things) bring the anger (of God) and which are due to be done well as things pleasing to God and attracting the mercies (of Him). They, when observed, preserve from the anger of God and deliver us from the hands of the enemies. But when they are transgressed they attract the anger, that is to say, the punishment. And then when we had been wretchedly separated from our Creator by the transgression of the law, we were enslaved even unto the worship of illegal idols and figures.

The Word, namely, God in His person, has renewed our salvation by the economy in the flesh and (has given) His holy apostles the power of the divine spirit and has sent them to proclaim His Gospel all over the earth even to teach¹⁴ in the spiritual Israel the word of life with a true faith and also (to exhibit) the behavior which suits the sons * of God and to promise them that He will be with them * until the consummation of the world¹⁵. By means of them, He determined and set up the canons which have been written by the elect apostles and after them were renewed by the holy synods age after age, and augmented according to the times and the motives which were flowing. However, the enemy who since the beginning instigated our first father to despise the vivifying commandment of his Lord and who introduced¹⁶ death instead of life in human nature, always

⁸ Gen. III, 16ff.

⁹ Lit. told.

¹⁰ Gen. VII-VIII.

¹¹ τάξις.

¹² νόμος.

¹³ Deut. V.

¹⁴ Matth. XXVIII, 19.

¹⁵ Matth. XXVIII, 20.

¹⁶ Lit. made.

does not cease—as a foe and adversary of the good—to trace out the right roads of the Lord and to turn aside from the narrow and difficult way that leads into the kingdom of heaven according to the dominical word¹⁷ of the Lord those who have been taken captive negligently in the pleasures of the secular life and in the desires of the flesh.

On that account, we, the feeble¹⁸ ones, by the grace of Him who has called us into this service during this time full of punishments¹⁹ and with (all our) inherent²⁰ weakness have been put into the place as watchmen by His incomprehensible judgments. And when we say that the church has been widowed of a common father and the chief of the fathers during these years more than in other times and that also many parishes have been deprived of shepherds, that the holy laws and the divine commandments and the apostolic canons have been despised and forgotten and that nearly every person has been acting by the will of his heart and as it pleases him, and has given to sin the occasion²¹ to be accomplished openly ...²²

THE CANONS

< 3 >²³. ...²⁴ as one who is suspended by the canons of the apostles

¹⁷ Cf. Matth. vii, 14.

¹⁸ Lit. little ones.

¹⁹ This is a reference to the complications and difficulties caused by the pre-history of the synod. One source tells us something about these vexations. According to it, the question of leadership for the church had become acute since the church had been widowed since the death of Patriarch Jōhannān III who died in 873 A.D. The prolongations and delays in the preparation for this election were caused by Sargis of Tagrit. «the head of the bishops», *Chronicon ad ann. 1234*, II, p. 276.

²⁰ Lit. domestic, familiar, private.

²¹ Lit. time.

²² The text breaks off here.

²³ Information about the existence of the canons in the sources is absent. Mika'el does not know about them, *Chronique* IV, p. 547. The anonymous chronicle which knows a little more about this synod, says nothing about any canons established by the synod. *Chronicon ad ann. 1234*, II, p. 276. There is no other trace of the collection of canons in the manuscript tradition. The lost codex which once contained some of the collection of the synodical acts, Ms. Seert 69, SCHER, *Catalogue*, p. 52ff., did not include this cycle. All the canons of Ignatios are unknown with the exception of one, namely can. 9, the trace of which appears in reduced form in the codification work of Bar 'Ebrāyā, *Nomocanon* VI, 2. The other canon which is introduced under the name of Patriarch Ignatios, *Nomocanon* VII, 6, may possibly be one of the first two canons which stood on the two folio leaves which have fallen out of the manuscript.

²⁴ Here fol. 134 and 135 have fallen out, causing a gap.

and of the orthodox²⁵ fathers and therefore also we adhere to their requirement as has been determined, * confirming by the dominical * p. 53 anathema that the bishop is not allowed to permit one of the second marriage²⁶ to perform the priestly functions.

5 But if a presbyter or a deacon is witnessed by two or three who deserve to be accepted concerning adultery or fornication or if he himself confesses—all our synod has determined through the anathema of the word of God that that one of them has no authority from God to serve in any of these (functions of) the priesthood or 10 diaconate.

4. Regarding the persons who shamelessly and ignorantly transgress the law in something which has been determined, be it because of mortal sins or canonical censure or punishment that was right to place on them through the bishop or by another who has been 15 appointed to correct this, who fall into rage and bitter madness so that they become enemies of the legislation and devise a manner of perdition against him and who seek to have their anathema abolished by means of worldly rulers or the chiefs of the Arabs or the Christians whose force is hard²⁷.

20 Those who so do and by force manage to influence him who condemned them to release them according to their wish—even if he many times, under coercion, releases them—our Lord Jesus Christ shall not absolve them, and they shall be found guilty on the day of judgment because of their transgression and their audacity.

25 5. Now there are many of those who endue the garment²⁸ of monasticism who previously have not been tested and ascertained in the manners of excellence; there are those among them who have not even arrived at the measure of full stature. Being seized as by a kind of turbulence, they run in order to stand on a column²⁹ which 30 (, indeed,) is truly an angel-like way of life uplifting from the world. However, when their hope is disappointed, they descend from the heights which they had not ascended in their spirit, and from then on become a mockery and a cause of scandal for many.

Therefore, no one has the authority to ascend the column * except * p. 54 35 with the knowledge and permission of the bishop. If he descends,

²⁵ ὀρθόδοξος.

²⁸ σχῆμα.

²⁶ δὶγαμος.

²⁹ στύλος.

²⁷ Or: whose violence is rough.

except in the case of persecution or because of the necessity of sickness, he has no authority to serve in the priesthood. Furthermore, they shall not pronounce judgment and disturb the bishops, (nor) involve themselves in matters for which they have no permission or employ circular letters and pass sentences.

6. It was reported to the synod regarding monks who are heads of churches in the villages and towns that they give themselves to a manner of life confusing to men.

Therefore, we have determined regarding the monks that they shall not abandon their huts³⁰ and monasteries and live in the villages and towns and become the heads of the churches except only by being carried away by force or because of the suffering under persecution to stay for a time, or as one of them is ordained by the bishop for the profit of the community. This, however, with much circumspection and (only) as testimony is given as to the chaste manner of (his) life.

Also by the universal anathema of all of us, it is not allowed them to be entangled in worldly business through giving and receiving or buying and selling, except only for that which is sufficient for their necessary³¹ use. They shall not become the *wakīlē*³² in the villages and towns or in other places. (They shall) also not enter and sleep in strange houses thus to defame the garment³³ of monasticism that the name of God might not be blasphemed because of them. They have no authority from God to become *šaušbinē*³⁴ or *qaribē*³⁵. They shall not eat meat or enter the bathhouse³⁶ like the seculars.

7. It is not allowed by God for a male beginning with the seventh year to enter a monastery of recluse nuns³⁷, to sleep inside the gate of one of them, whether (he be) a monk, a secular or a relative or a stranger. And also not to stay or to eat or to drink with one of them. And none (are) to enter inside the gate of the monastery except only the priest who has been appointed by God and by the bishop for * this service or for a workman or a physician in case of necessity³⁸ carrying permission to enter from the bishop in order to complete the necessities and (then) leave.

³⁰ حَمِيك circuit, enshrouding.

³¹ ἀνάγκη.

³² وكيل, ممثل representative, authorized person.

³³ σχῆμα.

³⁴ كاهن groomsmen, god-parent, sponsor.

³⁵ متبرك godfather, sponsor.

³⁶ βαλανεῖον.

³⁷ راهبه recluse nuns.

³⁸ ἀνάγκη.

8. Concerning the people of the Christians, those upon whom the name of Christ has been invoked, but who in deeds have gone far from Him, using pagan manners, dealings and ways³⁹. As has been said, they themselves mixed with Gentiles and learned their doings—men as well as women—in the cutting of the hair, dressing in the fashions⁴⁰ of clothing and garments of different colors made by them in the practice of licentiousness. And, as is known, those who are of this sort readily deviate licentiously to obscene acts. Hence, they are by that, the cause of perdition upon themselves. Moreover, they appear to others as a bad example. Therefore this holy synod has determined that none of the Christians has the right to ways such as (those of) these pagan ones.

9. Those women who lament over their deceased in a pagan manner and go out to the tombs with tambourines, timbrels and dances which anger God and express mockery shall be suspended by this sentence—for this contemptuous doing. If, however, they are (to do) this, they shall be suspended also from the church and participation in the holy mysteries.

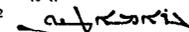
The priests shall be watchful that they shall not be present at all in the funeral procession or in the houses of those who made the lamentations which anger God.

10. It was reported to the holy synod regarding those persons who trespass the judgment of God before their eyes while they were obliged to keep the dominical commandments which the Lord has commanded: "To one who asks you give him, and to one who wants to borrow from you, do not refuse"⁴¹. They (nevertheless) lend in prepayment and in usury according to the customs of the pagan profits, and when they again pay back the capital and interest or a major part of the debt, they withhold * the writing, i.e., the document⁴² of iniquity and do not tear it up or return it to its titular when it is paid; or when a part of the debt remains, they tear up the first and make a new one instead of it and write in the sum that remains: for this reason, many have been demanded (to pay) twice; or the creditor defrauds the debtor or when he dies and leaves an heir and the deed remains in their hands and then claim knowingly or not that (the debt) has not been paid.

³⁹ σχῆμα.

⁴⁰ σχῆμα.

⁴¹ Matth. V, 42.

⁴²  γραμματεῖον, a legal document, a writ.

Therefore we all have determined by the anathema of the word of God that none of the Christians who hears this sentence has authority from God to take unto himself a paid⁴³ legal document⁴⁴ or to entrust it into the hand of another who is so reckless⁴⁵ that the poor debtor shall be obliged to repay him twice.

11. With regard to the many quarrels and confusions that we have seen for a long time (now), which have happened in the churches and the homes of the believers on account of betrothals which are not regular, so that even fightings, beatings and causes for many sins have taken place and sometimes (even) estrangement, parents from their sons and sons from their parents. We all together have decided unanimously by the frightful word of God, which the Lord gave to His holy apostles and by which the adversary powers are to tremble, that no father is allowed or a mother or a brother or a sister or someone of the household, whether of a boy or a girl to betroth a boy or to betroth a girl before they reach the measure of fifteen years and then (only) through an agreement of the boy and the girl.

But as to the betrothal we decide thusly: It shall occur through the mediation of the priests and the believers who are present together when the hand is given and the agreement (made) of them, and the ring is consecrated—by all means so that they gird up the ecclesiastical blessings, through the mediation which the priests give, in the comeliness of regularity and the custom of the heads of the fathers. And through consecration the right hand shall be for their copulation * p. 57 that their bed may be pure and holy according to the * apostolic word: "And their seed (shall be) free and blessed and the children of the believers stainless and clean"⁴⁶.

12. Also because there are persons among those who are of the rank of the presbyters and deacons, who without obedience and in ignorance, enter into union with widowed wives, not understanding that they become one body with that one with whom they join in a normal⁴⁷ marriage,—if he was married previously to another, he had one body with that one and not with the one he took later, we all determine through the anathema of the word of God, in regard to resolving this disorder, that no presbyter or deacon has authority to join with a widow in marriage because the apostles have commanded

⁴³ I.e. a document with an amount on loan which is still payable.

⁴⁴ ἑρμηνεύειον.

⁴⁵ Lit. who is furious.

⁴⁶ Cf. Ephes. V, 27.

⁴⁷ τῷ ἑστί.

that the presbyter and the deacon shall be a husband of (but) one wife⁴⁸. In this way, a woman ought to become wife of one man because she has one body with him and not two; and no one has authority over her body except her husband; in like manner he also does not have authority over his body except his wife⁴⁹.

The canons of Ignatios, the patriarch, end (here)⁵⁰.

[LXI]

[THE CANONS OF PATRIARCH DIONYSIOS]

The canons which have been determined by the holy synod that was gathered in Bēt Mār Šilā¹ of Serūg² and that designated the blessed Mār Dionysios³, patriarch of Antioch⁴, the city of God in the year 1207 in the month of Nisān⁵ on the day⁶ ...⁷.

⁴⁸ Cf. Ephes. V, 22ff.

⁴⁹ Cf. I Cor. VII, 4.

⁵⁰ The same text appears in Ms. Mardin Orth. 323, fol. 42b-50b.

¹ Namely in the Monastery of Mār Šilā in the diocese of Serūg.

² Or: consecrated.

³ This Dionysios was formerly a monk in the Monastery of Bēt Bātin at Harrān. Only one source has kept a recollection of his previous name Nūh. *Chronicon ad ann. 1234*, II, p. 276.

⁴ His election is placed in the year 896 A.D. He died in April 909 A.D. in the Monastery of Bēt Bātin.

⁵ I.e. April 896 A.D.

⁶ The chronological aspect is not without complications. What is told by Mīka'ēl, that he was elected in 1207 A.Gr. but the consecration of the newly elected patriarch is placed in the month of Nisān in 1208 A.D., i.e. April 897, *Chronique* IV, p. 550, thus giving us a date which is beset with further confusion, since in the text he says that the council took place on the 3rd of 'Iyār, i.e. May 3, later in the appendix he introduces Nisān 23, i.e. April 23rd, *ibid.*, p. 757. All this leaves us with the impression as though he made an attempt to bring conflicting data together in a reconciliatory manner. Our document according to the title places the election on Nisān of the year 1207 A.Gr. However, according to the tradition his predecessor Patriarch Theodosios was still alive at that time, since he died on the first of the month of Ḥazirān, i.e. June 1, MĪKA'ĒL, *Chronique* IV, p. 449, or Ḥazirān the 4th, *ibid.*, p. 757; Ms. Šarfeh Syr. 16/5, fol. 14b reads Ḥazirān 1. In this situation we first need assurance regarding the reliability of the chronology whether the testimony about the time of the death of Theodosios is solid. In view of the lack of more substantial information one must reckon with the possibility that the year of the synod was not originally included in the synodical acts and therefore could be borrowed from some faulty chronology at the time the title was given to this section of the collection. About these critical problems, see VÖÖBUS, *Syrische Kanonensammlungen* I, A, p. 68f. However, our document may have well preserved a correct tradition against all other sources.

⁷ Here the manuscript has a blank space.

AN INTRODUCTORY LETTER TO THE CANONS

In the name of the Father and the Son and the Holy Spirit. God, the Creator, when He created the first man, gave him by His divine solicitude and His highest providence the law⁸ and the commandments⁹ * so that, by observing and practicing them, he would be above death and corruption and all his lineage with him. (Then) He announced through a prophetic word¹⁰ that He was raising for them the lawgiver¹¹ so that all the nations would know that they are men; and, thus, through the comeliness of the order, ecclesiastical and spiritual, this majesty of divine laws proceeded and reached us by transmission and it was incumbent on us to follow also the steps of the fathers and, like them, with the loftiness fitting for obedient sons who receive their legacy.

For this reason we came, everyone from his country and gathered with one mind and one spirit for the consecration¹² of the common father and head of His holy church. Thus were we gathered in the holy Monastery of Mār Šīlā¹³ in the country of Serūg, thirty-five bishops and among us God-chosen, our blessed and most holy father Mār Dionysios as patriarch to the apostolic see of the city of God, Antioch. When by divine help this affair¹⁴ was completed and his beatitude seated according to the order¹⁵ of the head of this holy synod, it was incumbent¹⁶ upon him and our assembly to set up some canons so that, by then, the faults that have been resuscitated in our days by the mischievousness of the devil and (his) deceiving angels would be corrected in order that God be glorified, His church exalted, the slanderer defeated, and the believers consoled.

⁸ νόμος.

⁹ Cf. Gen. II, 16f.

¹⁰ Lit. sound, echo.

¹¹ Cf. Deut. v.

¹² *ܩܘܕܫܐ ܕܥܘܠܡܐ ܕܥܘܠܡܐ* means election, designation as well as ordination and consecration.

¹³ The same confusion is apparant with regard to the locality in which the synod was held. Mīka'ēl claims the synod was held in Bēt Bātīn but there must have been a reason to place the gathering for the consecration near Serūg, into the village of 'Ašīt. *Chronique* IV, p. 550. The reference to Bēt Bātīn arouses the suspicion that the place of origin of the patriarch could have been mixed up with the place of the synod. Bar 'Ebrāyā repeats the same version as Mīka'ēl, *Chronicon eccl.* I, col. 391, 393. The echo of the other tradition placing the election near Serūg, emerges in the anonymous chronicle. *Chronicon ad ann.* 1234, II, p. 276.

¹⁴ ὑπόθεσις.

¹⁵ τάξις.

¹⁶ Lit. was justified.

THE CANONS

The first canon¹⁷. If someone shall accuse his bishop, it is not lawful that (the accusation) be accepted from him except it be testified to by a body (of people) free of accusations and human passions and (the members of which) are trustworthy witnesses, persons who deserve to be believed.

And as the patriarch shall hear it from them, so shall he take into the record (that) of which they accuse and testify. Then he shall gather ten bishops and his affair shall be examined with all accuracy and correctness.

* If the accusation¹⁸ is confirmed, the patriarch and these bishops with him shall adjudge what is to be done with the bishop who was accused.

If, however, it is impossible for the accuser to verify what he said and wrote, he shall receive that sentence which was prepared for the bishop accused by him, and to bear it if proved.

The second canon. We all have adjudged that no bishop is allowed to go into an eparchy¹⁹ that is not his own to administer in it anything or even to carry out ordination²⁰. Also not even if someone would come to him from another eparchy (for consecration), to consecrate him a presbyter or deacon without the permission of his own bishop.

If he dares (to do so) or transgresses (this rule), the bishop shall be reproached. That one, however, who had been consecrated shall have no authorization to serve until his bishop permits him.

The third canon. We all adjudge that no service shall be permitted a presbyter or a deacon in a strange eparchy without the letter of that bishop who consecrated him—if he is still alive or of the one after him in his see. Thus shall it be made known that there is no blame in his service.

The fourth canon. Those who make themselves presbyters and deacons, which they are not and dare to serve—we all adjudge that

¹⁷ The confused state of the sources negates any information about the canons. Not a single trace of the canons appears elsewhere in other records. Also Bar 'Ebrāyā's work of codification reveals no knowledge about them. In this source we have to do with a very rare document which has undergone a torturous transmission. It also did not appear in the codex which once had preserved some very rare legislative documents, namely Ms. Seert 69, SCHER, *Catalogue*, p. 52ff.

¹⁸ κατηγορεῖν.

¹⁹ ἐπαρχία.

²⁰ χειροτονία.

they shall be suspended even from participation in the holy mysteries and from the church until they accept correction and the bishop receive them into the communion—only him who accepts this judgment before him²¹.

The fifth canon. We also adjudge that it is not allowed a monk to be a head of the church in a village or a town. If he attacks (this rule) and dares (to do so) he shall be excluded from his service.

However, not only this, but also (they are not allowed) to take upon themselves administrations as *'epiṭrūpē*²², that is to say, the *wakīlā*²³.

Also—absolutely not to sleep in the convent among the nuns.

* p. 60 * If this one is in the order of the brothers, he shall be suspended from participation in the mysteries (for as long) as is deemed proper by the bishop.

The sixth canon. We adjudge also that they shall not become *šausbīnē*²⁴ to seculars.

We have further determined that a secular male shall not eat at all in a convent of the nuns beginning with the age of seven years and above.

If the one who transgresses this regulation is a presbyter or deacon, he shall be suspended from his service. If he is a secular, he shall be deprived from participation in the divine mysteries until it seems proper to the bishop to absolve him.

The seventh canon. A betrothal which is without the blessing of the ring, the mediation of the priest, and in which (the age) has not reached the measure of fourteen years and (does not have) the agreement and will of the two persons—if it happens that there shall be a quarrel—we adjudge that it shall be entirely terminated.

The eighth canon. The wills²⁵ coming from the people to the churches, monasteries and the poor shall be entrusted into the hands of the *rabai bātē*²⁶, those who have been set apart for this (duty), and not into the hands of the members of the family.

A brother who is seen to transgress this regulation and especially if he takes refuge with the outsiders, is not allowed to enter the church

²¹ I.e. before the bishop.

²² ἐπίτροπος.

²³ وكيل = representative, an authorized person.

²⁴ عتق groomsmen, god-parents.

²⁵ Lit. commands, commandments, decrees.

²⁶ تدر تلام stewards.

of God until he no longer transgresses the word of God, stays away from his evil and restores that which he has corrupted.

The ninth canon. Concerning this that has been put in complaint before us, (namely,) that certain people despise the letters written by the patriarch, or by the bishops, and do not allow them to be read to the people—not only this, but that they even take refuge among the outsiders so as to hinder the reading,—we all together have determined by the anathema of the word of God that those who do this, if they be priests or deacons, they shall be suspended from service for a certain period of time by the authority of the bishop. If he is a monk or a secular he shall not participate in the divine mysteries for the days of a year.

* The tenth canon. (Regarding) a priest or a deacon or a secular or a monk when he is corrected or sentenced by his bishop, if he goes and seeks for refuge among men who are rough in their violence, whether insiders or outsiders, in order that his sentence would be released for him, even if the bishop will say many times “I release”, God will have not pity upon him, not in this world, not even in that prepared to come.

The eleventh canon. The law²⁷ against those who organize groups or parties²⁸ against the leaders, those who come even from the sentenced seculars—sometimes from the ecclesiastical (persons), priests or deacons or laymen who make covenants²⁹ and oaths and organize parties against their bishop causing trouble against them.

We all have determined by the dreadful and terrible anathema of the Lord that the priests and deacons shall not serve their (ecclesiastical) orders. The laymen shall not even enter the church until they cease entirely from their evil and give sureties to the bishop that they will not do this again forever.

The twelfth canon. The presbyters or deacons who give out money for usury or bargain or for prepayment or for return of corn or wine or of any other business—we have determined by the frightful word of God that they must either cease from their abominable business or be dismissed from the service.

The thirteenth canon. Regarding goods³⁰ or lots³¹ and possession

²⁷ νόμος.

²⁸ κοινόν also factious meetings.

³¹ حيازة = شكرة a field, garden plot.

²⁹ محبة also a vow, statute.

³⁰ Lit. things.

of the churches and monasteries or vows of the tithes which have been set apart to them by the believers. We all have determined by the anathema of the word of God that no one is allowed to manage them without the permission of the bishop or by him whom he appoints to administer these things. He who attacks this regulation, if they are companions of the altar, shall be suspended from their service. If they are lay people, they shall not enter the church and shall not participate in the holy mysteries until they cease from such contemptible doings.

The fourteenth canon. However, regarding sponsorship³², the fathers and the brothers the holy apostles, have set up canons and we also adhere to their rulings,—*we have determined through the living word of God that no Christian has the authority to take a wife who through sponsorship is related to him or to his parents or brothers³³ up to (five)³⁴ generations. If she is of the sponsorship of men, this sponsorship shall be terminated after <five>³⁵ generations;—if of women, after <three>³⁶ generations.

The fifteenth canon. Because many times it was complained before us about men who when they lend out money for others and write documents about these (matters) and who when the third part or the half of the sum of money that he lent is paid, keep the document with themselves. (We adjudge that) when a half or a third or whatever amount is paid, they shall either destroy them in the presence of their owners or shall write another new one. He who despises this regulation is anathematized by all our assembly so that he shall not enter the church nor participate in the holy mysteries until he returns what is right and adheres to this righteous sentence.

The sixteenth canon. We all have determined through the living word of God that no one has the authority to read or to give to others the letter of a patriarch or bishop, to open it and to read it since it is not his.

He who attacks (this ruling) and transgresses this regulation, if he

³² *κατασκευα* the institution of groomsmen or god-parents.

³³ Or: relatives.

³⁴ The word is partly erased; it looks like the word originally written was «five»; so also Ms. Mardin Ort. 323, fol. 54a.

³⁵ The word is erased and not decipherable; Ms. Mardin Orth. 323, fol. 54a reads here «five».

³⁶ The word is almost entirely erased; it looks like the word originally written was «three»; so reads also Ms. Mardin Ort. 323, fol. 54a.

is a presbyter or a deacon, he shall not serve his order³⁷ for the days of a year; if he is a layman, he likewise shall not participate in the holy mysteries.

The seventeenth canon. The presbyters and deacons or whoever they are, who go round with the bones of the saints in (various) places as those collecting alms through them, shall be suspended from their service if they do not abandon (this practice).

The eighteenth canon. (Regarding) the presbyters and deacons who place the bones * of the saints in their houses for business and not for * p. 63 the glory of God. We have adjudged that they shall abstain from this. If they do not obey, they have no authority to serve in the ministry of the priesthood, if they do not depart from the anathema of God.

The nineteenth canon. Those who coerce the bishop against his will to make to a Christian an allowance³⁸ or, perhaps, that a sentence justly imposed be removed from them. If they seek refuge among the outsiders and among those who are hard in their violence—we determine through the word of God that they shall not serve in the priesthood if they are priests and deacons. And if they are lay people, they shall not enter the church until they turn away from their evil will and set in order that which they have corrupted.

The twentieth canon. The priests are not allowed to baptize heretics if they remain in their heresy. He who is found doing so shall be out of his service for the days of a year and shall fast fifty days.

The twenty-first canon. Those who are deacons, and their betrothed have died, but they had not seen them; if they bring trustworthy witnesses or if they accept an interdict on their conscience that they did not see them and did not touch them by a kiss or any other way—they may take wives and serve (in the diaconate).

The twenty-second canon. It is not lawful to have commemorations and funeral agapes during the fast of the forty (days)³⁹, except on Saturday or on Sunday.

The twenty-third canon. Christians shall not be seen in the conduct of the outsiders, in lascivious dress⁴⁰, whether men or women. They shall also not make lamentations for the departed ones.

He who does any of these things shall be suspended from the church.

³⁷ *τάξις*.

³⁸ Or: a service.

³⁹ I.e. the Quadragesima period.

⁴⁰ *σχημα*.

So, too, the priests who perform the funeral or make vigils to him and the offerings.

The twenty-fourth canon. Because of the evil inclination there is for some, some quarrel with someone of the brothers so that they
* p. 64 leave the sheepfold of the church * and go to law before outsiders 5 through which abuses and harms are caused, (such as) these shall come under the anathema of God; they shall not enter the church and shall not participate in the holy mysteries.

The twenty-fifth canon. These who eat meat on Friday or drink wine during the period of the fast shall be suspended from the church. 10

The canons of the blessed Mār Dionysios, patriarch of Antioch, the city of God, end (here) 41.

[LXII]

A CALCULATION OF INHERITANCES

Again, a foundation¹ for the calculation of inheritances according 15 to the law² of the Arabs³, and the emancipation of slaves and all their laws⁴ and sentences⁵.

Division of the inheritance: it is divided into six parts: a half is three (parts), a third⁶ two, a sixth⁷ is one part, a fourth⁸ one part and a half, an eighth⁹ three fourths¹⁰ of a part. 20

(1)¹¹ The inheritance of a wife from her husband: a quarter¹², if she has no children or grandchildren.

⁴¹ The same text appears in Ms. Mardin Orth. 323, fol. 50b-55b.

¹ عداة ههنا.

² νόμος.

³ طابى. بقتى.

⁴ νόμος.

⁵ عداة ههنا.

⁶ ثلث. ههنا.

⁷ سوادس ههنا.

⁸ ربع. ههنا.

⁹ ثمن. ههنا.

¹⁰ ربع. ههنا.

¹¹ The following legal document appears in two known manuscripts: Ms. Br. Mus. Add. 18. 295, fol. 141a-146b and Ms. Cambr. Add. 2023, fol. 8b-16a. The first is of the year 1914 A.Gr., i.e. 1602/3 and the second is of the 13th. cent. These texts have been edited by Kaufhold, *Syrische Texte*, p. 126-184, namely §51-155. Thus the present codex emerges as the earliest witness. The present document is closest to the manuscript in the British Museum which begins in the same way. The codex in Cambridge first brings another set of laws on inheritance and in the second part differs in many ways as a different recension. It, however introduces these texts under

If she has children or grandchildren she has the eighth¹³.

The inheritance of the wife from her husband shall not be diminished¹⁴ less than the eighth¹⁵ and also must not be increased above a quarter¹⁶; even if they are two or three, an eighth¹⁷ or a quarter¹⁸ 5 is for them.

(2) The inheritance of the man from his wife: the half to the man, when she has no children or grandchildren.

But if she has children or grandchildren he will inherit a quarter¹⁹.

The inheritance from his wife to him cannot be increased to some- 10 thing more than the half and cannot be diminished to less than a quarter.

(3) The inheritance of the father from his son: if his son has sons, * the father inherits from him with his grandsons the sixth²⁰; it cannot * p. 65 be diminished for him from this.

(4) (However,) with the daughters, if they are two or if many, two 15 thirds²¹ to all the daughters and the rest goes to the father.

If there is one daughter, a half to the father and a half to the daughter, while the wife takes her eighth (part).

(5) The inheritance of the mother from her son if her son has children or grandchildren :

20 The third to the mother, if her son has no son or daughter or grandson; if he has these, she has the sixth, for the offspring of her son hinders (her) from the complete²² third.

(6) The inheritance of the mother from her son when he has

the name of Patriarch Mār Jōhannān. The opinion that Jōhannān bar Abgārē was the author of these legal texts, presented by KAUFHOLD, *Syrische Texte*, p. 92, is in the light of the total evidence which has emerged in new discoveries, a mistake. About these questions, see VÖÖBUS, *Islamic Law in Syriac*. There is a third source in Ms. Br. Mus. Add. 18. 715, fol. 250a-252b, but this represents a shortened recension of this record.

¹² ربع. ههنا. In order to bring out the profile of these legal traditions and their origin, at the beginning of these laws some comments are necessary about the injunctions fixed in the Koran. The ruling just introduced is the quota fixed by the Koran. Cf. Sura IV, 12.

¹³ ثمن. ههنا. Both quotas are fixed by the Koran. Cf. Sura IV, 12.

¹⁴ Or: reduced.

¹⁷ ثمن. ههنا.

¹⁵ ثمن. ههنا.

¹⁸ ربع. ههنا.

¹⁶ ربع. ههنا.

¹⁹ ربع. ههنا. Both quotas are fixed by the Koran. Cf. Sura IV, 11.

²⁰ سادس. ههنا. This is the quota fixed by the Koran. Cf. Sura IV, 11.

²¹ ثلث. ههنا. This is the quota fixed by the Koran. Cf. Sura IV, 11.

²² ههنا. Both injunctions rest on the quotas fixed by the Koran. Cf. Sura IV, 11.

brothers or sisters: she takes the sixth if he has these, and the rest goes to the father.

The same if they have brothers.

(7) The inheritance of sisters from the man: if he has a daughter and one sister, they divide equally. 5

If he has one daughter but two or many sisters, a half is to the daughter and the rest is to all the sisters.

If there are two daughters or many, they take two thirds and the rest is to the sister—if there is one sister or there are many.

When there are no sisters the daughter takes the half and the rest 10 (goes) to the lineage²³ of the father.

(8) Inheritance of the sister with the daughter of the daughter of the son:

The half to the daughter, the sixth part to the daughter of the son and the rest to the sister. 15

(9) Inheritance of the daughter of the son with a daughter:

The half to the daughter and the rest of the inheritance to the daughter of the son if there is one or more²⁴.

(10) Inheritance of the daughter of the son and the daughter of the grandson, when they have with them the son of the son and the 20 daughter of the husband:

The half to the daughter, one sixth to the daughter of the son and the rest to the son of the son; and he returns to²⁵ one who is above him²⁶.

Two parts to the males but one to the females²⁷. 25

(11) Inheritance of the daughter of the son with a daughter of the 30 husband, when * these two are his daughters, unless there is a brother to the daughters of the son who inherits and his sisters inherit of him:

The half to the daughter and the children of the son take the rest.

Males and females, two (parts) to the males and one to the female. 30

(12) Inheritance of two daughters, the daughters of the son and the son of the grandson:

²³ *ḥamā* family, lineage.

²⁴ This paragraph is missing in Ms. Br. Mus. Add. 18, 295, fol. 141a, as § 59 in KAUFHOLD, *Syrische Texte*, p. 130. In a different recension the text appears in Ms. Br. Mus. Add. 18, 715, fol. 250b.

²⁵ *ḥamā* in Pael it means to turn, change, overthrow, in Aphel to overthrow, upset, and to restore, to return.

²⁶ The sense of this paragraph is not clear. Does this mean that another division takes place? Or has the text suffered here?

²⁷ This is the quota fixed in the Koran, see Sura IV, 10.

Two thirds to the daughters and the rest to the son of the grandson, he takes along with those who are with him, his sisters and his aunts if he has.

The male²⁸ (offspring receives) two (parts), the female one (part). 5 (13) Inheritance of the daughter of the son and the sons of the son with the legitimate²⁹ son of the one who dies:

The son of the son and the daughters of the son inherit nothing with the legitimate son.

(14) Inheritance of the daughters of the son when the deceased has 10 no legitimate daughter³⁰:

The daughters of the son inherit instead of the legitimate daughters when the dead one is deprived of daughters.

(15) Inheritance of the son of the son and the daughters of the son when they are children of the uncle among themselves:

15 Since the son of the son excels the son of the uncle, the inheritance is due to him.

(16) Inheritance of the (full) sisters who are of the (same) father and mother with those who are from the father only:

20 When there are two sisters or more from the same father and mother, they have two thirds.

There is nothing to the sister who is from the father only.

(17) Inheritance of the sisters who are from the (same) father with one full³¹ sister:

25 To the full³² sister one half and to all sisters who are from the father one sixth, (to the) completion³³ of the two-thirds.

(18) Inheritance of brothers and sisters who are from the (same) father with a full³⁴ sister:

30 The full sister takes the half and the rest is (divided) between brothers and sisters who are from the father (only), for the female a half of the male.

* (19) Inheritance of two full³⁵ sisters or more with * brothers and * p. 67 sisters who are from the father (only):

²⁸ This is a paragraph which appears only in Ms. Br. Mus. Add. 18, 295.

²⁹ *ḥamā* true, real.

³⁰ *ḥamā* true, real. The manuscript wrongly reads here "the son".

³¹ *ḥamā* right lawful. In the Koran full sisters inherit as the daughters if there are no children; Sura IV, 176.

³² *ḥamā* right, lawful.

³⁴ *ḥamā* right, lawful.

³³ *ḥamā*.

³⁵ *ḥamā* right, lawful.

Two thirds for the full sisters and the rest for the brothers and sisters who are from the father (only).

(20) Inheritance of the wife of the husband and his two parents: One of the fourth part for his wife, when there are no children.

Likewise the mother (takes one fourth) but for the father two fourths which remain. 5

(21) Otherwise³⁶: some adjudge first one third of the heritage to the mother, one fourth to the wife, and the rest to the father.

(22) Inheritance of the husband from his wife when her father and mother are alive and she has no children: 10

The half of the heritage for the husband, one third of the rest, which is one sixth, to the mother, and the rest to the father.

(23) Inheritance of the husband from his wife when she has a mother, sisters and brothers from the mother, and brothers and sisters from the father and mother: 15

The half for her husband, one sixth to her mother.

And the rest (is distributed) equally between her brothers and sisters, for the male and female likewise.

(24) Inheritance of the husband from his wife when she has a sister, a mother and the father of her father: 20

First the heritage is divided into twenty-seven parts.

Nine³⁷ to her husband, six to her mother, four to her sister, eight to her grandfather.

(25) Otherwise³⁸, too: the (inheritance) is divided into six parts:

Three to her husband, one to her sister, one to her mother and 25 one to her grandfather.

(26) Otherwise³⁹ it is divided into nine parts:

Three to her sister, three to her husband, two to her mother and one to her grandfather.

(27) Inheritance of the husband from his wife when she has a mother, 30 brothers and grandfather on the mother's side:

The half to her husband, one sixth to the mother, one sixth to the grandfather.

* p. 68 * (28) Inheritance of the sons of the uncle on the father's side of the wife from which one is her (half) brother from her mother: 35

³⁶ Or: on the other hand.

³⁷ This is the quota for the husband fixed in the Koran, Sura IV, 12.

³⁸ Or: on the other hand.

³⁹ Or: on the other hand.

One third (is divided) between them and the rest (comes) to the sons of the uncle of the wife who is her (half) brother of her mother.

(29) Inheritance of two sons of the uncle on the father's side, one of them being her husband:

5 Her husband takes the half.

And the half that remains shall be divided between them equally: three fourth to her husband and one fourth to the son of her uncle who is the brother of her husband.

INTERCALATION⁴⁰

10 Another way of inheritance between close relatives⁴¹:

(1) The son of the one who has deceased is closer in heritage than the grandson of one who has deceased.

(2) After him the (full) brother from the (same) father and mother.

(3) After this the (half) brother who is from the father (only).

15 (4) And then the sons of the brother who are from the (same) father and mother.

(5) Then the sons who are from the brother from the (same) father.

(6) Afterwards the uncle from the (same) father and mother.

20 (7) And then the uncle who is from the father; the uncle from the father (only) inherits nothing.

(8) Then the sons of the uncle (on the father's side) inherit, who are from the (same) father and mother.

(9) And these others who are above them in the family⁴² in the same manner.

25 Another way of inheritance:

(10) Among women only six inherit: the daughter, the daughter of the daughter, the wife, the grandmother, the mother and the sister.

(11) The close(st) of all (relatives) is the son.

(12) And after him the son of the son.

30 (13) And after him the father.

(14) And after him the grandfather.

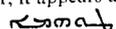
(15) And after him the brother.

* (16) After this one the son of the brother.

* p. 69

⁴⁰ The following portion is an insertion; however, it appears also in other manuscripts.

⁴¹ γένοϛ.

⁴²  family or lineage.

(17) And then the uncle (on the father's side).

(18) And then the son of the uncle.

(19) The brother or the sister from the father (only) does not inherit at all from him who died when he has a child or a grandchild, either male or female.

(20) The (half) brother from the mother does not inherit anything with the grandfather (on the father's side) of the deceased⁴³.

* * *

(30) Inheritance of the grandfathers and grandmothers from the grandsons:

Some judges say it is not right to inherit from her grandson anything when the father of the child⁴⁴ is alive.

(31) Some (others) say: she takes the sixth⁴⁵ part when her son is alive.

(32) If there is one or there are two grandmothers they take one third⁴⁶ or one sixth.

(33) When (the grandson) has no father and no mother, the mother of his father and the mother of his mother inherit.

(34) As many as are the grandmothers, they inherit, both of the one who had deceased, the mother of his mother and the mother of his father⁴⁷.

(35) The two (grandmothers) of his father: the mother of his father and the mother of his mother—they have one sixth.

If one is dead and one remains the one sixth is her own.

If both of them are dead the sixth goes to the three who remain, i.e., the two grandmothers of his father and one (grandmother), the mother of the mother of his mother.

This one sixth (is shared) among them equally.

If only one remains, this one sixth belongs to her.

No one deprives the grandmothers of the sixth except the mother of the dead (one)⁴⁸.

If she is alive these (grandmothers) inherit nothing with her.

⁴³ The end of the intercalation.

⁴⁵ سادس، سهمه.

⁴⁴ Lit. boy.

⁴⁶ ثلث، سهمه.

⁴⁷ So far as the injunctions of the Koran are concerned, there is no fixed quota for the grandmother.

⁴⁸ In the Koran the grandfather does not appear among the heirs. The Islamic jurisprudence, however, has regarded his rights almost equal to those of the father.

* (36) Inheritance of the grandfather who is the father of the father: * p. 70
The grandfather takes together with the brothers and the sisters of the dead (one)—one third.

If the brothers of the one who died are of the (same) father and mother, and reach five (in number) he (the grandfather) takes the one sixth and the rest is (divided) between them.

The brother from the father (only) inherits nothing when the grandfather is alive.

(37) Others, however, say: there is no inheritance to the brothers and sisters when the father of the father is living because he replaces⁴⁹ the father like Adam is our father and Abraham your father.

(38) Inheritance of the brother and the grandfather (on the father's side):

Both divide equally.

If there are two brothers with a grandfather, one third to everyone.

If there are three brothers and a grandfather, one fourth⁵⁰ for each one.

(39) Inheritance of the grandfather and the sister:

These also divide equally.

(40) Some others grant to the grandfather two parts from the whole heritage, and one to the sister.

(41) If there are two sisters, one third⁵¹ to the grandfather, and the rest to them⁵².

(42) Again others say⁵³: one half to the grandfather and (the other) half to both sisters.

(43) If there are three sisters, in like manner: one third to the grandfather and two thirds to three of them.

(44) Others, however, divide the heritage into five parts:

Two parts to the grandfather, one part to each of the three sisters.

(45) If there are four sisters, the part of theirs is divided between them.

(46) Inheritance of the grandfather with a full⁵⁴ sister and a (half) sister who is from the father only:

⁴⁹ Lit. in the place of.

⁵⁰ ربع، سهمه.

⁵¹ ثلث، سهمه.

⁵² This fills the lacuna that exists in Ms. Br. Ms. Add. 18, 295, fol. 143a. Cf. KAUFHOLD, *Syrische Texte*, p. 148.

⁵³ This fills the lacuna at the beginning of the paragraph in Ms. Br. Mus. Add. 18, 295, fol. 143a; cf. KAUFHOLD, *Syrische Texte*, p. 148.

⁵⁴ سهمه، right, lawful.

One half to the full sister, one sixth to the (half) sister who is from the father (only) and one third to the grandfather⁵⁵.

* p. 71 * (47) Otherwise⁵⁶, one full⁵⁷ sister with two (half) sisters who are from the father (only), and the grandfather.

The heritage is divided in five parts, two to the grandfather, and one part to the sisters severally.

Then the full sister enters and takes from the sisters of the father the completion⁵⁸ of the half of the heritage.

What remains, which is one tenth⁵⁹, is distributed between them 10 equally.

(48) Inheritance of a full⁶⁰ sister with a (half) brother who is from the father (only) and a grandfather:

The heritage is divided in ten parts, four to the grandfather, five⁶¹ to the (full) sister, and one to the (half) brother who is from the 15 father (only).

(49) Inheritance of the grandfather with a full⁶² sister and a (half) brother and a (half) sister who are from the father (only):

The heritage is divided in ten parts: five⁶³ to the full sister, two to the grandfather, two to the (half) brother who is from the father 20 (only), and one to the (half) sister who is from the father (only)⁶⁴.

(50) Otherwise⁶⁵: the heritage is divided thus: one half to the grandfather, the other half to the full⁶⁶ sister.

(51) However, as it was mentioned (some) give nothing in heritage to (half) brothers.

(52) Inheritance of two (full) sisters who are from the same father and mother with a (half) brother who is from the father (only) and a grandfather.

Two thirds of the whole heritage to the two full⁶⁷ sisters, the rest (is divided) equally between the (half) brother and the grandfather. 30

(53) However, others exclude the (half) brother who is from the father (only) from the heritage and justify the above ones.

(54) Inheritance of two full sisters with a (half) sister who is from the father only and a grandfather:

⁵⁵ See footnote 48.

⁵⁶ Or: on the other hand.

⁵⁷ عنه right, lawful.

⁵⁸ عنه .

⁵⁹ عاش .

⁶⁰ عنه right, lawful.

⁶¹ عاش .

⁶² عنه right, lawful.

⁶³ عاش .

⁶⁴ Regarding the grandfather, see footnote 48.

⁶⁵ Or: on the other hand.

⁶⁶ عنه right, lawful.

⁶⁷ عنه right, lawful.

Two thirds of the heritage to the (full) sisters who are from the (same) father and mother, the rest is to the grandfather.

However, the (half) sister who is from the father (only) inherits nothing with these.

5 (55) Inheritance of the grandfather with a sister and mother:

* The heritage is divided into six parts: three parts to the sister, * p. 72 two to the mother, and one to the grandfather⁶⁸.

(56) Inheritance of the brother, the mother and the grandfather: They partake equally.

10 (57) Inheritance of two sisters, with a grandfather and a mother: The heritage is divided in twenty-four parts, four to the mother, ten to the grandfather, and five⁶⁹ to each sister.

(58) Inheritance of three sisters with a grandfather and the mother: One sixth to the mother, one third to the grandfather, and one

15 sixth to each of these three sisters.

(59) Inheritance of four sisters with a mother and a grandfather.

The heritage is divided in thirty-six parts, the sixth part to the mother, the tenth⁷⁰ to the grandfather, i.e., the third of what remains and five parts to each of the four sisters.

20 (60) Inheritance of a full⁷¹ sister with a (half) sister who is from the father only, a grandfather and a mother:

The half to the full sister, one sixth to the (half) sister who is from the father only, one sixth to the grandfather, and one sixth to the mother⁷².

25 (61) Otherwise⁷³: the heritage is divided in twenty-four parts:

The mother takes four, the grandfather ten, the sisters five⁷⁴ each; then the (half) sister who is from the father (only) returns⁷⁵ her portion to the (full) sister who is from the (same) father and mother.

30 (62) Inheritance of a full sister with a (half) brother and a (half) sister who is from the father (only), a grandfather and a mother:

The half to the full sister, one sixth to the mother⁷⁶, and what remains to the (half) brother and (half) sister who are from the father (only); two parts to the male and one to the female.

⁶⁸ Regarding the grandfather, see footnote 48.

⁶⁹ عاش .

⁷⁰ عاش .

⁷¹ عنه right, lawful.

⁷² عنه right, lawful. The text is defective here; that also the grandfather takes his one sixth, we learn from Ms. Br. Mus. Add. 18. 715. fol. 251b.

⁷³ Regarding the quota for the mother, see the Koran, Sura IV. 11.

⁷⁴ Or: on the other hand.

⁷⁵ عاش .

⁷⁶ عنه .

(63) However, others say: one sixth to the mother, the half to the full sister, one third to the grandfather, and no heritage to the (half) brother and (half) sister who are from the father (only) with these.

* p. 73 * (64) Inheritance of the grandfather with a (full) brother who is from the (same) father and mother and a (half) brother who is from the father only:

The half to the full brother who is from the (same) father and mother, the (other) half to the grandfather⁷⁷.

He who is from the father (only) does not inherit.

(65) However, others say: two thirds to the (full) brother who is from the (same) father and mother, however, others say: two thirds to the (full) brother who is from the (same) father and mother, and the rest to the grandfather⁷⁸.

(66) Inheritance of two (full) brothers who are from the (same) father and mother and two (half) brothers who are from the father only, and the grandfather:

Two thirds, namely, to the full brothers who are from the (same) father and mother and the third that remains to the grandfather.

Those who are from the father (only) do not inherit⁷⁹.

(67) (Inheritance) of a mother with two full⁸⁰ sisters, a (half) brother who is from the father only, and a grandfather.

Two thirds to the full sisters, one sixth to the mother, one sixth to the grandfather.

No heritage to the (half) brother who is from the father (only).

(68) Inheritance of the husband, the mother, two full⁸¹ sisters and a grandfather:

One half to the husband, two thirds to the sisters, one sixth to the grandfather.

These⁸² (arrangements are feasible) when the heritage is divided in twenty-four parts.

(69) Others, however, say: one half to the husband, one sixth to the mother, one sixth to the grandfather, and one sixth to both of the sisters.

⁷⁷ See footnote 48.

⁷⁸ This text has suffered.

⁷⁹ About the half-brother, see page 73. see footnote 31.

⁸² The calculation is wrong due to the defectiveness of the text: one sixth which goes to the mother, is missing here.

⁸⁰ *المتكفلين* right, lawful.

⁸¹ *المتكفلين* right, lawful.

When the inheritance is divided in twelve parts: six to the husband, two to the mother, two to the grandfather, and two to the sisters.

(70) Inheritance of the husband, the mother, the (full) brother who is from the (same) father and mother, and a grandfather:

5 (The inheritance) is divided in six parts, three to the husband, one to the mother, one to the full brother, and one to the grandfather.

(71) Inheritance of the husband, the mother, the full sister, the (half) brother who is from the father only, and the grandfather:

10 One half to the husband, one sixth to the mother, one sixth to the sister⁸³.

The one who is from the father (only) does not inherit.

(72) Inheritance of the husband, the mother, the (full) sister and the full⁸⁴ brothers, and a grandfather.

15 (The inheritance) is divided in eighteen parts: nine⁸⁵ to the husband, three to the mother, * three to the grandfather, two to the full brother, * p. 74 and one to the full sister.

(73) Inheritance of the husband, the mother, (full) sister, the (half) sister who is from the father (only), and the grandfather:

20 (The inheritance) is divided in six parts: three to the husband, one to the mother, one to the grandfather, one to the full⁸⁶ sister.

The one who is from the father (only) inherits nothing.

(74) Inheritance of the wife, the brother, and a grandfather:

25 One fourth to the wife and the rest is to be divided equally between the brother and the grandfather. (The inheritance) is divided into sixteen parts, four to the wife, six to the brother and six to the grandfather.

(75) Inheritance of the wife with two brothers and a grandfather:

30 One fourth to the wife and the rest is divided equally between the grandfather and the (two) brothers. When the inheritance is divided into eight parts, two to the wife, four to the brothers, and two to the grandfather.

(76) Inheritance of a wife with three brothers and a grandfather:

One fourth to the wife and the rest is (divided) between them. (The inheritance) is divided into sixteen parts, four to the wife, three to the grandfather, and three to each of the three brothers.

35 (77) Inheritance of the wife with four brothers and a grandfather:

⁸³ *المتكفلين* right, lawful.

⁸⁴ *المتكفلين* right, lawful.

⁸⁵ The text is defective. That one sixth goes to the grandfather, we learn from Ms. Br. Mus. Add. 18, 715, fol. 251b.

⁸⁶ *المتكفلين* right, lawful.

One fourth to the wife, one sixth to the grandfather, and the rest to the brothers.

(78) Inheritance of the grandfather with a wife and one sister:

One fourth to the wife, one half to the sister, and the rest to the grandfather.

(The inheritance is divided) in eight parts, two to the wife, four to the sister, and two to the grandfather.

(79) Otherwise⁸⁷: two to the wife, two to the sister, and four to the grandfather.

(80) Inheritance of two sisters with a grandfather and a wife: 10

One fourth to the wife, two to both sisters, and one sixth to the grandfather.

* p. 75 (81) Otherwise⁸⁸ the inheritance is divided in sixteen parts, * four to the wife, six to the grandfather, and three to each sister⁸⁹.

(82) Inheritance of the wife with three sisters and a grandfather: 15

One fourth to the wife and the grandfather becomes (like) a part-taking brother with the sisters.

The inheritance is divided into twenty parts, five to the wife, six to the grandfather, and three to each of three sisters.

(83) Inheritance of the wife with four sisters and a grandfather: 20

(The inheritance is divided) in eight parts, two to the wife, two to the grandfather, and four to his sisters, one to each.

(84) Inheritance of the wife, a full sister, a (half) sister who is from the father (only), and a grandfather:

(The inheritance) is divided into eight parts, two to the wife, three 25 to the grandfather, three to the full⁹⁰ sister.

She who is from the father (only) inherits nothing.

(85) Inheritance of the wife with two full⁹¹ sisters, one (half) sister who is from the father (only), and a grandfather:

The inheritance is divided into forty parts, ten to the wife, twelve 30 to the grandfather, eighteen to both full sisters.

There is no inheritance to that (one) who is from the father (only).

(86) Inheritance of a wife with a full⁹² sister, a (half) brother who is from the father only, and a grandfather:

One fourth to the wife, one half to the full sister, one sixth to the 35 grandfather, and the rest to the brother who is from the father (only).

⁸⁷ Or: on the other hand.

⁸⁸ Or: on the other hand.

⁸⁹ Regarding the regulation for the sister in the Koran, see footnote 31.

⁹⁰ *كامل* right, lawful. ⁹¹ *كامل* right, lawful. ⁹² *كامل* right, lawful.

The division is in twelve parts: three to the wife, six to the full sister, two to the grandfather, and one to the brother who is from the father (only).

(87) Otherwise⁹³: one half to the full⁹⁴ sister, one fourth to the 5 wife, and the rest to the grandfather. The (half) brother who is from the father (only) does not inherit.

The division is in four parts, one to the wife, one to the grandfather, two to the full sister.

(88) Otherwise⁹⁵ also: (the inheritance) is divided in twenty parts, 10 five to the wife, six to the grandfather, and nine to the sister.

* (89) Inheritance of a wife with a full⁹⁶ sister, a (half) brother and * p. 76 (half) sister who are from the father (only), and a grandfather.

One fourth to the wife, one half to the full sister, one sixth to the grandfather, and the rest (is divided) between the (half) brother and 15 the (half) sister who are from the father (only).

(The inheritance) is divided in thirty-six parts, nine to the wife, eighteen to the full sister, six to the grandfather, two to the (half) brother who is from the father (only), and one to the (half) sister who is from the father (only).

(90) Otherwise⁹⁷: one fourth to the wife, one half to the full⁹⁸ 20 sister, and the rest to the grandfather.

But the (half) sister and the (half) brother who are from the father (only) do not inherit.

(The inheritance) is divided into four parts, one to the wife, two 25 to the full sister, and one to the grandfather.

(91) Inheritance of the wife, the mother, and the grandfather:

One fourth to the wife, one third to the mother, and the rest to the grandfather. (The inheritance) is divided in twelve parts.

(92) Otherwise⁹⁹: one fourth to the wife, one third of what remains 30 to the mother, and the rest to the grandfather.

(93) Inheritance of the wife, the mother, the brother and a grandfather:

One fourth to the wife, one third to the mother, and the rest equally to the grandfather and the brother.

⁹³ Or: on the other hand.

⁹⁷ Or: on the other hand.

⁹⁴ *كامل* right, lawful.

⁹⁸ *كامل* right, lawful.

⁹⁵ Or: on the other hand.

⁹⁹ Or: on the other hand.

⁹⁶ *كامل* right, lawful.

(94) Otherwise¹⁰⁰: (the inheritance) is divided into twenty-four parts, four to the mother, six to the wife, seven to the grandfather, seven to the brother.

(95) (The inheritance) is divided into four parts, one to the wife, one to the mother, one to the grandfather, and one to the brother. 5

(96) Inheritance of the wife, two brothers, the grandfather, and the mother:

One sixth to the mother, one fourth to the wife, the rest is equally divided (between) the grandfather and the brothers.

(The inheritance) is divided into thirty-six parts, six to the mother, 10 nine to the wife, and seven to each of the brothers and the grandfather.

(97) Inheritance of the mother, the wife, three brothers, and the grandfather:

* p. 77 * One sixth to the mother, one fourth to the wife, one sixth to the grandfather, and the rest to the brothers. 15

(98) Inheritance of the mother, a full sister, a grandfather, and a wife:

The inheritance is divided into thirty-six parts, twelve to the mother and nine to the wife, ten to the grandfather, and five to the sister.

(99) Inheritance of the wife, the mother, two sisters, and a grand- 20 father:

The inheritance is divided into forty-eight parts, twelve to the wife, eight to the mother, fourteen to the grandfather, and seven to each of the sisters.

(100) Inheritance of the mother, the wife, three sisters, and a grand- 25 father:

The inheritance is divided into sixty parts: one sixth to the mother, i.e., ten, one fourth to the wife, i.e., fifteen, to the grandfather fourteen, and to each of the three sisters, seven.

(101) Inheritance of the wife, the mother, four sisters, and the 30 grandfather:

The inheritance is divided into seventy-two parts: one fourth to the wife, i.e., eighteen, one sixth to the mother¹⁰¹, i.e., fourteen, and the rest (is distributed) between the four sisters, seven parts to each one. 35

¹⁰⁰ Or: on the other hand.

¹⁰¹ The text has suffered here. At this place there should follow "twelve" as the quota for the mother, and in addition also a reference to the grandfather. It must be an old scar since it appears also in Ms. Br. Mus. Add. 18, 295, fol. 145b.

(102) Inheritance of the grandfather, the mother, the wife, a full sister and a (half) sister who is from the father only.

The inheritance is divided into twenty-four parts: four to the mother, six to the wife, seven to the grandfather, and seven to the 5 full sister.

(103) Inheritance of the mother, the wife, a full¹⁰² sister, a (half) brother and a (half) sister who are from the father only, and the grandfather:

(The inheritance) is divided into thirty-six parts: six to the mother, 10 nine to the wife, seven to the grandfather, fourteen to the full sister.

Those who are from the father only inherit nothing.

(104) Inheritance of the mother, the wife, a full sister, a (half) brother¹⁰³ who is from the father only, and the grandfather:

The inheritance is divided into sixty parts: ten to the mother, 15 fifteen to the wife, fourteen to the grandfather, twenty-one to the full sister.

That (one) who is from the father (only) inherits nothing with them.

* (105) Inheritance of the daughter and the grandfather: * p. 78

20 They share equally.

(106) (Inheritance of) two daughters and the grandfather:

Two thirds to both sisters and one third to the grandfather.

(107) Inheritance of the daughter, the sister, and the grandfather:

The half to the daughter, one sixth to the grandfather, and the 25 rest to the sister¹⁰⁴.

(108) However, some others say: the half to the daughter and the sister and the grandfather shall divide the rest equally.

(109) Inheritance of the daughter, two sisters and a grandfather:

The half to the daughter, one sixth to the grandfather, and the rest 30 (is divided) between the two sisters.

(110) Otherwise¹⁰⁵: the inheritance is divided into eight parts: four to the daughter, two to the grandfather, and one to each of both sisters.

¹⁰² *ܩܘܪܝܢܐ* right, lawful.

¹⁰³ *ܩܘܪܝܢܐ* right, lawful. Since Ms. Br. Mus. Add. 18, 295 and Ms. Cambridge 2023 read in the same way, Kaufhold's translation "Halbschwester" is misleading. *Syrische Texte*, p. 175

¹⁰⁴ Regarding the regulation for the sister, see footnote 31.

¹⁰⁵ Or: on the other hand.

(111) Inheritance of the daughter, three sisters and the grandfather:
The half to the daughter, one sixth to the grandfather, and the rest to the sisters.

(112) It is divided into ten severally, five to the daughter, two to the grandfather and one to each of the three sisters. 5

(113) Inheritance of the daughter, four sisters, and a grandfather:
(The inheritance) is divided into twelve (parts): six to the daughter, two to the grandfather, and one to each of the sisters.

(114) Inheritance of the daughter, five sisters, and a grandfather:
The half to the daughter, one sixth to the grandfather, and one sixth¹⁰⁶ to the sisters. (The inheritance) is divided into twelve parts. 10

(115) Inheritance of the daughter, the mother, the grandfather, and a brother:

One sixth to the mother, one sixth to the grandfather, and the rest to the brother¹⁰⁷. 15

The grandfather is not to be deprived of the one sixth even there are many children.

(116) Inheritance of the daughter, the brother, and the grandfather:

One half to the daughter, one sixth to the grandfather, and one third to the brother. 20

(117) Others, however, say: the half to the daughter, and the half which remains shall be divided equally between the grandfather and the brother.

* p. 79 * (118) Inheritance of the daughter, two brothers, and a grandfather:

The half to the daughter, one sixth to the grandfather, and the rest (is divided) between the brothers equally.

(119) Inheritance of the daughter, a full¹⁰⁸ sister, the mother, the grandfather, and a (half) brother who is from the father (only).

The half to the daughter, one sixth to the mother¹⁰⁹, and the rest to the full sister. 30

The inheritance is divided into eighteen parts, nine to the daughter, three to the mother, three to the grandfather, and three to the sister.

(120) Inheritance of the daughter, the mother, the sister, and a grandfather:

¹⁰⁶ The text is defective here; instead of "one sixth" the text should read "a third".

¹⁰⁷ The text is defective here: the correct text has been preserved by Ms. Br. Mus. Add. 18. 715. fol. 252b.

¹⁰⁸ *ḥalāl* right, lawful.

¹⁰⁹ The text is defective here: the part "one sixth to the grandfather" has fallen out.

(The inheritance) is divided in six parts: three to the daughter, one to the sister, one to the mother, and one to the grandfather.

(121) Inheritance of the daughter, the mother, two sisters, and a grandfather:

5 The half to the daughter, one sixth to the grandfather, one sixth to the mother, and one sixth to the sisters.

But if (the inheritance) is divided into twelve parts: six to the daughter, two to the mother, two to the grandfather, and one to each of both sisters¹¹⁰.

10 (122) Inheritance of the daughter¹¹¹, three sisters, and a grandfather:

The half to the daughter, one sixth to the mother, and one sixth to the grandfather, and the rest to the sisters.

(123) Inheritance of the daughter, the mother, a wife, a sister, and a grandfather:

15 The half to the daughter, one eighth to the wife, one sixth to the mother, one sixth to the grandfather, and the rest to the sister.

(The inheritance) is divided into twenty-four (parts): twelve to the daughters, three to the wife, four to the mother, four to the grandfather, and one to the sister.

20 (124) Inheritance of the daughter, a (full) brother and full¹¹² sister, and a grandfather:

The half to the daughter, one sixth to the grandfather, and the (full) brother and the full sister shall divide the rest, two parts to the male and one to the female.

25 (The inheritance) is divided into thirty-six parts: eighteen to the daughter, six to the grandfather, eight to the brother and four to the sister.

(125) Inheritance of the daughter, the wife, the grandfather, and the sister:

30 * The half to the daughter, one eighth to the wife, one fourth to the grandfather, and one eighth to the sister. (The inheritance) is divided into eight parts. * p. 80

(126) Inheritance of the daughter, the wife, two sisters and a grandfather:

¹¹⁰ Here our witness completes the defective text in Ms. Br. Mus. Add. 18. 295. fol. 146a.

¹¹¹ The text is defective here, having lost the reference to the mother.

¹¹² *ḥalāl* right, lawful.

(The inheritance) is divided into thirty-two parts¹¹³, fifteen to the daughter, four to the wife, six to the grandfather and six to both of the sisters, three to each¹¹⁴.

(127) Inheritance of the daughter, the wife, three sisters, and a grandfather¹¹⁵:

(The inheritance) is divided into seventy-two parts: thirty-six to the daughter, nine to the wife, twelve to the grandfather, and five to each of the sisters.

(128) When heirs shall come to the judge to divide (the inheritance) and one of them says: "We have another brother", but the others shall not admit him, the inheritance of this intruder¹¹⁶ comes out of the part of the one who acknowledged him so that the parts of the others do not suffer loss.

He, however, takes the fourth of the part of the one who acknowledged him.

(For example)—there are three sons and two daughters. If one of the sons confesses that he has another brother and the others do not recognize him, the inheritance is divided into forty parts: ten to every male of the children, the intruder being out, and five to each daughter. Then you introduce this fourth one and you distribute anew for the four sons and two daughters. Those are forty parts: to every male comes eight parts and to the female four. Thus you resolve¹¹⁷ (the case) for them, and you give to those who did not recognize him what comes to them according to the first computation, i.e., ten portions to the male, and five to the female.

As for the one who introduced the additional brother, you give him what comes to him according to the other computation, i.e., eight parts; and the two that remain (go) to that intruder¹¹⁸.

¹¹³ The text is defective here; according to this calculation the number of the units would be 31.

¹¹⁴ Ms. Br. Mus. Add. 18, 295, fol. 146a presents the original form of the paragraph; according to this the inheritance is divided into 32 units and the daughter receives 16 parts.

¹¹⁵ There is a gap in the text here which is supplemented by Ms. Br. Mus. Add. 18, 715, fol. 252b which has preserved the text in its entirety. The lost part reads: "A half for the daughter, an eighth to the wife, one sixth to the grandfather, and the rest for the sisters".

¹¹⁶ *ἄλλος*.

¹¹⁷ *λύω* to loosen, untie, absolve.

¹¹⁸ This document appears also in two other unknown codices: Ms. Mardin Orth. 316, quire 14, fol. 2a-5b and Ms. Mardin Orth. 323, fol. 171a-180b.

[LXIII]

A CHAPTER¹ REGARDING WILLS²,
I.E., THE TESTAMENTS³

(1)⁴ When there are three heirs and there are three thousand (units) of money then everyone of the heirs takes one thousand.

* (2) Then one of the heirs says that his father offered a third of his goods to such a one, and the others do not accept the one who has the third, he receives a third of the one thousand which is the part of the one who recognized him according to the testament⁵.

(3) Those who rejected him have no obligation to give anything.

(4) Manage in this way if there are more heirs and (if) there is much money, distribute in the same way.

(5) When two heirs testify (regarding the validity of) the testament⁶, their testimony obliges them and the rest of the heirs.

(6) If they confessed something but did not testify and what they confessed is a kind of order⁷, (this order) is imposed on their part only, not on (that) of the rest of the heirs.

(7) And this because they did not testify but confessed.

(8) If they had testified, their testimony would be accepted by the whole company⁸ of brothers.

(9) This on the condition that they are worthy to be accepted as true witnesses.

(10) If they are reprehensible in conduct and are not accepted as true witnesses, their testimony is abolished for themselves and for others.

(11) If two witnesses have given testimony about their father that he divided the third of his goods to such a one (and) then afterwards two of the heirs testify that the father reversed his order and gave it to another, the testimony of the first ones is annulled and that of the second ones is valid⁹.

¹ *ἡ κεφαλαίον*, κεφαλαίον.

² The term is *ῥαββ* commandments. ³ διαθήκη.

⁴ This text appears in Ms. Br. Mus. Add. 18, 295, fol. 146b and in Ms. Cambridge Add. 2023, fol. 16a-16b, and in a different version also in Ms. Br. Mus. Add. 18, 715, fol. 252b, but they all are younger; in several places the transmission of the text in these witnesses is inferior.

⁵ διαθήκη.

⁶ διαθήκη.

⁹ The term used here is *ῥαββ*, established.

⁷ *ῥαββ* command, decree.

⁸ *ῥαββ*.

(12) (However, this) under condition that they are not reproached and are worthy to be accepted.

(13) If one of the heirs recognizes someone as a close relative¹⁰ but the rest of the heirs reject him, the kinship is not valid unless all other recognize him¹¹.

5

* [LXIV]

REGARDING THE EMANCIPATION OF THE SLAVES

(1)¹ When someone frees a part² in a slave, he cannot be sold anymore.

(2) When the emancipated slave dies, his heritage is divided between 10 his masters.

(3) To everyone as many parts as he had in the slave before his emancipation.

(4) When the emancipated slave dies, and he has a father who is entirely free, he inherits him. 15

(5) If the half of his father is emancipated, and he has a brother of whom the half is emancipated, his father inherits the half and the brother the half.

(6) If he has no father and has a full³ brother emancipated, he takes the whole heritage. 20

(7) If his half is emancipated, he takes the half of the heritage.

(8) If he has a brother who is from the father (only) and is entirely emancipated, he takes the rest of the heritage.

(9) If the half is emancipated, he takes a half of the rest, i.e., the fourth⁴ part, and what remains is for his lords⁵ or masters. 25

(10) If the half of the father is emancipated, and the (half) brother

¹⁰ γένος.

¹¹ The same text appears in other new sources, namely in Ms. Mardin Orth. 316, quire 14, fol. 5b and Ms. Mardin Orth. 323, fol. 180b-181b.

¹ This text appears in Ms. Cambr. Add. 2023, fol. 17b and Ms. Br. Mus. Add. 18, 715, fol. 253a, but these sources are younger.

² Lit. portion. This is a text which in several respects goes its own way.

³ Lit. right, lawful.

⁴ ربع، اربعة.

⁵ موالى، حقه له.

who is from the father (only) is entirely emancipated, they share equally.

(11) When the emancipated slave dies, and has a father the half of whom is emancipated and a brother from the mother (entirely) 5 emancipated, the heritage is divided into twelve parts: six to the father and one to the brother who is from the mother which is the half of the sixth⁶ because the father took the half of the heritage and hindered⁷ him to inherit a complete sixth⁸; the rest goes to his masters⁹.

10 * (12) If the deceased has a free sister from the father and the * p. 83 mother, and his mother has a fourth¹⁰ part emancipated and her uncle is emancipated, the inheritance is divided into twelve portions: six¹¹ to the sister, one to the mother, and five to the uncle¹².

[LXIVa¹]

[OTHER MATTERS]

15

(1)² Inheritance of the aunts (on the father's side): the (full) aunt from the father and the mother, the (half) aunt from the father, the (half) aunt from the mother: the whole heritage is given to the (full) aunt who is from the father and mother.

20 (2) The aunts on the mother's side: the (full) aunt from the father and mother, the (half) aunt from the father: the full aunt inherits everything³.

⁶ سادس، سدس.

⁸ سادس.

¹⁰ ربع.

⁷ Or: prohibits.

⁹ موالى.

¹¹ سادس This document displays a number of interesting features and presents a better textual tradition. This paragraph which is entirely different from both known manuscripts serves as an illustration regarding its independent tradition

¹² The same text appears in other new sources, namely in Ms. Mardin Orth. 316, quire 14, fol. 5b-6a and Ms. Mardin Orth. 323, fol. 181b.

¹ The break for a new section is natural; it occurs in Ms. Mardin Orth. 316, quire 14, fol. 6a.

² This text appears in Ms. Cambridge Add. 2023, fol. 16aff. and Ms. Br. Mus. Add. 18, 715, fol. 252bff. The present source displays a different arrangement and goes its own way.

³ This text is entirely different from Ms. Cambridge Add. 2023, fol. 16a; cf. §157b in KAUFHOLD, *Syrische Texte*, p. 184.

(3) Inheritance from the aunt on the father's and mother's side: two parts to the aunt on the father's side, to that on the mother's side one part. The aunt on the father's side is instead of the uncle but the aunt of the mother's side is instead of the mother—so say some⁴.

(4) Inheritance of the uncle on the mother's side: the uncle on the mother's side inherits when there is no heir and he repays the debts of the deceased.

(5) When, however, the one who dies has no heirs he is authorized to leave by will⁵ his property and money to anyone he wishes.

(6) If he does not leave by will, what he has is for the church.

(7) No one is allowed to leave by will but the third⁶ of his goods.

(8) What exceeds the (third part) is illegal⁷, because it is not his own.

(9) If he left by will this third⁸ (part) to one of the heirs, this (testament) is (invalid), except by agreement of all the heirs.

(10) If he leaves by will to an unbeliever, (this testament) is invalid⁹.

(11) If a Christian leaves by will to a church or to a monastery (that the goods so left) be spent on its construction¹⁰, his will¹¹ is valid¹².

* p. 84 * (12) If he wills that a church or a monastery be built on land which belongs to him, (his testament) is valid.

(13) If he does this during his lifetime, i.e., he builds a church, the heritage is among the heirs, not as the rest of (his) wills¹³.

(14) Likewise is it valid for the Jews and the Magi, who leave by will to the synagogue or to the house of fire¹⁴.

(15) A Moslem¹⁵ does not inherit a Christian and a Christian does not inherit a Moslem.

⁴ Lit. companions, comrades.

⁵ The term employed here is *وصية* which reflects the legal terminology in Arabic; cf. *توصية*.

⁶ *ثلث* *مهلهله*.

⁷ Lit. not ratified.

⁸ *ثلث*.

¹¹ *وصى* *مهلهله* used similarly as *وصى* *مهلهله* cf. *وصى*.

¹² Lit. ratified.

¹³ This text clarifies the meaning of the sentence. The text in Ms. Cambridge Add. 2023, fol. 18a is corrupt and the conclusions by Kaufhold based on his emendation are too farfetched; cf. *Syrische Texte*, p. 126, 210.

¹⁴ About the importance of this text, see VÖÖBUS, *Islamic Law in Syriac*, p. 10f. This paragraph has been preserved only by this manuscript.

¹⁵ *مسلم* *مهلهله*.

(16) Similarly the Jews and the Magi unless he is his slave. Regarding this the judges¹⁶ entirely agree.

(17) ...¹⁷ more than fifty...¹⁸ what (is the) heritage of him who becomes a Moslem before the heritage will be divided: it is divided on (the basis of) these parts (mentioned) above and he inherits of it.

(18) Otherwise, if a Moslem¹⁹ dies and leaves heirs who are not of his confession, if they become Moslems after his death, they receive nothing of his heritage; however, those who were Moslems before his death, they alone inherit him.

(19) It is not lawful for any one to cut the liberty of his slave or to sell them.

(20) About a slave who takes a free wife: his children become emancipated and become members²⁰ of the cognates²¹ of their mother²².

(21) If the slave is emancipated, his children become members for the patrons²³ of their father²⁴.

(22) He who kills his brother or his father or his son or one of his family²⁵ with knowledge inherits nothing from them.

* (23) When someone leaves by will and shall say: "One part of my heritage is to N.N. or one (part) to N.N. such and such things which I possess", (but) not specifying²⁶ how much is this part, this (part) is the sixth of his properties or from something which is left by will.

(24) It is not lawful for a sick person during his illness that he pays off one of his creditors and does not discharge another unless he rewards them all equally.

(25) He who leaves by will one third of his property before his death (his deed) is ratified.

¹⁶ *القاضي* *مهلهله*.

¹⁷ The text has suffered here.

¹⁸ Something is missing in the text. This text preserves a little more than in the known manuscripts. Regardless of a deplorable state of the text it is clear that it presents a different legal principle which allows a conversion until the division of the inheritance takes place. Concerning this principle, see Ibn Hanbal particularly: cf. FATTAL, *Le statut légal*, p. 137; also VESEY-FITZGERALD, *Muhammadan Law*, p. 156.

¹⁹ *مسلم*.

²⁰ *مواالي* *مهلهله* also clients.

²¹ *مواالي*.

²² This text is correct over against the corrupted form in Ms. Cambridge Add. 2023, fol. 18a.

²³ *مواالي*.

²⁴ This text has preserved its correct form over against Ms. Cambridge Add. 2023, fol. 18a.

²⁵ *γένος*.

²⁶ Lit. separates.

(26) If he leaves by will more than a third, this surplus is not ratified.

(27) Excepted (is the case) when the heirs after his death agree that his words be acknowledged. And this (however, under the condition) that they are complete in stature and have reached (the legal) measure (of age).

(28) When a man recognizes during his sickness something he knows and he shall say: "This thing belongs to N.N.", it is ratified.

(29) If he shall not definitely say: "I have a deposit", it is not ratified at all unless true witnesses come forward and (testify) on that matter.

(30) Then when the unknown deposit is recognized and he admits that there is a certain debt on him, the debt must be paid off before delivery of the deposit, (for) when he recognizes a known deposit and a debt on the deposit, and the deposit is given as it is the debt shall not be paid off, unless he has something from which the debt can be paid off²⁷.

(For example, if) he has ten thousand *zūzē*²⁸ and admits that they are deposit and admits that a debt of ten is on it, the deposit is given and the debt remains. If he has more than ten thousand of them, the debt shall be paid²⁹.

* p. 86

* [LXV]

THEN OTHER MATTERS¹ OF THE INHERITANCE OF THE ARABS²

(1)³ When a man or a woman or a boy or a girl dies and leaves after him (or her) a father he inherits the whole heritage when the deceased leaves no progeny⁴.

²⁷ A coin equal to a Greek drachma.

²⁸ This injunction in a clear formulation appears in Ms. Br. Mus. Add. 18, 715, fol. 253a.

²⁹ The same text appears in other new sources, namely in Ms. Mardin Orth. 316, quire 14, fol. 6a-6b and Ms. Mardin Orth. 323, fol. 181b-182a.

¹ The term used here is *عقوبات* which also means subjects; in legal terminology it is used for causes, actions.

² *طائفة*.

³ This text is unknown: cf. VÖÖBUS, *Islamic Law in Syriac*, p. 12f.

⁴ Or: offspring.

(2) If (he leaves) a brother, he equally inherits the whole heritage.

(3) Likewise a grandfather, a grandson or an uncle (on the father's side) when there are no children.

(4) These do not inherit when there is a close heir: the aunt on the father's and the aunt on the mother's side.

(5) And not the grandfather towards the mother and the uncle on the mother's side.

(6) And not the son of the daughter.

(7) When a man dies and leaves a mother, she inherits a third⁵ of his goods⁶ when he has no brothers or children.

(8) If he has, she inherits one sixth⁷.

(9) If someone dies and leaves a grandmother she inherits from the deceased one sixth and nothing else is added to her.

(10) The rest is to his close relatives, to everyone according to his right.

(11) When a man or a woman dies and leaves a daughter, she inherits a half of his goods⁸.

(12) If there are two daughters or three or as many as there are, they inherit two thirds⁹ and nothing else is added to them.

(13) The rest (belongs) to the close relatives, each one according to his right.

(14) The sisters inherit equally according to the degree¹⁰ of the daughters when there are no sons or daughters.

(15) If the deceased shall have daughters and sisters, the daughters inherit first.

* (16) If (he has) one daughter, she inherits the half.

(17) The daughter of the son is of the degree¹¹ of the daughter.

(18) If a man dies and leaves a wife, she inherits the fourth¹² part of his goods¹³.

(19) If she has children she inherits one eighth¹⁴.

(20) The husband inherits from the wife a half when she has no children¹⁵.

⁵ *ثلث*.

⁶ Lit. work, affair, business.

⁷ *سادس*.

⁸ Lit. work, affair, business.

⁹ *ثلث*.

¹⁵ The same text appears also in other new sources, namely in Ms. Mardin Orth. 316, quire 14, fol. 6b and Ms. Mardin Orth. 323, fol. 182a-182b.

¹⁰ *τάξις*.

¹¹ *τάξις*.

¹² *رابع*.

¹³ Lit. work, affair, business.

¹⁴ *ثمان*.

* p. 87

[LXVI]

ANOTHER CHAPTER¹

ABOUT THIS (MATTER):

WHO DOES NOT INHERIT WITH ONE WHO INHERITS

- (1)² The grandfather does not inherit with the father. 5
 (2) The father inherits one sixth³ with a son.
 (3) The grandmother inherits nothing with the mother.
 (4) The mother inherits one sixth⁴ with the children or the brothers.
 (5) The brother from the mother inherits one sixth⁵ either male or 10
 female.
 (6) If they are numerous they inherit one third⁶ without any addition.
 (7) (Half) brothers who are from the mother (only) do not inherit
 with children (of the deceased) when there is a son among the children
 nor with the son of the son.
 (8) The father and the mother inherit one third⁷ for both, one 15
 sixth⁸ to each. The rest is to the children, two parts to the male and
 one to the female.
 (9) Thus to all sons and daughters.
 (10) When a man or a woman dies and leaves a daughter and a
 daughter of the son, the daughter inherits the half and the daughter 20
 of the son inherits the one sixth⁹, completing¹⁰ the two thirds¹¹.
 And the rest is to the close heirs according to their rights.
 * p. 88 * (11) When a man dies and leaves his father and mother, two
 thirds¹² to the father and one third to the mother.
 (12) If he leaves his father and his wife, the fourth of his goods 25
 (goes) to the wife and the rest to his father.
 (13) If he leaves a brother and a son of the brother, the brother
 inherits the whole heritage and the son of the brother inherits nothing
 with him.

¹ باب employed as *باب*.² This text is unknown: cf. VÖÖBUS, *Islamic Law in Syriac*, p. 15.³ سادس . سادس .⁸ سادس .⁴ سادس .⁹ سادس .⁵ سادس .¹⁰ سادس . سادس complement.⁶ ثلث . سادس .¹¹ ثلث .⁷ ثلث .¹² ثلث .

(14) If he leaves a son of the brother and an uncle on the father's side, the son of the brother inherits the whole heritage.

(15) If he leaves a son of his son and the son of his brother, the whole heritage goes to the son of his son.

5 (16) If he leaves a son of his son and brothers, the son of the son inherits the whole heritage.

(17) If he leaves uncles on the father's side, uncles on the mother's side, daughters of the daughter, grandparents on the side of the mother, all these do not inherit with the heirs who are closer related.

10 (18) If he leaves a father, a brother, a wife and a son, the father inherits one sixth¹³, the wife one eighth¹⁴, and what remains is to the son. The brother inherits nothing with these.

(19) When the wife dies and leaves her parents, her husband, and her son, a fourth¹⁵ (goes) to the husband, one sixth¹⁶ to her 15
 father, one sixth¹⁷ to her mother, and the rest to her son.

(20) If she leaves her grandfather on the father's side, and her husband, her husband (inherits) the half of her heritage and her grandfather the rest¹⁸.

* [LXVII]

* p. 89

20

THEN THE COMPUTATION¹
 OF THE INHERITANCE OF THE ARABS AND
 THEIR DISTRIBUTION AMONG THE HEIRS

(1)² When there is among the heirs one who inherits one sixth³, the heritage is divided into six parts, because a half of six constitutes 25
 three parts and the third consists of two parts and the sixth⁴ of one part.

¹³ سادس .¹⁶ سادس .¹⁴ ثمن . سادس .¹⁷ سادس .¹⁵ ربع . سادس .¹⁸ The same text appears in other new sources, namely in Ms. Mardin Orth. 316, quire 14, fol. 6b-7a and Ms. Mardin Orth. 323, fol. 182b-183a.¹ سادس .² This text is unknown; cf. VÖÖBUS, *Islamic Law in Syriac*, p. 16.³ سادس . سادس .⁴ سادس .

(2) If it shall be that among the heirs there are many in numbers, so that the parts must be (further) divided, and thereby there shall be a half of a part, double these six parts which constitute the foundation according to the number of these heirs who cause to break these parts.

(3) A man dies and leaves a mother and two daughters and three sisters. The mother inherits one sixth⁵ the two daughters two thirds⁶, and one part remains to the three sisters. This part is divided into fractions in order to be distributed among the sisters. Then multiply these six parts, which constitute the basis, three times conforming to the number of the sisters and they become eighteen. Divide them among them: one sixth⁷ of eighteen, that is three parts, to the mother; three parts to the three sisters; two thirds⁸, which are twelve parts to both daughters; and three parts to the three sisters, one part to each sister, and the computing comes out.

(4) If there shall be three daughters or five and as many as they are, and it shall be that they in like manner will break the computing as in the case of the sisters; multiply these first six parts by the number of one category, the daughters if you want * or the sisters if you want, and see what is the account which is obtained, then multiply the sum which has been brought out by you by the number of those others, either sisters or daughters. The division among the heirs comes out correct and without any fraction of a half or third or fourth, or anything else.

(5) If among the heirs there shall be a heir who inherits one fourth⁹ and another one one sixth¹⁰, the heritage is divided into twelve parts because six parts do not give a quarter¹¹ without a fraction. For this reason it comes out that this heritage should be divided into twelve parts, due to the fact the quarter¹² of twelve is three, one sixth¹³ is two and the rest is to the others.

(6) If it shall be among the heirs that some fraction (occur) with these twelve parts, multiply them as delineated by us for you in the first computing of six parts.

(7) If among the heirs there shall be one who takes an eighth¹⁴,

⁵ سادس .

⁶ تلت، سادس .

⁷ سادس .

⁸ تلت .

⁹ ربع، سادس .

¹⁰ سادس .

¹¹ ربع .

¹² ربع .

¹³ سادس .

¹⁴ ثمن، سادس .

one a fourth¹⁵, and another one sixth¹⁶, the heritage is divided into twenty-four parts, because an eighth¹⁷ cannot be taken out from twelve for the reason that it is one and a half. But from twenty-four it comes out that one eighth¹⁸ consists of three (parts) and one sixth¹⁹ consists of four parts. (Thus) this entire computing comes out (well) but more than twenty-four does not come out.

(8) If among the heirs there shall be heirs who break the parts into some (fraction) multiply these twenty-four by the number of those heirs who divide in fractions according to what we already demonstrated in the first computing of six parts, which is the basis. And so the whole computing of the inheritances of the Arabs is straight.

(9) If it shall be that there is a male among the heirs who breaks the parts into some (fraction), these parts are multiplied two times because of him for the male takes two parts and the female one. For example (the case of) * three daughters and one son: because of them * p. 91 the parts are multiplied by five.

(10) The same when there is a brother with the sisters.

The end of the computing of the inheritances according to the laws²⁰ of the Arabs²¹ as to how heritages are to be divided²².

20

[LXVIII]

THE LAWS OF THE CHRISTIAN AND VICTORIOUS KINGS

1.¹ Outside of his own province², no one should be forcefully brought to judgment if he did not take a wife or dwell in another place

¹⁵ ربع .

¹⁶ سادس .

¹⁷ ثمن .

¹⁸ ثمن .

¹⁹ سادس .

²⁰ νόμος .

²¹ طابى، سادس .

²² The same text appears also in other unknown sources, namely in Ms. Mardin Orth. 316, quire 14, fol. 7a-7b and Ms. Mardin Orth. 323, fol. 183a-184b.

¹ Among the recensions of these laws, which have been known, see page 108, this new document occupies its own place since there is no other similar cycle which is characterized by the conciseness of the formulations. Cf. VÖÖBUS, "A New Recension of the Syro-Roman Lawbook".

² ὑπαρχία.

or did not promise to go to another place. From this time forward, where he has taken a wife or settled or gone where he promised to go, (there) shall he be rightly judged.

2. A son is not to be held responsible for his ministrations and faults while his father is alive.

3. No one who denies a certain thing³ is obliged to prove it but the one who sent⁴ the thing. Therefore he who accuses cannot oblige him who is accused to prove the contrary of what he says and asserts.

4. A debtor is able to escape the claim of a loan by reason of the burning of his house which befell him.

5. When the second creditor gives to the first creditor his debt, he must ratify it by proper memorandum⁵.

6. After payment of the debt the document⁶ remains void even if it remains with the creditor, provided that it is not proscribed.

7. The wife has the right to make a testament⁷ and (that even) on 15 her *phernitā*⁸.

* p. 92 * 8. (If there is) deceit by the father in the matter of the *phernitā*— it is not the man but the daughter who shall lose.

9. The *phernitā* that the father has given, even if it was pillaged, cannot so be removed by reason of robbery since it is (vested) in the 20 property of the man.

10. The wife who has agreed with her husband in one consent on the sale of the resources which belong to her—it belongs to him to sell but the memorandum⁹ about them is hers.

11. As long as the fellowship of the husband and the wife lasts, 25 the *phernitā* is included in the property of the husband, but not in such a way that also the municipal services or the fees¹⁰ are supposed to come from the property of the husband.

12. Of these (things) which have been bestowed in weddings, the one who bestowed remains the owner.

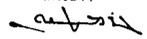
The woman should not be (joined) to another (man) before ten months of mourning for her husband (have passed).

13. A father who sees that his daughter is about to be (married) to a man and does not hinder or contradict before she is taken is (thus) supposed to have agreed to her wedding.

³ Or: property.

⁴ Lit. sending.

⁵ πιττάκιον.

⁶  γράμματα.

⁷ θιαθήκη.

⁸ φερνή.

⁹ πιττάκιον.

¹⁰ Or: wedding presents?

14. He who gives the goods¹¹ of the *phernitā* cannot be (assigned) in writing by creditors (who have claims) against the woman.

15. If a mother, after captivity (sees) when her son is sold in a public¹² place, let her sell him—he returns at once to freedom 5 and as one of noble birth is led to (all) functions¹³.

16. When the fellowship between the husband and the wife is broken, the judge must examine which of them is right (in order to determine) whether (their) child must stay with and be fed by the father or by the mother.

10 17. The husband can make a stipulation with his father-in-law (to the effect) that, should his daughter die during their marriage without issue, the whole *phernitā* remains with him.

18. It is lawful for him to make a stipulation¹⁴ that for one son, he (i.e., the husband) can take not only the *phernitā* but also the things 15 beyond the *phernitā* of the wife.

19. In the case of the woman who is under the authority of her father, if she steals * the goods of her husband, it is her father who is * p. 93 to be seized immediately for the portion which came to him from the theft. Regarding the other portion then still unknown, should it 20 reach him, he will be required in the same measure, likewise, for the rest; or he shall set (matters) right when he delivers (it) over to his daughter.

20. A woman cannot be convicted on account of her husband or her uncle.

25 21. If the husband sells some of the possessions of his wife, his sale is illicit.

22. Neither the father-in-law nor the wife can sell anything of the *phernitā*.

30 23. The son cannot bestow those things which belong to the mother while she is still living.

24. The wife although she steals something from her husband shall not be held captive at the gate¹⁵.

35 25. If the husband bequeathes¹⁶ something of the wife, he cannot take it (from his wife), not even if for a long time he has¹⁷ had authority over this (thing) from the property.

¹¹ Lit. things.

¹² δημόσιος.

¹³ Or: ministrations.

¹⁴ Or: contract.

¹⁵  porta.

¹⁶ Or: pawns.

¹⁷ Lit. he will have authority.

26. The mother cannot be held for municipal works and field charges¹⁸. Equally the husband is not liable for his wife.

27. It is not permitted for anything (belonging) to the wife to be taken in order to assign it for the debt of her husband nor can it be assigned in writing for the services of her husband.

28. He who hides a testament is condemned as one who falsifies¹⁹ books.

29. The mother who did not request an *'epit̄rūpā*²⁰ for her son does not inherit of him if he dies before puberty²¹. If he is pubescent²² and dies, his mother is called into the inheritance. There is, however, no necessity for the mother to request a curator for a son who is pubescent²³.

* p. 94 * 30. If someone in the process of making a testament reached the end²⁴ and died, this testament is void.

31. From an invalid testament, legacies²⁵ are not due. Legacies which have been left by one who does not have goods which suffice are useless. If they come again, they can be taken.

32. When there is a mother and an uncle, the mother is the one who receives the portion of the son that is called (for inheritance).

33. The testament must be sealed and ratified on the same day and in different hours.

34. No one can hold (any) inheritance (by virtue) of a bare promise and without inquiry.

35. The son of the brother cannot cause any discussion²⁶ against the uncle and the aunt who are making their testament.

36. The children who are from the sister cannot arouse any discussion over the testament of the grandfather.

37. The brother cannot arouse any discussion over the partnership of his brother who has been written into the inheritance.

38. He who claims that he has inherited even outside²⁷ the testament

¹⁸ Or: the presents of the son? ¹⁹ *ܐܢܟܘܢܐ* falsus. ²⁰ *ἐπίτροπος*.

²¹ *ܥܘܠܡܐ ܕܥܘܠܡܐ* is a term not found in the *Thesaurus syriacus*; the term is taken from Arabic *أسب* "the hair of the pubes" or "of the pudendum", LANE, *An Arabic-English Lexicon* 1, p. 56.

²² Lit. his hair sprout, cf. note 21.

²³ Lit. who raises the hair, cf. note 21.

²⁴ Lit. made.

²⁵ *ܠܗܘܬܘܢܐ*, *ληγάτων*, *legatum*.

²⁶ Ms. has *ܠܚܘܨܐ* which has no meaning: it must be a mistake for *ܠܚܘܨܐ*.

²⁷ Or: even (more), beyond.

has to demonstrate from the laws²⁸ that he is called into the inheritance.

39. He who claims that he is the heir of someone—he himself should prove it, if he can so prove.

5 40. He who once has accepted the inheritance cannot afterwards be excused from it, if he is of full age²⁹.

41. He who is not from a legal fellowship (of marriage) cannot inherit his father.

10 42. The inheritance is given equally to the brothers and sisters of the one who died.

43. The mother of the one who (at present) is not dead(?)—her sons³⁰ will inherit her equally, even if they are from different fathers.

* 44. When the departed has a mother and a brother and a sister, * p. 95 the mother is held apart; only the brother with his sister inherit.

15 45. He who once has accepted the inheritance cannot escape it if it is small and not sufficient.

46. (Missing in the manuscript).

47. No one can change a strong and true testament by order of the king³¹.

20 48. The division³² of goods²³ done by deceit is void.

49. Of those (matters) which are by the mother with respect to the division³⁴ of goods set up under contract and division, the sons are not under obligation³⁵.

50. The division³⁶ of goods without fear and fraud shall be retained.

25 51. An ordinary³⁷ curator³⁸ cannot make a division³⁹ (of goods) unless he has been ordered (to do so).

52. An *'epit̄rūpā* (cannot) sell anything from the goods of the orphans, not even in the name of his wife because she also is subjected to fury⁴⁰.

30 53. A mother cannot manage the affairs of her orphans but she must request an *'epit̄rūpā* for them.

²⁸ νόμος.

²⁹ Lit. height, stature.

³⁰ Or: children. The text seems to have suffered here.

³¹ Or should the text be understood in an unusual way: without king's order?

³² διάλυσις.

³⁶ διάλυσις.

³³ Or: dissolution of partnership.

³⁷ Lit. general.

³⁴ διάλυσις.

³⁸ *ܐܘܬܘܪܐ*, *κουράτωρ*.

³⁵ Lit. not in subjection.

³⁹ διάλυσις.

⁴⁰ It seems that the text has suffered here: the term *ܐܘܪܐ* is very strange: this rare vocable is difficult to understand here.

54. A mother who did not ask for an 'epīrūpā for her son is deprived of his inheritance if he dies before puberty⁴¹.

55. A slave after he has been liberated cannot be enslaved by bringing forward changes (in circumstances) or (other) things.

56. He who repaired⁴² a house which was neglected by its owner shall demand (payment for) the expense he had from this together with the interest, within four months after the work was done.

57. He who in the presence of the (previous)⁴³ owner took off the harvest for ten years and no one raised any objection against him, he has the authority from this length of time (to do so). If, however, the (previous)⁴⁴ owner is away, and he has had the authority for ten years to take the harvest no one can trouble him regarding this.

* p. 96 58. She who married a foreign slave * is subjected to slavery if, having being three times warned, she does not (then) abstain from him—not otherwise.

59. By no means can anyone less than twenty years old be subjected to slavery.

60. Legacies which are beyond the laws are proven⁴⁵ in the death of those who bequeath them.

61. If anybody with the knowledge of the one who donated it shall take hold of a thing donated, he holds it as one to whom it was given since long time ago.

62. Also the (one) who iniquitously took hold of some strange property is not obliged to give it to him who demands it if the (latter one) does not <prove> ⁴⁶ that he is owner of it.

63. (With regard to) usufruct⁴⁷ which has been taken by force, before it is returned, likewise, (the question of) its ownership must be investigated and examined.

64. It is not the contract nor the payment⁴⁸ that makes the buyer the owner but the delivery of the object that was bought.

65. A father who sells his son loses him like one who inducts him into slavery⁴⁹.

⁴¹ Lit. if he has no beard.

⁴² Lit. built.

⁴³ The formulation is too concise but this or a similar addition is necessary in order to make sense of the legal norm; the sense requires that there must be another person involved who may have some claims.

⁴⁴ Here the situation is the same as in the previous clause.

⁴⁵ Lit. become solid.

⁴⁷ νομή.

⁴⁶ The word is effaced.

⁴⁸ Lit. division.

⁴⁹ Something seems to be lost in the text making its sense difficult to understand.

66. If the suitor dies, the simple gifts to the fiance will not be returned.

67. One is permitted (even) if he is not a close (relative) (to give) what is donated to her in order to make a marriage settlement⁵⁰.

5 68. He who, with the knowledge of the one who donated, takes a thing from those that have been donated, it is so considered that it was delivered to him since long time ago.

69. Holding (possessions) in iniquity—the authority (for doing this) is not sanctioned by the length of time.

10 70. The one who has suffered violence because of the usufruct⁵¹—if he claims it within the period of one year, he takes the usufruct and all those (things) which are in it.

If he claims it after one year, all that he took, as much as it is, is for the one who acted with violence.

15 71. He who has carried off his betrothed does not escape rebuke; he who has carried off a virgin will be despoiled.

* 72. He who carried off a wife who has a husband, should be a...⁵². * p. 97

73. No one by the king's order⁵³ can lay hand on the usufruct⁵⁴ that he seized by force.

20 74. If he who has suffered violence claims before one year has elapsed, he takes the fourfold. However, if he claims after one year, he takes only the whole of that—as much as (was taken by the one) who caused the violence.

25 75. He who has really been freed does not suffer wrong by the perdition of the letters of his liberation.

76. He who nourished an infant, who had been abandoned, for ten years, either receives his expenses or he (may use him) for another ten years (in return) for his service.

30 76a. A mother who did not request an 'epīrūpā for her son; if this one is (only) somewhat less in years than full age⁵⁵—let a folly like this be forgiven her.

⁵⁰ δωρεά, a deed of gift: the bride's jointure or marriage settlement.

⁵¹ νομή.

⁵² The term is ܠܘܘܐܪܝܘܬܐ; this is a legal term in Syriac for which up to now there is no parallel; the *Thesaurus syriacus* does not know of its existence. Has this to do with *apporto* in connection with *damnum*?

⁵³ Or is there regardless of the ordinary syntax an unusual meaning: without king's order?

⁵⁴ νομή.

⁵⁵ Lit. stature.

[77.] Children still under subjection cannot bring a lawsuit against their parents at all.

78. When a boy passes the fourteenth year, even if he has not yet reached puberty⁵⁶, he is able to make a testament.

79. He who comes back from captivity, wherever he is, is entitled to acquire again all the things lost in the plundering and to keep possession (of them).

80. A mother should not make (legal) inquiries against her son.

81. He who has bought a woman in the public⁵⁷ place and afterwards becomes conjoined (with her), he is condemned on account of the honor of marriage (and must) leave her his price⁵⁸; in this way, she is able to go back quickly to her first condition⁵⁹.

82. (Concerning) a thief with a sword; if he has a sword with him, he shall receive punishment in like (manner to) that of a homicidal.

* p. 98 * 83. One who receives robbers⁶⁰ receives the punishment, (as) defined by the laws⁶¹, which they must receive.

84. He who says that he paid the debt must demonstrate it and not he who denies that he took it.

85. A father cannot separate his daughter from her husband if she does not wish (it).

86. It is not proper (to allow) witnesses to be vexed and led far away because of the testimony.

87. He who lied in one case⁶² is under the suspicion that he in others, too, is lying, and is under suspicion as well that he is going to do those things.

88. No one has the right to set the seal on things that are foreign (to him).

89. If a boy who did not (yet) reach puberty⁶³ dies and he does not make a testament, if he has sisters they inherit together with their mother equally. If he has a brother and also a sister, the mother receives nothing.

90. If a son who is under the authority of his father gains anything from the side of the woman, he has the ownership of what he has; the father, however, has (only) the use (of it) during his lifetime.

⁵⁶ Lit. the hair of his body.

⁵⁷ δημόσιος.

⁵⁸ τιμή.

⁵⁹ κατάστασις.

⁶⁰ ληστής.

⁶¹ νόμος.

⁶² κεφάλαιον, κεφάλαιον.

⁶³ Lit. who has no hair.

91. A son who does not leave children when he makes a testament⁶⁴ ought to give to his mother one fourth of his property: this is what he is required to leave her, if she is not a friend of his adversary. If there is no mother but there is a grandmother on the father's side also to her it is due in the same manner.

92. The wife who is taken by force⁶⁵ by her husband is not considered as without a *phernitā*⁶⁶, because through willfulness in this her's is kept.

93. A mother when she shall be in a second marriage. it is of necessity⁶⁷ for her that she shall first of all give surety regarding her marriage settlement⁶⁸, if she wishes to take it, keeping and preserving it to her children.

If, however, she does not wish to take it, it is of necessity⁶⁹ for her to leave * it to them, and she shall take one of the three (parts) * p. 99 which comes (to her) during her lifetime.

94. A slave who has been freed and dies and who has no children as he has made no testament⁷⁰, a person called patron⁷¹ takes all his estate⁷².

If, however, he made a testament⁷³ as he leaves no son, he takes the half of his properties.

If he has a son, and made a testament⁷⁴, and died. the patron takes nothing.

95. If a boy not yet (having reached) puberty⁷⁵ should die, if he is one who has no brother, his mother inherits him completely.

96. An infant who has been found and thrown away must work for twenty years in service.

However, (only) when he who took him up remains silent about taking him.

If, however, he took up this before the registrar⁷⁶ and took in

⁶⁴ διαθήκη.

⁶⁵ Lit. seized.

⁶⁶ φέρνη.

⁶⁷ ανάγκη.

⁶⁸ δωρεά.

⁶⁹ ανάγκη.

⁷⁰ διαθήκη.

⁷¹  , πατρωνός, patronus.

⁷² οὐσία.

⁷³ διαθήκη.

⁷⁴ διαθήκη.

⁷⁵ See note 21.

⁷⁶ The term is  which must be a corrupted form. There are two possibilities. Either it may be , ταβελάριος, cf. ταβελάριος ὁ ἐν σανίσι γράφων, qui tabellos scripsit, DU CANGE, *Glossarium* II, col. 1519; also ταχυδρόμος, tabellarius, a runner, letter carrier. Or the word should be , ταβουλάριος, archivarius, as this term appears in the story of Abgar, *The Doctrine of Addai*, p. 1, where Hannan is introduced as the tabularius of 'Abgar 'Ukkamē.

writing notifying that because of this he took him so that he shall work in slavery all the days of his life, he shall be a slave until the end (of his life).

97. Regarding the slaves, the offspring⁷⁷, i.e., origin, belongs to the mother but about the freed ones to the father.

98. A wife who is engaged in second marriage, it is of necessity⁷⁸ for her to settle for everyone of her children who are from the first partnership all the amount as much she gave through the *phernitā* to the second husband.

If, however, she does not observe, her son can overthrow her second partnership and shall demand (it) from her husband.

99. All the children and children of children are under the authority of their grandfather, whether they are male or female.

100. The betrothed one is required (to return) these (objects) brought to her in betrothals when the one who betrothed her dies, (namely) by his father or his mother or his brothers.

* p. 100 * If the said one kissed her, a half of them is required, however, she retains the other half.

If he has no father and no mother and no brothers all remains to her who was betrothed.

(Here the laws) have come to an end⁷⁹.

[LXIX]

THE LAWS OF THE CHRISTIAN AND
VICTORIOUS KINGS

Again the laws¹ of the victorious and Christian kings Constantinus, Theodosius and Leo, the kings of the Romans.

These are the excellent and good laws² which our Lord and God

⁷⁷ Or: generation.

⁷⁸ ἀνάγκη.

⁷⁹ In this document we have to do with a very rare record. Another source for the text appears in Ms. Mardin Orth. 316, quire 14, fol. 7b-9b. Another text is found in Ms. Mardin Orth. 323, fol. 126b-131a. In addition there is a parchment leaf in Sarfeh, cf. VÖÖBUS, *Discovery of Very Important Manuscript Sources for the Syro-Roman Lawbook*, p. 26f.

¹ νόμος.

² νόμος.

has given to men since the beginning and has made them known. In the first book of the Torah He has shown to us that Adam generated Seth, Seth Enosh and so on³, the rows of the fathers until the flood. Noah generated Shem and after that Shem generated Arpachshad⁴, and the generation of the fathers follows in order and comes until Abraham. Abraham generated Isaac, Isaac Jacob. Jacob the twelve fathers⁵. This glorious and excellent law was given by God the Lord of all so that every man should leave his goods as an inheritance to his children. For this good reason, all the nations have taken over this law, namely, that every man shall have his goods as an inheritance for his children. If he has no children, he shall leave his goods as an inheritance to whom he wishes.

Whereas all the laws of the nations differ in other matters, this right of inheritance has not been changed by any nation, but has continued and come down (to the time) of our Lord Jesus Christ who has received a body from the holy virgin and became a man according to His will, who has freed all men from error, those who so desired, and He has along with other benefits given an excellent law to the church and through His church He has given gifts of His grace to the Christian kings * of the nation of the Romans. He has given them * p. 101 the knowledge of the faith and truth and He has through His church subjugated the generations of all the nations to them so that through the ordinances of the laws of Christ, they rule men according to the law which these kings have received from the church which is a gift for all men.

For every nation and all nations who wanted to be ruled by the law, have taken their precedent⁶ from the law of Moses, have set up the laws in their generations and imitated Israel which was ruled by the laws of God. For, also, not a single one of the nations had a writing or a book (of this kind) before Moses but Moses and his laws, those which God gave to Israel, precede all sages of the Greeks, the Athenians, the Romans, the Egyptians, as we have said above, and all nations and all languages. To Israel and also to the nations was this gift given so that they were to be ruled according to the laws.

All the laws, however, were annulled by the coming of our Lord and among all nations one law of Christ has been given through the

³ Cf. Gen. iv, 25ff.

⁵ Cf. Gen. xvii, 15ff.

⁴ Cf. Gen. v, 32; x, 23ff.

⁶ Lit. cause.

Christian kings, which has begun with the glorious and blessed Constantinus, the elect of God.

1.⁷ The first degree of heritage.

If a man dies and does not write a testament⁸ and he shall leave children behind, male and female, they inherit equally. However, when he deigns to write a testament, the children inherit at his discretion.

He must give to his daughters, to every of them, her *phernitā*⁹ which goes to everyone of them, from three *uncia* of his possession— for these three *uncia*¹⁰ shall be divided among all the children of the man according to the law. As for the (remaining) nine *uncia* he may establish his children as inheritors as he wishes.

If he wants to give his sons more, he is empowered to do so.

* p. 102 * If he has no masculine children, his daughters or his daughter will inherit.

If he has no children, he may let anyone he desires inherit.

If he dies suddenly and he has no son and has not written a testament, the father of the man, if still living, inherits.

But if his father is no longer alive, his brothers and also his sisters inherit equally.

If his mother still lives, she is numbered in the inheritance of her son like one of her sons, equally.

If a man dies suddenly and has not written a testament, and leaves no father nor mother nor children, but uncles on his father's side, the sons of the uncles inherit.

⁷ There are sources of exceptional importance for research which oblivion releases only very reluctantly and slowly. This is the case with the Syro-Roman Lawbook. When Land in 1862 published this unknown document which he found in Ms. Br. Mus. Add. 14, 528, as the «Leges saeculares» in *Anecdota syriaca* I, p. 128ff., his edition created an interest and excitement commensurate with its extraordinary value. However, the scarcity of sources has been a great disadvantage for research of this precious monument in the history of jurisprudence. In 1880, the edition of the few manuscript sources known at that time appeared, prepared by Bruns and Sachau in their *Syrisch-römisches Rechtsbuch*. It was not until 1907 that a new source, found in Ms. Mus. Borg. Syr. 81, was made available by Sachau in his *Syrische Rechtsbücher* I, p. 4ff. However, this new source is a late copy of a Nestorian manuscript, written shortly before 1869, which has brought with it new problems and complications. Since then there has been such a dearth that virtually nothing has come up which might widen our knowledge of this unique legal record; see VÖÖBUS, *Discovery of Very Important Mss. Sources*. About a short recension in Arabic, see Ibn AT-ṬAYYIB, *Fiqh an-nasrāniya*, p. 146ff.

⁸ διαθήκη.

⁹ φερνή.

¹⁰ οὐγκία, οὐγκία.

If the generation of the father and the uncles is ended, the generation of the sons of the sister or of the sons of the sisters is called for inheritance.

If also this generation is finished, the generation of aunts, namely of their masculine children, is called (for inheritance).

If they do not have masculine children, then the feminine ones enter (the inheritance).

The transmission of the inheritance from generation to generation takes place in the following manner: Only in the first degree are the female persons worthy to inherit along with the masculine persons. But in the second, third and subsequent degrees, the women and her children are excluded—they do not inherit together with their brothers or with the sons of their brothers.

For the women have the right of inheritance when together with their brothers and sisters, they inherit from their parents, brothers and sisters who die without the testament.

But this is the first degree. For the laws search for the pure seed and for those most closely related when they call for inheritance. This is called in Roman *agnatus*¹¹, i.e., the close(st) generation¹².

If, however, the close(st) generation is ended, the generation of women follows, that is in the likeness of the earth and called in Roman * *cognatus*¹³, i.e., that comes after the close(st) generation.

* p. 103

If a man comes to his death while his father still lives, he cannot write the testament. If he has sons, they stand under the domination of their grandfather, and all that they acquire in whatever way, stands under the authority of their father or grandfather as long as this or that one lives.

2. Inquiry has been made about the law whether minors can make a testament and at which age they can do so.

Now, a girl until she has become twelve years of age is under the hand of an *'epitṛpā*¹⁴, which is being translated "commander"¹⁵, and cannot make a testament. If she has exceeded the twelve years, she has exceeded the domination of the *'epitṛpā* and is under the domination of a curator¹⁶, translated "inquirer"¹⁷. And from the time the girl comes under the domination of the curator, she is enabled to make a testament.

¹¹ ὀπίπυρ.

¹² γένος.

¹³ ὀπίπυρ.

¹⁴ ἐπίτροπος.

¹⁵ κίραρ.

¹⁶ ἰατῖα, κούρατορ.

¹⁷ κίραρ.

In this manner also a boy is, until the fourteenth year, under the domination of the *'epit̄rūpā* and cannot write a testament. Beginning with the fourteenth year and higher, he is under the domination of a curator.

Minors are under the domination of a curator until the twenty-fifth year of age. From the twenty-fifth year of age and higher, a boy becomes a full man and a girl a full woman.

3. Whether the father of a woman whose husband is dead can take the role of a guardian over her children. If he gives surety¹⁸, he can (so) administer.

4. If a man dies, leaves orphaned children behind and makes a testament and names an *'epit̄rūpā* over his children, or a curator, they may carry out the guardianship over the orphans without giving surety.

But if the man did not make a testament and dies and leaves behind sons * among whom are sons of twenty-five years of age, they may carry out the guardianship over their brothers (and sisters) without giving security.

When a man dies and did not make a testament and leaves minor children behind and if he has a brother or brothers, the law commands one of these to become a curator or *'epit̄rūpā* and he shall carry out the guardianship for the children of his brother, and that he through scribes lets everything the orphans have be written up and carries out the guardianship rightly.

If he has no brothers but has a son of his brother, grown up, he shall be in like manner an *'epit̄rūpā* or curator for the children of his uncle.

But if a man dies and leaves minor children behind and he has a wife, and he did not write the testament, and he has no brothers, and his wife, the mother of the orphans, wishes to carry out guardianship over them, she must notify the judge of the place and set up an obligation before him that she will not take another man until she gives over the inheritance of the orphans which has been entrusted to her.

If also the wife does not wish to take (the burden of) her orphaned children, then the law commands the magistrates¹⁹ of the town, i.e., the chiefs, to name an *'epit̄rūpā* or curator for the orphans for which

¹⁸ Or: security, bail.

¹⁹ στρατηγός.

they shall grant a fixed honorarium according to the extent of the property.

However, the laws command that everyone who becomes an *'epit̄rūpā* over the orphans must give a surety that he protects in every manner the possession and property of the orphans and that, as soon as they come to the (prescribed) age, he will give over to them their property.

Moreover, in regard to such persons who are named through a testament as *'epit̄rūpē* or curators, the law orders that they do not need to give surety because the owners of the possessions have selected and appointed them as guardians.

5. If a man has children and they have grown up and do not obey him, that they are against everything he commands * them (to do), and even cause him shame, and he wants to exclude them from his inheritance, he is entitled (to do so).

However, he is entitled to do so (only) within the nine *uncia* of his real estate and goods for everyone he wishes to inscribe in his testament and (to whom he wishes) to give.

But the three *uncia* of his real estate and his goods, that is the fourth part of all he possesses, he shall give through the testament to all his children, so that the insolent children receive their share from this fourth part of the estate of their father as their portion, whether they be masculine or feminine.

6. When a man makes a testament and leaves behind strange inheritors the law orders him to leave (his possessions to) free men as inheritors so that the insolent children cannot circumvent the testament with the help of the laws.

However, there are insolent men and women, persons who serve the theater²⁰, hippodrome²¹, and the stadium²², the mimes²³ and the harlots among them, charioteers²⁴, gladiators²⁵, in addition persons accused of adultery, both men and women, and people of a similar kind. No person can make them inheritors in order that the testament will not be challenged by insolent children and by the close(st) generations and those that next come after them.

7. If someone in writing has been made by another his inheritor

²⁰ θέατρον.

²¹ ἵππικά.

²² στάδιον.

²³ μῖμοι.

²⁴ ἡνίοχοι.

²⁵ λουδάριος.

but does not wish to enter the inheritance, he is entitled not to enter (the inheritance).

If, before he enters it, he wishes to bestow the inheritance and confer this honor upon other, he is entitled to do so.

8. Whether an *'epīrūpā* of the orphans or a curator can sell (some) 5 of the property of the orphans, over which he has authority in order to pay the tax to the king or to pay a debt of their parents.

* p. 106 They cannot on the basis of their jurisdiction²⁶ but they can do as follows: * they shall approach and notify the judge of the place, upon the order of the judge, they may sell of the possession of the orphans 10 to pay the debt.

9. Whether someone who makes a deed of gift²⁷ to someone, can take it back again from him.

If that (person) is his son or daughter or sons (or children) of his daughter, he can during his lifetime take back again from them 15 something which he has written to them through a deed of gift.

If he, however, is a stranger, he cannot take it back from him.

10. If a man writes a deed of gift to another one or a man makes a deed of transfer²⁸ of a thing but he does not receive the usufruct²⁹ 20 at the same time together with a deed of gift or the deed of transfer written to him, then all that he has is not valid.

But if someone writes to his son or daughter and does not give over the usufruct to him, as long as they are with him, it is valid. For a stranger, however, it is not valid.

11. Whether the law permits someone to leave the amount of his 25 property through the testament as a legacy³⁰.

The law orders that he shall leave up to nine *uncia* of his possession. The three *uncia* shall remain for the inheritors. And this in such a way that three parts of his possessions he shall divide as legacy and one for his inheritors. 30

12. Whether the one who makes a testament shall leave for the lawyer³¹, who writes for him, a part of the inheritance or a legacy.

The man is entitled to leave whether he writes by his own hand or through any scribe if he cannot write. He shall write the name of the lawyer and (state) that he is giving him a legacy and what he gives 35 him with its name.

²⁶ αὐθεντία.

²⁷ δωρεά.

²⁸ καταγραφή.

²⁹ νομή.

³⁰ ληγάτον, legatum.

³¹ νομικός.

13. Whether a man is entitled to set up his slave as an authorized agent over his possession or as an *'epīrūpā* or give him *'antāliqān*³², translated "command" or "authority" over such things which his master wants to be taken care of by him.

5 * The laws also permit a man to give the authority to his son to * p. 107 become an *'epīrūpā* and authorized agent over his possessions and his estate.

14. How can a man escape so that he does not become an *'epīrūpā* for the orphans, the children of his brothers or for strange orphans, 10 through the order of the judge of the place?

When it happens that this man has five children, masculine and feminine, the laws free him from this strange burden, and the laws allow him to take pains for the nourishment of his own children. If he has less than five children, he is impelled by the law to become 15 an *'epīrūpā* or curator for strange orphans.

15. Where there is a man who has (no) children but has a slave born in the house or bought by money whom he wants to free, he may write the testament and set him up as his inheritor—the laws permit this.

20 16. When a man is dying and wants to make a testament and has minor children and designates them to be his inheritors. (and further) frees one of his slaves in the same manner, and his master then wants to set him up as an *'epīrūpā* or curator over his children, the law gives him (that) right.

25 The master is entitled to this even when he does not free him: for through the testament his master is entitled to set him up as an *'epīrūpā* or a curator over his children because this fact itself is for the slave a document³³ of freedom.

If there is a man who has children from a wife whom he has taken 30 without the *phernītā* and he wishes to make a testament and let the children from a wife without *phernītā* to inherit, the law allows this and enables him (to do so)—the law orders that he can do as he wishes.

35 17. If a man has had two wives, the first with a *phernītā* and the other without *phernītā*, and he has children from her who was without *phernītā*, and he has the other wife who according to the law had a *phernītā*, and has children also from her, whether all his children inherit equally.

³² ἀντάλιον, έντολικόν.

³³ Lit. testimony, attestation.

* p. 108 He is entitled to let them all inherit equally when he calls those * children who are from the wife without a *phernitā* strange inheritors, and does not call them children.

But if he does not make a testament, those (children) from (the wife) with a *phernitā* inherit.

18. If there is a man who has sons and his sons die before him; if he also has sons who have no sons; if he has married daughters who have children and also they die while their children live; if a man has brothers or sons of brothers—if he wants to make a testament and make these children of his daughters inheritors, they inherit according to his will.

If he, however, dies without a testament, his brothers or the sons of his brothers inherit.

If there are no brothers, his uncles or their sons inherit.

If the generation³⁴ of his father is extinct, then the generation of the sons of his daughters enters (the inheritance).

If the generation of the sons of his daughters is extinct, then the generation of the sons of his sisters.

From all generations, the masculine persons shall be selected for the inheritance, the feminine come to naught.

But if the masculine members of the generations of the man have become extinct, the feminine enter (the inheritance).

19. (Concerning) the purchase of property or houses or slaves or any object (made) on the basis of an agreement between the seller and the buyer, they having agreed regarding the price of the object of the seller among themselves (but) the earnest³⁵ not having been given and the agreed price³⁶ not paid so that there is only the contract. The law commands that the seller cannot sell the object to another one.

If the first buyer refuses to carry out the buying voluntarily, it is necessary³⁷ for the seller to write the deed of transfer³⁸ on the name of the first and the price must (then) be paid which had been agreed upon between them both, and he shall deliver over to the buyer the object which he bought *puro modo*³⁹.

* p. 109 * 20. If a man wants to free his son or a son of his son, or his sons or sons of his sons, he writes for them a release before a judge or concedes that in all they have honored him and in every way have

³⁴ γένος.

³⁵ ἄρραβών.

³⁶ τιμή.

³⁷ ἀνάγκη.

³⁸ καταγραφή.

³⁹ ἄρραβων.

obeyed him, and that for this honoring, he frees them before the judge from the jurisdiction under his hand so that they become free of every jurisdiction.

If he wants to give them gifts he gives (same) to them before the judge.

However, these emancipated⁴⁰ persons who have become free are not eligible⁴¹ for the inheritance of the families of their parents and their brothers but become alienated from them.

From the day the release was written to them before the judge, they become as strangers to those inheritances which come to the generation (of their parents) through the cases of those who die and who have not made a testament—for they are called emancipated.

Persons (so becoming) free when they die without testament, namely when they die after receiving freedom, cannot be inherited by the members of the families which they had before their release.

Their sons and daughters and their relatives, those who have become so after their release, (namely) according to the degree of the relationship of their generations, inherit.

They are not obligated for anything in case their parents have debts.

And if it happens that they die at a time when their parents are still alive, they cannot hinder them in making a testament according to their will to administer their possessions because they are free from the hand of their father that kept them in subjection.

21. If a man wants to make a testament whether he is healthy or sick, and wants to free his slaves—what number can he make free.

* If he possesses only one slave or two he can free them through his testament. But from three he is entitled to free (not more than the same number). From the number five to ten he is entitled to free half of them. From ten to thirty the third part. From thirty to hundred, however, a man can free the fourth part, i.e., (up to) twenty-five.

If it happens that a man frees a greater number than the laws order, then the number that the laws order to be freed (shall be established) and the rest who were released from that (number) remain as slaves to their inheritors.

But if a man writes a testament and writes there that all his slaves shall be free, all his slaves shall remain to the inheritors (as slaves).

⁴⁰ *ἄρραβων*, emancipatus.

⁴¹ Lit. near.

22. Is it legitimate⁴² that a slave whom his master frees before witnesses is freed?

(Namely before) the bishops and presbyters. Or if he is in the country before the chorepiscopus⁴³, called periodeut⁴⁴ or the presbyters, according to the order of the praiseworthy and blessed King Constantinus.

23. If a man decrees in writing that he frees his slave and together with the slave his private property⁴⁵, he is free.

If, however, he does not write it out explicitly, after the death of the one who freed them, his inheritors take the private property that the slave owns.

24. If the one who frees a slave can get him back to enslave him.

He can if, during his lifetime he accuses him that he was dishonored and despised by him. And if (on the other hand) he accuses him that he treated him shamefully—then the slave is subjugated to his former master.

25. Whether he who frees a slave can leave to his slave a legacy⁴⁶ and to the sons of the slave who are from a slave maiden.

The law orders that that can take place.

26. If a man buys an (allegedly) good slave who is not a runaway, the transaction allows him to test the slave during the period of six months.

If before the completion of this time of six months he does not like him, the buyer is entitled by the orders of the laws to return the slave and to deliver the slave to his former master who sold him and to receive from him the money which he gave as his price.

* p. 111 * and to deliver the slave to his former master who sold him and to receive from him the money which he gave as his price.

If before the time of six months is completed, the lad escapes the one who bought a good slave, he who bought him must search for him and then demand back the money he gave for the slave.

27. If a man sells a slave to another “generally”⁴⁷ whether he be good or bad, under the stipulation that neither of them has some recourse against the companion, that which is called in Greek *haplionē*⁴⁸, and (yet) he who bought wishes to return him to the

one who sold, the law does not allow him to send him away and (so) he cannot return him, except he finds that a demon lives in the slave.

If it can be proven it is in him and he so desires, he may return him to that one who sold him.

28. If a man orders his slave to have a law process⁴⁹ for him, the law does not allow him; it is not authorized because a slave and a free man cannot go to law for they are not equal in honor.

29. If somebody receives a slave that is not his while knowing that he is a slave, and that he will be accused⁵⁰, the law orders that the one who received him shall be consigned into slavery.

30. If a man receives a laborer who is not his, which is written *‘ēnāpographā*⁵¹, while knowing that he whom he received is a laborer of another one, he will be consigned as a laborer to his accuser.

31. If a man buys an object and gives an earnest⁵² in money, and the seller withdraws, the law orders that he (be paid) double the earnest which he received on the basis of the (entire) sum of money.

But if the buyer who gave the earnest does not want to buy, he loses his earnest which he had previously given.

32. If a slave buys an object—he is entitled to it, for what he buys belongs to his master and he is entitled to buy.

33. The laws do not give a man authority to kill his slave by his own hands.

* If, however, a deed which deserves death has been done to him by the slave, he must give him over to the authorities and they shall punish him according to his deeds.

If, however, a man, one who does not have authority from the state and dares and kills a robber or a murderer or kills a servant who deserves death, he shall be killed according to the laws—the one who dares and who kills and has no authority for this.

34. If a man wants to free his slave under the stipulation⁵³ that, after the emancipation, he shall stay with his son or his inheritors for a certain number of years, and that he although a free man should work for the inheritors, the law orders that he is so entitled.

35. Can a man free a slave under stipulation?

He can free (him) before the church or before the judge or through

⁴² Lit. beautiful.

⁴³ χωρεπίσκοπος.

⁴⁴ περιδευτής.

⁴⁵ *قوله* should be *قوله*, πεκούλιον, peculium.

⁴⁶ ληγάτον, legatum.

⁴⁷ Lit. simply.

⁴⁸ *κατάκλημα*, ἀπλῆ ὠνή, sale without warranty.

⁴⁹ δίκη.

⁵⁰ κατηγορος.

⁵¹ *ἐναπόγραφον*.

⁵² ἄρραβόν.

⁵³ Or: contract.

the testament, if he writes the stipulation into the document⁵⁴ of emancipation.

36. If a free man when questioned says about himself that he is a slave and agrees with him who buys him—if this man who says about himself that he is a slave is twenty years of age, he loses his freedom and cannot appeal to the help of the laws. Particularly if he has received the half of the price⁵⁵ of himself or has eaten it with the deceiver who sold him; he remains a slave of him who bought him.

37. If a woman, a free person, says about herself that she is a slave maiden, and she will be taken so that she will be sold or given as *phernitā* of a woman; if she is younger than twenty years the laws help her and she can rise against slavery and return to freedom.

But if she is twenty years old and above, she injures her freedom and remains slave maiden of the one who bought her or to the one who took her as a *phernitā* of a woman.

* p. 113 38. In regard to those men and women who receive stolen * objects from the slaves, the laws order that they have to return them to the owners fourfold.

39. If a man buys a slave by *qalērasā*⁵⁶, translated “good contract”, and before the completion of six months, those which are the *prāutesmiyā*⁵⁷ set up by the laws and reckoned since the day of the selling of the slave, finds in him something, a hidden sickness or a demon, the law orders the return of the slave to the man who sold him and he must receive the money he paid (originally).

But if the six months since he received him are completed, and (he has not noticed) a hidden sickness in the slave, the one who bought is not entitled to return him to the one who sold him.

40. Thus the regulation about the slave and slave maiden in the (legal) judgment:

If a man buys a slave or slave maiden *qaqēprasis*⁵⁸ or *hōpleōnē*⁵⁹, that is translated “bad contract”, by simple purchase with no retreat,

⁵⁴ τμη. Sachau was impressed by the deviation presented by Ms. Borg. Syr. 81: “Ich halte die letztere Lesart (i.e. ܩܘܕܝܢܐ Betrüger) für besser und ܩܘܕܝܢܐ für wenig wahrscheinlich...”. *Syrische Rechtsbücher* I, p. 192. Our source which goes hand in hand with Ms. Br. Mus. Add. 14, 528, cf. *Syrisch-römisches Rechtsbuch* § 73, p. 19, speaks against its trustworthiness.

⁵⁵ Lit. she will be occupied, engaged.

⁵⁶ ܩܘܕܝܢܐ καλ.ῆ πρῶσις.

⁵⁷ ܩܘܕܝܢܐ ܕܘܕܝܢܐ, προθεσμία.

⁵⁸ ܩܘܩܝܢܐ, κακή πρῶσις.

⁵⁹ ܩܘܩܝܢܐ, ἀπλ.ῆ ὄνη.

and the one who bought wants to give back the slave or slave maiden to the seller, he cannot because he has bought by the bad contract.

But if he finds a demon in the slave or slave maiden, he is entitled to return him to the seller and receive his money.

5 If it happens that the lad—or slave maiden—flees back to the house of his former masters or he turns out to be a thief, the buyer can return the lad or the slave maiden and not only this but the buyer can demand the price of what was stolen.

41. When a slave is freed by his masters and he becomes a free man and the slave inclines to take a slave maiden for his wife after * he is * p. 114 freed and he has children by her, the law orders that the children from a slave maiden shall not inherit but those masters who freed him shall inherit him.

42. The one who wishes to free a slave shall free in the following way:

If the freeing of the slaves takes place in a town, then (it shall take place) before a bishop and six presbyters from his clergy⁶⁰.

20 If the freeing of the slaves takes place in a village, then before the *periodeut*⁶¹ and the presbyters of the village so that with them five other priests are present, and before the inhabitants of his village so that as witnesses they give their signature to the act of emancipation of the slaves. If a slave is freed in this way, his emancipation is valid and he shall be a free man.

25 If, however, his emancipation does not take place before the clergy, the emancipation of the slave is not valid and he shall be under the hand of his former masters serving slavery as the precept of the laws orders.

43. If a man buys an estate or house, or a *nāumiyā*, or a threshing floor and for ten years he is in the *nāumiyā* of the object, without being troubled by anyone with the claim that the object was pawned to him or for any other reason makes a claim over the object and no one has confirmed this by a *perangeliyā*⁶² in writing—and if a claimant then emerges in that place, the purchase remains valid because no one has troubled him and challenged him.

35 But if the claimant is in a far off country as a merchant or as a Roman or as a servant in the military⁶³ and he returns from a far

⁶⁰ κληρος.

⁶¹ περιουτευτής.

⁶² ܩܘܩܝܢܐ, παραγγελία; the Syriac term at the end of this section, translated “challenged him”, represents ܩܘܩܝܢܐ, παρήγγειλε.

⁶³ στρατεία.

off country, the law gives him the opportunity up to twenty years to bring up his reclamations⁶⁴ or something that was pawned by the seller, or the *nāumiyā* which someone has taken, though it did not belong to him (in his possession).

But if the twenty years pass by and he reclaims through the order of the laws by the way of reclamation is void.

44. What shall the one do whose lawsuit is started on the basis of *prāutesmiyā*⁶⁵ when the *prāutesmiyā* has expired?

* p. 115 * The man who goes into the lawsuit must send the *perangeliyā* to his adversary and, after the (issuance of the) *perangeliyā*, he shall wait four months.

If this lawsuit does not come up before the judge (the lawsuit comes to nothing). The claimant shall start the lawsuit anew and draw his adversary before the court.

If he, for the second time, through his cunning by the *prāutesmiyā* brings his lawsuit to nothing as in the first case, he has lost the lawsuit (because it is void) and he has nothing to do with his adversary because he brought his lawsuit and the matter to nothing two times. The laws do not permit this a third time.

This law is set up because such *dīqes* together with the *prāutesmiyā* are treated before judges.

45. How much time is required to elapse after the *perangeliyā*⁶⁶ so that the lawsuit can start? In respect to which matters? At what point does the time begin?

From the emergence of the accusation, as soon as the *perangeliyā* is sent out, it is required that four months be completed. (However) so that among them is found no weak month, i.e., *Tāmmūz*⁶⁷ or *Tešri qadim*⁶⁸, for these as weak months exclude themselves from the number of the four months: (the month) *Tāmmūz* is Julius.

The following terms are set up by the laws: Three months and six months and thereafter nine (months) because of the matters which the judges require for statements of liabilities or witnesses according to how distant the places are. (If such matters are) under the authority of a prefect⁶⁹ or of the judge of the country, three months will be given as *prāutesmiyā*. If, however, the matter required

⁶⁴ ἀγωγαι.

⁶⁵ *كسبة دايه*, προθεσμία.

⁶⁶ *كبرياء*, παραγγελία.

⁶⁷ The month of July.

⁶⁸ The month of October.

⁶⁹ ἡγεμών.

involves another state, six months are given as *prāutesmiyā*, which is called *diapōntiōs*⁷⁰.

* 46. The older laws which were ordered by the victorious King Leo and set up by the King Theodosius about the *phernitā* of women. They are as follows: * p. 116

If (in the marriage) one wishes to separate oneself from the companion, whether the man (from the wife) or the wife from the man, the one who wants to separate sends a letter of divorce, that is, being translated *ripūdin*⁷¹. From this *ripūdin* the transgression becomes manifest.

If the man transgresses against the wife, he shall give her back her *phernitā* and the marriage settlement⁷².

On the other hand, if the wife transgresses against the husband, he gives her her *phernitā* but keeps her marriage settlement for himself on account of her offence.

If the husband and wife love one another and their communion is dissolved by the death of her husband, the wife receives her *phernitā* and the marriage settlement whether she has children or not.

If through the death of the wife, who leaves no children, their communion is dissolved, the husband takes her *phernitā* and his marriage settlement in the name of his children.

If the wife who has children, dies and they die first and she afterwards, he takes her marriage settlement and the sixth part of the *phernitā* which she brought to her husband, in the name of everyone of the children.

If the wife dies before her husband and she has lived with him for three years, he takes to himself all the marriage settlement and the fourth part of her *phernitā*.

If she lived (with him) for five years and up to seven years, and has no children, the man shall take all the marriage settlement and the third part of her *phernitā*. The two remaining parts he delivers over to her father.

If he is not alive, he shall bring it to her when she is dying that she should make a testament⁷³ and leave it to anyone she wants.

If the wife has lived with her husband for twelve years or as much more as God wills that she lives, and she dies before her husband,

⁷⁰ *ساكنا*, διαπόντιος.

⁷¹ *رپودي*, repudium, a bill of divorce.

⁷² δωρεά.

⁷³ διαθήκη.

* p. 117 * her husband shall take her marriage settlement and the half of her *phernitā*. The other half he shall hand over to her father if he is still alive.

If he is not alive, he proposes that she make a testament regarding the half of her *phernitā* and leave it to anyone she wants. 5

But if the wife dies and she has no children, and no father alive, and has not made a testament, then that part that is due to her according to the years she has lived with her husband, becomes an inheritance for her relatives and to her families, those who are nearest.

However, about the burial (of the husband) and the wife and 10 concerning that which is being buried with her (or him), the laws order that everyone according⁷⁴ to what he inherits shall give to the expenses⁷⁵ of her (or his) burial.

47. The blessed and celebrated King Theodosius—may his memory be blessed!—for causes which took place during his lifetime through 15 raving people, together with all the beautiful things what he has done for the people, also added this very beautiful thing to all men who are under the authority of his kingdom.

If there is a Christian who owes to his companion a certain sum of money and this was not reclaimed up to the completion of thirty 20 years, then the creditor no (longer) has a way of demanding (this) from the man who owes the debt, and (also) not from his children.

Except in this case: an explicitly marked and known object was given as security to the creditor, and it was designated a vineyard, a field, a slave, a house, or something other like this; and the debtor 25 did not afterwards give the object, which was given as security to the first creditor, to another creditor⁷⁶, or sell or give the object as a marriage settlement or as the *phernitā*, nor did the object change owners in any other way—whether the security be a single, particular object or all that the debtor possesses, supposing that it has not 30 changed its ownership—the creditor is then entitled to take (the surety) for his debt although his statement of liability is more than thirty years old.

* p. 118 * If in some way the pawned object has changed its owner, the creditor whose statement of liability is beyond thirty years is in no way 35 entitled to take the object given him as surety.

⁷⁴ ἀναλογία.

⁷⁵ τιμή.

⁷⁶ πρόσωπον.

For if a claim rests on an object and this claim has not been raised before (the expiration) of thirty years, then after the (elapse) of the years which have been determined by the laws of the blessed Theodosius as thirty, the *agōgē*⁷⁷, translated, “every way against any 5 matter”, is void.

(This is so) whether it be against a debt, against an inheritance, against legal demands, against company business, against the boundaries of the fields, or against the *nāumiyā* of running water for the watering of gardens or against waters directed from the aqueduct⁷⁸ 10 and which run into the houses of the people in the town.

If it happens that someone neglects his *nāumiyā* for thirty years, his *agōgā*⁷⁹ becomes void and he cannot reclaim—that is what the laws order.

48. The blessed and glorious King Constantinus—may his memory 15 be blessed!—whom our Lord Jesus Christ elected for the kingdom of his people, as king honored the Catholic⁸⁰ church through many gifts and the entire priesthood in different ranks, beginning with the blessed fathers, the bishops, chorepiscopi⁸¹, presbyters, deacons, along with subdeacons and lectors. As we have said, through many 20 gifts to all the ranks of the church, he honored the dignity⁸² and the maintenance of all the clergy in all the towns and gave his maintenance to everybody according to his rank and dignity from the exchequer⁸³.

He exempted clerics from all tax so that they did not pay poll tax 25 nor tribute⁸⁴ nor something similar.

* He has set the clerics free also from the dominion of the people * p. 119 and saved them from the yoke of subjection to their parents.

Again, the blessed King Constantinus has added and given (other) 30 gifts to the church of Christ from which in every town the brothers, sisters, and widows and the entire regular clergy⁸⁵ of the church shall be fed.

⁷⁷ ~~κλαυκ~~, παραγωγή.

⁷⁸ ἀγωγός.

⁷⁹ ~~κλαυκ~~, ἀγωγή.

⁸² The text reads ~~κλαυκ~~, σχῆμα, but it is obvious that this is erroneous and the reading should be the same as at the end of this paragraph, namely

~~κλαυκ~~, ἀξίωμα.

⁸³ ταμείον.

⁸⁴ χρυσάργυρον, auraria pensatio.

⁸⁰ καθολική.

⁸¹ χωρεπίσκοπος.

⁸⁵ Ms: ~~κλαυκ~~, κανών.

Everyone shall pray together that our Lord keep firm the entire kingdom of the Romans, adore the Trinity and confess the orthodoxy.

49. The believing King Leo—he, too, in his time honored the church of Christ, overthrew the heretics, particularly the whole heresy of Nestorius of decayed mind, and honored orthodoxy and established the praise of the Trinity and very greatly honored the day of the Resurrection of our Lord, namely the first day of the week.

He has set the laws and abolished (previous) judgments and (has commanded) rulers⁸⁶ and governors that they should not act in their office but every one should gather in humility at the church of Christ offering petitions, prayers and supplications to the Trinity, knocking at the holy door of the divinity in purity and uprightness of their heart (thus) to obtain what they request.

Again, in the law which he has set up, he has ordered that no man shall dare to seize a man on Sunday and raise a claim because of any worldly affair, not because of the debt or accusation regarding insult nor because of one of the accusations regarding evil deeds, but as was said before, every man should be in peace and fervor, everyone in his place, and in the church of Christ for prayer and petition so that no one may have fear before his creditor or the judges or their servants who are the officials⁸⁷ of the (royal) officers⁸⁸.

This blessed man has honored the priesthood and all the members of the church, * (also) the mourners of the monastery. (He decreed) that if anyone dares on an appropriate day that is not Sunday, to hand over someone of the Christians, (to the authorities) because of a debt whether large or small—he determined for the officers a fixed fee⁸⁹ which they may take from Christians handed over to the authorities, fixed to a (limit of) half a dinar.

If the officers dare to demand something more, the double of all that which they took shall be demanded from them.

50. Again King Leo, the blessed—may his memory be for blessed!—set the laws that the *phernitā* settlements which are from the date of his law into perpetuity, shall be regulated by contracts and has determined these contracts in the following way:

⁸⁶ ἀρχαί.

⁸⁸ The term is *κατασκευασταί* which must be a corrupted text; the codex in Rome has *κατασκευασταί*; perhaps it should be *κατασκευασταί*, royal officers, ἐπικλητής.

⁸⁹ σπόριτουλον.

⁸⁷ τάξεις.

Anything which the wife brings to the husband shall be written up in the *phernitā* (document).

The husband brings to the wife the marriage settlement as agreed between both of them, whether gold, properties, garments, whether money or slaves, or cattle or horses or camels or flocks of sheep, and shall make a contract.

In every place according to the (local) law, what the wives bring as *phernitā* and the men as marriage settlement, this (is regulated) according to what their wives bring to them, as it is in the capital of the kingdom and in all the country in the west.

What the wife brings, (namely), as much as she brings of whatever nature or kind of object, just so does the husband bring (as much) to his wife as a marriage settlement and gives it to her in writing.

If...⁹⁰ her husband writes her a hundred dinars in an object as a marriage settlement; if the wife brings two hundred dinars the husband brings two hundred dinars. They bring to one another equally, the wife and the husband, in the *phernitā* and in the marriage settlement.

However, there is another custom in the country of the administration of the east. It is this: if a wife brings a *phernitā* of a hundred dinars in objects, the husband brings a half, namely (fifty) dinars.

As to the contract which the king ordered and the laws which he set up, they are these:

* If a husband leaves his wife without offence (on her part), he shall give her all the *phernitā* and all the marriage settlement⁹¹ as was determined between them in writing in the *phernitā* and the marriage settlement.

In the same way, if the wife leaves her husband without (her husband) having committed any offense against her, it is fixed by the laws that she shall leave without taking her *phernitā* or her marriage settlement.

If through the death of the husband of the wife, the fellowship of two is dissolved, she receives her *phernitā* and a half of the marriage settlement that her husband had brought to her.

If their fellowship is dissolved through the death of the wife of the husband and if there are children or no children, the husband receives and takes to himself the whole marriage settlement he brought

⁹⁰ The text has suffered here.

⁹¹ δωρεά.

to his wife, and a half of the *phernitā* which she brought with her. He shall return the other half to the father of his wife.

If she does not have her father any longer, he shall return this half of the *phernitā* to his wife (before her death) and she is entitled to make a testament and write it to the inheritors or heirs. If she has children, to her children, if no children of her children, to anyone she wants.

But with regard to the *phernitā* before (the time of) the blessed King Leo, (the procedure should be) according to the ancient laws and according to the statutes written in the *phernitā* (documents) because of the conditions which occur between men and women, or because of the *ripūdāyē*⁹², translated, "letters of divorce", or by what may happen, or a separation takes place by the wife—the laws order that the judges shall adjudge every case according to its time.

51. About this, that among many of the people, wives and husbands do not write among themselves the *phernitā* and the marriage settlement.

* p. 122 There are nations who are not used to the custom of writing documents called *phernitā* between the wife and the husband, * but it suffices them (to do this) only in confidence⁹³, to become engaged to their wives, to crown them with a crown, to the glory of virginity and in peace, joy, and with singing to lead the wives from the house of their parents to their homes.

The laws acknowledge this agreement in confidence as the *phernitā* which has been written between the husband and the wife, and children of the wives who have no *phernitā* for their husbands, inherit (that of) the husband insofar as they have only the agreement in confidence according to the law of every country.

But, if certain things happen, these wives may lose if they do not have the *phernitā* also the marriage settlement from their husbands. However, the children, born from these wives who have married their husbands in the agreement of confidence although they have no *phernitā*—their children are the inheritors of their parents like children whose mother has a *phernitā* according to the law.

52. The laws order that no one shall take the wife of his brother. Again, one who has become a widow cannot become a wife of the

⁹² *ῥιπὺδαῖ*, repudium.

⁹³ *παρρησία*.

⁹⁴ The text is erroneous; instead of *ἄλλο* it should read *ἄλλο*.

brother of her husband. Again, a husband whose wife has died, cannot take the sister of his wife as his second wife, so to say, two sisters. The laws have determined these (rules) because of evil happenings which have occurred through many who have indulged in passion.

5 For instance⁹⁵, a man loved the wife of his brother so that both were against the husband of the wife and killed him through poison; again, a wife loved the brother of her husband and they were both against the husband, and killed her husband by poison; again, the husband loved the sister of his wife, they were both against the wife
10 and killed the wife of the husband through poison.

Because of such disaster through evil deeds, the laws forbid any marriage like this and the law orders that those who dare to join in such a marriage—except that they request (the head of) the kingdom—their children shall not inherit nor any one of their generation of those who have consented with them regarding the improper marriage between them.
15

* If, however, there is no deceit in the midst of such an affair then * p. 123 this is what must take place. The husband must bring a petition to the king. On the basis of the order of the king, the husband may take the wife of his brother. In the same way, again, it is right on the basis of the petition and of the order of the king that he may take the sister of his wife as his wife. On the basis of this decree⁹⁶, i.e., the order that the king gives, their children shall inherit their properties and possessions.

25 Again, the laws forbid anyone to take the daughter of his brother to wife, or the daughter of his sister or the sister of his father, or the sister of his mother, or the wife of his father, or the concubine of his father. If any one dares to carry out such a deed, which it is forbidden to do, the laws have hindered them so that their sons and daughters
30 shall not inherit. Nor shall anyone of their families (inherit), those who were aware of the improper deed which they committed since they agreed with them and did not hinder them from their impudence.

For these laws have been set up excellently; they hinder those who marry in insolence from making a testament inscribing the
35 inheritor they desire. It also does not give them authority over their properties and possessions. But the law orders that (others) shall inherit their possessions and properties; if there are some in their

⁹⁵ Lit. I say.

⁹⁶ *σύντα*.

families who did not agree to their marriage, who did not bring a present to their marriage feast, or did not know of their insolence, they shall inherit of them.

If, however, they have no family (member) who had not agreed to their insolence, then the exchequer⁹⁷, i.e., the treasury chamber of the king, inherits.

53. If a man lawfully marries a wife with a *phernitā* and has children and his wife dies, and if he takes another wife, the wife of his brother or the sister of his wife or the sister of his father or the concubine of his father or the wife of his father or the sister of his mother, and he has children from one of these wives, the law orders that the children of that marriage of insolence shall not inherit.

* p. 124 * But those children, however, who have been born lawfully from the first wife—they shall inherit because it was not possible for the children to hinder their father from daring (to transgress).

54. If a girl promises a man to become his wife and her parents or she herself receives a ring or any graven work in gold or gifts or other objects, and he who made the proposal of marriage to her dies—if now the parents of the one who made the proposal of marriage to her or one from his family or of those who are related to him may demand a return (of the gift) from the girl or her parents, the laws order:

If there has been a bridal bed for the girl and her bridegroom has seen her and kissed her, she gives half of what she has received—gold or garments or something else from her bridegroom or his parents—and shall return it to his parents⁹⁸.

If the bridegroom has no parents, (then) to the relatives who are close(st) to him in generation. If he has no parents or others who are closely (related) to him, his betrothed is the closest and everything she has from her bridegroom and from his parents, the law gives her.

If a young man betrothes a girl only through others, since he is far away and there was no bridal bed for the girl and the bridegroom has not seen her or kissed her, if the girl dies, everything that he gave or his parents to her, shall be returned to him or his parents by her parents or relatives—everything that is his except that which is to be deducted for eating and drinking.

55. If a man betrothes a wife from her parents or from her rela-

⁹⁷ ταμειόν.

⁹⁸ Lit. men, people.

tives or a person closely (related) to the woman and gives as an earnest⁹⁹ a ring or a graven work in gold or dinars furnished with the imprint of the king, but then the man who betrothed her does not wish to take her as for his wife, he loses his earnest and everything he brought to her as to his bride.

But if the parents of the girl wish to annul the betrothal, and do not deliver over the girl to her bridegroom, then they give what they received on the first day as earnest double (in amount). The rest, that which they received as gifts after that day, gifts which were given to the girl by her bridegroom (are returned) * as they are (and not more). * In any case—only what they received on the first day is returned double.

56. If a man gives over his daughter and he promises her in her *phernitā* a sum of money or another object and this is written down in her *phernitā*, and on the third day or (latest) on the fifth day, the husband of the wife has not (seen) fulfilled what was written in the *phernitā*, he shall demand on (these) days what is owed him in the *phernitā*.

If they do not give it to him and fulfill that which is written in the *phernitā*, then they shall issue a statement of liability to the man of the woman on anything that is owed (to the effect) that within a certain term¹⁰⁰ they will pay what they owe in the *phernitā* of their daughter. The parents or relatives shall receive from the husband of the woman another document in which it is written: "I have received such and such and everything that is written in the *phernitā* is fulfilled". This writing is called *'apōlemsis*¹⁰¹.

But if something of the *phernitā* of his wife remains owed to the husband and he does not demand the same within five years and the time expires, then the legal way¹⁰² is closed so that he cannot demand it if he does not have a letter of liability.

57. Is an orphaned girl who has no father, but a mother and brothers, entitled to marry without the consent of her mother and brothers?

If she has a curator, she is entitled to become a wife to whom she wills with the consent of the curator.

35 If she is a full grown woman according to the law, she is entitled to marry a man without the consent of a curator and without the word of her mother and her brothers.

⁹⁹ ἄρραβών.

¹⁰⁰ προθεσμία.

¹⁰¹ ἄπολεμσις, ὑπόληψις.

¹⁰² ἀγωγή.

58. If a man marries a widowed woman and buys an object in her name, or a farm or something different, if he gives her the usufruct¹⁰³ of this object which he bought in her name, the usufruct makes the woman the owner of the object bought in her name.

* p. 126 * 59. If a man buys an object or a farm or a slave in the name of his young wife whom he has taken as a virgin, is the purchase which the husband has made in her name valid? 5

The law orders that if he has bought it out of his property, it is not valid.

However, if an inheritance, after the *phernitā* which the wife brought 10 him, came to her from her parents or from any side of her family and he has bought the object in her name from these funds, the purchase he made in her name is valid.

60. If someone takes by force a virgin or widow, he is guilty of death: he who has taken by force is convicted as an adulterer. 15

61. Inquiry has been made about the law regarding the number of children (there must be) to grant the woman the *jus liberorum*¹⁰⁴, to that one born free by nature and to that one set free from slavery?

It has ordered: that, to the one born free by nature, the *jus liberorum* 20 is granted on the account of three children.

To one set free, the *jus liberorum* is granted on the account of four children.

62. Whether the wife can add to her *phernitā* after her marriage?

If possessions or an inheritance or goods come to her from her parents or one of the degrees of her family or as gifts from anyone 25 of them so she can do this, she may bring the possessions or goods which have fallen to her to her husband, adding them to her *phernitā*.

Or, she may demand from her husband the document in a lawful way, the same whether the increase be a possession or goods, in writing (to the effect) that he owes her the possessions together with their 30 interest and the properties together with their profits.

63. After a man and woman become married, so long as they are with one another and their fellowship continues, neither can write a gift to the companion.

However, if one of them writes to the companion and this one 35 * p. 127 confirms it in the case of death * through a testament, it is valid. If it does not take place in this way, it is void.

¹⁰³ νομή.

¹⁰⁴ رقبان جنتی.

64. Whether a husband, as long as his fellowship with his wife lasts, can accuse his wife on the grounds of adultery or other despicable deeds?

If he is able to prove it, he can.

5 If he has separated himself through a bill of divorce, i.e., *ripūdin*¹⁰⁵, he can accuse her (for a period) up to two months after the separation, provided he can prove it.

This can cause for her the loss of her *phernitā* (in the same way in) which it also could happen before he separated himself from her.

10 65. What matter makes the woman disreputable?

If her husband dies and she dares to marry another man before ten months after the death of her husband are completed, if she dares and does so, she is one who commits adultery and the laws take the honor from her.

15 If her husband has written something in the testament, a legacy, the laws deprive her of it because she could not wait even ten months (in regard to her husband).

66. From which honor are they deprived, those who according to the laws are without honor.

20 They cannot become envoys (and) senators¹⁰⁶. They do not become priests. They do not become counselors of the king, nor members in the assembly pertaining to the kingdom, nor judges in the towns, nor magistrates in the countries, administrators of the matters of the king or of the towns, for they are deprived of all the honors of 25 the kingdom.

67. As long as her father lives or her grandfather, a woman is not entitled to write (the testament) and set up the inheritors of her *phernitā*.

30 However, when they die and she becomes free of their jurisdiction, then she has the authority according to the stipulation of her *phernitā* contract to write and give to whom she wishes through the testament.

* In like manner also the man as long as his father or grandfather * p. 128 lives, cannot write a testament.

35 68. When does the woman have authority over the *phernitā* and become owner over it?

When her father (and grandfather) are dead and after these also her husband dies, then she becomes authorized over her *phernitā*.

¹⁰⁵ رقبان جنتی, repudium.

¹⁰⁶ συγκλητικοί.

69. The law does not allow wives to accuse¹⁰⁷ their husbands to the effect that they have done something wrong.

In the same way the law does not allow a man to accuse his brothers that they have done evil deeds.

The law also does not allow slaves to accuse their masters, except 5 when they can prove, regarding their masters, that they possess royal purple garments or precious stones, those which people cannot possess but kings alone.

Regarding other matters, it does not allow the slaves to accuse free 10 men before the court or slaves equal to them. For the law does not give a word to the slaves (in this respect).

The law does not allow sons to accuse their parents (to the effect) that they have done evil deeds.

70. If the wife of a husband dies and leaves children behind accord- 15 ing to the ancient laws, her husband is master over her *phernitā*.

The decree which the glorified and blessed King Leo ordered is this, that if the father of the wife is alive, the father inherits a half of her *phernitā* and her husband the other part of her *phernitā*.

But if the father of the wife dies and the wife becomes free from the submission to her father, then her husband inherits all her *phernitā* 20 in the name of the children who live.

If she has no children, she is entitled to make a testament and leave the half of her *phernitā* to whom she wants.

* p. 129 71. According to the laws, a free wife is entitled to give * her husband 25 authority through an injunction¹⁰⁸ to administer her property and goods.

72. If a husband had two wives, the first without a *phernitā* and he has children from her, and another who had her *phernitā* lawfully and he has children also from that one, do all the children inherit 30 equally?

It is allowed the husband to let them inherit equally if he calls the children from the wife without the *phernitā* strange inheritors—if he does not call them children but wants to make them inheritors together with his children.

However, if he does not make a testament, then the children from 35 (the woman) with the *phernitā* inherit.

73. If a free woman becomes a wife of a slave and lives with him

¹⁰⁷ κατηγορεῖν.

¹⁰⁸ ἐντολικόν.

in the house of his masters, she becomes a slave maiden together with those who are born from her in the house of the masters of the slave.

If she does not (commit) herself in writing into slavery and wants 5 to go away, she can go out but her children will be kept behind in slavery.

74. If a slave loves a free woman and a woman receives him in her house and his master learns about this, the master of the slave shall send a warning¹⁰⁹ to the woman three times that she should not 10 receive his slave. If after the warnings the woman still receives the slave, the master is entitled by the laws to draw the woman into slavery.

75. An inquiry has been raised in regard to the law, whether a husband can write his inheritance to his wife, if she has no children 15 or if she has children?

He can write in the testament that she shall inherit together with the children or shall leave her a legacy¹¹⁰ beyond her *phernitā*. The husband is entitled to write as he wishes and to set up the inheritors.

76. The laws do not allow wives to give security not even for a 20 single object.

* 77. The laws stipulate that women may, if they wish, give their * p. 130 husbands authority through an injunction¹¹¹ to reclaim their possessions and goods.

If they do not have husbands, they are entitled to give the injunction 25 to any man they wish, so that he becomes a claimer for them.

78. For how much time is it proper for a widowed wife to mourn¹¹² her husband?

The laws order that she shall mourn her husband for ten months and (that) she can then become (a wife) to another man.

30 If after her husband dies she dares and does not wait after his death ten months, she is disreputable according to the laws and they deprive her of the honor of free women.

If her husband before he passed away had written something for her into the testament, a legacy¹¹³, the laws (then) deprive her of 35 this legacy as well as of the inheritance.

79. If a wife writes a testament and leaves a testament to the

¹⁰⁹ παραγγελία.

¹¹⁰ ληγάτον, legatum.

¹¹¹ ἐντολικόν.

¹¹² Lit. await.

¹¹³ ληγάτον, legatum.

children of her son, she is not entitled to set up an *epitropā*¹¹⁴ for them or a curator to administer over them because their father who administers them has authority over them.

If they are orphans and have an *epitropā* or curator, she is entitled to set up for her inheritance a curator (—but) only over that which she leaves.

80. If a man takes a wife and she brings him slave maidens as her *phernitā*, and herds of sheep and cattle, (in this) the possession of land is not equal to the possession of human beings, namely the slaves, since the slave maidens bring forth children, those brought in the *phernitā*, or the herds of sheep or other kinds of possession or herds of cattle or anything else which grows in number through increase.

For, if a separation takes place between the husband and his wife, she receives half of the increase of all kinds from the possessions the wife brought in her *phernitā* and the entire amount that she brought (with her). The other part of the increase belongs to the husband of the wife because (these beings) were supported by his (means).

* p. 131 * 81. If a man takes a wife and he finds a demon in her, should he want to dismiss her because of the demon, the law orders (the following):

If the matter is investigated and it becomes manifest that a demon overtook her since he took her as wife, he owes to her all the *phernitā* that she brought to him, and all the marriage settlement which he has written to her.

If, however, the wife had a demon before he took her and the husband did not notice it, and he was deceived and he wishes to dismiss her, he gives to the wife what she brought in the *phernitā*, but he does not owe to her the marriage settlement that he wrote to her.

82. If a man takes a wife and, after having taken her, a suffering of the body strikes her, i.e., if it happens that her body becomes debilitated, or another hidden pain (takes place) that separates the wife from the husband, and if he wants to take another (wife), he owes her her *phernitā* and the marriage settlement.

If, however, out of the old love between them, he does not want to dismiss her, he owes to her a separate dwelling and sustenance according to the measure¹¹⁵—because it was not their will that the sufferings struck the wife.

¹¹⁴ *ἐπιτροπὴν*, ἐπιτροπός. ¹¹⁵ I.e. of the *phernitā* and the marriage settlement.

83. If it happens that a wife who has children by him and for any reason wants to leave her husband, whether she has a *phernitā* or not; inquiry has been made regarding the law, whether she can take one of her children when she departs and can rule over him according to her will.

The laws have ordered: only in case she confesses that this is a child from adultery can she take one of her children.

If, however, she wants to go away of her own accord and her husband cannot find an offence on her part, (she cannot).

10 If, however, the husband has made her his wife by force, without the *phernitā* contract and against her parents' (will) and she has no *phernitā* (from her parents) she can demand (as a recompensation) for her shame that which corresponds to the amount that her father would have given to her as the *phernitā* and what her husband would have bought to her.

* In like manner (the procedures) can take place if he sends her away against her will. * p. 132

84. If it happens that there is a separation between the husband and his wife, whether this be through death or through another cause, which gives the wife the claim to take the *phernitā*, it is right to take the following (into account):

If the garments of the *phernitā* still exist and are not yet mutilated and worn out, she shall take the garments of her *phernitā* with her.

25 If, however, they are mutilated and worn out, the price¹¹⁶ shall be fixed as it was when the garments were new—the kinds of garments and their prices are known to the merchants in every land and town. Thus, the wife shall take this price of the garments of her *phernitā* with her.

If she has gold in her *phernitā* or darics or land, she shall take with her that which she had brought from the house of her parents.

If she in the *phernitā* has brought to the husband oxen or camels or sheep and if something has been sold from the species of animals, she shall take the price instead of the sold animals.

35 If they all are still existing, she shall take the (full) number she has brought (plus) a half of the increase of all kinds (of animals) and of the sheep and the other half, she shall separate for her husband for the sustenance of the animals because they were supported by his (means).

¹¹⁶ τιμή.

The marriage settlement, however, which her husband brought her according to the *phernitā*,—as the computation of the marriage settlement indicates so she shall receive gold according to the property written (in the record).

If one of the animals is dead, he does not owe her a recompensation. 5

In like manner, if she has brought in her *phernitā*, a slave or a slave maiden and they still are extant, she shall take these slaves (and slave maidens).

But if they have been sold, her husband shall return to her (their price). 10

If the slave maiden has children, she shall take half of her children.

* p. 133 * If one of the slaves is dead, he owes her nothing.

85. Whether a husband can dismiss his wife depriving her of her *phernitā* if he cannot accuse her in matters which according to the law involve the loss of it. 15

The husband cannot, except he can prove the matter as punishable by the law; these are: if she has committed adultery with another; if she has spent the night in another house that is not hers, (namely other than) the chamber of her husband; if she has gone to a theater¹¹⁷ to see improper things and all that is related to these things. If he can prove one of these things, he can dismiss her so that she does not take her *phernitā*. 20

If, however, he wants to dismiss her for (other) reasons, though he cannot prove one of these things, he cannot dismiss her without the *phernitā* nor may he deduct anything from her *phernitā*. 25

86. Whether a wife can give a *ripūdin* of divorce to her father-in-law or to her husband and take her *phernitā* when she cannot prove an offense against her? *Ripūdin* is the bill of divorce.

A wife cannot carry out divorce and take the *phernitā* without the agreement of her husband and her father-in-law, except in the following cases: 30

Testimony of two or three witnesses who testify and swear that her husband has beaten her in an illegal way.

Or he has done to her such things as deserve divorce; such are, namely: witchcraft, brigandage¹¹⁸, or adultery. 35

Or that he brought a harlot into the house over against his wife.

Or that instead of his wife he has taken a concubine¹¹⁹.

¹¹⁷ θέατρον.

¹¹⁸ ληστεία.

¹¹⁹ πόλλαξ.

And not only this—but also if he has beaten her with a rod or a kick or with a whip¹²⁰ like a slave, or has lifted an iron instrument against her.

Under such circumstances she can. With such an argument, the laws 5 command to give her the *ripūdin* when she reclaims her *phernitā* without any impediment.

* However, she cannot enter into a legal procedure¹²¹ against her * p. 134 father-in-law unless he has given his agreement to her *phernitā*.

If her *phernitā* (contract) was made with his approval, he having 10 given his signature to it, this (opens the) way for legal procedures also against her father-in-law to reclaim her *phernitā*.

87. If a man dies without a testament, his daughters inherit of their father together with their brothers.

If their mother dies after their father and has no testament, they 15 also inherit it of their mother together with their brothers equally.

If, however, during the lifetime of their father they become married and receive a *phernitā* from their father, they pool their *phernitā* gifts with the body of the (inheritance) of their brothers and inherit equally.

If it happens that after the death of the father, while the mother 20 is still alive, one of the brothers dies not having made a testament and has no children, they inherit of him together with their other brothers and mother. For according to the (right of) inheritance their mother is numbered along with her children as one of the inheritors and inherits the one who dies whether a son or a daughter.

25 If a man dies and has no testament leaving the only son behind or the only daughter, and it happens that this only son dies while his mother still lives—if he has an uncle or a son of the uncle or sons of the uncles so his uncle inherits him or uncles. From the three parts of his inheritance, one part is for all and his mother inherits 30 two parts.

After the first degree, the inheritance is denied the women so that they do not inherit together with the masculine members, i.e., not the children of the sisters or the children of the paternal aunts, or the sons of the maternal aunts or the children of the children of them, so 35 that (the children) of the female do not inherit together with (the children) of the masculine (members).

If, however, the generation¹²² of the father has died out, i.e., the

¹²⁰ φραγέλιον.

¹²¹ ἀγωγή.

¹²² γένος.

seed of the masculine children, then the feminine generation of the father enters the inheritance.

If also the feminine generation is dead, then the generation of the mother of the man is called for inheritance.

* p. 135 * Because of the law, it will be investigated as to who is the closest (in relationship) and he shall inherit. 5

88. If a man married a wife and that man dies, having no children, the wife will receive her *phernitā* and half of her marriage settlement.

If she was a long time with her husband and it happens that the garments of her *phernitā* are worn out, she shall take the price of them 10 as they were good.

If pieces of worn out cloth are extant and the garments were fabricated in the same village or in a town—it is written in the *phernitā* contract of the woman as to where they come from—one learns the price¹²³ of the garments of every town and every village, 15 since it is known to a merchant.

Should the woman have engraved work in gold or vessels in silver, one knows their price.

Also, if she has (brought with her) fields, (their prices) are known.

If they are slaves and slave maidens and if they still live, the woman 20 takes them.

If they are dead, the woman loses on the grounds of mortality.

If the slave maidens that she has brought in her *phernitā* have left children behind, the wife takes half and the inheritors of her husband the (other) half. 25

It is in like manner if she has brought herds of sheep or goats or beasts of burden or herds of cattle, or female beasts. If these possessions still exist, the woman takes (these animals) and half of their young. If they do not exist any longer (she takes) half of their young.

In like manner one owes to the wife if she has brought bee hives. 30

* p. 136 89. The laws order that those who serve as Romans or in any other services¹²⁴ of the kingdom, that they shall not be * *epitrupē* or curators of the orphans. And neither (shall they serve as) an agent¹²⁵ and shall not represent a legal matter¹²⁶ for someone, except they are

¹²³ τιμή.

¹²⁴ τάξις.

¹²⁵ ἐντολεῖς.

¹²⁶ δίκη; the same δίκη appears also in the following line in a term translated "a cause".

entitled to plead a cause only for themselves—until they are set free (from the duties) which they carry out in the service of the kingdom.

90. If a man frees his son or daughter before a judge and frees him 5 as one emancipated from his jurisdiction and he shall have children after he was set free, the father who has set free his son has no authority over the children born to his son after his emancipation.

The children are set free from the jurisdiction of their old man, that is, the father of their father.

10 91. If a man wants to free his son who (still) is a minor and release him from the jurisdiction of his hand, the law orders that he can release him.

If also the grandfather wants to release him, he is entitled (to do so).

15 92. Whether the laws subjugate the sons of the sons of the man to their grandfather?

The sons of his son are subjugated to him, but the sons of his daughter are not subjugated to their grandfather (but) to the father of their mother, for a man has authority only over his daughter¹²⁷.

20 93. If a man makes a testament and does not write in it whether that which he has written in it is definitive, and then expresses the intention to write another testament, the testament he has written is not valid.

If now after he wrote he is anticipated by death and thus could not write in it (his signature), then three witnesses together with a 25 lawyer¹²⁸ who wrote the testament shall testify before a magistrate¹²⁹ of one of the towns swearing: "What we have heard from the mouth of the man who had died is written in the testament and nothing has been changed in it". The magistrate of the town shall confirm the testament writing * in its records, translated *hūpānnema-* * p. 137
30 *īā*¹³⁰. Then, the testament shall be as valid as those which are signed by the hand of those who die.

94. If a man about to die writes a testament and leaves a legacy¹³¹ to many and does not leave to his inheritors one fourth of all his

¹²⁷ The version in Ms. Borg. Syr. 81 reads here: *ܘܥܠܝܗܘܢ ܥܠܝܗܘܢ ܘܥܠܝܗܘܢ ܘܥܠܝܗܘܢ* "but a man has authority only over his son and the son of his son". Our document goes hand in hand with Ms. Br. Mus. Add. 14, 528, cf. *Syrisch-römisches Rechtsbuch* § 44, p. 14.

¹²⁸ νομικός.

¹²⁹ ἔκδικος.

¹³⁰ *ܘܥܠܝܗܘܢ ܥܠܝܗܘܢ ܘܥܠܝܗܘܢ ܘܥܠܝܗܘܢ*, ὑπομήματα.

¹³¹ ληγάτον, legatum.

possessions and of all the goods, it is necessary to reduce the legacy of the receivers of the legacy and add to (the amount) of the inheritance until one fourth of the estate of the deceased is reached.

If the fortune¹³² of the inheritance has a debt against it, a yearly tribute¹³³ or any other debt, the inheritor must (first of all) take this from the fortune and then make an account with the receivers of the legacy, setting aside for himself a fourth (of the fortune) and dividing the rest which is to go to them.

95. If a man dissolves partnership in an object and writes his (partner) a document of the division¹³⁴ of goods and both swear by an oath and declare in this document that the one who makes a claim against his companion shall give his partner a fee of one ounce¹³⁵ of gold or whatever (sum) pleases them, or choose to write in the document.

The party that does not keep (the promise) shall give to the party that keeps it—it shall be deemed infamous (not to keep the promise), legally speaking, and the offending party shall pay as the laws require (in the case of) that which liars have to pay as a penalty.

96. If a man buys an object and gives a sum of money as an earnest¹³⁶ payment and (the seller) retreats (from the transaction), the law orders (him) to double the earnest which he gave, according to the sum of money (involved).

If a buyer, who gave the earnest, does not wish to buy, he loses the earnest which he gave initially.

97. Is it valid for a man to take to himself a son, one who has self-jurisdiction over himself?

It is not, except if the latter himself declares it in writing before a judge.

If a man persuades his companion to give him one of his sons as a son, it is necessary for the latter to give his son over to him before a magistrate¹³⁷ * so as to release him from his authority and subjugate him, according to the law of the children, to him whom he has given the boy so that he shall be a son. The memorials shall be written, called *hūpāmnemaṭā*¹³⁸.

These documents are valid for both parties.

¹³² οὐσία.

¹³³ ἀννῶναι, annonae.

¹³⁴ διάλυσις.

¹³⁵ οὐγκία, uncia.

¹³⁶ ἀρράβων.

¹³⁷ ἡγεμών.

¹³⁸ ~~ἡγεμών~~ ὑπομνήματα.

¹³⁹ ληγάτον, legatum.

Nevertheless, such documents about the matter in question are not valid without (the approval of) the king or the judge.

98. If a man leaves through a testament a legacy¹³⁹ to an other person who is not related to him and this one has a father or a grandfather, the legacy is not subjugated to his father or grandfather, except only (in this case) that while he is a minor in years, they claim the legacy which was left him and keep it until he becomes a man.

If, however, the man is grown up, he is entitled to take the legacy.

If it is the will of his father or the grandfather of the man to take the legacy that was left to his son or daughter, he shall inform the judge and prove that he is a needy person.

If the judge has given him the authority, then he may rule over the legacy of his children.

99. The *ἑπιτροπῆ* of the orphans, to whom the cases of the orphans have been entrusted, after they have dealt with their affairs—if he wants to resign, he can not (do so).

100. If someone in writing takes someone as his son before a judge and (afterwards) wants to reject him, the laws do not allow this to him.

The laws also do not allow him to reject his natural son without due cause.

For if he wishes to free them and release them from the authority under his hand, he is entitled to do so before a judge.

101. A father cannot be made responsible to pay something for his son, except (it be that) the son has performed a matter through his father's order.

A man also cannot be taken (to pay) for his father-in-law or his brothers' (debts), unless he has given security for them in (certain) matters.

102. An *ἑπιτροπῆ* of the orphans can give an injunction¹⁴⁰ * to * another man in which he authorizes him to reclaim something on a matter regarding the orphans. But he is entitled to give him this (only) through the order of the judge.

103. The laws do not allow a man to kill a thief¹⁴¹, rather shall one deliver him over to those holding authority and to the investigators who shall punish him according to his deeds.

104. If a man starts a quarrel and prepares a trap by a ruse and

¹⁴⁰ ἐντολικόν.

¹⁴¹ ληστής.

kills another man and the murdered man has a father or a brother or another man closely (related) to him who demands his blood, the challenger is not entitled to kill him by his own hand. He, however, shall deliver over (this person) to the authorities so that they, according to his deeds, will punish him.

105. Wherewith will a transgressor be punished, who slanders and does injustice to his companion?

The laws command that according to this what he slanders and does injustice (punishment) shall be given him.

106. If one accuses another man of having killed a man and does not prove it before a judge, he shall be killed.

If one reports about another man that he has committed an evil deed, and he cannot prove it, in like manner the accuser¹⁴² shall be punished.

107. If a man buys a farm or a slave or any other object in the name of another man, so that the usufruct of a farm which has been bought or of a slave or other object is with him and he makes use of it, it is no disadvantage to him if a deed of transfer¹⁴³ of the purchase is not issued on his (own name). For, in any case, one asks only who has the usufruct (from whom) also comes the part of the king, i.e., the annual tax¹⁴⁴, particularly so, inasmuch as he paid the price of the object from his own possession.

108. The laws order that the man who is entrusted with the administration of a town shall buy nothing from those who are subjugated to him nor from the things with which he is entrusted, and nothing from their properties and their houses.

In like manner, the laws order the creditor (to the effect) that he cannot buy from his debtor something from his possession or his house until the debtor has repaid his debt to him.

* p. 140 * 109. If a man is shamefully treated by his son or his children, or the children do evil deeds to their father, he is entitled to accuse¹⁴⁵ them before the authorities because of the evil deeds done to him.

If they have done an evil deed to a stranger, the laws do not permit a man to accuse his own children; for children with their parents are not entitled to enter the courthouse.

110. If a man writes to another a donation called *dāurā*¹⁴⁶, a farm,

¹⁴² κατηγορεῖν.

¹⁴³ καταγραφή.

¹⁴⁴ ἀννῶναι, annonae.

¹⁴⁵ κατηγορεῖν.

¹⁴⁶ κῆρα, δωρεά.

or a possession, or a house, or a slave, and gives him in the *dāurā* document the authority of the ownership of this object, but retains the revenues of the object so that he can sustain himself by these revenues, the law orders that he is so entitled, (and that he may act accordingly) from the date which he wrote in the *dāurā* document.

But if he wants also to turn the revenues over to him to whom he wrote the *dāurā* document, he shall (do this) in a new writing and give the revenues over to him to whom he wrote the *dāurā* document of ownership—he is entitled (to do this).

111. If a division of the inheritance of the father takes place among the brothers or among the persons who have shares in a joint object and there be no written documents but the division takes place in the presence of witnesses, the laws order that this division is valid.

112. If a man wants to accuse¹⁴⁷ another man of evil deeds, the laws do not allow it, except he gives security that he will stand by the accusation and that he will prove it.

If he does not prove, he shall be punished according to the same accusation of the one accused, (that is), the one who was supposed to have done the evil deed.

113. If somebody in writing legally adopts a stranger as a son and then wants to exclude him from his inheritance, he can do so: he releases him before a judge and makes him a freed one¹⁴⁸, and so frees him (from his fatherly jurisdiction) like a bodily son.

* 114. If a man may accuse¹⁴⁹ a companion without risk¹⁵⁰? * p. 141

25 Only the father of the man or the relatives of the one who has been murdered.

A stranger cannot accuse another man on the grounds of murder without surety. If he should accuse wickedly, he shall be carried away by the judge.

30 115. If a man accuses¹⁵¹ another of an evil deed, he may bring a counter accusation¹⁵² against his accuser before (the legal proceedings of) the accusation (made) by the first (accuser) is settled.

If the evil deed of which the second man who was accused accuses is important (enough), it is possible that both matters may be examined (together) by the judge.

¹⁴⁷ κατηγορεῖν.

¹⁴⁸ ἐμαγκίπαιος, emancipatus.

¹⁴⁹ κατηγορεῖν.

¹⁵⁰ κίνδυνος.

¹⁵¹ κατηγορεῖν.

¹⁵² κατηγορία.

116. Does every thief deserve death?

The thieves of the night, particularly if armed, are guilty of death according to the laws.

If they are thieves of the day, they shall be punished with fines.

117. Those who fornicate with masculine persons deserve death according to the laws. If they are thieves of the day, they shall be punished with fines.

118. Those who steal human beings whether slaves or free men, deserve death according to the law.

119. In the same way, perjurers shall be prosecuted according to the measure of their deception by the lawsuits—some shall be expelled into exile, to a far away place, others shall be punished with death according to the laws.

120. Those who rob animals or beasts of burden or horses or human beings, according to the laws, are guilty of death.

Some of these robbers deserve exile¹⁵³, to be thrown into a far off land. According as the judges consider the gravity of their sins over against their foolishness so shall they give punishment to them.

* p. 142 * 121. Thieves who bore holes (into the walls of the houses) are guilty of death according to the laws.

122. The laws condemn those who do deeds with deception according to their deeds—the murderer with the penalty of death, the one who has done something that deserves injury¹⁵⁴, with injury.

123. If a man leaves an inheritance to another man through a testament, and he enters the inheritance as the heir, then, should the testator leave some debt behind, the laws order him to pay everything, even if the debt is greater than the inheritance.

If he, however, does not enter into the inheritance, (then) the laws order that one cannot demand the payment of debts from him.

124. If someone leaves an inheritance through a testament, the laws grant him eleven months to deliberate whether he will accept the inheritance or not.

If he wishes, he can refuse to accept.

125. If a man leaves an inheritance to another through the testament and this one does not enter it but gives it as a gift to another one or makes a concession¹⁵⁵; if now the testator has left a legacy¹⁵⁶ and (also) has left a debt, the heir to whom the inheritance was left, pays.

¹⁵³ ἐξορία.

¹⁵⁴ ζημία.

¹⁵⁵ παραχώρησις.

¹⁵⁶ ληγάτον, legatum.

He who gives a legacy away, pays (the debt).

126. If a man makes with his companion a *dilōsis*¹⁵⁷, translated a separation of objects, or another document which men with their companions write up about other matters, and shall write a record among themselves (including) oaths, or that the party which does not fulfil the document written among both parties shall give a sum of gold to the party which fulfilled (the obligations)—the laws command that he who violates the oaths and the *prostimonōn*¹⁵⁸ shall be demanded regarding the sum of gold that is in the record (made) among them.

* 127. If a man wants to make a brotherhood with another through a document, (namely) that they shall be as brothers and all that they own and obtain is to belong to both in common—the laws hinder this and anything they write to one another is not valid.

Their wives cannot be (held) in common and (also) their children cannot be (held) in common.

128. The children of the daughter of the man according to the laws are not subjugated under (his authority), neither the masculine nor the feminine (children).

129. A division that takes place among the grown up brothers and among other brothers who have an *ἐπίτροπᾶ* or a curator, whether these divisions take place in writing or without writing, they are valid according to the laws, if it is not found that deceit, theft, or fraud has taken place.

If, however, one of these is found (in this deal), the laws annul the divisions because of the deceit and iniquity that is among (them).

If there is one of the minors who is unjustly treated by those who here divided, the laws allow this person after he has become grown up, i.e., twenty-five years of age, (to lodge a complaint and) to demand what belongs to him and to seek for his property, (beginning with this date) until the twenty-eighth year of age.

After this person has passed the twenty-eighth year, the laws do not allow him to raise a claim regarding the previous (division).

When a man has divided (something) with his brother, he has authority only over his (own) part.

130. If a man takes a boy or a girl, a child out of adultery or a child of a poor person, whose relatives are not known, from a church or from a bathhouse¹⁵⁹ and raises the child with milk and nourishes it after it grows up, inquiry has been raised regarding the law, whether

¹⁵⁷ διάλυσις.

¹⁵⁸ πρόστιμον.

¹⁵⁹ βαλανεῖον.

he or she is a slave after they have grown up; the (law) orders thus: (decisive is) the will of the one who has raised the children. Has he raised them as slaves, left them as slaves, then, when he dies, they remain slaves. * Has he raised them as free, left them (as free), (then) when he dies, they are free.

* p. 144

131. If a man lends to another a sum of money and receives for this an engraved work in gold or silver vessels, (and) if the creditor needs his own and therefore reminds the debtor to take his security back and repay his debt, and the debtor is negligent and does not repay, the creditor then sends him three warnings¹⁶⁰ on three different occasions.

If after the three warnings the debtor does not care, does not take back his security and does not repay his debt, then the creditor is entitled to sell the security according to its price. Should the proceeds be smaller than the debt, the debtor must pay the remaining part. Should the proceeds be more than the debt, then the creditor must give the difference back.

132. If a man lends *darics*¹⁶¹ to another, without security and does not make a record¹⁶² as an acknowledgement of his liability, but gives it to him only on trust¹⁶³, then the creditor is not entitled to take security upon the property of the debtor or his goods.

Further, if he takes (security from him), he shall give the security back to the debtor and, indeed, three times (more) with it. (Only) after this is the way open for the creditor to demand back what he owes him.

133. If a man owns the lower floor¹⁶⁴ of a house and another man the upper floor, and if, when the upper floor becomes delapidated, the owner of the lower floor reminds the owner of the upper floor to repair the delapidation of the house floor, but he does not care and he does not do anything about it. Then the owner of the lower floor is entitled to bring the workers and to pay the expenses necessary for the repair work of the floor. If he puts out the money and repairs it (then he must wait) for a period¹⁶⁵ of four months after the repair work was completed.

(Now), if, by this time, the owner of the upper floor has not paid the expenses spent on the repair work of the upper floor to the owner

¹⁶⁰ παραγγελία.¹⁶¹ δαρεικοί.¹⁶² χάρτης.¹⁶³ πίστις.¹⁶⁴ Lit. house.¹⁶⁵ προθεσμία.

of the lower floor, the former shall pay to the latter who authorized¹⁶⁶ the repair work double (the cost) together with interest.

* When the lower floor has become dilapidated, in a similar manner. * p. 145
the owner of the upper floor reminds the owner of the lower floor that he should repair the walls of the lower floor. However, the upper floor (owner) is obliged to help in expenses¹⁶⁷ caused by the repair work of the lower floor.

If, above the ground floor, there is one upper floor (he must contribute) half of the expenses. If two such, then two parts.

10 If there are three upper levels, then three parts, for the foundation¹⁶⁸ of the ground floor bears all the upper floors.

Also the (middle) walls of the house must be repaired by both parties who possess them.

134. If a man pawns a field to another and there is a stipulation between themselves that the creditor takes the produce of the land instead of the interest in money on his capital¹⁶⁹—this is a valid deal for the creditor.

20 If a man pawns an ass to another or a mare or an ewe or a cow and there is a stipulation between the creditor and the debtor that instead of the interest in money the animal shall work for the creditor, this is valid. However, the young of the pawned animal (which are brought forth) belongs to the one who pawned (the animal).

25 If a man pawns to another a herd of sheep or goats and there is a stipulation between the creditor and the debtor that the produce of the herd of sheep shall be instead of the interest of money, this is valid.

The wool of the herd is for the interest in money and the young of the herd shall be for wages and for the maintenance of the shepherds and shepherd dogs.

30 However, the increased number of the herd is offset by those of the sheep that die. (In any case), the (full) number of the herd shall remain for the owner.

35 In like manner, if a man pawns a slave maiden to his companion and he gives her in usufruct¹⁷⁰ that she shall work for him, this shall be (considered) interest on the money that he borrowed from him.

¹⁶⁶ Lit. restored.¹⁶⁷ δαπάναι.¹⁶⁸ Lit. stairs.¹⁶⁹ Lit. money.¹⁷⁰ νομή.

If she (during this period) brings forth children, they belong to her owner, the debtor. For a man is not like the earth for it is God's goodness that brings forth the fruits from the earth for men.

135. Regarding a man who lends to another a sum of money and * p. 146 takes * from him securities and a pledge; and if the debtor does not pay and the creditor needs his own and sells the securities left with him.

If it happens that the guarantor of the debtor buys them, when the time comes for the debtor to redeem the securities bought by his guarantor, he is entitled to do so.

If, however, a stranger buys the securities from the creditor, the owner of the securities is not entitled to redeem them.

136. If a man orders another man through an injunction¹⁷¹ to lend money to a person, he is reckoned as a guarantor. He can be held by the creditor regarding the capital and the interest.

137. If a man borrows money from many persons and writes to every person (a document) regarding the sum of money, and then dies without having paid his creditors, and if his property¹⁷², i.e., his fortune or all that he has does not suffice, then, first, the first creditor shall be satisfied and after him the second, and the third, the fourth, and (so) the rest.

Also the *phernitā* of his wife and the marriage settlement of her (and the marriage settlement) of the bride, if he has a bride, are counted as promissory notes.

Those which are the first *phernitā* documents shall be paid first.

138. Should a man borrow a sum of money from another, write him a document about the amount of money and set him a pawn regarding something which he has had and that which comes to him.

If it happens that among these he has oxen or cows, they cannot be pawned, because they are the servants and workers of the ground. The law has excluded the oxen from pawning.

139. The laws order regarding physicians and teachers of all books, who are in the towns as well as in the country¹⁷³, that they shall be exempt of taxes, i.e., they shall not pay the poll tax or tribute¹⁷⁴.

Further, that they shall not be compelled to be *'epitrupē* for the orphans or curators because the law has set them free; for the physicians heal bodies and the scholars souls.

¹⁷¹ ἐντολῆκόν.

¹⁷² οὐσία.

¹⁷³ χώρα.

¹⁷⁴ χρυσάργυρον, auraria pensatio.

* 140. If a man has a suffering whether from an illness, an ulcer or * p. 147 a wound or from any other kind of suffering that he may have: (and) if a physician takes over his treatment and makes a sick call¹⁷⁵ and the sick person gives him an honorarium, the sick person is not entitled to raise a claim¹⁷⁶ against the physician and to take back what he gave him, whether he is infirm or is no (longer) infirm.

I say that (it is the case) in like manner also with the scholars¹⁷⁷; the one who has given them (an honorarium) cannot raise a claim in order to take back what he has given.

141. If a man borrows a sum of money from another and he makes him a document of liability that he shall, within a term¹⁷⁸ of six months repay him, the creditor is not entitled to reclaim his loan before this term. If he dares, the laws order that he shall be deprived also of his capital.

142. Whether a curator over orphans under age, if their inheritance for the raising of them is not sufficient, can demand the expenses of their raising from them as soon as they have grown up.

A curator cannot demand the expenses of raising (them) from orphans. Except (only in the case when) the curator has notified the local judge and, upon whose order, the orphans are raised (by him under the stipulation) that he can reclaim the expense of raising (them) after they have grown up according to the laws. He then may, in this way, on the basis of the order of the judge, reclaim the expenses for their upbringing.

143. If a man who has no testament dies, and he leaves sons and daughters as heirs, and if it happens that one of them dies, his brothers (and sisters) inherit, and if their mother still lives, she inherits with them as does every one of her children equally.

144. If only one remains of the children of a man and this one also dies, the laws order that the mother of the orphans inherits two parts of the inheritance and the brothers of the father one part.

* If he has no brother of the father and no sons of the brothers of * p. 148 the father, their mother is the (only) inheritor for them.

But the brothers of the mother or the sisters of the mother, or their sons, shall not be called into the heritage as long as brothers of the father and their sons or sons of sons and the mother live.

¹⁷⁵ περίοδοευσίς.

¹⁷⁶ ἀνατρόπησις.

¹⁷⁷ σχολαστικοί.

¹⁷⁸ προθεσμία.

But if there are no brothers of the father and no mother, then the brothers of the mother or sisters of the mother or their sons shall be called into inheritance, according to the order of (legal) procedure of inheritance.

The mother does not¹⁷⁹ inherit if she remarries. (If she remains as a widow) she inherits along with her children and the brothers of the father of her children as written above.

In like manner the sisters inherit of their father if they were not married during the lifetime of the father and received their *phemitā*. They bring all that they have received and inherit (the total fortune) together with their brothers equally.

If it happens that after the death of the father of the daughters, their mother still lives and one of their brothers dies and he has made no testament and has no children, they inherit of him along with other brothers and their mother. For their mother (in the right of the inheritance is numbered as one of her children and inherits a dead child, whether the child is a son or daughter.

If the mother of the daughters dies after their father who had no testament, then also the daughters inherit of their mother, together with their brothers equally.

145. Whether a man—who for God's sake—raises orphans and who has not taken curatorship legally can be made responsible to pay a debt for the orphans or (expenses) caused by a court case, before the orphans legally come of age. He cannot be obliged to pay for the orphans except in the following way:

The creditor takes from the property¹⁸⁰ of the orphans that which is pawned to him by a document, while he issues before the presbyters and the chiefs¹⁸¹ of the place¹⁸² the following writing: "I, N.N., have taken from the property of N.N. that what was pawned to me by a document".

* p. 149 * He seeds (the field) and eats its harvest and administers it according to his will, as he pays all the taxes¹⁸³ for it, whether this (property) be a field, a house, or an establishment¹⁸⁴, and as he preserves the object for the orphans until they attain twenty-five years of age, and (they become) full of age.

¹⁷⁹ The text is not in order; instead of *כחם* it should read *כד*.

¹⁸⁰ οὐσία.

¹⁸¹ αὐθένται.

¹⁸² Lit. village.

¹⁸³ ἀννόμια, annonae.

¹⁸⁴ *כחם*, κατοικητήριον.

If the heirs are grown up and reclaim the pawn from the hands of the creditor, then the income of the pawn which he holds must be reckoned. If the income is greater than the interest of the debt, this remainder will be given over to the orphans.

5 If it is smaller they must make up (the balance) in full (and pay it) to the creditor.

146. If a man has sons and one of these sons borrows money from another man, whether for business or for a matter of his own use, if the son dies or flees into another land, can the creditor demand his debt from his father or from one of his inheritors?

The creditor cannot demand something of the debt from the father or the brothers (of the debtor), unless he can (prove) that the father, or the brother had received something of the deposit¹⁸⁵ of the debt or of the objects of trade.

15 If the father of the debtor can prove that there was something of his own property in the trade or in the possession¹⁸⁶ of the son, (then he shall have it back and) the creditor shall also receive (some recompense) from the property of the debtor.

20 But if the debtor has left nothing, no inheritance, nor left any goods behind, the creditor who lent to minors loses his property because he has no legal way¹⁸⁷ for demanding (a recompense) from his father or his brothers.

147. If someone has a son or a daughter and one of them who is living with him takes something without his permission, whether it be a document¹⁸⁸ which shows that someone owes (a certain sum) to him for the purpose of getting paid by the debtor in return for which the debtor gets back his document, or an object for the purpose of selling it to another man in order to receive the price of it, can the father of this man (still) demand the price from the person who has made (such) a deal¹⁸⁹ with his son?

If he lives with him and he is subject to him, * he cannot engage in a lawsuit¹⁹⁰ with those who have made a deal¹⁹¹ with the son living with him on any matter—unless he gives them a legal submission¹⁹²

¹⁸⁵ παραθήκη.

¹⁸⁶ οὐσία.

¹⁸⁷ ἀγωγή.

¹⁸⁸ χάρτης.

¹⁸⁹ *כחם*, σύναξις.

¹⁹⁰ The term used here is *כחם*: is this κίνησις?

¹⁹¹ σύναξις.

¹⁹² ἀγωγή.

about his son, i.e. the legal right of claim (to the effect) that he has taken these objects as a thief.

If he gives them such a legal submission about his son, as the laws require, he may.

148. If someone inherits through a testament or from a gift¹⁹³ 5 from one of the relatives of his father, this is subjected to his father—that which he inherits or which he receives through a gift or shall inherit in any way. A purchase which he has purchased, a find which he has found, an inheritance which he has inherited, belongs to his father.

If it happens that during the lifetime of his father, the parents or 10 relatives of his mother leave something through a testament or as a gift, he gives them in trust to his father to keep them for his son, who must administer these objects well and he, (in turn), has no authority to take anything away from them in no way whatsoever.

After the death (of the father) these objects belong to his son and 15 to his daughter, to her relatives, since these objects come from the parents or relatives of the mother. For such objects which come to someone, whether through a testament or a gift or purchase, or from the parents of his father or his relatives, (these) are subject to his father—that which in every way¹⁹⁴ comes to him. 20

If the father wishes, he may give these objects to his child that he may inherit, or as a donation, or during the lifetime of his father he may give him through a testament or through a gift-deed.

149. If a man has placed an object as a deposit¹⁹⁵ and it so happens 25 that fire takes place and the object is burned, then when it is determined that in truth fire fell upon the house, then he (who owns the house) does not need to replace the object which was deposited with him because the fire has destroyed the house.

In like manner, if enemies rob the deposit¹⁹⁶ this man does not 30 need to replace something put with him. Also, if robbers * take the deposit, he does not need to replace what has been put with him.

150. If a man with camels and donkeys or oxen enters an inn¹⁹⁷, and pays the expenses for overnight lodging of the animals and upon delivery of the animals gives the exact number of them to the owner, and it so happens that one of the animals perishes, the law orders 35

¹⁹³ δωρεά.

¹⁹⁴ πόρος.

¹⁹⁵ παραθήκη.

¹⁹⁶ παραθήκη.

¹⁹⁷ πανδοκείον.

the owner of the inn to pay the owner of the animal the price of the animal—according to this, that he can prove he paid for it.

151. But if the owner of the cattle has long since had frequent access to the inn, and he delivers over his cattle to a small child in the absence 5 of his parents, and then by accident one of this (animals) perishes, then (he shall receive) half of the price of it—if he can prove that nothing contributed to its (death) by itself, while others testify about him that he is a free man.

152. If a man places his cattle in an inn, in confidence, without 10 a witness or without delivering (them) over to any one of the owners of the inn, and it happens that one perishes, the owner of the inn incurs no loss whatsoever. The owner, however, of the animal loses the whole of its worth because he cannot testify.

The innkeeper, however, and his hirelings must swear that they 15 had neither seen them nor noticed them.

153. If a man lends money to another without (an instrument) in writing and this one gives him a surety and the creditor needs his money but the debtor does not want to redeem (his surety), then the creditor shall charge the debtor, stating: "Take your surety back and 20 give me mine".

If he responds and then (does) not do so (it is understood) that the creditor is entitled to sell the surety and to pay himself (the debt owed) from the price.

154. If a man lends corn to another and agrees with him on the 25 interest per peck¹⁹⁸ at one-fourth peck per peck per annum, he shall pay according to the stipulation.

(The same is the case) also with oil.

If, however, someone borrows a golden (coin) engraved with the picture¹⁹⁹ of the king, * he shall repay it according to the command * p. 152 30 of the king. The obliged interest stipulated for a month on a hundred dinars is one dinar called the "percent"²⁰⁰.

But if the creditor demands more, this shall be taken from the capital.

155. If a man makes a find (for instance) dinars or vessels or some- 35 thing else and voluntarily gives it back to the owners or if he when inquiry is made, without pressure, gives a confession regarding the find, the law orders that he who found receives a fourth part of (the object), whatever it is, and the owner retains three fourths of it

¹⁹⁸ κ.λασ. μόδιος, modius.

¹⁹⁹ εικόν.

²⁰⁰ ρηθροσ, ἑκατοστή.

156. If a man has a lawsuit with his companion between whom, however, there are <no> writings which would clarify the matter, but it happens that one of the partners says: "I have a witness"—witnesses shall come forward who are accepted by the law; witnesses who are accepted by the laws are these.

Two or three men who are trustworthy, free men, who never have been found in evil deeds, i.e., in stealing or in robbery²⁰¹ or in witchcraft, or in any evil deeds such as these, persons with no 'eksūmsiā²⁰²; further, that they are not relatives of the man or his friends or from those who stand in business relationships²⁰³ with him, (that they are not slaves) but free men.

These persons the laws accept as those who may testify about anything they know when they take hold of the praiseworthy and terrible law of God and swear that they have testified the truth.

(Further), the laws accept these only if the witnesses are persons full in years, i.e., more than twenty-five years old.

If a matter which is to be examined between the parties that go to the law is old, the witnesses, whom the adversary of the man brings, shall in testifying be questioned as to how old they are (at a time) when they give a testimony; when they have testified orally before the hearers of the process, * at the same time, they shall testify about the matter—as to how old it is.

If these witnesses are found, at that time, to have been already grown up persons, i.e., more than twenty-five years old, their testimony will be accepted. If, however, one reckons the years (and finds) that their years were less than twenty-five, the laws order that their testimony will not be accepted.

157. In olden times, as God's goodness has acted continually for men in every time according to His many mercies, He has given men discernment and wisdom to build towns, to surround them with walls, and to fortify them with towers, to lay streets and to arrange places in them, to make in them a residence of kings, to build castles there and aqueducts of water.

In like manner, they have also divided lands by the measure and set boundaries between town and town, and between village and village, between kingdom and kingdom.

²⁰¹ ληστεία.

²⁰² ~~κατασκευαστα~~, ἐξωμοσία.

²⁰³ Lit. who take and give in trade.

²⁰⁴ πλατεία.

²⁰⁵ ἀγωγός.

They have laid roads (leading) from town to town, and have made them even by the measure of the miles and set up milestones along the roads.

They assigned to a mile a thousand steps and made it five hundred *qenīn*²⁰⁶.

The measure of the *qanyā*, however, is eight 'amin²⁰⁷.

They have determined according to the laws also (regulations) for the buildings of the towns.

They have established a certain width for lanes by measure for purposes of drainage and for the lighting of the houses.

The lanes, broadways²⁰⁸, and porticos²⁰⁹, which are drawn through the towns belong to all the people.

Those, however, who possess houses adjacent to the lanes are entitled to leave in the lanes doors, windows and drains.

Also at the porticos²¹⁰ and broadways.

If, however, a building stands against another building, and against the usufruct²¹¹ of the other ownership, and if he leaves a drain and windows, * if the window is only an elbow wide, in respect to the usufruct he is required to leave the breadth of two elbows for his entire building.

If, however, the windows are large and broad, and a small column, called *danqunblon*²¹², is standing between these two, the owner of the building must leave two elbows for a drain and the windows in regard to the usufruct.

If he leaves a window on the roof, it has no usufruct on the earth.

But if a man leaves one drain only without windows, he must leave for the drain two elbows.

The Roman kings have measured the lands according to their laws about the measure of *qanyā*; hundred *qanīn* are one *pēltārā*²¹³.

The *yūgōn*²¹⁴, interpreted is yoke.

The lands were measured in the days of the king Diocletian, and the standard (was fixed): five *yūgrē*, which make ten *pēltārē*.

Vineyards were fixed as one *yūgōn*.

²⁰⁶ A measuring rod.

²⁰⁷ The arm from the elbow to the tip of the middle finger.

²⁰⁸ πλατεία.

²⁰⁹ στοαί.

²¹⁰ στοαί.

²¹¹ νομή.

²¹² The term is ~~κατασκευαστα~~; it must be a corrupted form of a Greek term.

²¹³ κίβλη, πλεθρον.

²¹⁴ ~~κατασκευαστα~~, ιούγον.

Twenty *yūgrē* sowing land, which make forty *pēltārē*, and they give the *annonae* of one *yūgōn*.

In like manner also the land (was measured):

If the land is inferior, set as second²¹⁵ (class): forty *yūgrē* make eighty *pēltārē* and they give (the *annonae* of one) *yūgōn*. 5

If the land is fixed as third²¹⁶ class and taxed, it gives sixty *yūgrē* which make one hundred and twenty *pēltārē*, the *annonae* of one *yūgōn*.

The mountains are also registered in the following way: in the time (of the land register) men who have had the authority from the kingdom called the mountaineers, the peasants from another district and, according to their estimate²¹⁷, it was written down how much land on the mount gave a modius of wheat and barley. 10

In like manner, they registered the land which was not sown, * p. 155 * (namely) pasture land for sheep, as to what tribute²¹⁸ it should bring to the exchequer²¹⁹. 15

One village pays one dinar to the exchequer every year for the pasture land, another pays two, another three dinars, and even more.

The Romans take in this tribute of the pasture land in the month of Nīsān for the fodder of their horses and buy, from this, fodder for their animals. 20

Because of the laws²²⁰ set up by the victorious kings Constantinus, Theodosius and Leo, the legal argument²²¹ shall be explained to the subjects before one who can give them a word of tranquillity or before a judge, and (also) every admonition with regard to the highest²²² of the Christians as the decree that was (in effect) in those times when documents²²³ on these matters were written. 25

Likewise, shall every one judge who hears the lawsuit and renders a verdict and every one of the kings according to the decree and office (relating) what has been put into his power; so it shall be valid.

But if the writer (of the document) changes something in the date or in the instruction or supplements the date or the decree with the wrong datum, something (so written) is invalid. 30

Yet, (in the matters of the) *phernitā* (document) with every date

²¹⁵ δευτέρα.

²¹⁶ τρίτη.

²¹⁷ δοκιμασία.

²¹⁸ συντέλεια.

²¹⁹ ταμείον.

²²⁰ δικαιώματα.

²²¹ Lit. documents.

²²² ὑπατος.

²²³ χάρτης.

(it is valid) so as it is written—according to the decree which has been (in effect).

This decree came out and was ordered by the glorious King Leo about the year 517 according to the number of the reckoning of 5 Antioch²²⁴.

Here end the excellent laws which the glorious and Christian Kings Constantinus, Theodosius and Leo set up. All the beautiful laws were constituted regarding every matter so that a man could leave his goods as an inheritance to his children²²⁵.

* [LXX]

* p. 156

FROM THE DIDASCALIA¹ OF THE HOLY APOSTLES COMMANDMENTS FOR BISHOPS²

(1) Judge without respect of persons.

(2) The two parties³ shall come for judgment and they shall stand together before you, as the Scripture⁴ says that the two parties⁵ shall stand together in judgment, those who have any controversy⁶.

(3) And when you shall hear them, give a judgment righteously and judge them justly⁷.

(4) Judge thusly as though you also were being judged—you would request mercy. 20

(5) Judge thus, even as you shall (surely) be judged, because also by the judgment which you judge, (you as) an assessor⁸ (of your court).

²²⁴ The year 517 according to the Antiochian era corresponds to the year 468 A.D.

²²⁵ The same text appears also in other unknown sources, namely in Ms. Mardin Orth. 316, quire 14, fol. 9b-16, fol. 3b and Ms. Mardin Orth. 323, fol. 131b-170b.

¹ *διδασκαλία*, διδασκαλία.

² *Didascalia apostolorum* XI, ed. LAGARDE; cf. *Didascalia apostolorum* XI, ed. VÖÖBUS.

³ Lit. sides. ⁵ Lit. sides.

⁴ Lit. sides.

⁶ Lit. request, demand.

⁷ Deut. XIX, 17.

⁸ The last injunction has been rephrased.

⁸ *ἄσσορος* lit. an associate of your session.

an associate⁹ and a counselor will be judged. Our Lord Jesus Christ is with you the overseer of the judgments which you adjudge¹⁰.

(6) If there is one of you who is reviled and accused that he does not walk in the way of the Lord, and is in blasphemy and they blame him—do not listen to them.

(7) Then hear two individuals¹¹ together in an intense¹² inquiry.

(8) Be careful—because you decree¹³ judgment¹⁴ concerning eternal life or concerning an evil death¹⁵. Take heed as men who know that you decree judgment for eternal life or for an evil death.

(9) Thus sit in judgment: when you sit to judge with the rest of your brethren, let the two individuals¹⁶ (come and) stand together in judgment¹⁷.

* p. 157

* [LXXI]

OF THE SAME (NAMELY) OF THE APOSTLES¹

We are, however, abruptly² removed from the evil things and from those of the world, nevertheless we (have reason to) say: Look, brethren, and see how murderers and evildoers are sent to the kings and appear before the judges and before the rulers—although it is a murderer who is brought there. And how the judges (handle) the testimony which those who bring them give³ against him—first of all hear from their mouth. And then the judges administer justice⁴ to them and interrogate properly⁵ the doers of evil, whether these (things) are so (and) whether they have done evil or not.

⁹ ὁ συναϊδὴς ἰσθ. an associate of the ὁπόνοϛ.

¹⁰ This injunction is taken from the *Didascalia apostolorum*, but the text has been somewhat modified.

¹¹ πρόσωπον.

¹³ Lit. give.

¹² Lit. many.

¹⁴ Lit. word, saying.

¹⁵ These injunctions have been rephrased.

¹⁶ πρόσωπον.

¹⁷ Another source for this text emerges in Ms. Mardin Orth. 323, fol. 104a-104b.

¹ About this text, see the *Didascalia apostolorum* XI, ed. LAGARDE, p. 52f.; cf. *Didascalia apostolorum* XI, ed. VÖÖBUS.

² Lit. swift, hasty, headlong.

⁴ Lit. judge.

³ Or: subscribe.

⁵ Lit. well.

And if they have killed and confess, it is not (the case) that they immediately condemn him and send him to die. However, they are to be assembled together and consult about him for many days and his case⁶ is under intense⁷ thinking. And again they are to ask him. And when the curtain⁸ is drawn before the door they through much deliberation⁹ at last are to pass the sentence upon him and to decree the judgment of death. (Then) they lift up their hands towards heaven (declaring): "We call to witness that we are clear of the blood of men".

If they (do these things) being heathen and not knowing God, nor even of the retribution that comes upon them from God because they condemn an innocent in iniquity—how much more, therefore, are those who condemn those who are not guilty of sins. But you who you know who our God is and what His judgments are—you shall not dare to pronounce the sentence of death very quickly upon one who does not sin and is falsely accused.

(1) Therefore we counsel you not to do these (things) for you (must) give an answer¹⁰ to God because the judgment of iniquity which you judge shall be the sentence from God¹¹. You also, then, (must) fully allow for this.

(2) The judgment which you judge at once ascends before God: * therefore we advise you that your judgment shall be careful (and * p. 158 formed) through inquiry.

(3) If you judge in truth and righteously you will be worthy of the reward and the recompense of righteousness from Him, both then and now.

(4) And, again, if you shall judge in iniquity you shall receive from God the recompense which one deserves¹². In what manner you judge in that way will you be judged by God.

(5) Of the same¹³. Be circumspect in diligence therefore, o bishops, that you be not hasty in sitting down in judgment that you would not oppress to condemn anyone.

(6) However, before they come for judgment, bring them towards

⁶ Lit. question.

⁹ Lit. counsel.

⁷ Lit. great.

¹⁰ Lit. word, saying.

⁸ ἡλ. βῆλον, velum.

¹¹ I.e. when the end will come.

¹² This is the text of the *Didascalia apostolorum* represented only by Ms. Par. Syr. 62 and its associates.

¹³ About this text, see the *Didascalia apostolorum*, ed. GIBSON, p. 103ff.

one another and admonish them, and make peace among them^{14,15}

[LXXII]

FROM THE ECCLESIASTICAL HISTORY
OF SOCRATES

5

As this is told¹ concerning the synod that was assembled in Tyre² and what he says concerning it and of Macarius³, the presbyter.

When Athanasius the Great saw that those of them to whom he had taken exception⁴ were sent, reacted⁵ in an outcry saying this is a procedure⁶ of perfidy, for this is not of justice that the Presbyter 10 Macarius should be (detained) in chains⁷ while that one who is (his) accuser⁸ should be sent together with (his) adversaries to make a collection⁹ of evidence¹⁰—by one party¹¹ (only).

Afterwards when they were assembled at Antioch¹², the divine Julius wrote to them a letter¹³, blaming them severely condemning 15 them as those who trampled the divine canons saying: "These which were performed in Tyre were done fraudulently because the collec-

¹⁴ This is taken from the tradition in which different streams come together.

¹⁵ Another source for this text appears in Ms. Mardin Orth. 323, fol. 104b-105b.

¹ SOCRATES, *Hist. eccl.* I, XXVIII; XXXI, col. 157 ff.; 161 ff.

² The synod was held in 335 A.D.

³ A presbyter in Alexandria who defended Athanasius against the Melitians.

⁴ The Greek original reads here: ὡς δὲ Ἀθανάσιος πεμπομένους εἶδεν οὓς παραγράφω ἐπέμπετο γὰρ Θεόγνις, Μαρῖς, Θεόδωρος, Μακεδόντιος, Οὐάλης, Οὐρσάκιος. *Hist. eccl.* I, XXXI, col. 161. 164. About the chief conspirators against Athanasius, led by Theognis of Nicaea and Maris of Chalcedon, see also I, XXVII, col. 153. Others were Ursacius of Singidunum in Upper Moesia, and Valens of Mursa in Upper Pannonia.

⁵ Lit. behaved.

⁶ Lit. preparation.

⁷ Presbyter Macarius was brought to Tyre in chains.

⁸ κατηγορεῖν.

⁹ Here a technical term *συλλογία*, *πρᾶξις* is employed.

¹⁰ Here a technical term *ἀπομνήματα*, *ὑπομνήματα*, acts, records, is employed.

¹¹ Lit. side.

¹² This synod was held in 339 A.D.

¹³ SOCRATES, *Hist. eccl.* II, XV, col. 212f.

tion¹⁴ (of the evidence) in Mareotis¹⁵ was established by one party¹⁶ only"^{17,18}.

* [LXXIII]

* p. 159

FROM THE HISTORY
OF THE SAME REGARDING THE HOLY JULIUS¹

5 This is the one which makes mention of (the incident)².

"You know, o my beloved ones, that those (matters) which by one party³ were judged—there is no power⁴ for them for they are under blame"^{5,6}.

[LXXIV]

10 AGAIN THAT OF SOCRATES¹
AS HE SAYS REGARDING THE HOLY JOHANNES²

Then he made in the church a sermon which everyone knows³, whose beginning is thus: "Again Herodias behaves haughtily; again she is troubled; she dances again; and again desires the head of John

¹⁴ *συλλογία*, *πρᾶξις*.

¹⁵ A region with many churches which stood under the bishop of Alexandria, cf. ATHANASIUS, *Apologia contra Arianos* LXXXV, col. 393; Ischyra, his accuser, came from one of the villages in this region where Macarius allegedly had committed sacrilegious acts.

¹⁶ Lit. side.

¹⁷ This letter has been preserved in Greek, incorporated into the work of Athanasius, *Apologia contra Arianos* XXI, col. 879 ff.

¹⁸ Another source for this text appears in Ms. Mardin Orth. 323, fol. 105b.

¹ Julius of Rome.

⁴ Or: force.

² This text does not appear in Socrates.

⁵ Or: accusation.

³ Lit. side.

⁶ The same text appears also in Ms. Mardin Orth. 323, fol. 105b-106a.

¹ SOCRATES, *Hist. eccl.* VI, 18, col. 716 ff.

² Johannes Chrysostom.

³ This renders the Greek περιβόητον ... ὁμιλίαν, col. 717.

on a charger^{4,5} He, however, was confident regarding that which she⁶ said and was comforted regarding all that was said against him by his accusers who appeared to be fearful when he asked that these (matters) against him should be investigated—then by the bishops who were gathered⁷. However, only this was inquired in order to come to the judgment, namely that after the first accusation⁸ which was against him, he seated himself on the (episcopal) throne without a synod⁹ deliberating¹⁰ on this. But he said that sixty-five bishops held communion with him and they deliberated¹¹ on this. Those¹², however, were saying: "O Johannes, larger is the number of those who at the synod decided against you". But Johannes said that this canon¹³ is not of the orthodox¹⁴ church but of the Arians, for those who were assembled in Antioch in order to make void the faith of constancy¹⁵ because of the enmity which they had against Athanasius, had set up this canon^{16,17}.

* p. 160

* [LXXV]

OF THE HOLY THEODOSIUS¹

From² the fourth chapter³ of the allocution⁴. (Concerning)⁵ a

⁴ πίναξ.⁵ In *decolationem Praecursoris*, PG LIV, col. 485.⁶ Namely the Empress Eudoxia in connection with the silver statue which caused this quarrel.⁷ Headed by Leontius, bishop of Ancyra.⁸ This refers to his deposition by the Synodus ad Quercum, a synod at «the Oak», a suburb of Chalcedon.⁹ σύνοδος.¹² Namely the partisans of Leontius.¹⁰ Lit. thought.¹³ κανών.¹¹ Lit. thought.¹⁴ ὀρθόδοξος.¹⁵ Lit. equality of the οὐσία; this renders the Greek τῆς ὁμοουσίου πίστεως, col. 720.¹⁶ κανών.¹⁷ The same text appears also in Ms. Mardin Orth. 323, fol. 106a.¹ Theodosius, patriarch of Alexandria (537-568).² This text has been taken from the canonical letter by Theodosius which has been preserved in Ms. Br. Mus. Add. 14, 602, fol. 35a-37a; cf. VÖÖBUS, *Syrische Kanonessammlungen* I, 1, A, p. 276. The text has been edited in *Documenta ad origines monoph. illustrandas*, p. 83.³ κεφάλαιον; in the canonical letter this appears as can. 4.⁴ *ἡμετέρας*, προσφώνησις.⁵ This text represents a different recension of it. Deviations are so great that they point to an independent translation.

transgression⁶ which happens to a priest, or a sin—no one of his brethren who is in the rank⁷ of priesthood has the right (to say⁸): "I shall not sing nor pray nor serve together with an offender", but he shall wait until the deed⁹ of the brother shall be righteously investigated, (when) he shall be judged as he deserves.

In rebuke¹⁰ in this way I say, however, he¹¹ shall not sing nor pray nor serve together with the rest of the rank¹² of the brethren¹³.

Again of the same, from the fifth chapter¹⁴ of the same allocution¹⁵.

No¹⁶ one of the clergy¹⁷ shall accuse¹⁸ his brother without (doing so in) writing—except it has to do with some faintheartedness which has no need for a censure¹⁹ canonically²⁰—but in writing...²¹ the accusation²².

If he does not establish (his case) through the prescribed procedure²³ and there are no proofs²⁴ according to the ecclesiastical canons²⁵, he who accuses²⁶ (himself) falls under the reproof²⁷, ready to receive that (punishment) of the accused²⁸ one if they had found that these which were said about him were true,—and even (more) added to them.

And I say likewise therefore that he who is not persuaded²⁹ by the commandments—every one shall know that he is not ours but he who through disobedience alienates³⁰ himself from us and from all the brotherhood³¹.

⁶ Or: offence.⁷ *τάγμα*, τάγμα.⁸ This appears in Ms. Br. Mus. Add. 14, 602, fol. 36b.⁹ Or: affair.¹⁰ This is one of the accretions in the present recension.¹¹ Namely the transgression.¹² *τάγμα*.¹³ This text appears also in Ms. Mardin Orth. 323, fol. 106b.¹⁴ κεφάλαιον.¹⁵ *ἡμετέρας*, προσφώνησις.¹⁶ See note 2. Also this text represents an entirely different recension. Its deviations point to an independent translation which has been expanded.¹⁷ κληρος.¹⁹ Or: rebuke, reproof.¹⁸ κατηγορεῖν.²⁰ κανονική.²¹ The text has suffered here and is not decipherable. Also Ms. Mardin Orth. 323 cannot help us here. However, Ms. Br. Mus. Add. 14, 602, fol. 37a reads here*οὐδὲν ἔστιν ἵνα κοινῶς καθήκει κληρ*²² κατηγορία.²⁶ κατηγορεῖν.²³ *κατάλογος*, ἀκολουθία, also order,²⁷ Or: censure.

arrangement.

²⁸ κατηγορεῖν.²⁴ Lit. demonstrations.²⁹ πείσαι.²⁵ κανών.³⁰ Or: separates.³¹ This text appears also in Ms. Mardin Orth. 323, fol. 106b-107a.

[LXXVIII]

AGAIN FROM THE SAME OF THE LETTER
TO DIOSCORUS¹, THE BISHOP²

However³, neither can I venture to consent to these (statements) that
(come) from your reverence⁴, nor is it in connection with (procedure) 5
that I should pass a judgment upon these (matters), written by the
other party⁵ as (something) solid⁶—*even if it were an angel who says
* p. 162 these (things): for how can I ratify words without witnesses and
without examination while we are far away⁷ (from one another)⁸?

[LXXIX]

OF THE BLESSED MĀR JA'QÖB¹, THE DOCTOR
FROM THE THIRD MĒMRĀ ON SODOM²

Now³ let us learn what the Wise one was saying:
"I shall come down and see, that I see everything, and know every-
thing"⁴. 15
He observed the order⁵ as a judge towards the guilty ones,
That through interrogations⁶ he investigates the judgment and
thereupon settles (the lawsuit),

¹ Namely Dioscorus of Alexandria.

² This text has been preserved in Ms. Par. Syr. 62, fol. 245a; cf. *A Collection of Letters of Severus*, PO XII, p. 325.

³ The text displays variant readings.

⁵ Lit. side.

⁴ Lit. your fear of God.

⁶ Or. legal, valid.

⁷ Here the vocabel has suffered and needs correction; the same appears also in Ms. Par. Syr. 62.

⁸ Another text appears in Ms. Mardin Orth. 323, fol. 107b.

¹ Namely Ja'qöb of Serüġ (d. 521).

² About the manuscripts of this cycle of the *mēmrē*, see VÖÖBUS, *Handschriftliche Überlieferung der Mēmrē-Dichtung*, vol. I, p. 60, 141ff.; 154f.; vol. II, II, 4 (15)-(18); VII, 2, 212-215; VII, 8, 215-218.

³ About the following section, see *Homiliae selectae* V, p. 108⁵-109⁴. The text presented here has preserved a superior tradition than the manuscript used by Bedjan.

⁴ Cf. Gen. XVIII, 21.

⁵ τῶν ἐξ.

⁶ Lit. questions.

As a judge learns the truth about the murderer.
Again, he is exact and interrogates him before many;
Justice demands truth from the deceitful ones,
So that in the uncovering, the jealousy of the purity shall be demon-
5 strated.

Hear, therefore, this shows the one who sees all,
That it is very beautiful that a man should seek⁷ after the truth⁸.
Behold from here take an example⁹, o judges,
And in diligence seek the truth and be fortified¹⁰ through it.
10 Behold the greatest of the judges has taught to you through His
wisdom,

That you shall demonstrate judgment inquisitively through open
truth.

On that account He has said: "I shall descend to see"¹¹; learn this.
15 That there shall be a search into the affairs and they shall not be
wronged¹².

"I shall descend to see"¹³—like a man shall say that you have seen.
When you judge, do not hasten to condemn.

Truth¹⁴ shall be as a mirror¹⁵ for your deeds¹⁶.
20 And in it you shall consider¹⁷ so that there shall be no blemish
in your administrations^{18, 19}

If instructed²⁰ he is not guilty that he does not investigate.
How much more shall you search out the truth²¹ as ignorants²².
He²³ was saying: "I shall descend to see"²⁴ the iniquity of the daughter

25 of Gomorrha,

* Whether it is so, and if not, I shall know as I was knowing". * p. 163
Before the judge makes a judgment in his wisdom.

⁷ Or: to follow closely.

¹² Or: despised.

⁸ Or: justice.

¹³ Gen. XVIII, 21.

⁹ Lit. demonstration.

¹⁴ Or: justice.

¹⁰ Or: equipped.

¹⁵ Or: example.

¹¹ Gen. XVIII, 21.

¹⁶ Here the codex presents a correct text over against a corrupted text edited by Bedjan, *Homiliae selectae* V, p. 109¹.

¹⁸ Or: manners of life.

¹⁷ Or: have discretion.

¹⁹ Here the codex presents a correct text over against the manuscript used for the edition, *Homiliae selectae* V, p. 109.

²¹ Or: justice.

²⁰ Lit. learned.

²² Here this excerpt ends.

²³ The resumed portion of the *mēmrā* is the same which appears in *Homiliae selectae* V, p. 109²¹-110¹⁰.

²⁴ Gen. XVIII, 21.

The truth²⁵ shall rise and that in accommodation with the discipline²⁶.

As in like manner he who judges shall see the truth,

That through investigations he shall clear²⁷ himself from the blame.

Behold, the Creator has set an example²⁸ before the judges; 5

He who is upright in it is adorned when looking into it.

Manifest²⁹ as the sun is his great compassion towards the guilty ones,

That the evil does not proceed by chance³⁰ without questioning³¹.

"A bellow of Sodom and Gomorrha has ascended before me, 10

And I have come down now in order that inquisitively I shall see the judgment"^{32,33}

[LXXX]

AGAIN FROM THE APOSTOLIC COMMANDMENTS,
TO THE BISHOPS 15

They are set in the second *mēmra*¹ and they say in it the (following) words in this way.

(1) Be², however, kind, gracious, compassionate, not deceitful, not hard, not imprudent, not fierce, not arrogant³, not brutal, not haughty, not a pleaser of men, not timid, not double minded. 20

(2) Not one who mocks⁴ people who are under you.

(3) Not one who hides the laws⁵ of God from them and the words which are about repentance.

(4) Not one who is ready to thrust out and expel, but (who is) 25
circumspect, not stern⁶, not headstrong⁷.

²⁵ Or: justice.

²⁶ Or: chastisement.

²⁷ Lit. strain.

²⁸ Or: mirror.

³³ Another text appears in Ms. Mardin Orth. 323, fol. 107b-108a.

²⁹ Or: evident.

³⁰ Or: rashly.

³¹ Lit. questions.

³² Gen. xviii, 20f.

⁶ The Greek original reads here μή φιλεπιτιμητής.

⁷ Or: a boaster.

* (5) For⁸ it is not right that you are ready to thrust out one who * p. 164
sins, and are slow⁹ to receive him who returns, and easily cutting (him) off, but not pitiful to heal the one who has become ill¹⁰. For about such as these says the divine book: "Their feet run to the evil and they 5
are quick to shed blood"¹¹; "Misery¹² and wretchedness are in their ways and they have not known the way of peace"¹³: "The fear of God is not before their eyes"^{14,15}

(6) However¹⁶, know you that he who thrusts out one who has not committed wrong, or who does not receive him who returns, 10
kills his brother and sheds blood as Cain (did that) of his brother Abel, "And his blood cries out to God"¹⁷, and is required. For a just man if killed unjustly by any one is at rest with God forever.

(7) In like manner (is the case) of him who empty-handed¹⁸ is cut off by the bishop. Therefore he who expels one who is blameless 15
is a destroyer¹⁹, who is more cruel²⁰ than a murderer because he has no regard for the mercies of God nor is mindful of His goodness towards those who repent nor does he see²¹ the example of those who as such upon the multitude of their sins have received forgiveness through repentance. On this account he who throws out 20
a blameless person in this way is more savage²² than the killer <of the body>.

(8) Again, he who does not receive one who repents, scatters those of Christ²³ and he is (really) against Him^{24,25}

(9) (Learn)²⁶ from Bar Sirach: "Murderers cause much devastation 25
but not as (much as) the murderer by tongue"²⁷. And from the Book of

⁸ Here begins a new section which corresponds with *Constitutiones apostolorum* II, XXI, 4, p. 79.

⁹ Lit. slothful.

¹⁰ Cf. the original Greek τὸν ἀλγοῦντα.

¹³ Isa LIX, 7-8.

¹¹ Prov. I, 16; Isa LIX, 7.

¹⁴ Ps. XXXVI, I.

¹² Or: vexation.

¹⁵ Here ends this section.

¹⁶ Here begins a new section which corresponds with *Constitutiones apostolorum* II, XXI, 7-9a, p. 79, 81.

¹⁷ Gen. IV, 10.

¹⁸ Cf. the original Greek ματαίως.

²⁰ Lit. bitter.

¹⁹ Or: defiler.

²¹ Lit. taking.

²² The original Greek has here ἰταμώτερος.

²³ Cf. Matth. XII, 30.

²⁵ Here ends this section.

²⁴ Cf. Matth. XII, 30.

²⁶ The beginning of a new section which is not taken from the Apostolic Constitutions, also not from the Syriac Didascalia. This section continues to the end.

²⁷ Jesus Sir. XXVIII, 18.

Proverbs: "A wicked man through his mouth corrupts²⁸ his neighbor"²⁹. And again: "Be not a false witness against your neighbor"³⁰. And again: "Do not calumniate with your lips"³¹.

(10) According to the divine law³³ (the rule is:) "If there rises a witness of iniquity³⁴ against a man, and testifies against him iniquity, 5 there shall be both who have a lawsuit before the Lord, before the priest, the judges who will be (in office) * in those days; and the judges * p. 165 shall investigate the judgment properly³⁵, and shall see whether it is a testimony of falsehood which he seeks to testify against his brother —(then) do to him that something³⁶ which he had meant to do to 10 his brother, and uproot the evil from your midst"³⁷. From the Gospel³⁸ (we hear): "For with what judgment you judge, you shall be judged, and by what measure you measure will you be measured"^{39, 40}

[LXXXI]

15

THE COMMANDMENTS OF THE HOLY APOSTLES TO BISHOPS

(1) If¹ there is one of the brethren who has no offence and is without blame, and who, because of the respect of men or² because of gifts, is condemned by a judge of iniquity—your judgment will not inflict 20 loss to him in any way before God.

(2) The judgment by judges of iniquity which condemns will rather advance him the more.

²⁸ Lit. twists.

²⁹ Prov. XI, 9.

³⁰ Prov. XXIV, 28.

³¹ Prov. XXIV, 28.

³² νόμος.

³³ νόμος.

³⁴ The rendering is against the Pešittā which reads here . In this text there are several deviations from the pattern of the Pešittā.

³⁵ Lit. well.

³⁶ This  does not appear in the Pešittā.

³⁷ Deut. XIX, 16-19.

³⁸ εὐαγγέλιον.

³⁹ Matth. VII, 2.

⁴⁰ Another source for this text emerges in Ms. Mardin Orth. 323, fol. 108a-109b.

¹ This section was taken from the Syriac Didascalia chapter XI; cf. *Didascalia apostolorum*, ed. LAGARDE; cf. *Didascalia apostolorum*, ed. VÖÖBUS.

² What follows represents an expanded form of the text; however, it does not follow the line of thought expressed in Ms. Par. Syr. 62.

(3) You³ who have thrust him out from the church that is on earth, cause him to dwell in the church that is in heaven which is blameless, staying with God.

(4) And you shall be thrust out from the church which is in 5 heaven.

(5) For⁴, because he, by men with judgments in a short time, has been judged iniquitously by wicked men, and has been condemned, afterwards, however, in the day of judgment on account of such by whom in iniquity he was condemned, you, therefore, will receive 10 (retribution) from God so that you will be separated and thrust out from the catholic⁵ church of God, and you (indeed) will complete His word: "In that judgment which you judge, you are being judged by it"^{6, 7}

(6) On⁸ the other hand, if you hear only⁹ one party¹⁰ and accept a slanderer against your brother, not placing his companion with 15 him¹¹, and that you do not put two parties¹² together in judgment, and * (further) that he is not defending himself regarding that of which * p. 166 he was accused by him, and you hastily condemned him by the sentence of finding (him) guilty, still hearing falsehood from his mouth which you have heard—because you believed the falsehood which you heard 20 while he¹³ was not present and not making any defense on his own behalf and he is condemned—you have become partakers of the falsehood of him who accused falsely¹⁴.

(7) You shall be guilty before God together with him who witnessed falsehood.

25 (8) On the account that you have accepted his witness you shall die by God^{15, 16}

³ What follows is entirely new which does not appear in any of the recensions of the Syriac Didascalia.

⁴ The following text is a different recension of the Syriac Didascalia which goes its own way.

⁶ Matth. VII, 2.

⁷ The end of this section.

⁵ καθολική.

⁸ The beginning of another section taken from the Syriac Didascalia XI but following the tradition of Ms. Par. Syr. 62; cf. *Didascalia apostolorum*, ed. LAGARDE, p. 52. cf. *Didascalia apostolorum*, ed. VÖÖBUS.

⁹ What follows represents a different recension.

¹⁰ Lit. side. The Syriac Didascalia reads here . πρόσωπον.

¹³ I.e. his adversary.

¹¹ I.e. before the court.

¹⁴ Lit. oppressed.

¹² Lit. side.

¹⁵ Another source for this text appears in Ms. Mardin Orth. 323, fol. 109b-110a.

[LXXXII]

OF THE HOLY JOHANNES,
THE BISHOP OF CONSTANTINOPLE
FROM THE LETTER¹ TO INNOCENT²,
Patriarch of Rome

5

For these (things) of the present which were done by them are beyond every order³ and (all) ecclesiastical canons and are such⁴ that even in the secular⁵ courthouse such as these would never be presumptuously committed, and not even in the courthouse of the barbarians, and neither Scythians nor Sarmatians would ever have judged in this way condemning, (while hearing) one side (only),—(with) the one accused being absent who deprecated⁶ not the judgment but the enmity, who called many judges, asserting⁷ that he is not guilty and is prepared in the presence of the whole world to put off the accusation and to demonstrate himself that he is without guilt in all them⁸.

15

¹ JOHANNES CHRYSOSTOMUS, *Innocentio episcopo Romae*, ed. MIGNE PG LII, col. 534f. τὰ γὰρ νῦν γεγενημένα παρ' αὐτῶν πασης ἐκτός ἐστιν ἀκολουθίας, καὶ παντὸς νόμου καὶ κανόνος ἐκκλησιαστικοῦ. Καὶ τί λέγω κανόνος ἐκκλησιαστικοῦ; Οὐδὲ ἐν τοῖς ἔξω μὲν οὖν δικαστηρίοις τοιαῦτα ἐτολήθη ποτὲ, μᾶλλον δὲ οὐδὲ ἐν βαρβαρικῷ δικαστηρίῳ, οὐδὲ Σκύθαι, οὐδὲ Σαυρομάται οὕτως ἂν ποτὲ ἐδίκασαν ἐκ μῆς μοίρας κρίναντες, ἀπόντος τοῦ αἰτιωμένου, παραιτουμένου οὐ κρίσιν, ἀλλ' ἀπέχθειαν, καλοῦντος δικαστὰς μυρίου, ἀνεύθυνον ἑαυτὸν εἶναι λέγοντος, καὶ τῆς οἰκουμένης παρούσης ἀποδύσασθαι τὰς αἰτίας, καὶ δεῖξαι ἑαυτὸν ἐν ἅπασιν ἀθῶον ὄντα. Cf. *Enchiridion fontium*, p. 728ff. Among the two letters sent to the bishop of Rome, this one must have been written from Constantinople soon after Easter 404 since it refers to the events immediately preceding his expulsion. About this letter, see also AMELLI, "S. Giovanni Crisostomo anello provvidenziale", p. 47ff.

² The Syriac version of this letter to Innocent of Rome was known, cf. 'Abdīšō', *Catalogus librorum* XVI, ed. ASSEMANI, p. 27; cf. *Catalogus librorum* XV, ed. VÖÖBUS. Here the tradition has erroneously replaced the correct name of the bishop of Rome by "Justinianus". — It is gratifying to find here that a portion of the lost version of this letter has been salvaged by our document.

³ Or: sequence.

⁴ A free rendering of the Greek original: καὶ τί λέγω κανόνος ἐκκλησιαστικοῦ; *ibid.*, col. 534f.

⁵ Or: profane, pagan; lit. outer.

⁶ A free rendering of παραιτουμένου οὐ κρίσιν, ἀλλ' ἀπέχθειαν, καλοῦντος δικαστὰς μυρίου, *ibid.*, col. 535.

⁷ Lit. founded, steady, stable.

⁸ Another source for this text appears in Ms. Mardin Orth. 323, fol. 110a.

[LXXXIII]

OF THE HOLY SEVERUS,
FROM THE NINETY-EIGHTH¹ HOMILY² OF
THE ENTHRONIZATION³

5 For respect of persons, in judgment, suffices that it implants war in the souls who see it, and it shall strike through offence and lead into pitfall⁴.

* From Isaiah (we learn): "Woe to those who call evil good and * p. 167 good evil, and who put light for darkness and darkness for light. and who put bitter for sweet and sweet for bitter"⁵.

10 And again: "Woe to them who act perversely to conceal (their) mind from the Lord, and their works are in darkness and they say, Who sees us? or Who knows what we turn upside down?"⁶. From the Proverbs of Solomon—"He who oppresses a poor man
15 angers his Master"^{7,8} And again: "He who condemns the righteous and justifies the condemned one is defiled before the Lord"^{9,10}

[LXXXIV]

A DISCOURSE
CONCERNING ECCLESIASTICAL LEADERSHIP

20 Again a discourse¹ concerning ecclesiastical leadership and concerning the peace.

¹ This text does not appear in the homily under this number in the corpus, preserved in Ms. Brit. Mus. Add. 12, 159, fol. 215bff.; cf. *Les homiliae cathedrales de Sévère*, PO. XXV, p. 139ff.

² *mēmra*. ⁵ Isa v, 20.

³ ἐπιθρόνιος. ⁶ Isa XXIX, 15.

⁴ Or: trench.

⁷ The text has suffered here. It looks that the word is **ܡܫܝܬܐ** which is against the Pešītā **ܡܫܝܬܐ** **ܠܫܝܚܐ** which agrees with the Masoretic text.

⁸ Prov. XIV, 31. ⁹ Prov. XVII, 15.

¹⁰ This text appears also in Ms. Mardin Orth. 323, fol. 110a-110b.

¹ In the upper margin there is the following statement added by a hand which is similar but must be different: "From the discourse of Mār Mika'el Rabā".

Those, indeed, who seek for peace and make it are truly children of God and the beatitude is given to them dominically as the unerring word of the Lord says: "Blessed are those who make peace because they will be called the sons of God"². And they also become (those who are) in Christ—who is the power and wisdom of God the Father and who through the blood of His (own) person has reconciled us with His glorious Father and has broken down the fence of enmity which stood between, and united the earthly beings with the heavenly as the great (one) among the apostles, (namely) Paul³ says. Again, however, they fulfil the commandments of the divine apostle who has ordered: "Hasten after the peace and after the holiness without which no one can see God"⁴.

And so you also, o excellent one among the leaders⁵ and renowned for virtues, you have agreed that there should be peace in the holy church of God and you are doing as well as acting (in such a way) that the intelligent sheep^{*} and members of Christ are not to be torn apart by the action of the one who is against the truth (but) should remain united—you who are counted among the beloved children of God, you who adhere to the apostolic and life-giving commandment, and receive the beatitude here and there, you who are a good cause also to others, honoring your contemporaries, you who are known (for the fact) that you love God and you (who) will certainly erect your laudable image⁶ also for those who are yet to come in the future.

Thus the loveliness of your intelligence asked (me thusly)—if it should happen that two metropolitans are appointed for one eparchy⁷, which of them ought to serve and which to stay away from the service?

First of all, indeed, we say that it is not right that there should be two metropolitans in one eparchy. You have confirmation of this in the twelfth canon of the synod which had assembled in Chalcedon, whose canon says thus: "It has come to our hearing that men hurry from the ecclesiastical law to the civil⁸ rulers and through the decree of the king which is called an imperial decree⁹ (is obtained that) for

Another hand, quite careless, has added here: "That two fathers should not have one (and the same) seat". However, this work cannot be from the famous Mikael, see VÖÖBUS, "Discovery of a Treatise Ascribed to Michael the Great".

² Matth. v, 9.

³ Ephes. ii, 14f.

⁴ Hebr. xii, 14.

⁵ Lit. rulers.

⁶ Or: monument.

⁷ ἐπαρχία.

⁸ Lit. outer, foreign.

⁹ *ἡ βασιλικὴ ἐπιτομὴ πρυμνατικὸς τύπος.*

one eparchy there should be two, so that from then on two metropolitans should exist in one eparchy. Therefore this synod has determined that from now on, no one of the bishops should dare to do anything like this. But he who disdains and transgresses this ordinance shall fall out from his rank. The towns, however, which formerly had been honored through imperial letters shall have the honor of metropolis only in name, and the bishops who lead the churches in them, keeping that which is right (only) for the town which in truth is the metropolis"¹⁰.

Thus, the canon teaches three (things). First that it is not lawful for any one of the bishops to establish a metropolis. Second, that it is not right that there should be two metropolitans in one eparchy. But third, that for a town which is (in name only) the metropolis, its rights, laws and eparchies¹¹ will not be kept for it. * So then in like manner is it right that they should be kept (only) for every town which (truly) is a metropolis.

In the following (I come) to that which your honor¹² requested: which one of two metropolitans has the right to serve and which one should leave the service, we answer in this way. When there is no heresy nor schism in the faith, but there is only disagreement in opinion or about the management of the office¹³ and the (question of) eparchies, or the love for rulership and (conditions) which are similar to those, and there arises quarrel and division in the church where the two metropolitans have been appointed in one eparchy—we say that the one who was appointed first has the right to serve; the one, however, who was appointed (later) should leave the service. You have proof and confirmation for these from the instructions¹⁴ of the holy fathers who were in the church about matters like these.

For Socrates narrates in his Ecclesiastical History¹⁵ regarding Damasus the patriarch of Rome in this way, that after the death of Liberius, Damasus received the ordination¹⁶ for the episcopacy of Rome. And in his days the church of Rome was troubled for the following reason: when it was time for the election of a bishop, Ursinus, a deacon of the church of Rome, contrived also to become

¹⁰ See vol. I, page 134.

¹¹ ἐπαρχία.

¹² Lit. chastity.

¹³ Or: districts.

¹⁴ The text has suffered here.

¹⁵ SOCRATES, *Historia eccl.* IV, 29, col.

541.

¹⁶ χειροτονία.

the bishop. However, because Damasus was more honored than he, Ursinus could not bear it that he lost his hope. So he went and contrived to arrange a gathering against the church and he convinced some of the bishops who did not understand (the situation) that they should secretly lay hands upon him. And he received his laying on of hands not openly but secretly at a hidden place¹⁷, a palace¹⁸ called Sicine¹⁹.

* p. 170 When this happened, there arose a division among the people and they fought against each other and sowed sedition²⁰, not because of faith or some heresies, but only for this reason: who should take over the seat of the bishop. And therefore many of the people were wounded (and) also because of sore vexation (so that) many died. Others, however, laity and clergy, because of the disorder or savagery of that time were regarded worthy of punishment²¹. So—Ursinus was stopped from his violence, and also those who were deceived to follow him were quieted down²². The same famous and true author says that when two patriarchs were appointed over Rome, the last one was stopped from the service so that the upheaval²³ and division of the people would stop and peace (rule)²⁴ among them.

So did it happen also at the time of Theodosius the Great. For there was in Constantinople a man called Gregorius the Theologian. After he had directed the bishopric (to) the completion of ten years, the members of his diocese were rent asunder over him. And at this time the king ordered that there should assemble the synod of One Hundred and Fifty²⁵ regarding Macedonius the heretic. When they came to the capitol city, Timotheus the patriarch of Alexandria and the bishops who were with him assembled. And those who were separated against Gregorius came to him and asked him to appoint a bishop for them, a man whose name was Maximus. However, when the

¹⁷ Ordination outside the church was canonically illegal.

¹⁸ βασιλική.

¹⁹ The text reads erroneously *κλεισόν*: Socrates reads here Σιζίνην.

²⁰ στάσις.

²¹ The original Greek reads here: by Maximin, the prefect of the city.

²² Cf. the Syriac version of the work of Socrates preserved in Ms. Vat. Syr. 145 II.

²³ Lit. gathering.

²⁴ The text is not decipherable.

²⁵ I.e. the Synod of Constantinople.

synod of the holy fathers assembled, they cancelled the laying on of hands of Maximus and hindered him from the service of leadership of the priesthood. About these matters the third canon set up by the synod of One Hundred and Fifty (fathers) testifies and confirms saying thus: "Regarding Maximus the Cynic and the disorder which took place in Constantinople we order, all of us, that Maximus neither was nor is a bishop, nor those * who received from him ordination in whatever rank of clergy, because all, whatever it is from him and for him, is not valid. However, we have received two tomes²⁶ of the Westerners and of the Antiochians, those which confess one godhead of the Father and of the Son and of the Holy Spirit"²⁷. Now also in regard to Constantinople which is the capitol and the seat of the patriarch and the two bishops who were appointed over it, the holy Synod of One Hundred and Fifty adjudged that the one who was the last was to be driven away and hindered from the service of the high priesthood.

Again also Jōhannān of Asia in his Ecclesiastical History²⁸ narrates something like this which happened in Alexandria. He says: when the holy Timotheus fell asleep there arose (after him)²⁹ as patriarch of Alexandria a man with the name Theodosius. <And after>³⁰ he was appointed, a certain archdeacon³¹ of that city <whose name>³² was Gaina by men of Alexandria was appointed <to become>³³ patriarch against Theodosius. For this reason there arose division among the believers and many blows and many killings were performed against (them). However, when the King Justin (sic) heard about these (things), he was much displeased and he sent forces of soldiers there and made Theodosius occupy the throne. But Gaina he sent into exile and there he died.

Thus it has been demonstrated lucidly by what has been said that when it so happens that two patriarchs have been appointed or two metropolitans over one eparchy, then by reason of quarrel and schism that might happen, it is proper for the one last (appointed) to leave the service of the high priesthood for the sake of the peace of the holy

²⁶ *κλεισόν*, τόμος.

²⁷ See vol. I, page 126.

²⁸ Cf. *Historia ecclesiastica* IV. 14.

p. 201.

²⁹ The text is soiled here.

³⁰ The text has suffered.

³¹ ἀρχιδιάκονος.

³² The text has suffered here.

³³ The text has suffered here.

church and the unity of the believers. These, indeed, (are the things
 * p. 172 I have written) * about the question which your kindness³⁴, which is
 bound up with the love of God, asked.

But about the leadership we say that it is, indeed, Satan who from
 beginning was a murderer of men as it is written, and who brings (it
 about) through quarrelsome and seditious people that there will be
 strife and division in the church or on account of a kind, also change,
 of faith, or on account of the fixity of bitter will, or on account of
 self-love and (love for) leadership, or on account of the management
 of districts or on account of other things which are similar to these.
 Henceforward the shepherds and the chiefs of the priests are divided
 against each other and the intelligent sheep of Christ with them
 become divided, and rise against each other, and harm each other,
 be it with words or be it with deeds and they tear up the coat of Christ
 which the devil could not tear by the crucifiers³⁵.

When, indeed, all these things happen, the wise fathers and leaders
 in the church have devised it (thusly): to leave behind the canon and
 the strictness³⁶ which is in...³⁷ of the priesthood and to seek refuge
 in the leadership because leadership makes peace and unites those
 who are divided and strengthens the sick ...³⁸ and it is much better
 than the accuracy which causes tumults and divisions.

And about this the holy Philoxenus of Mabbūg witnesses in the
 letter about ecclesiastical affairs³⁹ when he says thus: "Strict-
 ness⁴⁰ is that which troubles the church and disturbs the faith and
 must be considered as cruelty and as a matter that angers God. Leader-
 ship, however, strengthens and pacifies the church. It is a good deed,
 that through which God is high priest. And therefore those who
 understand (how) to lead ecclesiastical affairs wisely always employ
 the (proper) leadership.

* p. 173 * Also the holy Mār Iwannīs⁴¹ as he says above in the *mēm̄rā* on
 the Colossians by Paul the following: "God has revealed himself in
 various ways to men in different times. Namely, he revealed himself
 to Abraham as a man passing on the road. To Moses, however, in

³⁴ Lit. your love towards men.

³⁵ John XIX, 23f.

³⁶ Lit. accuracy.

³⁷ The text is damaged here.

⁴¹ JOHANNES CHRYSOSTOMUS, *In epistolam ad Coloss. commentarius*, 299 ff. The following text does not appear in this commentary.

³⁸ The text has suffered here.

³⁹ A letter under this title is not known.

⁴⁰ Lit. accuracy.

the form of fire which had taken hold in the bush. And to others,
 however, (He revealed himself) in a soft and pleasant breeze. And
 again to others in the likeness of an old man. And sometimes, indeed,
 He revealed Himself as sitting on the cherubim, and sometimes again
 as sitting on a throne. And to others He revealed Himself otherwise.
 Thus in these various revelations He revealed Himself to men. It is
 not that (He wanted to show that) His nature is such—let it not be!—
 for He is much higher and superior than these appearances⁴². But
 (this was) for the reason of help to, and teaching for men, as the occa-
 sion⁴³ for which He revealed Himself⁴⁴ required. Thus He lowered
 Himself in these revelations and He says through the holy prophets:
 "I have increased my visions and I have revealed myself through
 the prophets"⁴⁵.

So also the great one among the apostles and the preacher of the
 nations, Paul used to speak and act providently and manifoldly for
 the advantage and salvation of his hearers. For he says: "That I
 might bring life to everybody—with Jews I became like a Jew to
 benefit the Jews; and to those who have no law, I became without
 law whereas I am (before God)⁴⁶ not without law but through the
 law of Christ might benefit those who have (no law); with the sick
 I became sick that I might benefit the sick; ...⁴⁷ I became so that
 I might benefit everyone"⁴⁸. Thus the (things which) the divine
 apostle used to say and to act. This was not because he was changed
 in his mind and not that he became a different man from an (already)
 different man even if he appeared to be (acting) against himself. But
 by this manifold manner of proceeding he gained many bringing
 them to God.

* And again: while he was despising circumcision, he put to shame * p. 174
 the Galatians who were circumcising after (having received) the
 proclamation (of the Gospel), as he was writing to them: "If you
 circumcise, Christ benefits you nothing"⁴⁹. (However,) he observed
 the circumcision in (the case of) his disciple Timothy because of the
 salvation and profit of those who heard and saw. For it is written
 in the Book of Acts⁵⁰ that "Paul took Timothy and circumcised

⁴² Or: forms.

⁴³ Lit. matter, affair.

⁴⁴ *Commentarius*, col. 101.

⁴⁵ Hosea XII, 10.

⁴⁶ The text is soiled.

⁴⁷ The text is soiled.

⁴⁸ I Cor. IX, 20-22.

⁴⁹ Gal. v, 2.

⁵⁰ Acts XVI, 3.

him on account of the Jews who were there in that country: they knew that his father was a pagan"⁵¹.

Now exactly that same manner of action⁵² also the holy fathers and careful shepherds employed for the sake of the peace of the holy church and the benefit of believers and for healing of those who earlier had become sick. And therefore they also received the heretical bishops for the sake of uniting the schismatics and for the benefit of those who had been captivated by them.

And, indeed, the holy Severus says about Antioch⁵³, the city of Syria, when the believers in it were divided into two parties, one of which fell sick through the impiety of the Arians. And there stood over one of them a man whose name was Meletius⁵⁴ who had been appointed by the Arians. Now the orthodox bishops accepted this Meletius and they adjudged him to be the patriarch over all Antioch, so that they would benefit those who were kept by him, and so that thereby they would be brought home and united with the members of Christ and (thus) become one holy church. And this Meletius became the head of the synod of One Hundred and Fifty which assembled in Constantinople in the days of the King Theodosius.

And again also in the time of Constantius, the son of Constantinus the Great. There happened a schism in the country of Nazianz of Cappadocia when two bishops were appointed there (at the same time as) the bishop Gregorius, the father * of the holy Gregorius the Theologian. And after this schism, (lasting) two full years, when the believers there had tormented each other (enough), also one another afflicting each other with various kinds of evils, then our fathers of that time took action and accepted those two bishops who had been appointed and thereby established peace in the holy church that had been divided.

On this account the holy Gregorius the Theologian says in his conciliatory *mēmra*⁵⁵ in this way: "In joy have we received the heads

⁵¹ Lit. an Aramaean, a reading as it appears in the *Pešītā*.

⁵² Or: leadership.

⁵³ Cf. SEVERUS, *The Sixth Book of the Select Letters*, ed. BROOKS II, p. 114, 156; *Collection of Letters*, ed. BROOKS, p. 100ff.

⁵⁴ The Ms. reads *ωαβλες*.

⁵⁵ What the author means with the conciliatory *mēmra* is *Oratio VI, Prima de pace*, PG XXXV, col. 736. The Syriac text of this homily in an ancient version appears in Ms. Br. Mus. Add. 14, 547, fol. 59b-68a, in Ms. Br. Mus. Add. 14, 548, fol. 49a-56b, and in Ms. Br. Mus. Add. 12, 153, fol. 40b-48a.

which were offered for beheading, namely to be cut off (allegedly) for the sake of religion and for the aid to the orthodox affair which was in trouble. (Moreover,) we have not rejected them as enemies but we have embraced them as brothers who had stirred up (their minds) a little because of the paternal heritage—brotherly not maliciously. On the one hand, we have not praised them because of (their) hostility, yet, on the other hand, for the sake of (their) zeal we have received them. For separation because of goodliness of religion is better than a perverted concord. Therefore, we made our increase (in friendly approach) as we overcame (their suspicious) imagination against us through love"⁵⁶.

After this time, in the days of Theodosius the Little, there assembled the holy synod, namely that one in Ephesus about the blasphemy of Nestorius. However Johannes, the patriarch of Antioch and the bishops with him, numbering thirty-six, did not only refuse together with the holy synod to anathematize Nestorius but they even put the ecumenical synod under suspension ...⁵⁷ and the deposition of the holy Cyril with his synod. They did (this) and acted insolently, for which reasons the synod opposed them ...⁵⁸ and the entire synod and called John and the bishops <with him>⁵⁹ * to be judged canonically and legally⁶⁰.

But as they did not obey and did not come as the canons commanded, then Cyril acted with the ecumenical synod and they issued the righteous sentence on them while first making known the names of each colleague one after the other. Then the full interdict⁶¹ was determined against them. When the holy Synod of Ephesus was dissolved then also Bishop Johannes and those who were with him returned to their towns as suspended ones. Everybody held that they agreed with those of Nestorius. Because not only did they not anathematize Nestorius. However, Johannes, the patriarch of Antioch and the bishops which had been set up by the holy Cyril, which proclaimed the true and apostolic faith, should be put under anathemas.

And again when they went to their towns they presumed and dared

⁵⁶ This difficult text renders the Greek original: *καὶ διὰ τοῦτο προσθήκη ἐαυτῶν τὴν ὑπαίρεσιν πεποιήμεθα. κλέψαντες ἀγάπη τὴν καθ' ἡμῶν ἐπίνοιαν. ibid., col. 736B.*

⁵⁷ The text has suffered here.

⁶⁰ Lit. accurately.

⁵⁸ The text is not decipherable here.

⁶¹ I.e. the anathematisms.

⁵⁹ The text is not decipherable.

to undertake tougher things than these in that they served the priesthood forbidden (them). And they gave the laying on of hands and baptism, and they prayed in leading the people, and they offered the mysteries. But then there came a command from the King Theodosius that they also should yield—i.e., Johannes and his companions—to the ecumenical synod and anathematize Nestorius and confess the Virgin as the God-bearer⁶². Also the holy Cyril wrote (a letter) to accept them.

Then Johannes and his companions gathered with Acacius the bishop of Ḥaleb and they sent the bishop Paulā of Ḥomṣ to Cyril and he sent with him writings anathematizing in them those who had wickedly spoken against the faith by Nestorius.

And the holy Cyril lowered himself and received them since it was known that there was no other means by which the affairs⁶³ of peace could be administered. And he accepted from them the writings, and he also initiated intercourse with them. And he also granted them fellowship with him. And he did not ask them to confess in writing or not in writing (even) one of the follies which were from them—not that they anathematized the entire synod, also not that they * p. 177 * before had agreed⁶⁴ with Nestorius or that they anathematized the twelve chapters⁶⁵, those which were from him, or that they had dared to serve while suspended—(even) this concerning which the canon itself forbids them to accept.

These (things) are being said by us with the intent of showing by what wise devices of (self) humiliation the fathers have kept at all times the true faith and the peace of the church.

Again also Jōhannan of Asia in his Ecclesiastical History⁶⁶ narrates the following: in the time of the Emperor Justinian there was division in Egypt and Syria for the (same) reason, namely: after the death of Theodosius the patriarch of Alexandria the church remained for full ten years without a patriarch for the reason (of division). There was then in the church of Alexandria a man who was the head of the presbyters and there were (also) two deacons who were the sons of his sister. Each one of them schemed to become patriarch. But as this did not happen, another one was appointed who was called Theodoros from Petra.

⁶² θεοτόκος.

⁶³ Or: interest.

⁶⁴ Here the text has suffered but this seems to be the reading.

⁶⁵ i.e. the 12 anathematisms.

⁶⁶ *Historia ecclesiastica*, III, XVII-XXI, p. 202ff.

The patriarch of Antioch and his bishops and those of Egypt were then moved by their love for leadership and they led astray and drew after them many people and instigated some of the bishops and led them by force and appointed another patriarch against Theodoros, (namely) a simple man whose name was Petra. And henceforward there took place quarrels and fightings and divisions and plunderings and many murders throughout the country of Egypt.

Then Ja'qōb the metropolitan of Syria came to pacify them. And when he came not only did no peace occur, but the division rather increased, because this Ja'qōb inclined to one of the sides since he was with that side which was against the truth and the patriarch Paul.

* And Ja'qōb departed from there with two Egyptian bishops with him who were inclined towards them and they came to Syria and divided it and caused a schism in all monasteries and churches of Syria and they started also here ...⁶⁷ against Paul of Antioch. So there were two patriarchs in <Antioch>⁶⁸ and two in Alexandria. And henceforward there was much and every kind of evil among the believers for a long time and it also reached the capitol of the kingdom. And they started there also a schism and stirred up the believers in it. But the King Justinian and the subordinates in his administration were not of the orthodox faith but were made partners to the Synod of Chalcedon, and therefore they were rejoicing at the decline of the orthodox (people). And while this division lasted a long time and many bishops died and also influential persons⁶⁹, finally there came to them Mundir bar Ḥārit, the king of the Arabs, a Christian man and lover of God and who was much grieved about the decline of the orthodox (people). And he brought together the two parties and admonished them and rebuked them and blamed them, leaving (room) for a true⁷⁰ inquiry⁷¹ and through (wise) steering⁷² brought about their peace and established their unity". In this way these separated members were reconciled with one another prudently, however, beyond the strictness (of the canons).

Again also the holy Philoxenos in that letter about church affairs⁷³ says: "Because of the honor of peace and the benefit of the believers

⁶⁷ The text cannot be deciphered.

⁷⁰ Lit. accurate.

⁶⁸ The text has suffered.

⁷¹ Or: disputation.

⁶⁹ Or: chiefs.

⁷² Or: prudence.

⁷³ No such letter of Philoxenos with this title is known.

also the altars and temples which had been anointed and consecrated by Eudoxius the Arian were accepted by the orthodox bishops without being anointed and consecrated anew.

And also the Mār Severos, for the sake of the peace of the church and the unity of the believers, commanded⁷⁴ that the bishops or presbyters or deacons, who returned from the heresies of two natures, shall not be instituted anew * and shall not be baptized, but when they had anathematized the heresies from which they returned, and completed the period of penitence, they were to stay in their orders and serve in their ranks⁷⁵.

And also Dionysios⁷⁶ the patriarch of Antioch, he who has fallen asleep, and this one of our day, accepted many bishops in selection and permitted them to serve ...⁷⁷ because of the honor of peace and the unity of the believers. Indeed, < Tūmā >⁷⁸ who was made for 'Abīram over Kephartūtā; he accepted and gave him...⁷⁹ of Mabbūg. This one, however, accepted Severos. He was made for Šem' < ōn >⁸⁰ Gubyā over Qūros. And he gave him the land of Segestan. And he accepted Tūmā Kephartutia, and he permitted him to serve in the episcopacy wheresoever he arrived.

Well then, it has been demonstrated through these examples openly and lucidly that divine apostles and skilful shepherds were used in leadership for the peace of the holy church and for the benefit of the believers and the uniting of the separated ones. Henceforward accordingly in their footsteps also we must walk in and employ

⁷⁴ Cf. a work κατὰ ἀναχρίστον by Severus, vol. I, p. 162f.

⁷⁵ *Ibid.*

⁷⁶ This is a reference which opens the way for considerations regarding the age of the document. Ms. Mardin 323 fol. 122a brings a marginal note that 'Abīram was consecrated in 846 A.D. for the bishopric of Kephartūtā. If this datum rests on a reliable tradition then the constellation is such that there is the only way to see in this Dionysios the man who came from the Monastery of Bēt Bātīn in Harrān who was consecrated on Nisān 23, 1208 A. Gr., i.e. April 23, 897, MĪKA'ĒL, *Chronique* IV, p. 757f. He is the same prelate whom we have already introduced, see page 61 ff. According to Mika'el he died April 18, 1220 A.Gr., i.e. April 18, 909 A.D. Bar 'Ebrāyā sets his consecration a year earlier, *Chronicon eccl.* II, col 391, 393.

⁷⁷ If the marginal note mentioned in the preceding footnote is able to carry the weight, then the contemporary patriarch would be Jōhannān who came from the Monastery of Qūrzaḥīl and who was consecrated Nisān 21, 1221 A.Gr., i.e. April 21, 910 A.D. He ruled 10 years and died in the last day of Tešrī ḥrai 1234, i.e. November 5, 922 A.D. MĪKA'ĒL, *Chronique* IV, p. 758. Cf. also BAR 'EBRĀYĀ, *Chron. eccl.* II, col. 395.

⁷⁸ The text is damaged.

⁷⁹ The text has suffered.

⁸⁰ The text is damaged.

the same leadership in order that quarrel and division may be done away in the holy church and that there may rule tranquility and peace and that the believers may be united with each other, and they shall see one another under the inducement of love, and they shall be one body, worthy and unanimous⁸¹, and deserving to be for the head, for Christ.

And we hope and pray that these will be perfected through the succour⁸² of Christ our God through the mediation of your excellence and your piety. For in this you are like excellent men, like Zenon, I say, the orthodox king who made peace and united the church in his time, and as the king of the Himyarites, who united the believers, those who were torn asunder in Egypt * and Syria, as the rest of all * those who have loved, toiled and labored because of the peace of the holy and orthodox church. With them and among them we make supplications to Christ, the one who has reconciled the earthly ones with the heavenly ones, and the (elect) people with the nations⁸³, that He shall give you (your) portion, lot and heritage through the intercession of His mother, the holy Virgin Mary, and through the rogation of those who have appeased Him⁸⁴ through their sacrifices and their labors.

Amen. The end.

[LXXXV]

THE RESOLUTIONS BY PATRIARCH QYRIAQOS

The explanations by Patriarch Qyriaqos¹ to the questions asked by Iṣō' of the village of Tarmanaz.

The questions which were presented by you to my worthlessness, o beloved son, among them a discourse on the divine providence, have been explained by me. In those, if God wishes and we live, you are going to meet those of the rest; the extent to which grace instructs us, we shall demonstrate.

⁸¹ Or: harmonious.

⁸² Or: benefit.

⁸³ Cf. Ephes. II, 14ff.

⁸⁴ Another source for this document appears in Ms. Mardin Orth. 323, fol. 110b-122b.

¹ About this Qyriaqos, see page 185.

(1) The first question about the word of Solomon which says that "The earth will stand forever"². Is he here referring to the word everlasting or to something else? For he says: "A generation goes, a generation comes and the earth is standing forever"³.

He means this, that while some generations come in by birth but others go out by death, the earth, however, does not go out with generations, but remains with the rest of the elements into eternity, liberated together with the sons of God from corruption as the divine Paul⁴ says; David the psalmist also chants: "You renovate the face of the earth"⁵.

(2) The second question regarding (the saying): "Do not cook the kid in the milk of its mother"⁶.

* p. 181 * He compares the kid to the sinful thought, namely, that when the thought of the sin is in movement in our intellect, it must not be served by us and remain in our mind lest we come to the lapse⁷, i.e., a great and cruel sin pierces through and destroys our souls. But we must from the beginning rebuke it and expel it, when it is still weak and not yet fixed in our souls.

Another way (of interpreting), too: he who returns from heresy is not easily accepted by the church but is instructed during seven days lest he returns again and wallows in its mud.

(3) The third question: did the prophets know what they prophesied mystically about the incarnation of the Word or did they say what they heard and saw without knowing what the affair was about? And if they knew, why have their words not been written clearly but spiritually?

The holy prophets knew in truth what they heard and saw by the prophetic ear and eye of the spirit, like the prophet says in a passage to the Lord: "Increase my ear to hear"⁸, and not like Balaam⁹ and Caiaphas¹⁰ who did not understand the mysteries of the prophesies of their lips. They have been not written clearly because the time of their manifestation was not until Jesus manifested the veracity of the word of the prophets. Through Him the truth of the prophesies has been demonstrated in fact.

² Eccl. i, 4.

³ Eccl. i, 4.

⁴ Rom. viii, 21 ff.

⁵ Ps. civ, 30.

⁶ Ex. xxiii, 19; xxxiv, 26.

⁷ Lit. wandering.

⁸ Ps. cxii.

⁹ Num. xxii, 21 ff.

¹⁰ Num. xxii.

(4) The fourth question concerning (the logion): "Amen, I say to you they received their reward"¹¹ quoted in the Gospel.

They are the hypocrites who perform their prayers and alms before people only in order that they might be praised by them and not be rewarded by God. These, however, then received from the people their reward they were looking for * and they deprived themselves of that given by God to those who, for the sake of His love, do these things. * p. 182

(5) The fifth question about the book of Hierotheos¹².

The book assigned to Hierotheos is not his. Some people say that it is that from Stephanos bar Šūdailē¹³. He is a heretic.

(6) The sixth question concerning the name of Hosannah and why the Greeks say it two times in the offering of the eucharist and the Syrians three times?

Hosannah means a psalm of Hallelujah; the wise Syrians say two times like the Greeks. In the first one they typify the first coming of the Lord, by the second, they typify the second coming.

(7) The seventh question. Why do the doctors mention the *maumyānē*¹⁴ in the sacrifice and the *sedrē*¹⁵? They exorcise the ...¹⁶ and not those who are baptized. And why ...¹⁷ there are exorcisms in the baptism? When it is permitted to priest to rebuke the adversary in order to ...¹⁸?

... the mysterious things, for this reason, ...¹⁹ he is without blame I think. But formerly there were other exorcists than the baptizers. The exorcisms were (said) imperatively by the priest and not supplicantly as you thought, that through the name of the Lord the adversary was deservedly rebuked as the prophet once rebuked and said: "May the Lord who built Jerusalem rebuke thee, o Satan"²⁰.

* (8) The eighth question: If there are on the altar three patens²¹ * p. 183

¹¹ Matth. vi, 2.5.16.

¹² About the Book of Hierotheos, see VÖÖBUS, "Discovery of New Manuscript Sources for the Book of Hierotheos", p. 185ff.

¹³ Stephanos bar Šūdailē was a monk in 'Ūrhāi, a contemporary of Ja'qōb of Serūg and 'Aksenāyā of Mabbūg.

¹⁴ *ܡܘܡܝܢܐ* one who administers an oath, an exorcist.

¹⁵ *ܟܝܘܐ* array, order; here order of chants and prayers.

¹⁶ The text has suffered here. The text in the brackets is supplied by Ms. Jerus. Mark 129, fol. 94a.

¹⁷ The text is damaged here. The text is taken from Ms. Jerus. Mark 129, fol. 94a.

¹⁸ The text is damaged. The text is taken from Ms. Jerus. Mark 129, fol. 94a.

¹⁹ The text has suffered. The text is taken from Ms. Jerus. Mark 129, fol. 94a.

²⁰ Zech. iii, 2. ²¹ *ܟܝܘܐ, ܩܝܘܐܝܝܢ*.

of the mysteries and also chalices or more, would as many priests as their number hold them and lift them up saying: "Holy things to the holy ones"?

This is a lightness. One priest, only the offering one, must lift one paten and one chalice only when lifting up, not many because the body and the blood placed in many (chalices and patens) is one.

(9) The ninth question: If there is a priest who is not able to serve the mystery or the ephod on account of his sight or because of his negligence, is it permitted the deacon to complete them in his presence?

If these things really happen to the priest, the deacon will approach him supplicantly and humbly asking him for that. If he permits him, let him fulfill that like a subordinate. If, however, he is not persuaded to give him permission, he will bring the case to the head of the priests of this particular place privately²², not by means of an uproar. The head of the priests will arrange the case as he thinks fit—to correct the priest or to authorize the deacon.

(10) The tenth question: Is it suitable for the priests to sign the chalice with other prayers than those written. Is it lawful for the deacon to sign the chalice when there is no presbyter? Or is it lawful to give the eucharist without the chalice?

It is not lawful for a priest to sign the chalice without the written prayers. As for the deacon, where there is no presbyter, he will sign the chalice silently; he shall not dare to say the priestly prayers. Let him sign, moreover, on the chest²⁶ and not on the altar²⁷; and he takes the pearl²⁸ with fear <and caution> and places it in the chalice³⁰, * asking forgiveness from God; then he will say "Our Father, who art in heaven", communicate the mysteries and give them to the faithful who ask for them. However, it is not permitted to give the body without the blood. This is forbidden by the canons.

(Here) end the ten questions and their answers³¹.

²² Lit. secretly.

²³ The text is restored.

²⁶ *Κομμία*, πυργίσκος, chest or shrine.

²⁷ The text has partly suffered and is restored.

²⁸ *Καλλίπυρα*, μργαρίτης, a particle of the eucharistic bread.

²⁹ Damaged, not decipherable, the text has been preserved by Ms. Jerus. Mark 129, fol. 93a-94b; this codex was written during the lifetime of the author. The same text appears in Ms. Mardin Orth. 323, fol. 20b-23a.

³⁰ An important source for this text has been preserved by Ms. Jerus. Mark 129, fol. 93a-94b; this codex was written during the lifetime of the author. The same text appears in Ms. Mardin Orth. 323, fol. 20b-23a.

²⁴ The text is restored.

²⁵ The text is restored.

[LXXXVI]

[A RECORD OF EPISCOPAL SEES]

Again we write a record¹ of the sees which are in the chief seats and the metropolitan sees according to (the way) they were set up through the comeliness of order² from the former (times) through the guardianship³ of the venerable fathers who were in the (new) creation from the first in former times, and at present are taken care of by regularity⁴ and made up by metropolitans and bishops, (by) one order⁵ as from the patriarch. And (in it) everybody stands in his (respective) rank, and there is nothing that is against his colleague or still more—in the order⁶ and of the trustworthy Prince.

The⁷ (very) first head, and the one holding primacy of the principalities of the orthodox faith, is Jesus Christ, our Lord God who is over all⁸.

After Him the first see, the throne⁹ of Antioch which is patriarchal¹⁰.

And to it seven sees are subjected which are these: the first, Haleb¹¹; the second after it, Qennešrīn¹²; after it G'abūlā¹³; after

¹ Lit. memory.

² τάξις.

³ Lit. care.

⁴ Derived from τάξις.

⁵ τάξις.

⁶ τάξις.

⁷ The emergence of this document is very welcome since it is the most ancient witness regarding the *Notitia Antiochena*. All the Greek texts known to us are younger. Ms. Gr. Halki 22 is of 1551 A.D., made known by Papadopoulos-Kerameus. *Ἑλληνικὸς φιλολογικὸς Σύλλογος* XVIII, p. 65ff.; Ms. Par. Suppl. Gr. 1226 is of the 12th or 13th cent., NAU, "Les suffragants d'Antioche", p. 209ff.; Ms. Vat. Gr. 1455 is of the 15th cent., GELZER, "Ungedruckte und wenig bekannte Bistümerverzeichnisse", p. 247ff.; Ms. Berl. Philipp. 1477 is also of the 15th cent., *ibid.*, p. 255f. Cf. also VAILHÉ, "La <Notitia episcopatum> d'Antioche", p. 139ff. The document in its present form cannot have been composed during the reign of Patriarch Athanasius I in August 570 A.D., as accepted by NAU, "Les suffragants d'Antioche", p. 209 and HONIGMANN, "Studien zur Notitia Antiochena", p. 60ff., but must be several centuries younger. An examination of the lists shows that it includes episcopal sees which in other sources emerge much later than the time of Patriarch Athanasius I.

⁸ This poem is a peculiarity of the Syriac version due to its expanded form. Cf. also RAHMANI, *I fasti della chiesa patriarcale antiochena*, p. 11f.

⁹ ὀρόνος.

¹⁰ πατριαρχικός.

¹¹ The *Notitia Antiochena* reads here Βέρουσις, Berea.

¹² Χαλκίδος, Chalcis.

¹³ Γαβάλων, Gabala.

it Seleuqeyā¹⁴; after it Ḥanaṣartā¹⁵; after it Pilaṭon¹⁶; after it Gabbulā¹⁷.

Again, two sees¹⁸ which are subjugated to the patriarch, and by him the (holders) are sent in delegation¹⁹, for example to represent (him) at synods and in similar (cases like) these: Sal'amyā²⁰ and Bar-'aqōsōn²¹.

The autocephalous²² (sees): Berytōs²³, Ḥomṣ²⁴, Laodiceyā²⁵, Qūrōs²⁶.

* p. 185 * Metropolitan sees: twelve. The first Ṣūr²⁷, and the sees under it are these: the first, Pūrpōrīnōs²⁸; the second, 'Arqīōs²⁹ which is Ṭarblōs; the third, Pōlōmīdōs³⁰; the fourth, Sīdōnōs³¹; the fifth, Bilībū³²; the sixth, Bōṭrīōn³³; the seventh, 'Artōsī'adōs³⁴; the eighth, 'A'ardū³⁵; the ninth, 'Anī'ardōs³⁶; the tenth, P'an'aīōs³⁷; the eleventh, 'Ar'akl-'aōs³⁸; the twelfth, Ṭrī'apōlis³⁹; the thirteenth, Ṣarept⁴⁰. These are the thirteen (sees) of Ṣūr.

The second metropolitan see Ṭ'arsōs⁴¹ of Qīliqiyā and the sees under it are these: the first, 'Ad'anā⁴²; the second, Seb'astīs⁴³; the third, Pōmpīōpōlis⁴⁴; the fourth, Malōn⁴⁵; the fifth, Gōṣṭōs⁴⁶; the sixth, Qūrīqū⁴⁷. These are the six of Ṭ'arsōs.

The third metropolitan see 'Ūrhāi⁴⁸ and the sees under it are these: the first, Bīrtā⁴⁹; the second, Ma'artā⁵⁰; the third, Ḥarrān⁵¹;

¹⁴ Σελευκείας Περίας, Seleucia.

¹⁵ 'Ανασάρθης, Anasarta: in Syriac also Ḥūnaiṣirtā, DRAGUET, "L'ordination frauduleuse", p. 88.

¹⁶ Πάλτου, Paltos.

¹⁷ Γάββουλας, Gabbula.

¹⁸ Here the Greek original is fuller: εἰδὶ δὲ καὶ δύο λιτοὶ ἀρχιεπίσκοποι.

¹⁹ Lit. intercession: the Greek original reads: ἐπι πρεσβείαν.

²⁰ Σαλαμιάδος, Salamias, i.e. Phoenicia in Lebanon.

²¹ Βαρκουσῶν, Barkousa, identified with Barqīṣā, 4 km. South West of Qārā, ALT, "Barkusa".

²² αὐτοκέφαλοι.

²³ Βηρυτοῦ, Berytos.

²⁴ Ἐμέσης, Emesa.

²⁵ Λαοδικείας, Laodicea.

²⁶ Κύρου, Cyrthos.

²⁷ Τύρου, Tyre.

²⁸ Πορφυρεῶνος, Porphyreon.

²⁹ Ἄρκης, Arca.

³⁰ Πτολεμαΐδος, Ptolemais.

³¹ Σιδῶνος, Sidon.

³² Βύβλου, Byblos.

³³ Βοτῶν, Botrys.

³⁴ Ὀρθοσιᾶδος, Orthosias.

³⁵ Ἀράδου, Aradus.

³⁶ Ἀνταράδου, Antaradus.

³⁷ Πανεύδος, Paneas.

³⁸ Ῥάκλης, Rakle, Hecaclea.

³⁹ Τριπόλεως, Tripoli.

⁴⁰ Σαρέφθης, Sarepta.

⁴¹ Ταρσοῦ, Tarsus.

⁴² Ἀδάνων, Adana.

⁴³ Σεβυστής, Sebaste.

⁴⁴ Πομπηίουπολεως, Pompeiopolis.

⁴⁵ Μαλλῶν, Mallos.

⁴⁶ Should be ~~βαλαβελου~~ Aügüṣtōs,

I fasti, p. III. Αὐγουστῆς, Augusta.

⁴⁷ Κουρίκου, Corycos.

⁴⁸ Ἐδέσσης, Edessa, 'Ūrhāi.

⁴⁹ Βύρτης, Bırtha.

⁵⁰ Μαραθᾶς, Marata.

⁵¹ Κάρρων, Charra, Ḥarrān.

the fourth, Tellā⁵²; the fifth, Marqūpōlis⁵³; the sixth, Baṭnān⁵⁴ of Serūg⁵⁵; the seventh, Telmaḥrīn⁵⁶; the eighth, Amzīn⁵⁷; the ninth, Qōrqīsiōn⁵⁸; the tenth, Dūṣar⁵⁹; the eleventh, Qalliniqōs⁶⁰; the twelfth, N'aswallinaṭīnos⁶¹. These are of 'Ūrhāi.

5 The fourth metropolitan see 'Aūpameyā⁶² and the sees under it are these: the first, 'Epīph'aniōs⁶³; the second, Sōlōqābilū⁶⁴; the third, L'arsīōs⁶⁵; the fourth, B'al'anōs⁶⁶; the fifth, Marīm'as⁶⁷; the sixth, R'aph'aniyā⁶⁸; the seventh, 'Arīstā⁶⁹. These are the seven of 'Aūpameyā.

10 The fifth metropolitan see Mabbūg⁷⁰ and the sees under it are these: the first, Zeūgmā⁷¹; the second, Ṣūrā de-Rhōmiyā⁷²; the third, Bēt Belaš⁷³; the fourth, Q'asrīn⁷⁴; the fifth, P'arīn⁷⁵; the sixth, 'Aūrim⁷⁶; the seventh, Dolīk⁷⁷; the eighth, Garm'aniqīā⁷⁸; the ninth, * 'Eūropōs⁷⁹; the tenth, 'Ar'agīz⁸⁰; the eleventh, Ṣemīṣat⁸¹. These are * p. 186

15 the eleven (sees) of Mabbūg.

The sixth metropolitan see Bōṣrā⁸² and the sees under it are these: the first, G'arsōn⁸³; the second, Pīōdelpīōs⁸⁴; the third, 'Adra'at⁸⁵; the fourth, 'Amīd'abīōn⁸⁶; the fifth, 'Askūndōn⁸⁷; the sixth, Lehm-'akīdar⁸⁸; the seventh, Zōrōn'as⁸⁹; the eighth, 'Ar'as⁹⁰; the ninth,

⁵² Κωνσταντίνης, Constantina, Tellā.

⁵³ Μαρκουπόλεως, Marcopolis, in Syriac Hiklā de-Sīdā or Sayyādā.

⁵⁴ Βατνῶν, Baṭnān.

⁵⁵ Σερογηνης, Serūg.

⁵⁶ Θελμάρων, Tellmaḥrē.

⁵⁷ Should be ~~ϩϩϩϩ~~ 'Imērīn, *I fasti*.

p. IV.

⁵⁸ Κιρκεσίου, Circesion.

⁵⁹ Δαυσάρων, Dausara.

⁶⁰ Καλλινίκου, Callinicos.

⁶¹ Νέας Οὐαλεντίας, Nea Valentia.

⁶² Ἀπαμείας, Apamea.

⁶³ Ἐπιφανείας, Epiphania, Hama.

⁶⁴ Σελευκοβήλου, Seleucobelus.

⁶⁵ Λαρίσσης ἡτοι Σέζαρ, Larissa.

⁶⁶ Βαλανέως, Balanea.

⁶⁷ Μαρτάμης, Mariamme.

⁶⁸ Ῥεφανεως, Raphanea.

⁶⁹ Ἀρεθούσης, Arethusa.

⁷⁰ Ἱεραπόλεως, Hierapolis.

⁷¹ ~~Κεζυμο~~ Zeūgmā, *I fasti*, p. IV.

Zeūgματος, Zeugma. The reading in the manuscript is corrupt.

⁷² Σούρρων, Ṣūrā de-Rhōmāyē.

⁷³ Βαρβαλισσοῦ, Barbalissos.

⁷⁴ Should be ~~ϩϩϩϩ~~ Ne'aq'asrīn. *I fasti*, p. IV. Νεοκαισαρείας, Neocaesarea.

⁷⁵ Πέρρης, Perrhe.

⁷⁶ Ὠρίμων, Ourima.

⁷⁷ Δολίχης, Doliche.

⁷⁸ Γερμανικείας, Germanicia.

⁷⁹ Εὐρωποῦ, Europos, in Syriac Mar'aš.

⁸⁰ Ὀραγίζων, Eragiza.

⁸¹ Σαμοσσάτων, Samosata.

⁸² Βόστρων, Bostra.

⁸³ Γερασῶν, Gerasa.

⁸⁴ Φιλαδελφίας, Philadelphia.

⁸⁵ Ἀδράων, Adraa. Missing in *I fasti*.

p. IV.

⁸⁶ Μηδάβων, Madaba.

⁸⁷ Correctly ~~ϩϩϩϩ~~, *I fasti*.

p. IV. Ἀσβούδων, Esbous.

⁸⁸ More correctly ~~ϩϩϩϩ~~. *I fasti*, p. IV. Δαλμουδῶν, Damounda(?).

⁸⁹ Ζορονίας, Zorana.

⁹⁰ Ἐρρης, Erra or Hierapolis.

'Aitrōōis 'Almōsōn⁹¹; the tenth, 'Astī'amōs⁹²; the eleventh, Qōs'tan-
tīnōs⁹³; the twelfth, B'arbōlīs⁹⁴; the thirteenth, Dīōnōsī'adōs⁹⁵; the
fourteenth, Qenō'at'as⁹⁶; the fifteenth, Maksīmōpōlīs⁹⁷; the sixteenth,
Philōpōpōlīs⁹⁸; the seventeenth, Kerīsopōlīs⁹⁹; the eighteenth, N'aī-
lōn¹⁰⁰; the nineteenth, Dūras¹⁰¹. These nineteen are under Boṣrā. 5

The seventh metropolitan see 'An'azarbā¹⁰² and the sees which
are under 'An'azarbā are these: the first, 'Eriph'aniōs¹⁰³; the second,
'Aleksandrū¹⁰⁴; the third, Qam'ansū¹⁰⁵; the fourth, Irīnōpōlīs¹⁰⁶;
the fifth, Plūbidōs¹⁰⁷; the sixth, Mōsū¹⁰⁸; the seventh, M'assū'as-
t'anas¹⁰⁹; the eighth, Q'a't'ablīōs¹¹⁰. These are the eight under 'An'a- 10
zarbā.

The eighth metropolitan see Seleūqiyā¹¹¹ of Īsaūriyā: the first,
'Agōn¹¹²; the second, Qlaūdi'apōlīs¹¹³; the third, Dī'aōqesari'as¹¹⁴;
the fourth, 'Aūrb'anōs¹¹⁵; the fifth, D'alīndū¹¹⁶; the sixth, S'abi-
lōn¹¹⁷; the seventh, Q'al'and'ariōs¹¹⁸; the eighth, 'Aītm'ariū¹¹⁹; the 15
ninth, Tītiōpōlīs¹²⁰; the tenth, L'amū¹²¹; the eleventh, 'Anṭiōkī'as

⁹¹ ܐܝܬܪܘܘܝܫ ܐܠܡܘܫܘܢ. 'Aitōsis 'Almōsōn. *I fasti*, p. ivf. 'Αλαμουσων, Alamusa; before this the Greek has another see Νεύης, Neve, which is missing in Syriac.

⁹² ܐܫܬܝܐܡܘܫ. 'Astī'amōs in *I fasti*, p. v. For this there is no counterpart in Greek.

⁹³ Κωνσταντινῆς, Constantia.

⁹⁴ Παρεμβολῆς, Parembole; before this the Greek reads Εὐτίμης.

⁹⁵ Διονυσιάδος, Dionysias.

⁹⁶ Κανούθας, Kanotha.

⁹⁷ Μαξιμιανουπόλεως, Maximianopolis.

¹⁰⁵ Qamanasu is a blunder emanating from a corrupted form of 'Αλεξανδρουκαμβόσου made popular by JOHANNES MALALAS, *Chronographia*, p. 397. The correct name is 'Αλεξανδρεία κατ' Ἰσόν. The mistake which understood here two different sees, was made already in the Greek tradition.

¹⁰⁶ Ἰερηνουπόλεως, Irenopolis.

¹⁰⁷ Φλαβιάδος, Flavias.

¹⁰⁸ ܐܘܘܪܒܐܢܘܫ. 'Aūrb'anōs. *I fasti*, p. v. Ροσσου, Rhossos.

¹⁰⁹ Correctly ܡܘܦܫܘܥܫܝܐ Mopsūes-
tīyā. *I fasti*, p. v. Μοψουεστίας, Mopsu-
estia.

¹¹⁰ ܩܘܣܬܐܢܬܝܢܘܫ. Qasī'abalōs, *I fasti*,
p. v, as the last see under Anazarb;
therefore. Κασταβάλης, Castabala.

¹¹¹ Σελευκείας, Seleucia.

¹¹² In the Greek sources Αἰθῶν appears;
the Syriac has misplaced it.

⁹⁸ Φιλιππουπόλεως, Philirropolis.

⁹⁹ Χρυσόπολις, Chrysopolis.

¹⁰⁰ Νηλών, Neila.

¹⁰¹ Δουρέας, Lorea(?).

¹⁰² Ἀναζάρβης, Anazarb.

¹⁰³ Ἐπιφανείας, Eriphania.

¹⁰⁴ Ἀλεξανδρουκαμβόσου, Alexandria.

¹¹³ Κλαυδιουπόλεως, Claudiopolis.

¹¹⁴ Διοκαισαρείας, Diocaesarea.

¹¹⁵ ܐܘܪܒܐܝܘܫ. 'Aūrb'aiōs, *I fasti*,
p. v. Ὀρόβης, Orobe or Olba.

¹¹⁶ Δαλισάνδου, Dalisandos.

¹¹⁷ Σεβήλων, Sebela.

¹¹⁸ Κελενδέρειος, Celenderis.

¹¹⁹ Correctly ܐܢܝܡܐܪܝܘܫ. 'Anīm'ariū,
I fasti, p. v. Ἀνεμοριου, Anemorion.

¹²⁰ Τίτιουπόλεως, Titiopolis.

¹²¹ Λάμου, Lamos.

Miqris¹²²; the twelfth, N'ap'alī'as¹²³; the thirteenth, Qīstṛōn¹²⁴;
the fourteenth, S'al'anōṭōn¹²⁵; the fifteenth, Iōṭ'ap'as¹²⁶; the six-
teenth, Phil'adelphī'as¹²⁷; the seventeenth, 'Irīniōpōlīs¹²⁸; the eight-
eenth, Germōn'apolīs¹²⁹; the nineteenth, Mūs'amōn¹³⁰; the twentieth,
5 Dōmīṭiōpōlīs¹³¹; * the twenty-first, Zbid'as¹³²; the twenty-second. * p. 187
Zīnōpōlīs¹³³; the twenty-third, 'Ard'asū¹³⁴; the twenty-fourth, Mī-
lō'as¹³⁵; the twenty-fifth, N'apolis¹³⁶. These are the twenty-five of
Seleūqiyā.

The ninth metropolitan see of Damasqōs¹³⁷ and the sees under it
10 are these: the first, 'Aīliōpōlīs¹³⁸, B'albek; the second, 'Abīlōs¹³⁹;
the third, P'al[mūr]ōn¹⁴⁰; the fourth, Laōdīqīs¹⁴¹; the fifth, Ḥawa-
rīn¹⁴²; the sixth, [...]on¹⁴³; the seventh, 'Anlīdōn¹⁴⁴; the eighth,
Dī'an'abā¹⁴⁵; the ninth, [...]¹⁴⁶; the tenth, 'Arl'aīōn¹⁴⁷; the eleventh,
Ser'aqīnōn¹⁴⁸. These are the eleven (sees) under Damasqōs.

15 The tenth metropolitan see 'Amīd¹⁴⁹ and the sees under it: the
first, Martūriōpōlīs¹⁵⁰ which is Maīpherqīt; the second, 'Aīlōn¹⁵¹;
the third, Bil'abīṭin'as¹⁵²; the fourth, 'Arsamstōn¹⁵³; the fifth, Spi-
n'as¹⁵⁴; the sixth, Qīrā 'Arīzōn¹⁵⁵; the seventh, K'ephā¹⁵⁶; the
eighth, Zūgmtōs¹⁵⁷. These are the eight of 'Amīd.

¹²² Αντιοχείας μικρᾶς, Antioch the
Little.

¹²³ Νεφελιάδος, Nephelias.

¹²⁴ Κέστρων, Cestroī.

¹²⁵ Σελινούτων, Selenus.

¹²⁶ Ἰωτάπης, Iotara.

¹²⁷ Φιλαδελφίας, Philadelphia.

¹²⁸ Εἰρηνοπόλεως, Irenopolis.

¹²⁹ ܘܠܘܨܘܩܝܐ, Germ'anōpō-
līs, *I fasti*, p. v. Γερμανικουπόλεως, Gar-
manicopolis.

¹³⁰ ܡܘܨܘܥܘܫ, Mūs'awōn, *I fasti*,
p. v. Μουσβάδων, Mosbada.

¹³¹ Δομετιουπόλεως, Dometiopolis.

¹³² Ζβίδης, Zbide.

¹³³ Ζηνουπόλεως, Zenopolis.

¹³⁴ Ἀδρασού, Adrassos.

¹³⁵ Μιλώης, Miloe.

¹³⁶ Νεαπόλεως, Neapolis.

¹³⁷ Δαμασκῶ, Damascus.

¹³⁸ Ἠλιουπόλεως, Heliopolis.

¹³⁹ Ἀβίλης, Abila.

¹⁴⁰ Iys full form appears in *I fasti*, p. vi.

Παλμύρων, Palmyra.

¹⁴¹ Λαοδικείας, Laodicea.

¹⁴² Εὐαροίας, Evaria.

¹⁴³ ܟܘܢܘܚܘܪܘܢ in *I fasti*, p. vi.

Χωνοχώρων, Khonokhora.

¹⁴⁴ ܐܒܝܕܘܢ. 'Abīdōn, *I fasti*, p. vi.

The Greek sources present here Ἰαβροῦδων.

¹⁴⁵ Δαναβῶν, Danaba.

¹⁴⁶ ܟܘܪܕܘܘܢ. *I fasti*, p. vi. Here the

Greek texts introduce Κορδάτων, Corada.

¹⁴⁷ Correctly ܐܪܠܐܝܢ. 'Arl'anōn.

I fasti, p. vi. Ἀρλανῶν, Arlane, Harlane.

¹⁴⁸ Σαρακηνῶν, i.e. the see of the Sara-
cenes.

¹⁴⁹ Ἀμίδης, 'Amīd.

¹⁵⁰ Μαρτυρουπόλεως, Martyropolis.

¹⁵¹ Correctly ܐܝܗܠܘܢ. 'Inglōn, *I fasti*,
p. vi. Ἰγγιλινῆς ἡτοι ὁ Ἰγγίλων, Ingele.

I fasti, p. vi. Ἰγγιλινῆς ἡτοι ὁ Ἰγγίλων, Ingele.

I fasti, p. vi. Ἰγγιλινῆς ἡτοι ὁ Ἰγγίλων, Ingele.

¹⁵² Βελαβιτηνῆς, Belabitine.

¹⁵³ Ἀρσαμοσάτου, Arsamosata.

¹⁵⁴ Σοφηνῆς, Sophene.

¹⁵⁵ Κιθαρίζων, Citharizon, Citharis.

¹⁵⁶ Κηφᾶς, Cephā.

¹⁵⁷ Ζεύματος, Zeugma.

The eleventh metropolitan see Reṣafā¹⁵⁸ and the sees under it: the first, 'Agrīpī'adōs¹⁵⁹; the second, D'an'abī'as¹⁶⁰; the third, 'Arīsū 'Arṣ¹⁶¹; the fourth, 'Argīn'as¹⁶²; the fifth, 'Artznōn¹⁶³. These are the seven of Reṣafā.

The twelfth metropolitan see Dārā¹⁶⁴ and the sees under it are these: the first, T'eōdōsiōpōlīs¹⁶⁵; the second, Ṭūr 'Abdīn¹⁶⁶; the third, B'an'asōmōsōn¹⁶⁷. These are the three (sees) of Dārā.

The sum of all the sees of Antioch of Syria is thus: patriarchate: one. Syncella¹⁶⁸; seven. Simple¹⁶⁹; two. Autocephalous¹⁷⁰; four.

* p. 188 Metropolitan sees: * twelve. The sees under them, one hundred and twenty-eight, all comprising one hundred and fifty-four (sees)¹⁷¹.

Glory be to the Father who strengthens, and to the Son who assists, and to the Holy Spirit who succours now and always and for ever and ever. Amen.

[LXXXVII]

15

THE COLOPHON

This volume¹ which contains the rule² of the apostles and of all the universal synods and the *šū'ālē*³ and (the norms) of the division of inheritances, and the laws⁴ of the victorious kings, was completed

¹⁵⁸ Σεργιουπόλεως, Sergiopolis.

¹⁵⁹ 'Αγριπιάδος, Agrippias.

¹⁶⁰ ~~ωρακι~~ Z'an'abī'as. Ζηνοβιάδος, Zenobias.

¹⁶¹ 'Ορισῶν. Orizon, in Syriac 'Oriṣ.

¹⁶² 'Εριγένης, Erigene.

¹⁶³ ~~αρχι~~ 'Artī'aḏn, *I fastī*, p. vi. 'Ορθαλέων(?). Something is wrong here: either two names are missing or the number for the total sum is false. The *Notitia Antiochena* has here only 5 sees but listed differently: Ζηνοβιάδος, 'Ορισῶνος, Σεριγένης, 'Ραγίζων, 'Αγριπιάδος, 'Ελληνικός φιλολογικός Σύλλογος, p. 67.

¹⁶⁴ Δάρας, Dārā.

¹⁶⁵ Θεοδοσιουπόλεως, Theodosiopolis, in Syriac Reṣ'ainā.

¹⁶⁶ Τουραβδίου, Ṭūr 'Abdīn.

¹⁶⁷ Correctly ~~ωρακι~~ Mn'asūbiōn, *I fastī*, p. vii. Μνασουβίου, Mnasubion.

¹⁶⁸ σύγκελλοι.

¹⁶⁹ Here the margin offers a supplement ~~αρχι~~ ~~αρχι~~ ~~αρχι~~ which renders the Greek οἱ περ στέλλονται ἐπὶ πρεσβειῶν.

¹⁷⁰ αὐτοκέφαλοι.

¹⁷¹ The same text appears in Ms. Mardin Orth. 323, fol. 123a-126b.

¹ Lit. book, record.

² κανών.

³ The genre of questions.

⁴ νόμος.

on the fourth day of the week on the fifth of the month of 'Iyār. the month of roses, in the year 1515 (according to the reckoning) of the Greeks⁵, which is according to the Arabs the year 500⁶.

(This took place) in the days of the holy fathers and true shepherds
5 Mār Mikā'el⁷, patriarch of Antioch⁸ of Syria, Mār Iwannis⁹ of Alexandria and all Egypt¹⁰, and Mār Grīgorios¹¹, the holy maphrian of Tagrūt¹², Nīneuē and Mōṣul and all the Orient. May God prolong during their life the duration of years and the length of time and may He let them hold the pastoral and messianic staff¹³ tending the
10 flock which was bought with the salvatory blood, and by the prayers of the Godbearer Mary and of all the saints eternally. Amen.

The humble¹⁴ Dānī'el, (only) in name a presbyter, bar Jāusep bar Sargīs bar Tūmā of Bēt¹⁵ Barṭelli¹⁶, the blessed town which is in the land of Nīneuē, wrote down¹⁷ and completed these lines

⁵ I.e. Wednesday, May 5, 1204 A.D.

⁶ The synchronistic datum, that this was the year 500 according to the era of Hiḡra, cannot be correct. The year 500 H. would be 1106/7 A.D. Cf. *Wüstenfeld-Mahlersche Vergleichungstabellen*, p. II. The copyist has erred here by a full century. Instead of 500 H. the date should have been 600 H. Cf. *op. cit.*, p. 13f.

⁷ This Mikā'el is Iṣō' Septānā, a nephew of Patriarch Mikā'el the Great, from the Monastery of Mār Barṣaumā. He is known also in the history of literature by his contributions to the genre of 'eltā, dealing with the feasts in the liturgical year; he also composed *tūrgāmē* and an anaphora.

⁸ Cf. LE QUIEN, *Oriens christianus* II, col. 1391. The evidence in this colophon furnishes us with an important correction for the tradition. The time of his election has been placed in the year 1207 A.D., *Bibliotheca orientalis* II, p. 230ff.; BAUMSTARK, *Geschichte der syrischen Literatur*, p. 302. This, however, must be a mistake, since our colophon states that in May 1204 A.D. this Mikā'el must have already been in his office. Thus his election must have taken place still earlier, closer to the time of the death of his great uncle, Patriarch Mikā'el Rabā in November 1199 A.D. He ruled until 1214 A.D. when he died.

⁹ He was elected in the year 905 according to the era of martyrs, i.e. 1189 A.D. His rule ended with his death in 932 according to the same era, i.e. 1216 A.D.

¹⁰ Cf. RENAUDOT, *Historia patr. Alexandrinorum Jacob.*, p. 554ff.

¹¹ He is a well-known figure, Ja'qōb bar Abraham bar 'Elyā of Bēt Qandasi near Melitene, another nephew of Patriarch Mikā'el Rabā. He is the author of an anaphora which was approved by his famous uncle according to the work preserved in Ms. Berlin. 190.

¹² He was elevated to the episcopacy by Patriarch Mikā'el Rabā in 1189. MIKĀ'EL. *Chronique* IV, p. 733. His occupancy of the see was filled with difficulties and strifes which lasted until his death in 1214 A.D.

¹³ Lit. few, poor, vile.

¹⁴ Or: sceptre.

¹⁵ A comment is added in the margin: "Accurately he was of Bēt Sahrayē".

¹⁶ The original word has been erased and the term Barṭelli has been written over the original word which seems to have been Sahrayē.

¹⁷ Lit. travailed, in pains of childbirth.

and this volume¹⁸. So it may be used by every one who may (wish to) read in it and profit from it; and it may be again for his sons and his brothers and his relatives; and nobody is permitted to buy it.

* p. 189 * And whosoever borrows it in order to read in it or to profit from it or to copy from it and commits with it any trickery¹⁹ or erases this memorial²⁰, may the léprosy of Gehazi²¹ come²² upon his flesh and the terror of Cain²³ paralyze his members and the rope of Judas²⁴ hang around his neck and all the curses and prohibitions and interdicts²⁵ of all the synods²⁶ as found in this book come upon his house, in all eternity. Amen.

Tremble, o miserable one and be afraid and have pity on yourself and do not hurt yourself. But if you borrow it, return it to its owners with kindness and love and do not erase this memorial²⁷ and do not cut out the *kūrrāse*²⁸ from it, because if—God forbid and may it not happen!—you deface this memorial, Christ will wipe out your name from the book of life. And if you do cut out from it, the Lord will cut²⁹ you out on the day of judgment and will put your lot with those who did not confess the salvatory and adorable passion. Keep (this in mind) and you will live in this world and in the world to come.

Blessed be God eternally and praised be His name for ever and ever.

Lord Jesus Christ, do not refuse³⁰ the wages of the five twins³¹ which have wearied themselves.

* * *

¹⁸ Lit. a little book, booklet.

¹⁹ Lit. to plot, act perfidiously.

²⁰ Or: remembrance, record.

²¹ II Kings v. 27.

²² Lit. cleave.

²³ Gen. iv. 11f.

²⁴ The root *כ* does not appear in the *Thesaurus Syriacus* nor in the *Supplement to the Thesaurus Syriacus*. Also BROCKELMANN, *Lexicon Syriacum* cannot help us here. Does the root come from the Aramaic *כגל* "to mutilate", "to make rejectable", "to unfit"? Cf. JASTROW, *Dictionary of the Targumim*, II, p. 1133. The term has a cultic background, cf. LEVY, *Wörterbuch über die Talmudim und Midraschim* IV, p. 3f. The margin of the manuscript offers here *כעל* but this seems to be only a guess on the part of a scribe who must have been puzzled by this strange vocable.

³⁰ Lit. to oppress, wrong.

³¹ "Twins" in the feminine gender, i.e. ten fingers.

²⁴ Cf. Matth. xxvii, 5.

²⁵ Or: excommunications.

²⁶ *σύνδοχος*.

²⁷ Or: remembrance, record.

²⁸ *כעיס* quire or section.

I³² came across this collected book, which is full of superabundance³³ to the lovers of superabundance and a treasury³⁴ of prayers to everyone who shares regarding either the word or the deed — (I, namely,) Dionysios, one who, by the inscrutable judgment of the divine providence is the catholicos³⁵ of the East. We say that this book belongs to Rabban Dani'el, the presbyter and teacher from the village of Bēt³⁶ Bartelli^{37, 38}.

And glory be to the Lord always continually. Amen.

Pray <for the scribe>³⁹.

10

* [LXXXVIII]

* p. 190

THE CANONS OF THE MONASTERY OF MĀR MATTAI

INTRODUCTORY LETTER

By the help of our Lord we write the canons¹ of the holy and divine monastery of the holy Mār Mattai² in the month of *Tešri hrāi* in the second year³ of the merciful Ardašir⁴, the king of kings of the Persians.

³² The following text is written by another hand: the script is *'estrangela*.

³³ Or: profit, advance.

³⁴ The term used here is *כאס* which is employed idiomatically.

³⁵ *καθολικός*.

³⁶ Here a mark refers to the comment in the margin: "This is accurately Bēt Sahrayē".

³⁷ Here the original term has been erased and the word Bartelli has been written over it.

³⁸ Here follow three lines in the same *'estrangela* script but they have lost their third part at the end since the text has been cut out; therefore the sense of this text cannot be recovered.

³⁹ This line seems to have been written by the scribe: its end has suffered severely.

¹ *κανόν*.

² In Maqlūb, north of Mosul.

³ I.e. November.

⁴ The enthronement of Ardašir III took place after the death of King Šeroi in September 628 A.D. Cf. GRUMEL, *La chronologie*, p. 376 and MORTMANN, *Die Chronologie der Sassaniden*, p. 123. The year 630 A.D. cannot come into account since his rule came to its end on April 27, 630 A.D. Concerning the complications of this period, see FIRDAUSI, *Le livre des rois* VII, p. 407 and AL-THA'ALIBI, *Histoire des rois*, p. 731. According to these facts the month November must be November 629 A.D.

After our going back, i.e., our return⁵ from the common father of our fathers, Mār Athanasios⁶, patriarch of the apostolic see of Antioch, when we established union with him⁷, we, the heads of the priests, whose names are written here through the mediation⁸ of Jōhannān⁹, syncellus¹⁰ and the disciple of the patriarch¹¹, we had a gathering in our monastery of the holy Mār Mattai¹², all the heads of the priests of the Orient. This happened in the year 940¹³ of the Greeks¹⁴. We were moved by the (Holy) Spirit, the guide, to Tagrit,

⁵ This refers to the journey by the metropolitan to Antioch. He was accompanied by a delegation of bishops, namely Gīwargī of Siggār, Dānī'el of Bēt Nūhadrān, Grīgōr of Bēt Rammān, and Jazdapnah of Sarzūl, BAR 'EBRĀYĀ, *Chronicon eccl.* III, col. 119. This is confirmed in the document which stems from Patriarch Athanasios' hands, MIKA'ĒL, *Chronique* IV, p. 412.

⁶ This is Patriarch Athanasios, nicknamed Gammālā. His reign is variously given — 604-631 A.D., *Liber calipharum*, p. 144; 597-631 A.D., BAR 'EBRĀYĀ, *Chronicon eccl.* I, col. 621, 275; even 604-644 A.D., PSEUDO-DIONYSIOS, *Chronicon*, II, p. 148, 151.

⁷ Concerning the negotiations and their results, we possess information from the letter written by the patriarch. In it he comes to speak of his role in these discussions and decisions. He says that "at the requests" of the Oriental bishops he "agreed" to direct the ecclesiastical affairs of the Oriental dioceses, MIKA'ĒL, *Chronique* IV, p. 413.

⁸ The documents at our disposal want us to believe that a mere accident established the course of events which led to the reorganization of the West Syrian church in Persian territory.

⁹ According to one report, Jōhannān upon completing his mission to discuss ecclesiastical affairs with the king of Persia, visited the Monastery of Mār Mattai in order to seek blessings from the saints there, MIKA'ĒL, *Chronique* IV, p. 411. According to another version, Jōhannān was influenced by the depth of piety of the ascetic community, and conceived the idea of bringing this community into affiliation with the patriarchal seat, BAR 'EBRĀYĀ, *Chronicon eccl.* III, col. 119.

¹⁰ σύγκελλος.

¹¹ We may not trust these reports, that this course of events was a mere accident, too much; rather we should see in this development a well planned move on the part of Patriarch Athanasios. All that is known of his energetic activities testifies to a consistently and forcefully developed ecclesiastical policy with which "Gammālā", the former camel-driver, must have surprised his contemporaries. Presbyter Jōhannān must have known the plan before he left Antioch and must have started his journey with instructions from the patriarch himself. In this respect, we can be sure that these sources have mixed historical truth with legends. It is to be regretted that other sources provide no help in elucidating this question. The same is true in respect to a biography of Athanasios in Ms. Berl. Sach. 315, fol. 58aff. Stories about supernatural phenomena are not useful in the search for matter-of-fact data about the ecclesiastical policy of this energetic prelate.

¹² With the metropolitan of the monastery is listed Abbot Addai, BAR 'EBRĀYĀ, *Chronicon eccl.* III, col. 123, the transmission of whose name is not in order — the letter of the patriarch is not addressed to *ris dairā* Addai but to *ris dairā* Mattai, MIKA'ĒL, *Chronique* IV, p. 411.

¹³ i.e. in the year 628/9 A.D.

¹⁴ Tradition has partly wandered off the track when it comes to the chronological side of these happenings. The date 935 A.Gr., i.e. 624 A.D. — found in 'Eliyah bar

the second place¹⁵, for the ecclesiastical reforms and the execution of that which was stored up in our mind according to the promise which we made before the Patriarch Athanasios.

It happened like this, that when we travelled to him to achieve our union with him, I, Christophoros, metropolitan¹⁶ of this holy monastery of Mār Mattai, of Nineuē and Mōṣul, the town of God, and of the region of 'Atūr¹⁷ and the bishops with us and the venerable monks whom we brought along with us in order to make them heads of the priests for the places which have been widowed of bishops and to consecrate them to be those who accomplish the mysteries.

The patriarch, however, resisted. He wanted to keep the order¹⁸ which we had from ancient times because we have been appointed, through the mediation of the (Holy) Spirit, those in the oriental regions who were to govern the ecclesiastical affairs—rather was it the Holy Spirit (Himself) who through the mediation of our weakness¹⁹, perfected them. And he did not take this on himself but he ordered us, according to the canon²⁰ which was in effect earlier, to consecrate those who were the candidates.

* Therefore, through the mediation of Christophoros, the Holy Spirit * p. 191
consecrated Mār Marūtā, bishop of Tagrit²¹ and Mār <'Aitalāhā

Šināyā, *Opus chronologicum*, p. 127, is wrong. In placing these events in 940 A.Gr., i.e. 629 A.D., our new document is in agreement with the biography of Marūtā, composed by his successor Denhā, *Histoire de Marouta*, p. 79.

¹⁵ Or: the second rank. Tagrit at the Tigris between Mōṣul and Baghdad was an ancient town; cf. YAQUBĪ, *Histoire*, p. 121. According to the legend Apostel Thomas on his journey to Persia and India visited Tagrit where he converted the first Christians. The town, however, does not appear in the earliest Christian records. It is curious that HERZFELD, *Historische Topographie*, p. 226ff., claims that Tagrit was already in the 4th cent. a see of the Jacobite bishopric! Also SARRE-HERZFELD, *Archäologische Reise* I, p. 230.

¹⁶ μετροπολίτης. This prelate was not a "Metropolit von Persisch-Armenien" as in ABRAMOWSKI, *Dionysius von Tellmahre*, p. 90. Obviously this is a confusion with the Armenian Catholicos Christophoros II (628-30).

¹⁷ The area of Mōṣul, Nineuē and Nimrūd, known as Assyria.

¹⁸ τάξις.

¹⁹ Lit. fewness.

²⁰ κανὼν.

²¹ Concerning the establishment of the great-metropolitan see of Tagrit, Athanasios, with the agreement of the bishops, states that Marūtā was designated to be the metropolitan of Bēt 'Arbāyā, MIKA'ĒL, *Chronique* IV, p. 413.

Marūtā came from Šurzaq, near Bālād. He spent much time on studies in the Monastery of Šemū'el, Nardas, then in other places in western countries, then in the Monastery of Mār Zakkai near Qalliniqos and then in the Monastery of Bēt Raqūm, the Monastery of Mār Mattai near Qalliniqos and then in the Persian territory and lived all famous as centers of learning. Then he went to the Persian territory and lived in the Monastery of Mār Mattai where he was engaged as a teacher. This seems

The twelfth canon. That it is not allowed ...⁶¹ anything at all without the presence of the metropolitan ...⁶² his own.

The thirteenth canon. That it is not allowed him ...⁶³ also not a gathering from the jurisdiction of the metropolitan.

The fourteenth canon⁶⁴. That it is not allowed him to administer 5 any of the ecclesiastical affairs at all in the diocese of the monastery.

Canon 15. That it is not allowed him to approve or to reject the men, who shall be called by grace through the election of the abbot, to be appointed bishop or metropolitan.

Canon 16. That it is not allowed him to absolve an anathema in- 10 flicted by the metropolitan of the monastery at all whatever the reason.

Canon 17. That it is not allowed him to break off a law suit which belongs to (the competency of) the metropolitan of the monastery or to open it let it be settled not without his permission.

Canon 18. That it is not allowed to put some impost forcefully 15 upon the metropolitan of the monastery nor upon the bishops of the monastery — that deserves deposition⁶⁵.

Canon 19. That it is not allowed him to give the right to one whom the metropolitan of the monastery has condemned nor to condemn 20 somebody who has been declared in the right by him.

Canon 20. That it is not allowed him to sit when the metropolitan of the monastery enters (the room) but to stand in front of him and to receive him with honor and also not to remain reserved about honor that, by him, is bestowed on him.

Canon 21. That it is not allowed him to profane (the honor of) the 25 metropolitan of the monastery or to bypass him in regard to honors, those which have been bestowed on him by God through the hands of his fathers.

* p. 195 * Canon 22. That it is not allowed him to seek for help from the 30 outside rulers⁶⁶ against the metropolitan of the monastery; but if a matter of strife (arises), he shall seek help from his bishops, his companions.

Canon 23. That it is not allowed to throw an anathema against the metropolitan of the monastery for personal or secular reasons.

Canon 24. That it is not allowed to keep a grudge and a lasting 35 anger against the metropolitan of the monastery for that also brings

⁶¹ The text is damaged.

⁶² The text is damaged.

⁶³ The text is damaged.

⁶⁴ The text has suffered but the last 2 words are restored.

⁶⁵ καθίρεισις.

⁶⁶ ܠܘܟܢ ܠܥܠܡܐ.

condemnation but he shall be obedient to these canons⁶⁷ because we are subjugated under the anathemas of these (our) bishops and of his (bishops as well).

I, Christophoros, have <composed> these (canons) about him. 5 I think certainly that <he will execute them>⁶⁸ entirely and without imperfection because <of the peace>⁶⁹ of the church ...⁷⁰ continually.

He who annuls these canons ...⁷¹ anyone whoever he may be or destroys or tears them ...⁷² by the suppression of these canons ...⁷³. 10 He shall ask (him) to give account of his error and He shall judge him severely and will enter with him to the tribunal for the rejection and the abolition of these (matters) which have been instituted by our weakness⁷⁴ on behalf of the peace of the holy church and the spreading of the true and glorious orthodox faith. He who frivolously 15 scorns them destroys and alters them or defaces them and acts perfidiously, it is known that he shall give an account of it on the last day to the Lord. He shall avenge me for my labors and trouble * and * p. 196 my weariness in these (concerns) and my care for assuring and fixing them. These many things are like the transgressions whose torment 20 does not cease, whose tortures do not achieve, whose plagues do not end and whose judgment does not finish. I am salvaged, free and saved of the sins of him who scorns these (canons) and I know this as also Christ knows this without change or transformation.

But you, o seekers of these (canons) and lovers of learning, obtain 25 the peace of the holy church and do not use them cunningly for the commerce of quarrel and disputes; because I accomplished what has been ordered by the Lord: "Give to everyone who asks from you and do not refuse him who begs from you"⁷⁵. I manifested obedience to Peter, the head of the church, and my teacher, warning those who 30 received the gift from God to provide for their brethren as faithful stewards of the distinguished grace of God⁷⁶. And I do this like a weak steward who has some little parts of the gift of God that I give generously.

But you, o my brethren, help me ...⁷⁷ prayers during the time

⁶⁷ κωνόν.

⁶⁸ The text has suffered and is not decipherable.

⁶⁹ The text has suffered but this seems to be the reading.

⁷⁰ The text is damaged.

⁷⁴ Lit. fewness.

⁷¹ The text is damaged.

⁷⁵ Matth. v. 42.

⁷² The text is damaged.

⁷⁶ Cf. I Peter v. 1ff.

⁷³ The text is damaged.

⁷⁷ The text has suffered and is not decipherable.

of my captivity so that he may hear me and loose me of the bonds...⁷⁸ in which my senses have been interlaced and have weakened me. I supplicate...⁷⁹ to stand for His holy church... until the bounds of the earth... or the corrupting heresies...⁸⁰ and protected from the harming and attacking hand of the foreign sons without God; 5 and shall deliver you from all evils and harm * of the slanderer and from the condemnations reserved for those who transgress the law⁸¹ by the prayers of the Holy Virgin, the Mother of God, Mary and all the saints. Amen.

I, Chriṭophoros, metropolitan of the holy and divine monastery of 10 Mār Mattai and of Nīneūē and of Mōṣul, the town of God, have written and determined.

I, Mār Marūtā, metropolitan of Tagrīt, have determined and have confirmed these (canons) that are (written) above and have set the signature. 15

I, Mār Gīwargīs⁸², have determined, decreed and confirmed these that are (recorded) above and have set the signature⁸³.

I, Mār Dānī'ēl, bishop of Bēt Nūhadrān⁸⁴, have determined, confirmed and set the signature.

I, Mār 'Eṣṭapanos, bishop of 'Arzūn⁸⁵, have determined and de- 20 creed and set the signature.

⁷⁸ The text is damaged.

⁸⁰ The text is damaged.

⁷⁹ The text is damaged.

⁸¹ νόμος.

⁸² The text has suffered here. We learn from Bar 'Ebrāyā that his bishopric was in Ṣiggār, *Chronicon eccl.* III, col. 119. The mountain-chain of Ṣiggār, not far from Nišibīn, was an ancient stronghold of monks of the monophysite faith. See *Histoire d'Ahoudemmeh*, p. 27f. Grīgōr of Kaškar, the metropolitan of Nišibīn, undertook repressive actions against them; *Chronicon anonym.*, p. 18. Concerning this Grīgōr, see VÖÖBUS, *History of the School of Nisibis*, p. 208f., 304ff.

⁸³ Something has fallen out from this text, namely a similar name. From Bar 'Ebrāyā we learn that the list included also Grīgōr, bishop of Bēt Rāmān, *Chronicon eccl.* III, col. 119. This bishopric was known also as Bēt Wāzīq, *ibid.*, col. 123, 131. Obviously both towns which are between Mōsul and Tagrīt, constituted one bishopric. Concerning these places, see VAN LANTSCHOOT, "Beth Ramman", col. 1238 and "Beth Waziq", col. 1240f.

⁸⁴ A region which reached up to Bālād and in the north up to Halmōn, i.e. the area north of 'Atūr and east of Bēt Zabdai which is east of Tūr 'Abdīn. Cf. HOFFMANN, *Auszüge*, p. 208ff.; VAN LANTSCHOOT, "Beth Nuhadra", col. 1236. Another form of its name is Bēt Nūhadrā or Bēt Nūhadrē. Cf. POGNON, *Inscriptions sémitiques*, p. 29f.; 44f.; FIEY, *Assyrie chrétienne* II, p. 322ff.

⁸⁵ 'Arzūn is the name for the town and district of Armenia on the northern border of Mesopotamia, extending from Gezīret ibn 'Omar to 'Amīd in the west. The town 'Arzūn (Erzerum) was an ancient episcopal see which was represented on the synod held under Catholicos Iṣḥāq in the year 410 in Seleucia-Ctesiphon. Cf. *Synodicon orientale*, p. 36.

I, Mār 'Aitalāhā, bishop of Margā⁸⁶, and of Gūgmel⁸⁷, have determined, confirmed and set the signature.

I, Mār Iṣō'rahmeh, bishop of Tīrhān⁸⁸, have determined and set the signature against everyone who trespasses these canons of the holy 5 monastery.

I, Mār Jazdapnah, bishop of Šahrōz⁸⁹, have determined, confirmed and set the signature.

I, Mār 'Ahā, bishop of the interior Pīr Šābōr⁹⁰, also of Nami- rayē⁹¹, have determined and set the signature.

⁸⁶ The location of the town of Margā is not exactly determinable, but according to the literary sources it was not far from Mōsul, namely north-east of it: it seems to have been Marḡ al-Mauṣil or Marḡ Abū 'Obaida, YAQUT, *Mu'ḡam al-buldān* IV, p. 488. The region of the diocese was bordered by the Upper Zab in the south, the river Ḥāzīr from the south-east and the mountain-chain of 'Aqrā in the north. Cf. HOFFMANN, *Auszüge*, p. 222ff.; FIEY, *Assyrie chrétienne* I, p. 225ff. Margā is missing in the list given by Bar 'Ebrāyā. Moreover, Margā must be added to the list of the episcopal sees not mentioned by Mika'ēl, HONIGMANN, *Le couvent de Barṣauma*, p. 157.

⁸⁷ Gōgmel or Gōmel is the area of Tell Gōmel, east of Mosul. The term vocalized as Gōgemal appears in TŪMĀ, *Book of Governors*, I, p. 164. In Bar 'Ebrāyā the form Gōmel appears with his comment that this is one of the large villages in the region of Margā, east and north of Tūr 'Alpheph, *Chronicon eccl.* III, col. 121, 123. The form of the name in our source strengthens the assumption that this place is the ancient Gaugamela. Cf. HOFFMANN, *Auszüge*, p. 194.

⁸⁸ Or Tīrhān, an ancient episcopal see, cf. *Synodicon orientale*, p. 89. The same see appears in Bar 'Ebrāyā as Karmeh, *Chronicon eccl.* III, col. 123. It was located in the area of Sāmarrā. The northern boundary of the diocese reached almost the Little Zab; cf. HOFFMANN, *Auszüge*, p. 188. Tagrīt belonged originally to the bishopric of Tīrhān; cf. SACHAU, *Zur Ausbreitung des Christentums*, p. 36.

⁸⁹ Šarazūl or Šaharzūl in Bar 'Ebrāyā, *Chronicon eccl.* III, col. 123. Other forms of the name are: Šaharzūr, Šahrazūr and Šahrzūr. The bishopric covered the mountain region between 'Arbēl and Hamadān, YAQUT, *Mu'ḡam al-buldān*, III, p. 340. About this location, see MINORSKY, "Shehrizur", p. 370ff.

⁹⁰ The location is Pērōz Šābōr, built by Šāpūr II on the eastern bank of the Euphrates, south of the canal of Ṣaqlāwiya. Later it was known as 'Anbār. In the acts of the martyrdom of Grīgōr Pērōz Šābōr appears as "the town of the Arabs". *Histoire de Mar Jabalaha*, p. 375. The town which was the residence of the first Abbasid Caliphs, YAQUT, *Mu'ḡam al-buldān*, I, p. 367, was located approximately in the same latitude as Baghdad, not far from Qal'at Fellūḡa.

⁹¹ That the location of this episcopal see was on the eastern bank of the Euphrates is confirmed by our document which includes the Arab tribe al-Namir in the diocese. This fact speaks strongly against the identification of the location with Faiṣabūr at the Tigris, south of the place where Ḥābūr flows into the Tigris, as suggested by HOFFMANN, *Auszüge*, p. 213 and MARKWART, *Südarmenien*, p. 439. About this tribe, see AL-ISFAHĀNĪ, *Kitāb al-aḡānī*, XX, p. 127f., 134. This tribe is not mentioned in the list of the Christian Arab tribes in GRAF, *Geschichte chr. arab. Literatur*, I, p. 25ff.

I, Mār Jōhannān, bishop of Ḥirtā⁹², the Arabs and Qūran⁹³, have determined and set the signature.

I, Mār Jōhannān, bishop of 'Anāt⁹⁴, and of Taglibiyē⁹⁵, have determined, decreed and set the signature⁹⁶.

[LXXXIX]

THE AGREEMENT ABOUT THE APPOINTMENT OF CHRISTOPHOROS

Then we write the agreement about the appointment of Christophoros, metropolitan of the holy and divine Monastery of Mār Mattai¹.

* p. 198 * In the name of the Father, the Son, and the Holy Spirit.

When we were gathered in the town of God, Mōṣul, we the ...² of the holy and divine monastery of Mār Mattai, I, Ḥūran³, the abbot of the monastery and the rest of the fathers and Jōhannān, the bishop of the monastery and ...⁴ of the monastery with the community⁵ of the Ninivites, Mosulans, Nuhadreans and the Margans,

⁹² Ḥirtā is the Syriac form of Ḥirā of the Arabs, located south of Kūfa, YAQUT, *Mu'jam al-buldān* II, p. 375f. Ḥirtā was an ancient episcopal see, as demonstrated by the subscriptions of the acts of the synod of Seleucia-Ctesiphon the year 410, *Synodicon orientale*, p. 24. The Arabs lived in Ḥirā, as well as in 'Anbār and in the settlements at the Euphrates, not in houses but in huts made of branches and wool. AT-ṬABARĪ, *Ta'riḥ ar-rusul* I, p. 748f.

⁹³ *Thesaurus syriacus* II, col. 3567 does not have knowledge of such a location. Other topographical data which have emerged, cannot help us.

⁹⁴ This place appears already in the cuneiform records as 'Anat, located at the middle course of the Euphrates; QUDĀMA, *Kitāb al-Ḥarāg*, p. 233 gives a description of the place. About 'Anāt, see MUSIL, *The Middle Euphrates*, p. 345ff.

⁹⁵ This tribe had emigrated from Jemen. Concerning the ecclesiastical situation among this eminent tribe, see CHARLES, *Le christianisme des arabes nomades*, p. 75ff. The bishop of the Taglibiyē had no fixed residence and resided in 'Anāt, Diglā or Ḥirtā.

⁹⁶ The same text appears in Ms. Mardin Orth. 323, fol. 55b-61a.

¹ About the monastery of Mār Mattai, see page 197ff.

² The text has suffered here.

³ Nothing more is known about this Ḥūran.

⁴ The text has suffered here.

⁵ Or: gathering, assembly.

we then met Denḥā the Harranite and solicited him to consecrate for us a metropolitan for the monastery, Nīneuē and Mōṣul, according to the canon and the right it has had since ancient times.

And this (happened) after we had trodden upon our conscience, because we had not the right to receive from him the gift of the priesthood after he trod upon the excommunication of one who consecrated him—because, first, he entered into the interior church⁶ whose entrance was forbidden to him because he approved (the constitution) for Mattai, our diocese which was not given to him. Further, we had requested him to consecrate for us a metropolitan and he did not consecrate. He made a tribunal and resolved judgments which were not of his competence. He consecrated priests and deacons for the town of Mōṣul and usurped the monasteries of 'Abdā and 'Ūmrā and split the Tagritians of their interior church and the churches which are in Mōṣul. He consecrated a bishop to 'Anāt⁷ without our agreement although we had forewarned him not to do so because the invocation (of the consecration) is ours and he was not persuaded⁸.

After all these doings, which were not permitted him, we again throwing all these things into the abyss of oblivion elected a monk to be consecrated for the community (of the monastery). He was not persuaded and did not deign (to do so).

Because we understood that all these (actions) were strategems⁹ from him and that he is of the intention to abolish completely the canons of our monastery, and to make us his slaves paying tribute, we determined unanimously * together with all of us, those mentioned * p. 199 above, the abbot ...¹⁰, the bishops Dionysios and Jōhannān, the reverend monks..., the believers whose names are written here below..., that we shall not receive from him the gift of the priesthood.... We shall consecrate by ourselves this person...¹¹ the monk and Tagritian, presbyter who is Bar Jadī, the presbyter.

We have determined for ourselves and on all the assemblies¹² that are in this agreement that there is no permission from God for any one of us to change this writing, and the oath that we have established, or to turn our back on Mār Sargis, the monk, and to leave him—neither before the consecration nor after. And that none

⁶ In Mosul.

⁷ Anāt is in Bēt 'Arbāyē, north of Zab.

⁸ πείσαι.

⁹ πόρος.

¹⁰ The text has suffered here because a part of the folio is torn off.

¹¹ πρόσωπον.

¹² Or: congregation.

of us accepts the sentence¹³ of the Ḥarranite¹⁴ and that we shall not consider anyone who keeps it except as a heretic because we do not recognize him as our chief - but we all have submitted ourselves to the governorship of the holy and Godbearer Mār Sargīs, our metropolitan and that of the monastery, I say, of Nineuē, of 5 Mōsul, town of God and Christ-loving, and of the Orient.

We also recognize the holy and three times blessed Mār Jōhannān the patriarch as a chief and administrator so long as he is silent and does not help the Ḥarranite in his oppression over us. But if he moves and excites Denḥā to cast excommunications, his excommunication 10 shall be considered by us via the unjust excommunications of Denḥā, because he does not justify the innocent and condemn the culpable.

If one of those in the assemblies mentioned turns away from Mār Sargīs, the metropolitan, who is Christophoros, and follows Denḥā the Ḥarranite as the metropolitan—(of course) in name only—he is 15 separated, rejected and foreign from the royal and * adorable Trinity which is one in Scripture and is the essence and the breath of life of everyone. He will be (also) stripped of the grace that he has received and which he has borne from baptism, and the hosts of the saints 20 and the heavenlies, the souls of the prophets, the spirits of the just and the apostles shall put him to shame because of his withdrawal. And the excommunications thrown by the synod of the Three Hundred Eighteen fathers who gathered at Nicaea¹⁵ and anathematized the impious Arius will be hanged upon his neck and suspended from the nape of his neck as well as the anathemas of the One Hundred 25 Fifty¹⁶ (fathers) by which Macedonius who fought against the Holy Spirit, was anathematized and (also those) of (the synod) of Two Hundred Fifty¹⁷ fathers in which Nestorius was anathematized.

These things have been concluded by our will and through our consent, being in good health and sound mind. And we have written 30 this agreement to the elect of God, Mār Sargīs, Christophoros, our metropolitan.

We have also ascertained from him that he will not be attracted by any human¹⁸ thought and fervor to diminish any of the canons that we approved for his episcopate whether by reason of a relation- 35 ship with certain people or by submitting to the will of the Ḥarranite,

¹³ Or: excommunication.

¹⁴ I.e. Denḥā.

¹⁵ See vol. I, page 95ff.

¹⁶ The Synod of Constantinople.

¹⁷ The Synod of Ephesus.

¹⁸ Lit. carnal.

our enemy. But he shall be the chief of his flocks according to the order¹⁹ of Moses, and of Aaron, Joshua, Simon Peter, and the rest of the apostles.

He and all of us are bound to these excommunications and nothing 5 will separate us one from another, neither sword nor fire nor suffering nor prisons nor any creature nor a new invention of tortures²⁰. We all shall accept the honored ones of the monastery and its flocks and shall not diminish it.

Furthermore, we have determined that the Metropolitan Christo- 10 phoros shall deliver (the episcopate) during his lifetime to a person²¹ who pleases God and the diocese²², especially the abbot of this monastery, the bishops and the venerable monks.

We are begging him to accomplish these things without deficiency before the dreadful throne²³ of Christ.

15 We also have determined by the same anathemas which we have mentioned that it is not permitted to any of the Tagritians with us, or to any other, to claim the inheritance of this principality * except * p. 201 a person of whom it is testified as to his virtue and knowledge as even more superior than that of the monks, his companions in this monas- 20 tery. He shall be ordained whoever he is.

These things have been written by the agreement of us all in the year 303 of the Arabs on the twenty-second day of 'Ādar²⁴.

I, Christophoros, the feeble, metropolitan of the monastery, of 25 Nīneuē, Mōsul, the town of God and Christ-loving, and Maphrian. I accepted and approve all these things that no other monastery nor those under this jurisdiction shall come under the see of Tagrit, but we shall consecrate a bishop ...^{25, 26}

[The end of the original manuscript.]

¹⁹ τὰξις.

²⁰ Cf. Rom. VIII, 35, 38f.

²¹ πρόσωπον.

²² Or: diocese.

²³ βῆμα.

²⁴ I.e. March 22, 914.

²⁵ Here the text breaks off; this is the end of the original text of the manuscript.

²⁶ The same text appears in Ms. Mardin Orth. 323, fol. 61a-63b.

and in Bagdīših¹⁶, in Šandarīeh¹⁷, and in the village of Da'emi¹⁸.
 * p. 203 (Then) the West Būgadīs¹⁹ which is near * the village of Mašqūq,
 and in the village of Bēt Qūgaq²⁰, in the village of Dīma'ti, and in
 the village of Hellīh, and in the village of Bka'a²¹, in the village of
 Ḥaršfīeh²², and in the village of Qawīm, and in the village of Giū-
 manē²³, and that in Gā'ferih²⁴, below the town of Dārā.

The new monasteries, however, which he built and renewed (are
 as follows): the Monastery of Mār Dani'el²⁵, which is called Galaš²⁶
 in the mountain of Ber'ih and which is near Līsōn, the Tūr Qarīrā.
 The Monastery of Mār Dimeṭ²⁷, below the castle of Ḥūrū 'Abar²⁸, 10
 which is called the New²⁹ Monastery. The Monastery of Mār Giwar-
 gīs³⁰, below the village of Ša'bā. The (Monastery) of Mār Baršaumā³¹,
 the bishop, which is near the village of Ḥašri and towards the village
 of Būgdasīh. The Monastery of Mār Stephanos, which is Mār Būkrā³²
 that is near the village of Rīsmīl and the village of Bēnebīl. And (the 15
 Monastery of) Mār Theodōtā³³, which is near the Ḥesnā of Šūrā.

(Then) the monasteries which he renewed—no monk was found in
 them at all: the monastery of Mār Ḥanānyā, and Mār 'Abai³⁴, near
 Šūr Ḥesnā. And the great monastery of Mār Athanasios³⁵, the bishop
 and patriarch, which was (very) large and famous, and three churches 20
 were built there. And the Monastery of the Šemīṭie³⁶ or of Ḥe-

¹⁶ So vocalized.

¹⁷ So vocalized.

¹⁸ De'a'mi, *ibid.*, p. 228.

²² Partly vocalized, namely with the Pthāhā.

²³ So vocalized: Geūmyē, *ibid.*, p. 228.

²⁴ So vocalized: Ga'apārīh, *ibid.*, p. 228.

²⁵ A monastery which was much celebrated.

²⁶ 'Aglēš, *ibid.*, p. 228.

²⁷ Also a monastery with reputation.

²⁸ Two locations Ḥūrū and 'Abar, *ibid.*, p. 228.

²⁹ Ḥadā.

³⁰ A monastery with renown.

³¹ Another celebrated monastery.

³² Būkrē, *ibid.*, p. 228.

³³ Dedicated to this celebrated bishop and ascetic, see Vööbus, "Découverte de
 la biographie de Théodote", p. 39 ff.

³⁴ This monastery was in a special relationship with the Monastery of Mār Ḥanānyā,
 see page 243 f.

³⁵ This was a very important monastic center.

³⁶ Nothing is known about its origin.

¹⁹ So vocalized; Būgdīs, *ibid.*, p. 228.

²⁰ So vocalized.

²¹ Or: Ka'r?

fiayē³⁷, i.e., Ḥefa'i which is by the side of the village of Telbesmi.
 These are the four monasteries which were in the diocese of Mār
 Jōḥannān the holy metropolitan of the town of Mardē whose renewal
 and restoration (he accomplished)³⁸.

5 He himself speaks about his noble self in a (very) humble way:
 "As my wretchedness dwelt in the habit³⁹ of monasticism⁴⁰ in the
 holy mountain of the town of 'Ūrhāi where my parents spiritually
 and carnally begot me and raised me up. Afterwards I set off from
 there and came to the East, that is to say, to the country of this town of
 10 Mardē—I the humble self named Jōḥannān. Then I saw this * famous * p. 204
 and holy monastery, the monastery of Mār Ḥanānyā, which was
 emulous in previous time not only by the decorations of all kinds
 or by the construction in human workmanship of (its) skilled artisans,
 or by the melted nature with rays of light (reflecting) from gold
 15 and valuable and precious stones, according to that which the (sacred)
 book tells us regarding the temple which the king Solomon built⁴¹.
 He attested that when he says: "I saw that everything under the
 heaven and the sun is vanity; everything is vanity of vanities"⁴².
 Excepted is solely the firm building—the one who is made firm and
 20 comes to maturity in the holy manner of life that is from the creation
 of the divine commandments. These persons become temples to God.
 in them He dwells and stays forever, as our Lifegiver Jesus Christ
 has said: "If a man loves me, he keeps my commandments, and
 my Father will love him, and we will come to him and make (our
 25 home) with him"⁴³. For the prophet had said to the carnal people,
 those who were proud of the temple: "Why do you say temple,
 temple? I—the heaven is my span and the earth is my handful, and
 the seas are the hollow of my hand. What is the house which you
 would build for me? I do not dwell in human handiwork"⁴⁴.
 30 Afterwards⁴⁵ when these temples (were built) in the monasteries
 after they had been renewed by me, Jōḥannān⁴⁶ the bishop, we were
 mindful of that which is said: "You will know them by their fruits"⁴⁷.

³⁷ ~~Καυ~~ means barefeet.

³⁸ About the restoration of the Monastery of Mār Ḥanānyā, see also Ms. Šarfeh
 Patr. 38, fol. 180a-181a; Ms. Šarfeh Patr. 252, fol. 18b-19b. ³⁹ σχημα.

⁴⁰ ~~Καυ~~.

⁴⁴ Isa. LXVI, 1.

⁴¹ Cf. I Kings v, 1 ff.

⁴⁵ εἶτα.

⁴² Eccl. I, 2.

⁴⁶ The text reads here Ḥanānyā.

⁴³ John xiv, 23.

⁴⁷ Matth. vii, 16.

And who are these? I, however, say to you: the skilful teachers and the faithful interpreters, those whom the East and West declare righteous regarding the exactness of the word of the interpretation of the orthodox doctrine⁴⁸. These famous (teachers) are: Mār Mōšē bar Kēphā⁴⁹, Mār Iwannīs⁵⁰, the bishop of the town of Dārā. In this monastery they dwelt and were raised up and they have been enlightened through the books by study among these saints who were living here at that time. But why do we remember these? In order to show from what a height like this to what a depth and fall⁵¹ this holy monastery has gone down—how instead of the bodily⁵² angels, that is to say, the divine teachers and the holy ascetics⁵³ and monks the monastery was full of Arabs, Kurds, the lads, laymen, women, boys * and girls. A great sorrow was in my heart when I saw them in it. But there was no possibility⁵⁴ that the place could be cleansed from these blind and mixed people, because in all the Orient, that is to say, the "Mountain of the Servants", namely in Tūr 'Abdīn and in the diocese of Mardē there was not a single monk—it was not even known what monks were like.

"I, however, myself wretched, when I was with my holy parents, those who have begotten me and raised me up, I was busy and thinking about myself—to have a pursuit⁵⁵ and to assume and try to be in silence and to accomplish my feeble life lonely and in silence. There, however, came suddenly on me an impulse⁵⁶ without (my own) will. Indeed, I am ashamed to mention or to assume a name which is perhaps an ignominy to those to whom I am a (spiritual) father and a bishop—to accept the pursuit⁵⁷ of apostles (like) Peter and John. From that time on I was coerced in whatever way by the holy brothers, those who were with me and the learned ones who supposed with regard to me the suspicion of untruth. The affair turned out as they show. They had the opinion that they would gain in me, but their expectation was an inversion. It was right that they went down into my abyss and it is nice to say that they did not go up. These (things), however, were (done) according to the will of God".

⁴⁸ δόγματα.

⁵⁰ He flourished in the first part of the 9th cent.

⁵¹ Or: humiliation.

⁵² Lit. fleshly.

⁵³ κείλα.

⁵⁴ Lit. place.

⁴⁹ d. 903 A.D.

⁵⁵ Or: practice.

⁵⁶ Lit. action.

⁵⁷ Or: practice.

⁵⁸ His aspirations? The text is not clear at all.

I have become so to speak a bishop in name (and) an inheritor of Mār Ḥanānyā of the holy monastery which is famous in all the entire land. Then I, the wretched one, was doubled in the sadness and sorrow which had been added⁵⁹ to the monasteries and churches which were ruined and had become desolate of monkly dwellers. Therefore it was my prayer and my request to see in this holy monastery about twenty monks before I depart from this temporary life. God, however, heard my prayer through His grace—there were in the monastery about sixty monks during my lifetime. And other monasteries also were renewed in this diocese, or rather (many other) monasteries were built and steadily erected, as I, the wretched one, possessed only the will and desire to do this, but God according to His everlasting mercy helped that they came (into existence).

* (Here they are): the monastery of the brilliant Mār 'Abai. The Monastery of Theodōtā⁶⁰: it is called the monastery of the village of Qillet⁶¹ which is in Šūr Ḥesnā. Another large and famous monastery is by the side of Ḥūrū'abar⁶², in the place which is called Bēt Ṭabitā⁶³; it is in the valley of Bēt 'Arqā⁶⁴, to the east of Ḥūrū'abar. There are holy monks in it, those who with their labor and care built the wall of the monastery, the temple, the *bēt qadīšē*⁶⁵ and the cells⁶⁶. Again another monastery which is in the valley of the village of Šabā⁶⁷, in the west of it, the village in the place which was called Bēt 'Essē⁶⁸, and this was built in the name of Mār Gīwargīs⁶⁹, the glorious martyr. The monastery, however, of Bēt Ṭabitā which we mentioned above, was built in the name of the Virgin Mary and in the name of the Holy Mār Dimet. However, the famous monastery of the Patriarch Athanasios who is called Sandālē⁷⁰—is near the village of Tellā de-Besmē⁷¹. When I, the wretched one, saw the Kurds wintering in the monastery, we took up the monastery and we built it over the rock which is in the middle of the monastery and we made cells⁷² above it. Again another monastery of the glorious

⁵⁹ Or: increased.

⁶⁰ See note 33.

⁶¹ So vocalized: Qelat, *Bibliotheca orient.* II, p. 221.

⁶² Hūr 'Ebar, *ibid.*, p. 221.

⁶⁷ Ša'bā, *Bibliotheca orient.* II, p. 221.

⁶³ So vocalized.

⁶⁸ So vocalized.

⁶⁴ So vocalized.

⁶⁹ The cult of this saint was very popular.

⁶⁵ κείλα the house of the saints.

⁷⁰ σάνδαλον.

⁶⁶ κέλλα.

⁷¹ Tell Besme has been identified with Bismedeon which appears in Procopius, *De aedificiis* II, 6, p. 65; cf. DUSSAUD, *Topographie historique*, p. 491.

⁷² κέλλα.

Mār Dani'ēl⁷³ which is above the Ḥesnā of Ber'eih. Another monastery which is on the river of Kabūr⁷⁴, which is Ḥabūrā, by the side of the village of Ta'bān, and the village of Sīhemih⁷⁵ on the river of Ḥabūr, with (some) other monasteries which are by the side of the town of Mardīn. Again another monastery is of Mār Būkrā⁷⁶, which is the holy Mār Stephanos, the firstborn of the martyrs and the first of the deacons, which is by the side of the village of Benebīl and the village of Rīsmāl⁷⁷. Another monastery is of Mār Bar-
 5 saumā⁷⁸, the bishop and martyr, which was ruined to the (very) ground, is by the side of the two villages, Telqabab⁷⁹ and
 10 Būgadših⁸⁰.

* p. 207 * May God through his mercies and through the supplication of the saints from their resting places in these monasteries, which this Mār Jōḥannān has renewed, keep also their dwellers who are in them and the place without disturbance forever. 15

The reason, however, why this Mār Jōḥannān has remembered the names of the monasteries which he built, is that they would be kept⁸¹ for the future because these monasteries might become desolate through some changes or emptied (of their inhabitants) so that it will be not known by whom they were built and renewed and on the name of
 20 which saint, as had happened (also) to this holy monastery of Mār Ḥanānyā⁸². For we could never find out when, how, and by whom it was built nor the name of the saint by whose name it was (first) known and proclaimed before Bishop Ḥanānyā—as this has happened to many monasteries whose stories of the saints on whose
 25 names they were built (have been lost). As (for example) that of the holy and famous Mār Behnām⁸³, who now in our days is doing miracles and mighty works (just) as in the time of the apostles, to all those who come to him in faith. There is no story at all about him except only that which is told in oral tradition—and one as it pleases
 30

⁷³ See note 25.

⁷⁴ Kebar, *Bibliotheca orient*, II, p. 222.

⁷⁵ Seḥimeih, *ibid.*, p. 222.

⁷⁶ The word means firstborn.

⁷⁷ So vocalized: Rāsāmīl, *ibid.*, p. 222.

⁸² About the restoration of the Monastery of Mār Ḥanānyā by Mār Ḥanānyā, see Ms. Šarfēh Patr. 38, fol. 180a-181a; Ms. Šarfēh Patr. 252, fol. 18b-19b; cf. *Vie de Mar Benjamin*, p. 91f.

⁸³ A famous monastery near Mosul.

⁷⁸ See note 30.

⁷⁹ Telqāba'b, *ibid.*, p. 222.

⁸⁰ Begadšeih, *ibid.*, p. 222.

⁸¹ Lit. shown.

him can tell it in an elaborate⁸⁴ or in a concise (way). So this is the reason why we remembered these monasteries, the origin of their building and the names of the saints who built on the resting places of the saints, (although), indeed, it would be proper that there ought to be a special
 5 story for each monastery.

As we mentioned a moment ago, it was not Mār Ḥanānyā that built this monastery of Mār Ḥanānyā but he renewed it after it was desolate of the first dwellers during (the time) of the Romans. Before the Arabs came to these lands the first dwellers left it and fled before
 10 the ravage and the wrath of the Arabs. (Then) Mār Ḥanānyā came and dwelt in the East and immediately he settled down in the monastery of Kenūšyā⁸⁵, which is known near Qalliniqos which is the town of Mar'aš⁸⁶. From here * the holy Mār Qyriaqos⁸⁷, the patriarch, * p. 208
 15 called him and ordained him bishop for Mardīn, Kephartūtā and the rest of the locations.

However, Mār Jōḥannān, the hero⁸⁸ of this story, carefully fixed, restored⁸⁹ and bound many volumes of books (left) by the captives. They were scattered and mutilated a long time ago⁹⁰. By his care he wrote four amazing exemplars in golden ink and with various colors in miniatures,
 20 and (also) all kinds⁹¹ of copies of the Gospels⁹² and Greek lectionaries⁹³ for the annual succession (of ecclesiastical) readings, in gold and silver. One exemplar of the Gospel⁹⁴ is in this holy monastery

⁸⁴ Lit. addition, increase.

⁸⁵ ~~Κένουσα~~; the term means community.

⁸⁶ Here Raqqā is written above the line.

⁸⁷ About this Qyriaqos, see page 7ff.

⁸⁸ Lit. master.

⁸⁹ Lit. united.

⁹⁰ Jōḥannān took care also of the creation of original literature. One extensive work because of its subject, dealing with God's providence and alleged promise given to 'Urhāi in connection with the story of Abgar, enjoyed a wider circle of attention. This exists only in some quotations, MIKA'ĒL, *Chronique* IV, p. 633ff. There is a report about a *catena commentary* on the Old and New Testament, written in 1156 A.D., cf. PARRY, *Six Months in a Syrian Monastery*, p. 83. My search could find no trace of this work. Tradition has kept his remembrance as an author in the genre of liturgical discipline. Ms. Jerusal. Mark 110, written in 1276.7 A.D., contains a cycle of writings about consecration. This is a codex which has remained unknown. see BAUMSTARK, *Geschichte syr. Literatur*, p. 294, 354; also his "Liturgische Handschriften", p. 103ff.

⁹¹ γένοϋς.

⁹² εὐαγγέλιον.

⁹³ What he seems to mean here are the lectionaries in Syriac but patterned according to the Byzantine models; or has he in mind the lectionaries with the Harclean version, very servile to the Greek original and idiom?

⁹⁴ εὐαγγέλιον.

of Mār Ḥanānyā⁹⁵. He expressed great care, diligence and pains for churches, (their) properties and substantial⁹⁶ legacies which are useful for the churches and monasteries, as (cultic) bowls, cups, censers⁹⁷, crosseş, fans (made) of gold or silver. He bequeathed them to the churches together with chairs, chests⁹⁸, curtains⁹⁹, anaphoras¹⁰⁰, etc. And in his diligence he sent (someone) to Alexandria and bought through his friends the merchants, two (cultic) bowls¹⁰¹, a receptacle¹⁰² for the consecration of the divine myron, three cups of silver, five pieces of admirable, (very) beautiful and expensive vessels—pieces which like these cannot be found except only in the treasuries of kings. 10

However, he blessed the myron¹⁰³ thirteen times in (his) monastery. He enriched all the Christians who are in all places (in Mesopotamia).

FROM THE SAME STORY OF MĀR JŌHANNĀN OF
THE MONASTERY OF MĀR ḤANĀNYĀ
(TAKEN) FROM ANOTHER MANUSCRIPT¹⁰⁴ 15

He said: "When we came and arrived at this monastery of Šīrā de-Neṭāphā¹⁰⁵ which is above the Monastery of Mār Ḥanānyā we saw in the monastery of Neṭāphā (traces of) holy anchorites¹⁰⁶, those who were before the ravage in this place. We took care, and we gathered many monks and we renewed in it a large community of monks, 20 of excellent men. We set up for them ecclesiastical and spiritual laws¹⁰⁷, orders¹⁰⁸ and canons¹⁰⁹ which adorn all spiritual virtues.

⁹⁵ A very precious sample has survived which belongs to the genre of liturgical homilies. Ms. Dam. Patr. 12/15 is a collection of literary treasures containing the *mēmrē* of Ja'qōb of Serūg and other texts. This luxury edition on parchment in its colophon states that this gigantic collection was arranged by the care of Jōhannān of Mardē. Cf. VÖÖBUS, *Handschriftliche Überlieferung der Mēmrē-Dichtung des Ja'qōb of Serūg* I, p. 144.

⁹⁶ Lit. great, large.

⁹⁷ πύρωμα.

⁹⁸ κίβωτος.

⁹⁹ βῆλ. ov. velum.

¹⁰⁰ ἀναφορά.

¹⁰¹ φιάλη.

¹⁰² ξέστης.

¹⁰³ μύρον.

¹⁰⁴ The autobiographical notes and comments which he himself included into marginal notes and notations in the colophons of manuscripts have been collected by anonymous hands and have been expanded. Two such texts have been known. One in Ms. Vat. Syr. 96, fol. 32b-36b was written about 1352 A.D.; the other is in Ms. Vat. Syr. 37, fol. 153a-156a, written 1627 A.D., edited by Assemani in *Bibliotheca orient.* II, p. 217ff.

¹⁰⁵ In Syriac ܩܬܪܐ i.e. drop, in Arabic القطرة Deir al-qatareh.

¹⁰⁶ ܩܘܪܝܬܐ.

¹⁰⁷ νόμος.

¹⁰⁸ τάξις.

¹⁰⁹ κανών.

* FROM ANOTHER MANUSCRIPT ABOUT MĀR ḤANĀNYĀ * p. 209
THE FIRST BISHOP OF THIS MONASTERY

In the story of Mār Jōhannān the latter, it is written thus: "A moment ago we said concerning this monastery of Mār Ḥanānyā 5 that he did not build it but he renewed it after it was desolate of the first inhabitants since the times of the Romans".

Ḥanānyā was in the East and dwelt in the monastery of Kenūsyā which is near Qalliniqos, that is the town of Raqqā. From there the patriarch called him and ordained him a bishop for Mardīn and 10 Kephartūtā in the year 1104 according to the Greek reckoning¹¹⁰. And when the said Ḥanānyā came and saw this monastery which is called the monastery of Neṭāphā of the holy anchorites¹¹¹ he caused it to be inhabited (again). He took care, rebuilt and renewed it. Then he settled in it monks-ascetics¹¹², a large community of excellent and divine 15 men. He set up for them ecclesiastical, patristic laws¹¹³, orders¹¹⁴ and canons¹¹⁵. He also adorned it and decorated it with all (divine) virtues. He lived in the community¹¹⁶ twenty-three years and he departed to his Lord¹¹⁷.

After him in the diocese there was his disciple Ignatiōs¹¹⁸, bishop 20 for the town of Mardīn and Kephartūtā—again by the patriarch Mār Qyriaqos. Through the love, unity, peace and tranquility (which prevailed) at that time and through the love of the holy monks at that time, and through great peace and prosperity they decorated the temples and cells¹¹⁹ with all (divine) virtues. They collected and 25 established in this holy place sacred books of various kinds and amassed them in the treasury house¹²⁰ of this monastery of Mār Ḥanānyā.

Then after these (events) which we (just) said, by way of a hint from the Creator, even by the change of the kingdoms of the Arabs—one 30 after the other, or by different kinds of doings of our follies and of our first deed¹²¹—these places were ravaged, those famous towns.

¹¹⁰ Cf. MIKĀ'EL, *Chronique* IV, p. 488f.

¹¹⁶ Or: diocese.

cf. p. 753.

¹¹⁷ Cf. MIKĀ'EL, *Chronique* IV, p. 488.

¹¹¹ ܩܘܪܝܬܐ

¹¹⁸ Cf. *ibid.*, p. 754.

¹¹² ܩܘܪܝܬܐ ܩܘܪܝܬܐ

¹¹⁹ κέλλα.

¹¹³ νόμος.

¹²⁰ ܩܘܪܝܬܐ

¹¹⁴ τάξις.

¹²¹ Lit. labors.

¹¹⁵ κανών.

Rēš'ainā, Dārā, Kephartūtā, Mardīn, and all the monasteries of these places together with these towns—were ravaged and desolated of monks entirely and tracelessly¹²². Therefore, o monks, pledge prayers continuously that the devastation of the monasteries may be removed * (and they would be as) before. In short, God who humbles¹²³,
 * p. 210 (at the same time) wills that all the creatures and created beings (would be) for (His) service (and He wants) the arms of one set apart for a special work as this diligent servant was, this valiant worker in the spiritual vineyard of Christ, that is to say, the church of God, our blessed diocese in this dark¹²⁴ period. God prepared this blessed father and holy bishop who by his paternal and carnal¹²⁵ origin is from the enviable 'Ūrhāi, the mother of the nation of the Syrians, and who is the author of these canons for the priestly monastery of Mār Ḥanānyā, the first bishop of this monastery, as he tells (us about himself).

When by the grace of God this holy father, the said Mār Jōhannān came from the holy mountain of 'Ūrhāi to this place¹²⁶, he saw this monastery of Mār Ḥanānyā that the Kurds were wintering in it for lack of the dwellers, (namely) the monks. In the entire land not even a single monk from our Syrian nation (was to be found) in one of its monasteries. As it is shown in the story of this Mār Jōhannān 'Ūrhāyā, the bishop of our monastery of Mār Ḥanānyā, he renewed the monastery by his care. He multiplied for it large endowments, fields, gardens, orchards, mills¹²⁷, shops, and many houses in Mardīn, this our town. And all the books which are in this monastery, new and old, the holy one himself brought them from the mountain of 'Ūrhāi. And (also) the (liturgical) veils¹²⁸ for its temples and for all monasteries in this land. And he renewed them through his care again. He restored the language which had disappeared completely, the reading and the tongue of the sacerdotal books, our Syriac (idiom) in this land. He renewed up to the number of fifty churches and monasteries as this story demonstrates¹²⁹.

¹²² Lit. from place.

¹²⁴ Lit. evening.

¹²³ Lit. thinks lightly.

¹²⁵ Lit. bodily.

¹²⁶ This case reflects interesting relations between 'Ūrhāi and Mardē, for Jōhannān's predecessor Basilios, named Bar 'Abbās, also came from 'Ūrhāi, and after his resignation returned to 'Ūrhāi in order to resume his former life in monasticism there. MIKĀ'EL, *Chronique IV*, p. 630.

¹²⁷ About a detailed account of the mills, see *Bibliotheca orient.* II, p. 226.

¹²⁸ The term used here is *ܩܘܪܒܐܢܐ*.

¹²⁹ The same text appears in Ms. Mardin Orth. 323, fol. 65a-70a.

[XCI]

* THE CANONS OF THE MONASTERY OF
MĀR ḤANĀNYĀ

* p. 211

PREFACE

5 The preface, by the same venerable one, which he wrote at the head of the canons¹ which he set up for the monastery of Mār Ḥanānyā².

Because every craft³ in this transitory world has its own standard

¹ Through the activities of Jōhannān of Mardē the Monastery of Hanānyā was resuscitated from its ruins. Tradition has not kept the memory of the chronological side of this event. Since Jōhannān began his episcopal activities in 1124/5 A.D. 4 decades stand open for consideration. However, since Jōhannān himself says that he began his restoration work of the monasteries with the Monastery of Hanānyā (see page 215) we have an indication as to that this event must have taken place in the first part of his episcopacy if not at the very beginning of it. His undertaking must have been vigorous from the very beginning, and his fostering care continuous in developing the new establishment in laying a material foundation for its existence, in furnishing it with all the necessities for cultic and religious life and in creating facilities for spiritual and intellectual life. The fact that he founded here a library deserves a special mentioning. — This monastery was not only one of the most important monastic centers in Tūr 'Abdīn but has occupied a very important role in the entire history of the West Syrian Christianity. Since 1166 until the time after World War I the Monastery of Mār Hanānyā was the residence of the patriarch. The monastery is better known as *دير زعفران* Deir Za'farān, in Syriac *ܕܝܪܐܘܪܝܢܐ* the "Saffran" Monastery.

² Regarding the prehistory of the monastery the tradition has been divided. There are texts which claim that the monastery had a longer history before Hanānyā established it, and that it existed under the name of Šelēmōn, *La vie de Benjamin*, p. 91. Cf. Ms. Za'farān 3/9, fol. 195b ff. According to another tradition the place was previously an ancient and abandoned Roman fort which Hanānyā bought in order to build there a monastery. Mikā'el has included an excerpt of a lost annalistic work by Išō'denah, *Chronique IV*, p. 489, salvaging a section from a lost work, a merit which is the more important since in another work on the founders of the monasteries by the same Išō'denah, *Le livre de la chasteté*, p. 1 ff., he does not include these data.

³ Hanānyā who came from the Monastery of Mār Aphtōnyā in Qalliniqos and was consecrated into episcopacy by Patriarch Qyriaqos at the beginning of his pontificate in 793, MIKĀ'EL, *Chronique IV*, p. 488, as bishop of Mardē and Kephartūtā, in the sources appears as a man who had fostering of monasticism on his heart. The monastery which he established was east of Mardē, but the date is unknown. The year 811 which has been brought forward, ARMALET, *Couvents de Mardin*, p. 763, cannot be warranted since it is in conflict with other historical data.

Hanānyā must have vigorously undertaken his task since soon the new monastery was furnished not only with buildings, gardens, orchards but also with three churches.

and something of its own, and because some cause is necessary and every pronouncement must be reasonable⁴, therefore it is necessary⁵ that we demonstrate the character and plain sense about that which we speak, even if it should not be ponderous. So it is right that we shall make a beginning of our demonstration for the sons of the holy church who are present (and) to those that will come after this, our transitory, generation, our instruction⁶ on the said monastery.

(To) all you blessed children who will come across this our writing and will need the message⁷ which we are marking (here) by our hand and make known to you. When we came from our former country of 10 'Ūrhāi to this diocese⁸, we found that not in one of the monasteries of this land was there any monk at all of our people of the Jacobites, none at all, except for a few isolated ones who were found, one or two at a place with (only) a pretended name and not knowing how to wear a hood⁹, nor the dress¹⁰ of the monks on them, entirely. 15 And all monasteries of this land had a long time since been devastated and desolate. And there were (places) where the Kurds or lay people were in the monasteries as I found also at this monastery which was built under the name of Mār Ḥanānyā. And also there was often little left of the building of the monastery and of the wall and its 20 church. Most of the buildings had been ruined a long time since.

But God did help and we reestablished all of them as they were before with buildings and with occupants (just) as before. And to say * p. 212 it * all in one (word): teaching could not be found at all in this land (and) nothing of our own Syriac Jacobite manner of speech. You, 25 o spiritual sons, who have lived in this land before us, are acquainted with this.

But then how did we arrive at this great and superb privilege¹¹? It is not that we first rose to it by first ourselves being purified to such

Cf. PREUSSER, *Nordmesopotanische Baudenkmäler* I, p. 49; BELL, *Amida*, p. 225ff., and an outstanding library. When Iṣō'denah composed his abovementioned annalistic work in the middle of the 9th cent., the life in the monastery was still flourishing. We have evidence as to that about the year 1000 A.D. it enjoyed its reputation and fame, ŠABUṢṬI, *Das Klosterbuch*, p. 13f., if the name Za'farān refers to our monastery and not to another one, cf. HOFFMANN, *Auszüge*, p. 167ff. It is not known when and how the monastery was destroyed.

⁴ Lit. cause.

⁵ ἀνάγκη.

⁶ Lit. word.

⁷ Lit. sign, description.

⁸ ܪܗܝܐ.

⁹ ܪܗܝܐܐ.

¹⁰ ܫܫܝܡܐ.

¹¹ Lit. order, rank.

a degree that were worthy to purify others; neither were we so enlightened so that we could enlighten those who asked us; neither were we of such a perfected genuineness of life which is in Christ nor (such) a new creation to have reached a perfect order— but He descended to us and lifted us up by his adorable evangelical teachings. (He selected me) who even am not worthy to carry the sandals of the venerable saints. I became a servant¹² over this land of Mardin where its earlier inhabitants, that means the monks, would soon have vanished.

10 But now they began to go out, one and two, taking the initiative¹³, and they came together at these places; and they started to go out and to build for themselves other monasteries besides this monastery. God knows that I had no (personal) desire at all, yet I intended to let the monks have the desire of their heart. For one (thing) whoever 15 builds a monastery for its inhabitants is obligated to preserve it. For another: if I had not given to the monks the commandment for the building of monasteries in these places, then those of other confessions from other Christian nations would have come and taken our places and our monasteries in this land. This matter forced me to 20 issue the commandment to the monks (namely) that any of them who wished to renew an old monastery (could do so).

My desire, however, was that all the monks under my authority¹⁴ should be united in one flock¹⁵ in one place adopting the way of truth as from the beginning, (just) as everyone instructed in the 25 Christian faith accepts the way of truth, while they keep each other and are being kept by Christ who wants all men to live and to come to the knowledge of the truth. But if we did * not wish that which was * p. 213 so very urgent, then we should at least have given assent to the central and general rule of the community of the monastery whereby we 30 become one unity and one soul in dignity, becoming preventatives for evil things (by) a multitude of good things, good fruits of obedience. But there was then nothing which was mandatary for the (common good), for the greater part of the community of a monastery like this. So, on that account I saw the great need, due to the bondage 35 caused by circumstances capable of producing abundant quantities for the belly which (in turn) is the mother of lasciviousness.

¹² Lit. venerable.

¹³ Lit. drew.

¹⁴ Lit. hands.

¹⁵ Or: flock.

There are three perfect and requisite manners¹⁶ necessary for monks.

One, indeed, is that which is common, (namely) that they are in harmony and subject to the one will of their father. They need no material (things), no possessions nor any entangling property. And they must be prepared for obedience as a permanent witness, since they possess nothing for themselves but all that they have must be common according to the apostolic commandments, working with their hands in a life of righteousness, praying appointed and special prayers of the times of the day without ceasing, as excellent, prudent ones, and assiduous and good laborers.

The second thing which a monk must possess in his cell is matting and a book and a pot and a leathern mat to be stretched out under him. He must eat dry bread as is the custom of the Egyptian fathers. And he must labor with his hands and not wander about outside and not (act) according to the desire of himself. Should something be left over him, he must offer it to the needy.

Another order¹⁷, however, is higher than this. It is that which is called anchoritism¹⁸ when a person secludes himself or wanders between the mountains and caverns and cracks and caves of earth, seeing and hearing nothing, not being judged and judging nobody. But if a person wishes to come to that superb road, the road which is very rough, he must at first submit himself for a certain time to general obedience, while for years he must give up any pride, through the obedience, (namely) in the community, humbling himself selflessly¹⁹ to others. And then he may desire the other (road) of perfection * which is the cleansing of (his) thoughts. Otherwise we will resemble blind people who talk about light while not seeing it, or sick people talking about health or anything else.

But o you my blessed spiritual sons, I saw you in this Egyptian servitude, when each of you was troubling and tormenting himself in order to obtain for himself things in the cell, i.e., of food and ought else, according to your number, each one desiring this and that pot doubled, (taking) from the oven²⁰, something which was not just a little, that means bread in large amounts²¹, lentils, dry pulse, *far-*

¹⁶ Or: methods.

¹⁷ τῆς.

¹⁸ *ἄσκησις*

¹⁹ Lit. moderately; the term is used here idiomatically.

²⁰ Or: kettle, bakehouse.

²¹ Lit. sufficient, enough.

*kīnē*²², vetches, beans, wheaten flour, rice, other mixings, onions, garlic, cummin, coriander spice, garden-herb, (something) of the which is dry and of that which is fluid²³. (All) these also required vessels for their use and fat and oil and honey and thickened juice, cheese, figs, raisins, nuts.

And while one has it, the other has nothing and desires and plans to obtain it. And whensoever he sees his neighbor having plenty then, he feels tormented just like Lazarus vis-à-vis the rich man²⁴—but not in such miserable manner as he. (For) he was forced by natural hunger to covet and desire ardently to fill his stomach²⁵ but he did not want a variety of delicacies as the passion of appetite²⁶ causes lax people to do. And that one who obtains, does not contribute to his neighbor. And that who has nothing, desires to obtain it in plenty like that other one.

Both of these guilty ones are like those of the parable of the Rich Man. What do we learn afterwards? One makes for himself rich and celebrated friends, fills his chambers with honored people calling them to come to him. And the other who desires empty honor but has nothing must act accordingly, being troubled and plagued by the torment of jealousy and begins to be a slanderer. And what shall we say when he brings out what is stored up in him? Why does he not feed the needy and poor but (rather) acts as a hypocrite? He does not give honor except only to him who brings him something, or sees that he might be recompensed by him. And other things. But both of them fail.

* But he is right who said: "Who are you to pass judgment of the servant who is yours? If he stands, he stands for the master and if he falls he falls for the master. He who judges his brother judges the law"²⁷. Again: "Why do they rise early in the morning? Also like that one who has a mistress running to his service?"²⁸.

Fires²⁹ start to burn in the cauldron³⁰ of the monks. Because of trepidation, hastening takes place since the servants are afraid of the sight that it may grow or it may burn up the potter, or because

²² *كِنْيَة*, from the Persian *ترخینه*.
pearl barley.

²⁴ Luke XVI. 19ff.

²⁵ Lit. species.

²⁶ Or: lust.

²³ Lit. wet.

²⁷ This quotation must have been taken from a patristic work.

²⁸ It seems that the text is not in order.

²⁹ The abruptness here indicates that the text is not in good order; the copyist must have skipped a line or two.

³⁰ Or: fireplace.

set up, so that he becomes negligent and fruitless, then shall the entire Christianity condemn him on the day of the judgment of decisions, and he will be despoiled, cursed, removed, rejected, and despised by the heavenly church as well also by those of the weaker and lower degree. And there will be no release for his breaking of the canons⁵⁵ 5 if he dares to change them⁵⁶.

THE CANONS

The first canon¹. The *rīš dairā*² shall be a lover of men, long-suffering, patient; he shall be ready to bear (much); (to show) that he has no fervor of indignation regarding careless brothers; kind to 10 everyone, that he does not retain wrath over anybody; compassionate over the workers of the community and the brother-monks, having no injustice in him. He, however, shall act justly and shall teach (through) example and give a good model to those guided by him, watching and keeping his ship so that it will not be swallowed up by the 15 waves of confusion due to the lack of order³. He shall be skilfully versed in the orders of the church and in the import of the apostolic canons so that they shall not be trodden under foot by the brothers.

Just as there must be a balance of elements⁴ in a body, so when in the elements there is no super-abundance nor deficiency, then 20 there is in the body the perfect health of the body. Health establishes the body, sickness is superfluidity or deficiency of the physical hyle⁵ which generates trouble and this trouble is sickness. Good order⁶ as well as the ecclesiastical canon is a preserver of health. So then it is required of the abbot of the monastery to love these canons⁷ 25

⁵⁵ κινών.

⁵⁶ The same text appears in Ms. Mardin Orth. 323, fol. 70a-75a.

¹ This cycle of canons furnishes an extraordinary contribution to the genre of monastic legislature. These canons were given for a monastery which was not only one of the most important ones in the maphrianate but which has played a very important role in the history of the entire West Syrian Christianity. It enriches our knowledge greatly since it unfolds the life which Jōḥannān created in the monasteries which he restored in the diocese of Mardē. In this respect the document is unique. Also owing to its extent, it surpasses every record in this genre, cf. VÖÖBUS, *Syriac and Arabic Documents*. The document emerges entirely unexpectedly since nothing of it has been preserved by the tradition.

² Abbot.

³ τῶςις.

⁴ στοιχειόν.

⁵ ὕλη.

⁶ τῶςις.

⁷ κινών.

which have been established by us, the weak ones, for the building up of this ecclesiastical establishment⁸, more than his own life. keeping and taking them as his own.

The second canon. However, with the abbot there shall be two 5 other persons or three faithful *parnāsē*⁹—tested monks (to give) assistance to him. Their election shall be (such) * that they shall be * p. 218 with the abbot (just) mentioned. And they shall be his hands and feet and eyes and his tongue. Without them he shall do nothing either little or great. From this it is evident that—although he is the rightful 10 head—he shall do nothing at all without the council of the faithful stewards from the tested monks as has been mentioned. Therefore they shall be servants before him and are to do everything that he orders them except that which they cannot rightly do.

They are to write the entire account of the income and expense for 15 him, thoroughly and carefully, so that there shall be about him no place for a murmuring word from grudging brothers who wish to look for scandal. They shall write down the income in this way: every month so and so, so much through my hand, so and so, we have entered *zūzē*¹⁰ or given out. And another book (must be used) for 20 the expense in the month, so and so in like manner: for so and so something, also through my hand so and so. They shall write on all the affairs of the community and of the church and these shall be handed over.

And no one shall resist the commandment of the abbot. The one 25 who resists when he orders¹¹ him, if he truly has no cause of necessity¹² of sickness or something else, he shall be separated from the table of the brothers. But these have a share and fellowship with those who are praying. Like that soldier who is mentioned by the ancients. when he heard that war will begin between two sides, he orders himself 30 to be brought in on a bier¹³; when he is to be questioned by the brothers, he is to answer that which is worthy to be written down: if there is victory I have a share in it with you, but if there is defeat¹⁴ —is my ownself better than yours? You, disciple, are a soldier for that one who sees secrets—(therefore) be not slothful and slow.

⁸ Lit. work.

⁹ *ܩܪܝܬܐ* *parnāsē*, stewards, administrators.

¹⁰ *ܩܘܝܐ* a coin equal to a Greek drachma.

¹¹ Lit. says. ¹² ἀνάγκη.

¹³ This is how the text reads: it seems that something is not in order with the text.

¹⁴ Or: fleeing.

How can you leave your brothers (thus) losing your life? (In this way) your sins will be doubled. But you have to act manfully and confront the sloth and depression—and it will flee speedily from you. He who is not prepared to come to prayer is not allowed by God to eat (anything) except dry bread for two days.

* p. 219 * The third canon. When you pray the prayer of compline¹⁵, you shall do it together with one another with many genuflections¹⁶, i.e., kneeling. You (must) ask forgiveness from one another, as those who do not know when the departure on a bed in the sleep of the night may happen; be prepared—if there may have happened any transgression to any one of you, whether knowingly or unknowingly—so that at (the time of) sunset, the wrath shall also pass away or go down through the rise of love.

Further in this place a proposition of confession shall be put for you. Everyone says to his companions: “Forgive me all in that I have sinned against you either willingly or unwillingly, secretly or openly, the grudge, hatred, evil, covetousness, falsehood, back-biting, every sin”. At the end the presbyters, i.e., the priests, shall say: “Christ our Lord shall forgive you according to His firm promise”. All shall say: “Amen”. Or he who is charged with the conclusion¹⁷ signs them¹⁸. However, the sacristan¹⁹ should not tarry any more, he shall strike the *nāqōsā*²⁰ for compline.

The fourth canon. From the *Tešrī ḥrāyā*²¹ the lesson shall be portions of the (sacred) books. (There shall be) two selected lections, prophetic and apostolic, administered by groups; that is to say from the consecration of the church until the great Sunday of the Resurrection, reading continually lessons of the Old and New (Testaments) by groups, and on all dominical feasts and the commemoration of the martyrs, etc.

(There is also to be read) the *mēmre*²² and *tūrgāmē*²³ of the doctors during the evenings preceding the Sundays.

And on the dominical feasts and in the commemoration of the martyrs there shall be (lessons) once or twice every night.

¹⁵ Cf. Ps. cx, 1.

¹⁶ μετάνοια.

¹⁷ Or: with the final prayer.

¹⁸ With the sign of the cross.

²² *ῥιζοῦ* metrical homilies, discourses.

²³ *ῥιζοῦ* ἰαδ interpretations, homilies.

¹⁹ Derived from κόγχη.

²⁰ *ῥιζοῦ* sounding board, gong.

²¹ The month of November.

And eight psalms, *marmyān*²⁴, every night until the great feast of the Resurrection according to the order²⁵ of the tradition in the church of the Syrians in 'Ūrhāi and the West.

Also the stories of the fathers and reading suitable for the life of monasticism, * and those which are known and in every way profitable * also for the edification of the community of this divine monastery. p. 220

The fifth canon. A fixed daily fasting shall be (established) for this monastery from *Tešrī qadīm*²⁶ until the great feast of the Resurrection. And it shall be until the ninth hour. In the great fast of the forty (days) until the evening. From the great feast of the Resurrection and later—when there is (the time for) work until the third hour or until the mid-day—and (then) fasting. Those who are continually in the monastery shall fast until the ninth hour.

For a monk, fastings and prayers are provisions for the road of asceticism²⁷; these are his constant occupation²⁸. When he fasts perfectly and increasingly, he shall also become diligent that he shall fast in his inner self so that his discipleship²⁹ shall not become waste.

The sixth canon. The sacristan³⁰ shall instruct³¹ the presbyters that they set up the (liturgical) *sedrā*³² and offer the sacrifices or to pray or read the *mēmre*³³ and *tūrgāmē*³⁴, etc. And he shall make them known for the offering from the morning of the day.

The seventh canon. The fixed and determined fasts from the *tū-rāšā*³⁵ after the great fast of the forty days are: The fast of the apostles after the Sunday of the Pentecost³⁶, for fifty days. The fast of the Assumption of the Godbearer in the beginning of 'Āb³⁷, fifteen days. The fast of the Cross, eight days. The fast of the adorable nativity, forty days. The fast of Niniveh, five days.

(All) these are for the monks, the presbyters, the deacons and the believers.

30 Monks shall not make for themselves food and drink on Sunday and on the feasts, finishing the fast of the apostles as is the negligent

²⁴ *ῥιζοῦ* subdivisions of the Psalter.

²⁵ ῥιζοῦ.

²⁶ The month of October.

²⁷ *ῥιζοῦ*.

³² *ῥιζοῦ* order, liturgical chants, prayers.

³³ *ῥιζοῦ* metrical homilies.

³⁴ *ῥιζοῦ* ἰαδ interpretations, homilies.

³⁵ *ῥιζοῦ* food which was forbidden during a fast.

³⁶ πεντεκοστή.

²⁸ Or: service.

²⁹ Or: instruction.

³⁰ κόγχη.

³¹ Lit. command.

³⁷ The month of August.

custom for a few who break the (rule on) *tūrāsā*³⁸ on Saturday and Sunday, the holy fast of the apostles which is after the Pentecost³⁹.

* p. 221 * The eighth canon. Those who are in Christ are a new creature⁴⁰ so that they shall not be (like those) who are separate from each other, as we have said, like the worldly people (who have) companions 5 (who are) strangers and neighbors (as) aliens, but that all of you shall equally be in the manner of the inner part of the body, so that each member has his especial service⁴¹.

One, indeed, is the head in which the mind dwells as a king and through everything directs the entire body; also there is the eye seeing 10 for the entire body, and there is the hand doing service for all (the body); another (member) is the ear, another the foot, carrying the whole (body). The apostle says at length (about) all these, these which are necessary for us in order that some people should not be prepared for a quarrel against the one who stands in the head, whether the abbot 15 or the chief⁴² of the brothers or the stewards⁴³, and that men shall not so align themselves to one another and say: we do not do this or that (and) in order that they do not become guilty with one another.

We say: not (at all) but that love shall be poured out on every man. If one loves the one who obeys him but constrains the community, 20 this is not love but a pain (of passion) from which in due season confusion in the community will be begotten. He, however, who is in subjection to the community—(through him) the quarrel has no power to become (a matter) of opposition to the canon of the community. If anybody is not so, he becomes a destroyer of peace and 25 of the rule⁴⁴ of the community. Either (let such a one) desist or depart away (wherever) he wants, expelling himself from the body of Christ—through the arrogance of wanting to set up a faction. Christ, however, gives the beatitude to the humble ones⁴⁵.

All together we decree that no one shall be responsible⁴⁶ for every- 30 one but only for himself and may intercede⁴⁷ (for others) humbly in gentleness.

The ninth canon. If one shall make for himself garden plots⁴⁸

³⁸ *ῥεῖα* food which was forbidden during a fast.

³⁹ πεντεκοστή.

⁴⁰ II Cor. v, 17.

⁴¹ Cf. Rom. xii, 4ff.

⁴² *ῥεῖα*.

⁴³ *ῥεῖα*.

⁴⁴ κανόν.

⁴⁵ Cf. Matth. v, 5.

⁴⁶ Lit. give an answer.

⁴⁷ *πεῖσαι*.

⁴⁸ The vocable *ῥεῖα* is Arabic شكارة.

for sowing or another pursuit⁴⁹, his necessities are to be supplied from the community, i.e., moderate clothing, sandals or food. But when a person has a vineyard or something else and does not wish to enjoy with pleasure the sweetness of freedom, free from care, this 5 one * shall give it over to the laborers and from that which remains * p. 222 from it, he shall manage with the fear of God, selling what comes from the wine press as before.

This is (the case) as long as he has this evil sickness. The true disciple of Christ—they have no other hope, especially when (they are) in 10 the community (of monks).

The tenth canon. The abbot or the steward⁵⁰ or the chief⁵¹ of the brothers shall order the brothers in the fear of God (to do) the labor⁵² of the community. The monks shall be prepared to obey without dispute. He who objects and does not obey⁵³ shall be ex- 15 pelled without ado.

The eleventh canon. He who takes something from the community furtively or from another place, it shall be forgiven to him one time and for the rest he shall repay fourfold. If he again dares and does this, he shall be expelled without ado.

20 Canon 12. It is necessary for the monks of this monastery to do manual work within the monastery so that they do not move to a depression of the mind. Idleness begets harm for monks.

All the monks shall continue in the reading of ecclesiastical books. He who possesses knowledge shall teach the rest of the brothers. 25 He who does not possess knowledge and the paternal Syriac language, he shall learn not to esteem it lowly and shall not be lazy as stagnant ones, stupid, who do not love knowledge but (only) the aberration of empty and idle words of no profit and who become in idleness like a tree which has no fruit⁵⁴.

30 And the rest of the clergymen⁵⁵, dwellers of the monastery, shall learn the sweet songs of the manner of speech like antiphons, (doctrinal) hymns, (metrical) litanies, the Greek canons⁵⁶, and the rest of our Western melodies like the people of 'Ūrhāi with their sweet melodies⁵⁷.

⁴⁹ Or: business.

⁵⁰ *ῥεῖα*.
⁵² The vocable *ῥεῖα* is an Arabic word شواغل: cf. BAR BAHLUL, *Lexicon syriacum*, col. 1940.

⁵³ Lit. hears.

⁵⁴ Cf. Luke xiii, 6ff.; Matth. vii, 19.

⁵⁵ κληρικός.

⁵⁶ κανόν.

⁵⁷ Or: songs.

⁵¹ *ῥεῖα*.

Canon 13. A monk who raises his voice and shouts about something—this one is not in the order⁵⁸ of the discipline; this is not the custom (even) according to the worldly norm⁵⁹. He who raises * and lifts up his voice and chatters (stories) within the monastery or outside or breaks out in idle laughter or laughs about a defect that his brother has, shall lead the life of abstinence—in the evening fasting on dry bread for one week, doing repentance and asking forgiveness from the (most) revered, aged one of confession in the monastery.

Canon 14. The order⁶⁰ (of the behavior) of the monks is: a peaceful walk, a chaste look that is bent down continuously together with his head. A peaceful and quiet talk⁶¹, an affectionate (way of) questioning and a peaceful and affectionate answer. And love towards men for all the brothers.

Canon 15. Monks shall not sit on the porches⁶² and narrate over much like the seculars who do not fear God. The monks, however, shall either work in the monastery with their hands occupying themselves with God in their mind. Or they shall read the sacred Scriptures; or they shall sit with somebody who reads in the Scriptures; or they shall recite the psalms by heart; or they shall sit inside the walls of their cells⁶³ waiting for their Lord who may call at an hour which they do not know, according to that which is said in the adorable Gospel⁶⁴.

If one of the brothers of the monastery shall be stricken by illness and he has no brother, a helper to serve him until he becomes well, the abbot and the managers⁶⁵ shall appoint one person from the monks unto him. This in order that he shall serve him as long as he is sick; (also) so that—if he has nothing—the needs⁶⁶ of him be fulfilled by the community.

If, however, there appear in him signs of the departure, he shall call his father of repentance and confession and he shall confess to him everything in which he has transgressed and which he has done whether, in deed, thought or word. Then (the father confessor) shall ask him just as our Lord (did) with those who were sick or needed healing: "Do you believe that I can forgive you these which you

⁵⁸ τήξεις.

⁵⁹ κανών.

⁶⁰ τήξεις.

⁶¹ Lit. word.

⁶² Or: thresholds.

⁶³ κέλλια.

⁶⁴ εὐαγγέλιον.

⁶⁵ κείρα.

⁶⁶ ἀνάγκη.

have confessed to me?" He shall say: "I truly believe that you have been given the authority to forgive the sins * of those who in faith desire * forgiveness". Then shall he answer and say: "In the true faith and love of Christ, He who promised and gave the authority and said: 'When you forgive the faults and sins of one they are forgiven to him'⁶⁷, do Thou our Lord forgive him everything in which he has sinned and make him worthy for the lot and portion of Thy saints through Thy mercy. Amen".

When if possible all the presbyters and brothers of the place are assembled, he shall give an order to the one who is departing⁶⁸ to distribute if he possesses anything which yet remains to him. It is fair and true and just and right that this true disciple of Christ shall not possess something, that one who is prepared to depart, except these (things) for his necessity about which I am speaking, (namely) the (monk's) habit⁶⁹ and a book. These (things) shall be for the community.

And all the members of the monastery shall make for him who died three vigils especially and particularly. Instead of one *hūsālā*⁷⁰ there shall be prepared⁷¹ two for every vigil.

Canon 16. It is right, however, that once in every completed year the presbyters of this monastery shall commemorate especially and particularly that one who died, at the altars at the last (prayer of) inclining⁷², during the offering in the house of the departed saying: "Remember Thy servant so and so who departed from us and all those who have passed away from this community".

Canon 17. As a warning to you, o members⁷³ of the community. I command you that you, with great care, without fail⁷⁴, every day keep remembrance at the altars for Ḥanānyā, the first bishop of this monastery, in the (same) manner as the holy apostles and fathers, when you call to remembrance the apostles and bishops; and (also) for those who have labored in this monastery; and for everyone who has taken pains and toiled either by a gift⁷⁵ or by construction or by vows or by the tenths or by having taken pains and being wearied from labor—from this time forward.

⁶⁷ Cf. Matth. vi, 14.

⁷⁰ *κείρα* boiled or cooked food.

⁷² A prayer said by the priest with bent head and low voice, i.e. oratio secreta.

⁷³ Lit. sons.

⁷⁴ Lit. in superfluity.

⁶⁸ Lit. girding up.

⁷¹ Lit. acquired.

⁷⁵ Or: charitable bequest, legacy.

⁶⁹ στήμα.

It shall be an everlasting law⁷⁶ without interruption forever in this monastery. He who thinks to alter (this) by a stratagem⁷⁷ or by diabolical machinations and to abrogate and to mar the ordinance⁷⁸ of the canons⁷⁹, * those suitable and fixed which we have ordered⁸⁰ for this monastery, which we shall call in memory or which we will mention below, (also) other canons⁸¹ which we arrange at the synod for which we gather—if the Lord wishes that He gives us the hand in assistance—he who alters these canons⁸² and shall abrogate these, he shall have no part, neither in the (eucharistic) oblations nor in the pure prayers.

Or if anybody causes any of the monks in any way to annul this order⁸³ which we have established⁸⁴ by all these (rulings), completely necessary according to the law⁸⁵ and canon⁸⁶ of the convents and monasteries of our *benai qeyāmā*⁸⁷ in the Western settlements⁸⁸ in the church of our blessed Jacobites in all our monasteries—he who thinks to alter it shall be counted with the destroyers of the law of God and shall be numbered with the crucifiers of Christ and shall not be pardoned in this world nor in that to come but he shall remain under the excommunications and curses until forever.

Canon 18. To all of you, presbyters and brothers, I say: you shall be helpers for the precept⁸⁹ of the abbot. He who resists shall be thrown out.

It is right that the abbot does everything which he does in righteousness and uprightness. It is not right for him to do anything by prejudice whether to cast out or to expel any monk from the monastery without (the agreement of) the stewards⁹⁰. He shall not have wrath or hatred toward someone nor shall he do anything outside of righteousness nor, especially, to take advantage of anyone.

He who is weak through old age or sickness shall be borne by you when, as a necessary⁹¹ cause, it calls for action on the part of the community.

Canon 19. A warning from us, the weak ones, regarding the des-

⁷⁶ νόμος.

⁷⁷ πόρος.

⁷⁸ τάξις.

⁷⁹ κανόν.

⁸⁰ τάσσειν.

⁸¹ κανόν.

⁸² κανόν.

⁸³ Lit. body, community.

⁸⁴ Or: set up.

⁸⁵ νόμος.

⁸⁶ κανόν.

⁸⁷ بنو صبر sons of the covenant.

⁸⁸ The term *בניא* means settlements.

⁸⁹ Lit. word.

⁹⁰ *כנסת*.

⁹¹ ἀνάγκη.

pondency of the *šabtāyē*⁹², those who complain about (their) labor and the burden of the office of the *šabtāyā* and the community and the murmuring of the negligent brothers—all such! Would that you had had an eye of the vision of things in secret and appreciated the spiritual and divine service which you had ministered and would that you had known whom you were serving and who was the first in this service. But it is not necessary to prolong this because we are not writing a homily⁹³ to you * but we set up a word of compulsory regulations. Nothing of these shall be passed over at all.

We, however, are succinctly calling to your mind the profit which is from this service. Look you, o you, to whom this service of life is so difficult. Let your mind take flight and see our father Abraham, the father of the nations, the old one, laden (in years) of an age profound, concerning whom, praying, we say in our supplication and the conclusion⁹⁴ of our prayers: o Lord God, make us and the departed ones worthy of delight in the bosom of Abraham—regarding whom God is called his God although He is God of the entire creation. He is the earthly counselor⁹⁵ and an angel in the flesh.

What was this chief of the divine fathers doing, o divine prophet Moses, that you should in such a way celebrate him? Moses answered and said: “Abraham was sitting in the tent and gazing with his eyes, looking for a traveler as was his habit sitting at the crossroad in order not to miss an opportunity⁹⁶ for profit. And as the sun grew hot, he saw three men in front of him⁹⁷. And he hurried to Sarah and she prepared the table⁹⁸. And the Trinity entered his house and blessed him. In the same way the hebdomadaries of whom we have spoken, are set up to (serve) at tables hoping to serve the sanctuary in honor because our Lifegiver said in His Gospel: “I was hungry and you gave me food”, etc.⁹⁹.”

If in like manner you so act in love, your reward is great and the heavenly blessing dwells in your hands, o you blessed ones and spenders of blessings. At the heavenly tables you spiritually have your share and portion and reward for this service—which you are rendering to the church of God.

⁹² *שבתי* hebdomadaries.

⁹³ Or: exhortation.

⁹⁴ Or: final benediction.

⁹⁵ Lit. counsel.

⁹⁶ Lit. hunting.

⁹⁷ Lit. above his head.

⁹⁸ Gen. xviii, 1 ff.

⁹⁹ Matth. xxv, 35.

* p. 227 Canon 21. Brothers and all who sit at this table * in the community—it is not right for you to choose the places but everyone shall know his order¹⁰⁰. If he wishes to be brought down, that is up to him.

Canon 22. No one shall sit at a separate (place) away from the table of the community. If he sits outside they shall give him no food except for him who has come from the road or who is ill or if abstinent¹⁰¹ does not eat *būšālā*¹⁰². In like manner is no one allowed to take some food to another cell¹⁰³. And not to the wayfarer; but he who is a wayfarer must come and eat in the community.

He who transgresses these (regulations) shall be condemned. If he 10 shall do this evil one time or two it shall be forgiven to him. If more the canon shall be imposed according to the will of the abbot, and he shall act in this manner or he shall be thrown out without ado.

Canon 23. The regulation of the prayers.

There are seven (prayers) for you according to (the practice of) the 15 convents and monasteries, i.e., in the evening—which is of the lamp, that is the compline¹⁰⁴, and in the middle of the night, and the rest of the nightly and daily times of prayers.

He who grows weary and is not prepared (to be present) from the beginning of the prayers but is (residing) in the monastery and is not 20 sick in his illness so as to be unable to stand up, yet cannot sit (with the brothers), he shall serve his prayer in his cell.

Because he is weak in sickness he may drink three cups of wine in a day. If he again gets well—a monk may drink up to three cups.

24. One dinar must be taken from a monk who strikes his com- 25 panion—if he has anything. If he has nothing, he shall fast the evening fast for three months without the *tūrāšā*¹⁰⁵ and shall eat dry bread.

25. A monk who fights with his companion (perhaps) calling him by (some) name¹⁰⁶, not disdainfully to him and causes him to reply to him and they go from this into fighting—it shall be forgiven to 30
* p. 228 him one time and two. * If they hurt (one another) it shall be changed into a fast of one month, ascetically without any *tūrāšā*¹⁰⁷. Particularly if he raises his hand to beat his companion.

26. A monk is not allowed to go alone into the town or village

¹⁰⁰ τῶς.

¹⁰¹ Or: ascetic.

¹⁰² *ῥεῖας* boiled or cooked food.

¹⁰³ κελλίον.

¹⁰⁴ Cf. Ps. xci, 1.

¹⁰⁵ *ῥεῖας* food forbidden during a fast.

¹⁰⁶ Lit nickname.

¹⁰⁷ *ῥεῖας*, see note 105.

and to spend the night there. If there is an urgent cause there shall be two together and this (only) if there is a matter of urgency in the work of the monastery. If one goes to a place without the order of the abbot—the doorkeeper shall not let him enter the monastery 5 until he receives upon himself the fast for one month.

27. Whoever has an urgent cause shall tell the abbot and if the abbot permits him (to do so) he may do it. The abbot, however, shall not command and go beyond anything that has been determined by the canon¹⁰⁸. If he breaks and transgresses the canons in a derisive 10 manner, for each canon which he breaks the abbot shall fast one fast until he is amended by having observing them.

28. Any monk when the *nāqōšā*¹⁰⁹ is struck and does not come—hastening to the prayer—into the church shall be admonished one time, two and three (times). And if he is not amended, he shall be 15 separated from the table until he confesses and repents—that he shall not do this (again).

29. It is right that the deacons of this monastery shall have a chief¹¹⁰. He shall instruct those who are under him. He whom he instructs to serve and who does not obey¹¹¹ and who has no neces- 20 sary¹¹² cause shall cease from his service; he shall eat dry bread until he is amended. If he shall not be amended he shall cease completely from the service.

30. That a monk shall not mar the order¹¹³ of the church¹¹⁴. He who does not know the psalms and ceases from their recitation 25 shall not eat the *tūrāšā*¹¹⁵ so long as he is idle.

The thirtieth (canon). A monk who eats before the offering¹¹⁶ and before he receives a blessing¹¹⁷, except for a cause of sickness or necessity¹¹⁸, shall fast one week ascetically¹¹⁹ without the *tūrāšā*¹²⁰.

The thirty-first (canon). A monk who brings out the secrets of 30 the monastery or any talk of the transgression¹²¹ of the brothers or

¹⁰⁸ κανόν.

¹⁰⁹ *ῥεῖας* sounding board, gong.

¹¹⁰ *ῥεῖ*

¹¹⁴ Structurally this clause belongs to the preceding canon.

¹¹⁵ *ῥεῖας*, see note 105.

¹¹⁶ *ῥεῖας* celebration of the eucharist.

¹¹⁷ *ῥεῖας*, a blessing, benediction, eulogia.

¹¹⁸ ἀνάγκη.

¹²⁰ *ῥεῖας*, see note 105.

¹²¹ The text reads erroneously *ῥεῖας ῥεῖας* but the word should be *ῥεῖας ῥεῖας*.

¹¹¹ Lit. hears.

¹¹² ἀνάγκη.

¹¹³ τῶς.

¹¹⁹ ἀσκητικῶς.

about the fightings or quarrels of the brothers or who appeals to the seculars about these canons which we have ordered¹²² for this * p. 229 monastery * or who goes to an authority in a lawsuit which he has or (engages) in a fight with another monk or who abandons the judgment of the church and also these canons¹²³, etc. even though he has some- 5 one who can give judgment (in his case)—such a man shall be excommunicated and cut off from the messianic body and entirely from Christianity and also from the mysteries of the church completely. And he shall in no way be accepted in this monastery if it can truly be witnessed against him that he has committed one of 10 these evils or calumny and accusation before the rulers and officials and judges and leaders of this country, etc. And the more so, if he goes and seeks support from the foreigners¹²⁴ against the monastery and these monks in whatever case it might be. Such a one we do not accept¹²⁵ as a Christian and believer in Christ, and we (hold) as 15 an unfrocked one and as accursed and as a stranger and despised any person who commits the evils we mentioned, whoever commits this offense and becomes a stumbling block to all members of this sacerdotal monastery, whichever man goes and creates strife and offense against the monks and laymen. 20

We have written to you on these matters in order that they may become guards against evil things and harms and injuries. You, the members of the monastery, who are living in this divine monastery of the chosen and God-clothed Mār Ḥanānyā, like a second Christ and with him the twelve thousand saints whose Shechinah¹²⁶ and 25 power is in this monastery, and who are to you like fortified fortresses and strong walls of a city and like fences of a vineyard and like a remedy and medicine to sick people and like some bitter roots which drive away all injury, like medicine which cures the pain of a soul and body of any person who seeks healing. They increase love, chase 30 away troubles; they remove the stumbling block from the road of truth, they cause satisfaction to him who desires good things and they increase the good fruits of obedience.

I, Jōhannān, old and feeble, by name a bishop, have ordered and * p. 230 set up and confirmed the content¹²⁷ of the above canons¹²⁸. * Who- 35

¹²² τήσσειν.

¹²³ κανόν.

¹²⁶  tabernacle, shrine and the Shechinah as in Neo-Hebrew.

¹²⁷ Lit. body.

¹²⁴ Lit. others.

¹²⁵ Lit. know.

¹²⁸ κανόν.

ever resists them and does not obey¹²⁹ them shall not be pardoned by God neither in this world nor in the one to come¹³⁰.

[XCII]

5 OTHER CANONS ABOUT THE MONASTERIES OF
MĀR 'ABAI AND OF MĀR ḤANĀNYĀ

I, the old and weak Jōhannān¹, bishop, corporally the son of parents from 'Ūrhāi², do hereby confirm that I myself composed³ this definite⁴ and firm commandment. I am firm in my self and think that this blessed monastery of the holy martyr Mār 'Abai⁵ in the 10 village of Qillet⁶ which is near the town of Šūrā⁷—(that) this Monastery of Mār 'Abai should be together (i.e. act in cooperation) with the Monastery of Mār Ḥanānyā.

Anything that is left over of the crop and other things and of

¹²⁹ Lit. hears.

¹³⁰ The same text appears in Ms. Mardin Orth. 323, fol. 70a-80a.

¹ About this Jōhannān, see page 212ff. Cf. VÖÖBUS, "Entdeckung einer neuen Klosterregel von Jōhannān von Mardē".

² The text reads 'Ūrhāye.

³ Lit. made.

⁴ Lit. fixed.

⁵ The Monastery of Mār Abai was an ancient establishment, see VÖÖBUS, *History of Asceticism* II, p. 230. About the remains of the monastery see POGNON, *Inscriptions syriaques*, p. 186. The vita of Šemū'el claims to have information about its origin. It is told here that in his earlier career Šemū'el, the founder of the Monastery of Qartāmin, established this monastery and "they call it Mār 'Abai until this day". Ms. Br. Mus. Add. 17, 265, fol. 9b. A new witness comes in Ms. Istanbul Meryemana 4, fol. 81a; cf. VÖÖBUS, *Syriac Manuscripts in Istanbul*. About still other sources, see VÖÖBUS, "Important Discoveries for the History of the Monastery of Qartāmin". Concerning this martyr, whose name was Mihr Šābūr, there are his legendary acts. *Acta martyrum* II, p. 535ff. A different story appears in Ms. Mardin Orth. 267, fol. 58aff. It is told here that the monastery was founded on the spot where 'Abai was martyred. He was killed together with many others, and their remains were hidden in a cave which were found in the days of Theodoṭā, metropolitan of 'Amid. His commemoration day was celebrated on October 1. *Ménologies syriaques*, p. 86, 97, 105, 112, 140. RABBAN SLIBA, *Le martyrologue*, p. 139. About new discoveries, see VÖÖBUS, "Entdeckung neuer Menologien".

⁶ Qillit in Ms. Berl. Sach. 241, fol. 35b.

⁷ Šūrā was in the Qōrōs mountains in the western part of Tūr 'Abdin.

produce and of harvest and fruits, shall be used to fill the need of the place and of its brethren—that the remainder shall be brought to this said monastery. And (also) when the Monastery of Mār 'Abai is in need, then they from Mār Ḥanānyā shall bring to fill its need. The monks shall take due care and exercise diligence over the monastery inasmuch as this monastery of Mār Ḥanānyā is the seat of the patriarchate for all the Western and Eastern Jacobites⁸.

The same custom is (followed) in the glorious Eastern Monastery of Mār Mattai⁹, that old (institution), divine, holy and glorious in excellence, where there are three monasteries united with regard to income and expense. And whoever is elected by the body (of the community) is to go there and take with him brethren, companions as an escort for him; and he is to stay there one year and be diligent¹⁰ and dwell in the place. And of that which is left over (there), he is to bring (back sufficient) for the sustenance * of this brotherhood. The reason is (this) that this monastery is the greatest among all the convents and monasteries for us, just as the Monastery of Mār Mattai is the greatest in all the land of Nīneuē and the East and rules over all the Eastern monasteries. And of that which they leave over in them, the monks bring to Mār Mattai, etc¹¹.

[XCIII]

FROM THE PATRISTIC CANNONS OF THE SYNOD¹

(1) Monks who give a gift in the interest of the rulership of the monastery shall be anathematized.

(2) Monks, *sa'ūrē*², and all the brothers shall not put on the black 25

⁸ The text reads: "Syrians"; also in Ms. Mardin Orth. 323; it is obvious that originally the text read "Jacobites" and this has been changed.

⁹ About the Monastery of Mār Mattai, see page 197ff. Regarding the traditions of the monastery new sources have emerged in Ms. Mar Mattai 193, fol. 81a-107a, 107b-129a; Ms. Mosul Orth. 182, fol. 47a-54a, and Ms. Šarfēh Patr. 247, fol. 46b-61b.

¹⁰ Or: takes care (of the monastery).

¹¹ The same text appears in Ms. Mardin Orth. 323, fol. 80a-81a.

¹ σύνοδος.

² *riṣaw* overseer, visitor.

garments of wool (outside the walls) of the monastery not to despise the honor of the garment^{3,4}.

(3) No one shall receive a brother who moves from one monastery to another except by a report from the first abbot from whom he has come⁵.

(4) A monk if he enters the service⁶ or worldly government is anathematized.

(5) Monks shall not drink much wine so that they will not blaspheme⁷.

(6) A monk who eats flesh is adjudged as one who fornicates⁸.

(7) A monk who sins shall be reprov'd; up to two times it shall be forgiven him; upon the third (occasion), he shall be expelled.

(8) Monks who carry bags or shrines⁹ of saints and are going around—we have determined by the anathema of God that they shall not be received¹⁰.

As much as possible, these canons shall be observed in watchfulness * and they shall not get lost—for the honor of their author, * p. 232 Mār Jōhannān, the holy metropolitan of the glorious monastery and of the town of Mardē. Whoever neglects them shall be despised; he who keeps them shall be kept¹¹.

Glory be to God. Amen.

³ σχῆμα.

⁴ This canon is taken from the collection of the canons for monks by Rabbūlā where it appears as can. 6; see VÖÖBUS, *Syriac and Arabic Documents*, p. 28. The text, however, has been recast. Rabbūlā's canon speaks of the "garments of hair".

⁵ This is can. 26 in the cycle of canons by Rabbūlā, *ibid.*, p. 33. The original text has been reshaped.

⁶ The vocable *ḥesl* means husbandry as well as military profession.

⁷ This is can. 4 in the collection of canons by Rabbūlā, *ibid.*, p. 27; however, its text has been modified here, changing the prohibition in the original text to disciplined allowance. The original text reads: "Monks shall not drink wine so that they will not blaspheme; especially are they to take pains that they do not buy a drink". All the manuscripts which have preserved this canon read this way.

⁸ This canon has been taken from the collection known as the canons of the Persians; there it appears as can. 23, *ibid.*, p. 92. This canon has been slightly reshaped changing the tense into "shall be adjudged".

⁹ γλωσσόκομον.

¹⁰ This canon is taken from the cycle of canons for the monks by Giwargī, the bishop of the Arabs, where it appears as can. 1, *ibid.*, p. 99. The text has been supplemented by the threat of the anathema.

¹¹ The same text appears in Ms. Mardin Orth. 323, fol. 81a.

[XCIV]

ABOUT THE CANONS OF MĪKA'ĒL RABĀ
AND JŌḤANNĀN BAR MA'DANI

The venerable Mār Mika'ēl¹ the Great, the patriarch² set up
twenty-nine canons³ in the monastery of Mār Ḥanānyā. 5

Likewise also our father Mār Jōḥannān bar Ma'dani⁴, the patriarch⁵,
at rest, set up six canons in a codex⁶ in the monastery (just) mentioned
when he was still maphrian of the Orient. He ordered in a decree
that the canons were to be watchfully kept for the direction⁷ of the
community. 10

Mār Jōḥannān bar Ma'dani, the patriarch, composed also an
important canon in a codex (decreeing) that if one from the monastery
was to be consecrated bishop according to the will of the Holy Spirit
over one of the congregations, he must sell his cell⁸, vineyards,
enclosures⁹ (for sheep)—if he possesses them—and he must leave 15
nothing in this monastery, so that there would be for him no return
to the monastery at all in any way (because of such affairs). And
also that a bishop shall not be received with the brothers as one of
them in the glorious monastery. Further, that he also shall not have
a dwelling place with them. 20

No one of the holy chiefs of the priests (is allowed) to despise this
canon in order that there be no cause in the community of brothers
to induce a stumbling block. And when one keeps (this ruling) well—
the order¹⁰ of the bishop and the brothers and the dwelling places
will be kept, etc. 11 25

¹ Mika'ēl the celebrated author occupied the patriarchal throne from 1166 till 1199 A.D.

² See some comments about him, page 212.

³ Nothing more is known about these canons. The synod was held in the Monastery of Mār Ḥanānyā in 1167 A.D., but the canons established there have not survived. It is possible that they contained norms also for monastic life, particularly since Mika'ēl gave such canons for the Monastery of Mār Mattai, preserved in Ms. Wien Mech. Syr., fol. 112b-116b; see VÖÖBUS, *Syrische Kanonensammlungen* I, 1, B, p. 387ff.

⁴ 'Ahrōn, which was his name before consecration, was known as an author: since 1248/9 A.D. he became maphrian of Tagrūt.

⁵ His rule lasted from 1252 till 1263 A.D.

⁸ κέλλα.

⁶ Or: scroll.

⁹ Enclosures for sheep.

⁷ Or: reformation.

¹⁰ τάξις.

¹¹ The same text appears in Ms. Mardin Orth. 323, fol. 81b.

[XCV]

* THE ECCLESIASTICAL CANONS OF
JŌḤANNĀN OF MARDE

* p. 233

As we call upon God, the helper of all the creation and the creatures,
5 to our aid we begin to write the ecclesiastical necessary canons, by
all means the necessary (regulation) in the priestly orders and the
degrees which were set up and ordered for the house of the saints by the
blessed Mār Jōḥannān, the holy bishop of the priestly monastery of
Mār Ḥanānyā, east of the town of Mardin. Mār Jōḥannān the renowned
10 of Mardin ordered these canons together with the assembly of the holy
bishops in the synod¹ which Mār Jōḥannān gathered in the said
monastery. These are the canons which Jōḥannān ordered from the
apostolic canons which he took.

The first canon². Concerning confession, because we have learned
15 thus from the divine Scriptures, we the bishops, the holders of the
place of the holy apostles among the people and in the church of
God, (hold) that it is not possible for a man to approach God without
true repentance. And that there shall be no repentance without the
true confession that is from the whole soul and mind in the right
20 faith and genuine³ humility (and) that there is (indeed) no (other) way.

This noble order of confession was determined by the holy prophets
and the blessed apostles and all the Christian people have observed it.
In our day, it ceased among the members of our Syrian Jacobite
people for a short time due to an event which came to pass by the
25 operation of Satan. Then the holy fathers who were gathered for the
ordination⁴ of Mār Jōḥannān, bishop of the monastery of Mār
Ḥanānyā, renewed the (rite) and confirmed it. The said Jōḥannān
is the eye of all the habitable sheepfold of the orthodox through
his insight⁵ and attention to good actions, (those) which he performs
30 in the church of God for the completion of the foundations⁶ and

¹ Our document does not include the date for the synod. On the basis of intrinsic evidence this event must have belonged to the last part of Jōḥannān's episcopacy because in the canons a reference is made to him as to an old man. Bar 'Ebrāyā in connection with another subject drops the remark that Jōḥannān held a synod in 1153 A.D., *Chronicon eccl.* III, col. 339. This may be the date for the synod under discussion, but it is not certain.

² κανόν.

³ Lit. beautiful.

⁴ χειροτονία.

⁵ Lit. look.

⁶ κτισθαι domus.

* p. 234 * the lasting superstructures of the ecclesiastical canons. Indeed, we have no other father like him at this time in all the world. And this saint, mentioned above, has spoken about this canon of confession.

Also we, then, as we tread after the first fathers and adhere to the previous ones who were the mediators, and we, the weak, the feeble, 5 and the last, we declare and determine upon ourselves, upon the entire church of God, through the frightful word of God, that everyone of the members of the church must take a confession of his sins whether he be the patriarch or bishop or presbyter or deacon or monk or layman. Every year three times: during the fast of the birth 10 (of Christ), the great fast of the forty days of the Son, and the fast of the apostles. These are the three dominical fasts—they are for the honor of the holy Trinity. The fast of the forty days is for the Father, the great fast of the Son is forty days except for the week of the saving passion; and the third dominical fast which is for the Holy Spirit, 15 is for fifty days from the Sunday after the feast of the Pentecost until the Sunday of the (ceremonial) sprinkling of the Armenians, which is called in the books “the feast of Nafsardal”⁷, and is for one hundred entire days from the days of the sixth Sunday of the Resurrection.

We have heard that some people incorrectly break this fast of the 20 Holy Spirit on Saturday and Sunday by (eating) forbidden foods and that they absolve their *nezirūtā*⁸. They have no authorization from God and from us, the weak ones, that they break the Saturday or the Sunday during this entire latter fast of the Spirit of which we have spoken (above). These three dominical fasts are for the holy 25 Trinity. Without the confession and supplication⁹ of that one who offers the oblation, it is not allowed anyone who is a priest to carry on priestly functions, or for a monk or a believing layman—from a small one to the great one—to participate in the holy mysteries of the dominical body and blood, if he does not confess his sins and 30 profess * the orthodox faith. After that, he shall participate in the vivifying mysteries which will be provisions on the common road to eternity.

If he does not confess his sins, he will not be led to the grave by the priests like a believer and inhumed in the blessed earth if he dies with- 35

⁷ Δίνας.

⁸ ԴճՈՒՆՆ abstinance, continence, a period of imposed acts of ascetic practices as penalty.

⁹ Or: intercession.

out confession. But he will be thrown like the cadaver of an impure animal (into a ditch). We must therefore (see to it) that, before arriving at this door of life, everyone of us by all means¹⁰ shall confess his sins. It is necessarily an urgency for us to confess and for one to 5 prepare his soul to receive and accomplish all that is prescribed and to present a repentance that leads him to God. The one who excuses himself¹¹ from this canon and this regulation is out of the church and the category of Christianity.

Canon 2. We all, the bishops, the weak ones, have determined 10 through the living and frightful word of God, that without diligent investigation and trustworthy witnessing, no one shall by any means be promoted to the rank of the leadership of the priesthood or the diaconate or to the reverent garment¹² of monasticism. Moreover, he who trespasses this firm and fixed regulation is foreign to the 15 church.

The third canon. It is right, however, to assign in every town, village and monastery some of the faithful, old priests over the mysteries. They shall be watchful, testified to in knowledge and abounding in an excellent manner of life in the priesthood, and some old monks, 20 stable, experienced men in excellence, (able) to cultivate the faith among the true believers, the members of the church.

These are to be elected by the bishop with the consent of the church for the place where they are assigned over the service, in particular, the confession. First, they must learn from the bishop the rite¹³ and 25 the manner of the confession. They should know, as we have determined and ordered, which help and remedy¹⁴ is suitable for the sick ones on account of sins, according to the state and category¹⁵ and disposition of the penitent and according to contrition regarding sins, like the physicians, the philosophers, and the sages in God who first must know 30 * and then pronounce the word of truth.

Canon 4. If one of all the excellent orders of the priesthood, whether the patriarch or the catholicos, bishop, presbyter, deacon, or monk, spreads out and reveals the confession of someone during his lifetime or after his death and the confession (is given out) 35 in word or writing or by hint—we all have determined through the

¹⁰ πόρος.

¹¹ The text reads Δδεν but it should be Δδεν.

¹² σχῆμα.

¹³ τάξις.

¹⁴ Lit. medicine.

¹⁵ τάξις.

frightful word of God that he shall be accursed and anathematized by the holy Trinity and is to be sent from the order¹⁶ of the priesthood and Christianity. No man shall speak with him, converse with him, answer him and have to do with him in any matter. But he shall be driven away, removed and scorned by the heavenly church and from this one, our earthly one. There is no release for him at all.

Canon 5. No one is allowed to receive gifts regarding confession, whether little or much, except that the penitent shall distribute to the needy and the prisoners (and) for the sustenance of the churches and the monasteries as determined about him so that they shall pray 10 and make intercessions because of him.

However, from the produce, a donation shall be set apart by the bishop.

The sixth canon. As our Lord has said: "As you shall love one another, they shall know that you are disciples"¹⁷, so where there 15 is no fellowship of suffering there is also no love. And where there is no love there is found (also) no discipleship of Christ; not even one good virtue, according to the rule of the great Paul, the apostle of the Gentile peoples, as he has said: "If I speak with all the tongues and with those of the angels and I know all the mysteries and all the 20 knowledge and I give all that I have to the poor, etc., and love is not in me, I profit nothing"¹⁸, with the rest of the passage¹⁹ that demonstrates the dignity²⁰ of love. Therefore we, as the servants of Christ and the disciples of Paul and the adherents of the footsteps of the 25 holy apostles, we all have determined * to love one another like ourselves and to have fellowship in the suffering of one another as members in one body whose head is Christ. Let us remain without agitation in the renewing of this repentance that we have begun. And when one of us rejoices, let us all rejoice with him. Who gives (to it) 30 less than his strength, he will be condemned by God.

The seventh canon. Again our Lord set up the regulation for the shepherds and He said: "The good shepherd lays down himself for his flock"²¹. We, who through the door of repentance, have begun on the way of spiritual shepherding—it is right for us to accuse our own present life here until blood (flows) and we know that without this 35 accusation, scorn and travail, this canon cannot be kept at all.

¹⁶ τᾶξις.

¹⁷ John XIII, 35.

¹⁸ I Cor. XIII, 1 ff.

¹⁹ κανόν.

²⁰ τᾶξις.

²¹ John X, 11.

So then, he who wants to become a shepherd of the flock of Christ shall have contempt for the world and hate his (own) life and shall give from his whole strength for His superb community so that with the people of Christ he shall enjoy his Lord. He who gives less than 5 his strength, shall be condemned.

The eighth canon. Again our Lord Himself has shown that in the nature of our soul there exists the rule²² of righteousness when He says: "As you wish that men should do to you so also do you, and that which harms you do not do to your neighbor"²³. So then we must 10 guard with all our strength this regulation (especially) over those who contradict it with obstinacy.

If someone is suspended or corrected by one, it is (the case) that he shall not be received by the others. Not even that a clergyman shall be received in another church in the order²⁴ of his service without 15 the confirmatory letter and permission of his bishop.

One shall not turn his ear to the calumny of his neighbor. If a cleric or a monk or a layman has a grievous or grave cause²⁵, it shall be brought before the assembly and shall be kept for the synod of the bishops. It shall be investigated and he shall be judged in righteousness according to the ecclesiastical canons. He who neglects (these 20 rules) shall be condemned.

The ninth canon. The holy fathers have established in the church that from everywhere at a convenient time twice a year the shepherds * of the eparchies²⁶ which are near shall gather for the sake of eccle- * p. 238
25 siastical affairs. But we because of our weakness and the hardship of our time, (only) one time.

We have determined for ourselves that we shall by all means²⁷ gather in every year whether at the dominical Pascha²⁸ time or at both *Tešrīs*²⁹ and shall investigate and judge the affairs, general and 30 special. We shall renew the confession among ourselves necessarily, by all means year after year.

Everyone who has a lawsuit or a grievance shall come to the fore before the synod and shall be investigated justly in the fear of God. He who abstains from this assembly except for sickness or for a matter

²² κανόν.

²³ Matth. VII, 12; Luke VI, 31.

²⁴ τᾶξις.

²⁵ Lit. judgment.

²⁶ ἐπαρχία.

²⁷ πόρος.

²⁸ πάσχα.

²⁹ The months of October and November.

of necessity³⁰ that (hinders) him to come, or being not able because of the enemies who hinder him to come to the synod, he shall be rejected by the whole church.

The tenth canon. Concerning the presbyters, those who tire themselves and labor hard in the matter of teaching, the blessed Apostle Paul has commanded that they should deserve a double honor³¹.

So then from necessity, it is right for the bishops that they should labor in the matter of admonition and teaching and ...³² with them other teachers who are able in (the giving of) admonition and who walk in the fear of God, everyone according to his strength and in his congregation.

One who is called by another bishop, his friend, or receives an order from the head of the bishops to introduce the work of virtue in a place, to admonish the people and to help in the correctness of personal preaching³³ or through a letter, must not himself refuse (from so doing) or because of the inhabitants of his village or the village of the seculars. It is not right to do this. Moreover, he who turns away from these (rules) shall be liable to judgment.

Canon 11. The blessed Paul³⁴ and the holy apostles, his companions, and the holy fathers have determined and demonstrated what is necessary in order to become * one who may be called to the supreme rank of the leaders of the priesthood and the lawful service of ecclesiastical shepherding.

We also, as we cleave to them in this way, determine and declare: there shall be no head unless there is, regarding him, an accurate examination, thoroughgoing and firm. They shall testify about him, the bishop in whose region he lives, and many who have conversed with him and have had intercourse with him. There shall be a decree³⁵ regarding him, i.e., a general opinion of the patriarch of the apostolic see to the effect whether he deserves to be called to the said episcopacy. Furthermore, he shall be examined in person in literary reading and in the way of life of monasticism.

It is necessary to read what has been mentioned previously above

³⁰ After this word the text has a blank space; a word must have been illegible in the original.

³¹ 1 Tim. v. 17.

³² A word has suffered here; also Ms. Mardin Orth. 323 cannot help us here.

³³ Lit. word.

³⁴ 1 Tim. III, 1 ff.

³⁵ *Καταστασις*, ψήφισμα.

in the canons—the confession³⁶ and to know its force, capacity and what is required in it. If he promises that he will observe them and he knows that he is able to observe and to fulfill them, he will be called. If he is known as suitable for the service, he will be presented and confirmed (as an episcopal candidate). He will then be recommended with care and thereupon sent forth. He will truly succeed because the Holy Spirit accompanies him by the imposition of the hand in the ordination³⁷ which he receives from the holy heads of the priests in the assembly of the synod.

Canon 12. The divine and holy apostles have set it up in the church that all the orders³⁸ of the clerics, those in the churches and monasteries, shall obey the bishop of the place as they would God³⁹ because the place of God—glory be to Him!—is kept for him.

So then it is right that after the election of the bishop and the commissioning to the country, all the clerics, monks and lay people shall obey him and shall behold in him as it were the spiritual father. They shall keep his commandments and divine laws⁴⁰.

And all the affairs, matters and things of the church shall be entrusted into his hands and the inheritance of the one who died before him. He has authority over the properties and the matters of the church. He shall administer these in the fear of God, the buildings and the utilities of the church.

* Also over the sustenance of the clerics who continue (on the roster). * p. 240

He shall perform the ecclesiastical service in the church. He (shall take care) of the needy, prisoners, orphans and the widows. For if the bishop is set over the souls of the believers and has the authority over the whole church, how much more therefore is he set over the goods and the properties. Of course⁴¹, he does not administer them without the knowledge of the eminent persons among the priests and believers.

He who opposes him with dispute in this administration shall be condemned and excommunicated from the church if he trespasses this canon.

Canon 13. The apostles have set up (the rule) in the church that there shall be due care regarding the center of strangers in all the churches of God.

³⁶ δμολογία.

³⁷ χειροτονία.

³⁸ τάξις.

³⁹ Cf. *Syriac Didascalia* V. VII.

⁴⁰ νόμος.

⁴¹ Lit. it is known.

A house shall be prepared in every church for those who come— (as) a resort for the poor, the prisoners, and the stricken who come to the church, and who come from every place, and particularly for the prisoners and the stricken ones that they shall be helped.

Therefore the obligation of the bishop is this, that he must show (due) care for the poor⁴² and the strangers⁴³ who come here from every place. Particularly so with regard to the strangers⁴⁴ and⁴⁵ the distressed—that they shall be supported from his property, from those of the church and from the body of the believers.

In every village and at every church there shall be a house for the strangers for the purpose (of providing) them shelter. And continually shall he admonish and exhort the people to assist the needy and to receive the strangers into their houses.

The one who does less, is not a disciple of our Lord.

Canon 14 (not extant in the manuscript)⁴⁶.

Canon 15⁴⁷. Again the apostles have determined the length of years of the clerics (for admission to offices of ministry). The bishop shall not be less than fifty years, according to the canon written above.

* p. 241 * Canon 16. The apostles have constituted that there shall not be many presbyters and deacons in one church and congregation, even if it is very large. As (indeed) they did not appoint to that assembly of many thousands more than seven deacons⁴⁸ together with Stephen the deacon so that they, because of need, would not be compelled to leave the service of the Lord and to run after the necessity of their livelihood, but (rather) that they were to have enough to suffice. They shall be established from the congregation and the church, and they shall meditate continually on the law of the Lord. They shall instruct the people in the teaching which brings them to the penitence and the knowledge of faith.

And as they shall conduct (themselves) in this way, (so is it) the obligation of the bishop to exhort the people to give alms and first-fruits from the harvest and the vineyards, etc., and from all the income,

⁴² The text breaks off and has a lacuna here.

⁴³ This text is recovered from Ms. Mardin Orth. 323, fol. 87b.

⁴⁴ The canon from Ms. Mardin Orth. 323 ends here.

⁴⁵ The following part of the lost canon is recovered from Ms. Mardin Orth. 176, fol. 144b.

⁴⁶ The canon is missing also in Ms. Mardin Orth. 176.

⁴⁷ Can. 15 and 16 have been taken from Ms. Mardin Orth. 176, fol. 144b.

⁴⁸ Cf. Acts vi, 2ff.

and from the pure work of their hands, as our Lord commands and (as did) also His disciples in the Old and New Testament—that those who work in the sanctuary are supported from the sanctuary, and the one who shepherds the sheep eats from it.

Therefore, anyone who cheats (with regard to) the first-fruits and alms of the priests and deacons and the clergy, shall be guilty before God.

< Canon 17 > ⁴⁹. ... before the rulers as much as possible.

They shall not be seen before them at all except in case of coercion and necessity.

He must have care in teaching and in the fear of God he shall admonish and correct the people. He shall interpret to them the sacred writings.

He shall be prepared to give account of himself.

Canon 18, Regarding the holy fast, the apostles have decided the distinct times and special days which the Christians have to observe.

They say that it is right for the bishops, monks, presbyters, deacons,

* and true believers to fast on the holy fast of the birth (of Christ, * p. 242 the fast) that is (designed) for the Father for having given us his Son.

for forty days.

The evening fast in the *nezirütā* of all wine and fish.

Likewise, also the fast of *Niniveh*, that is five days until the morning of the Saturday that we begin in our *nezirütā* in the *ṭūrāšā*⁵⁰.

After this manner in the order, we shall keep in the *nezirütā* the fast of Wednesday and Friday from the *Tešri qadim*⁵¹—that is, the great fast of the forty (days)⁵², which is for the adorable Son who suffered for our sake.

The third fast, that after the Sunday of Pentecost which is (in honor) of the Holy Spirit, is for fifty days.

The fast of the evening we do not impose if there be (any reason) of necessity.

As for the weak ones, everyone shall try it according to his strength but with abstinence from wine and fish—it is necessary to abstain from it.

⁴⁹ Here the text of the manuscript is resumed; however the beginning of the canon is lost.

⁵⁰ *ṭūrāšā* food which was forbidden during a fast.

⁵¹ The month of October.

⁵² I.e. the period of Quadragesima.

Similarly, the Wednesday and Friday throughout all the summer, (abstinence is prescribed) in the same order⁵³.

As for the layman, the bishop determines (the fast) as he sees proper.

He who breaks (the fast) except for sickness and necessity shall be a stranger to the entire church and its mysteries.

Canon 19. The bishops, monks and presbyters are not allowed to use much wine, except the necessary three cups and those for the old and weak. He who adds more than this shall be condemned.

The twentieth canon. (As to) the priests and the clerics—he who trespasses the wine (rule) for the first time, shall be rebuked. The canon of penitence shall be applied to him in correspondence with his degree and his stature.

If he shall sin again for the second time, the first canon shall be doubled on him together with strict censure and strong threat.

* p. 243 * But if for the third time he shall do this folly, he shall be excluded from his service altogether for one complete year, fasting, praying, and truly offering repentance.

If, however, after this he shall sin again in drunkenness, he shall fall out from his rank because the apostle, the blessed Paul, reckoned drunkards with the adulterers.

Canon 21. A bishop shall be vigilant and attentive and not neglect the beauty of the regularity of the church.

He shall not let the clerics become too addicted to numerous chants⁵⁴ and (the liturgical) canons⁵⁵, hymns⁵⁶ heavy with variable (tones)⁵⁷ and broken hymns⁵⁸, in numerous hymns chanted while sitting⁵⁹ and the silent songs⁶⁰ and the superabundant antiphons⁶¹.

Except for the fixed⁶² breviary of the annual cycle (he shall not permit) the choirs, the sweet hymns of 'Ūrhāi, etc., which are of no profit at all to the church of God but rather damaging and harmful to the soul and body and also resuscitate the ardor jealously among the congregation of the church with strifes and quarrels.

⁵³ *ῥάξιν*.

⁵⁴ *ܩܢܝܢܐ* songs, chants.

⁵⁵ *ܩܢܝܢܐ* appointed chants, hymns and psalms.

⁵⁶ *ܩܢܝܢܐ* hymns, especially for the dead.

⁵⁷ This phrase is difficult to render.

⁵⁸ *ܩܢܝܢܐ ܩܘܫܝܐ* "broken hymns", i.e. short clauses.

⁵⁹ *ܩܢܝܢܐ ܩܘܫܝܐ*, *ܩܢܝܢܐ*, *ܩܢܝܢܐ*.

⁶⁰ *ܩܢܝܢܐ* a kind of song.

⁶¹ *ܩܢܝܢܐ* chants, antiphons.

⁶² Or: requisite, necessary.

The bishops shall not permit the singers of the chants to make their services long and heavy on the people except on the mornings and evenings of the Sundays and the dominical feasts and (even) then the service must be moderate. The bishop shall by all means⁶³ admonish the people every Sunday morning and during the nights of the winter.

From *Tešrī qadīm*⁶⁴ until Pascha⁶⁵, the clerics and the believers shall persevere in the reading of the books of the prophets and the apostles and of the scriptural commentaries, the instruction, the *mēmre*⁶⁶ and the *iūrgāmē*⁶⁷ of the orthodox teachers.

They shall exhort the people that they should come before (the altar) during the nights for the prayers and to hear the word of life and the instruction of the Gospel⁶⁸ that advances them to God. Otherwise how is it possible to require from him the fruits of the orthodox faith if instruction is not sown?

* He who despises and scorns this fixed canon will be condemned by God and all the church. * p. 244

The twenty-second canon. The apostles and fathers have decided and determined that all the clerics, monks and believers shall obey the bishop like God⁶⁹, and particularly that which has been established through the church in the divine canons. He shall be vigilant and diligent over the service of the Lord.

He who rises against him and suppresses his words audaciously shall be anathematized. He shall be expelled from the church and from intercourse with the believers until he confesses his folly and repents.

Also the bishops shall obey him who has been established as the universal head, the patriarch. They shall be vigilant and circumspect and observe these ecclesiastical canons⁷⁰ and the divine laws⁷¹.

In like manner also shall the believers honor the priests who deserve the honor. They shall take pains at the ecclesiastical service every day so that their prayers will not cease from the church except in case of necessity.

Canon 23. Concerning the sacred myron⁷². It is right that every

⁶³ *πόρος*.

⁶⁴ The month of October.

⁶⁶ *ܩܢܝܢܐ* metrical homilies, discourses.

⁶⁷ *ܩܢܝܢܐ* homilies, expositions.

⁶⁸ *ܩܢܝܢܐ*.

⁶⁹ Cf. *Syriac Didascalia* V, VII.

⁶⁵ *πάσχα*.

⁷⁰ *κανόν*.

⁷¹ *νόμος*.

⁷² *μύρον*.

bishop shall consecrate the myron every year from the oil of olive, clarified⁷³, limpid and pure from the oil composed with perfumed nardin⁷⁴ or balsam⁷⁵, the quantity as sufficient as we are able to compose.

Similarly the oil of ointment must be prepared by the bishop. He will distribute of it to the presbyters with the divine myron.

The olive oil must be placed in the receptacles containing old myron and it will evidently be mingled with the rest that remains of the old myron.

Likewise, however, the oil of prayer shall be blessed continuously together with the consecration of the myron as has been commanded. From it, the priests shall anoint the afflicted and the believers along with the prayers of the holy priests.

It shall be likewise with the oil of olive and if something of the aromatic oil will be mixed, that is very good.

* p. 245 * The honor and excellency of these three anointments which have been established in the church is evident. Neither the nature of the oil nor the roots⁷⁶ have the power because the mysteries are formed by the Holy Spirit; for the power is through the descent of the Holy Spirit through the pure prayers of the holy heads of the priests upon them.

Canon 24. Regarding holy baptism. The holy apostles and the fathers have determined regarding those who come to holy baptism.

On the day before it, they shall be presented to the bishop or the priests set over the service of exhortation and over the candidates. It shall be read to them, to the one who presents them and to their godparents from the instruction of Mār Iwannīs Chrysostom⁷⁷ on the mystery of baptism, and the (rite) of baptism shall be read to them. They shall give a proper admonition so that all the auditors⁷⁸ shall know and learn the great mystery of holy baptism and what a great grace it grants—the adoption they receive in baptism, the pardoning of sins—even though they were yet young at the moment they receive baptism and that now they might understand the great

⁷³ Lit. washed.

⁷⁴ νάρδος.

⁷⁷ What Jöhamnän means here are the two baptismal catecheses by Johannes Chrysostom, namely *Catecheses ad illuminandos*, PG XLIX, col. 223 ff.; cf. 'ABDISÖ', *Catalogus librorum omnium eccl.*, ed. VÖÖBUS.

⁷⁸ The text has *ⲗⲓⲃⲏⲛ* which is a corruption of *ⲗⲏⲁⲛⲏⲥ*.

⁷⁵ βάλσαμον.

⁷⁶ Or: plants.

sacrament and adorn their faith by good actions which are suitable to the vocation to which they have been called. And afterwards, the names of the candidates shall be written one after another. (This will be done) according to the order of their days (of age) and their stature, whether they are the sons of the priests or the sons of the eminent or the sons of the poor, having no bias for persons so that at the time of baptism, there shall be no confusion and uproar.

On the day after they shall come to holy baptism. First, the tall ones shall stand at the door of the baptistery⁸⁰. The first service of exorcism is made for them; the devil will be thrown behind the door. Then while reciting the confession of faith, they shall enter and go to the Jordan, that is the holy font of the baptism. They shall mingle the water. They shall consecrate the baptism and everyone shall be baptized according to his order (in line) with that one of which we spoke earlier above.

He who despises his companion shall be pushed back and expelled from the church as a non-believer; for the power and the gift of the first and last is the same.

The laver must be large and the water abundant so that the head of the baptized can be plunged according to the rite⁸¹. It shall be in the center of the northern side of the church but not at the wall.

He who keeps attentively (these canons) shall be kept, and he who despises (them) will be condemned.

Canon 25. However, regarding children of the Mohammedans⁸² we command with precaution. We tell you by the commandment of the apostles that the priests are not allowed by God to baptize them together with the children of the believers in our holy laver. But another baptism shall (be prepared) apart on another day, whether before or after, with plain water.

Only the service of penance will be (said) for them. This, however, (contains) a cycle⁸³ (of hymns), an anthem⁸⁴, a chant⁸⁵ of the penance, etc. Let the priests baptize the sons of the Arabs saying as follows: "This N.N. is baptized in the name of the Lord in that baptism of John for the remission of sins. Amen". He shall be anointed with plain oil.

⁷⁹ Or: the old ones.

⁸⁰ Lit. baptism.

⁸¹ τὰξίς.

⁸² Lit. traitors.

⁸³ κυκλίον.

⁸⁴ *ⲗⲓⲃⲏⲛ* a chant, anthem.

⁸⁵ *ⲗⲓⲃⲏⲛ* an anthem, chant.

There is absolutely no permission from God to any believer to take for him a sponsor, that is a godparent, (who is) a non-believer. Also not to tie the crown (of marriage) with him in a wedding feast. The sponsor, however, shall be a believer and must know that he is obliged to teach him the spiritual teaching, the true faith, the observation of the dominical commands. The reason is that he is his sponsor—the priest is his sponsor before God. He shall have his eye continuously upon him and take care of the growth in the fear of God until the death of one of them.

It is not allowed by God to place the candidates on the cross or on the urns⁸⁶ of the saints but a true believer has to take him.

* p. 247 * And a male shall not take the female ones nor shall the female take the males.

He who despises these (rules) shall be excommunicated and thrown out of the church.

Canon 26. It is right for the bishop to admonish the people continuously according to the commandment of the holy apostles so that they will take pains with their believing children in great diligence.

When they are young they should teach them first our Syriac language and the order⁸⁷ of the prayer and that which is right since their childhood. They should accustom them to the appointed fastings and shall persevere in the holy church. After instruction in the Syriac language, they shall teach them useful workmanship so that they do not abandon themselves to an amusement and idleness generating the tricks and corrupt manners of licentiousness.

And they shall betroth them with girls when the boys are fifteen years old. The virgins shall be betrothed with boys, (provided) they are twelve years of age according to the apostolic commandment that is set⁸⁸.

And if they let their boys pass beyond the age of fifteen years of age until twenty years and do not betroth them, it shall be determined about them and about those who have the authority over them in regard to fasting and *nāzīrūtā* until they betroth them or until they shall send them into a monastery.

If, however, they resist and do not obey, they shall be expelled from the church until they obey.

Canon 27. Again the holy fathers have set up (the rule) that the

⁸⁶ ἰοῦρνα.

⁸⁷ τάξις.

⁸⁸ Lit. said.

believers are not allowed to behave according to pagan customs and to lament over their dead ones like those who have no hope of the resurrection.

They shall not dance for them at all—for they shall then become dust, demons⁸⁹ and the moth, and (further) the living ones are insufficient and cannot help the dead ones. They, however, shall give to the needy and the poor for the sake of the dead one. And there shall be the oblation for him, prayers, love feasts, vigils by the holy and the needy priests, and alms for their souls as one who loves the Lord and leaves the deceased ones in rest.

He who trespasses these (regulations) shall be thrown out of the church without further ado⁹⁰.

* Canon 28. Likewise, also regarding the wedding feasts, banquets, betrothals and birthdays.

We all, the venerable ones, determined by the frightful word of God that there shall be for these no great supplies⁹¹, expenditures, and expenses such as the pagan customs (incur) and extension for many days in the wedding feasts. However, on the third day the wedding feast shall be absolved and everybody shall go to his work.

The daughters of the believers shall not be seen by anyone at their wedding feasts at all.

The blessing of the rings shall not occur before the wedding feast.

There shall be no liberty⁹² for the bridegroom in the house of the father-in-law at all.

Also, there shall be no legitimate blessing after eating and drinking at all, and drinking, drunkenness and customs of licentiousness.

But it is right that the priest who blesses the crowns shall fast. And if there are many priests blessing the bridegroom in the early morning in the church—this is very suitable. If they leave it to the evening according to custom, the legitimate wedding benediction—as is the custom, first, the priests who bless the crowns, must fast until after the (nuptial) benediction. The bridegroom and his sponsor, the bride and her sponsor with her (also) fasting.

The benediction shall be done only in the church.

After the benediction, the bride goes with her company to her banqueting room and bridal chamber. The bridegroom shall go to the wedding feast and his table companions and guests.

⁸⁹ The text reads: it may be a corruption. ⁹¹ Or: expenses.

⁹⁰ Lit. without a cause or word. ⁹² παρρησία.

He shall not be defiled during this night with his bride—not that there is impurity this night until the following evening—but because of respect for the living words that have been read to them from the Old and New (Testament), they will keep themselves in purity and holiness like true believers until the evening and the sunset; (only) then may he unite with his wife, i.e., he shall have sexual intercourse according to the custom of the true believers in this tradition by the holy priests who admonish the bridegroom in the legitimate blessing. And they anticipate and command the bridegroom and the bride with * all that has been commanded on them in caution, in the humility that is proper for believers.

It is not right to have the blessing of the bridegroom and the bride after the week of the Niniveh, and not after the new Sunday until Pentecost, except only in the week of the white (Sunday) when the holy priests bless the crowns.

He who dares to trespass (these regulations) and treads on them shall be expelled from the church and shall be held in contempt and excommunicated through the dominical anathema.

Canon 29. A widowed deacon, if he has children, and cannot endure the fervor and impetuosity of his youth and the desire for her⁹³—that animal innate in him—and does not go out into a monastery and cannot keep himself in purity and takes a wife, by the commandment he shall be suspended from the service of the altar and shall not ascend it at all. And he shall not come near to the censer, according to the custom of the deacons, when in the church during the service and in the company (of worshippers).

According to his diligence he shall be honored. If he is needy, he will take his lot from the church as before. He (also) will receive his honorarium from the dead, etc., and he shall pray for him⁹⁴. He shall also take his part in the vigil if he asks for it. He must always be in repentance.

But when he dies, he shall receive the funeral of the layman not the funeral of the deacons and priests.

Similarly if a widow of a deacon is young and cannot endure and gives herself to a man according to her will. If she is old and needy, she shall be supported from the church and the believers.

⁹³ I.e. for a wife.

⁹⁴ Namely for the dead one.

A *bart qeyāmā*⁹⁵ of a presbyter who dies is absolutely not allowed from God that she may have this in mind and enter second marriage after her widowhood from a priest—because she is a spiritual mother to all the believers, nor is a nun who has fallen away allowed by dominical commandment from the apostles to enter marriage. Henceforth just as it is absolutely not allowed from God for widowed priests to enter the (second) marriage, so, too, is a *bart qeyāmā*, not allowed to marry for the second time at all. On this, the apostolic canon says: * he who betrothes a *bart qeyāmā* or a nun, shall be excommunicated from the entire universal church.

Canon 30. The widowed presbyters, if they are young and have not many small sons or daughters, shall go into a monastery according to the ecclesiastical canons.

If they have sons and there is a necessity, and they cannot go into a monastery, they shall abstain from wine and meat and all defilement, i.e., the *tūrāšā*⁹⁶.

If they shall not do this, they shall cease from the priesthood entirely until they do one of these regulations.

Canon 31. It is right for Christians that they should remain in peace towards one another and towards everyone. If, however, they shall have (a cause of) judgment with someone, they shall be judged before the members of the church as the blessed Paul commands⁹⁷.

The one who seeks justice with outsiders shall be expelled from the church for one year and he shall perform penance.

A bishop or a priest who favors him shall be condemned in the tribunal and both of them shall be deposed⁹⁸.

Canon 32. It is not allowed Christians to seek refuge among the rulers who are outside and to put pressure in this way upon the bishop, not in regard to the laying on of hands and not in regard to the dissolution of the canons nor because of some other petition so that he shall be under force.

He who dares to do to his bishop (things) such as these—our entire holy synod has determined that he is anathematized. He shall be expelled and removed⁹⁹ from the church—and interdicted. No one is allowed to receive him until he repents before the synod and confesses his sins and offers a genuine repentance.

⁹⁵ Here the term *bart qeyāmā* refers to priest's wife.

⁹⁶ *ḥāḥā* food which was forbidden during a fast.

⁹⁷ 1 Cor. vi, 1 ff.

⁹⁸ *kuṭatpeiv*.

⁹⁹ Or: exiled.

Canon 33. The holy apostles and many fathers have often commanded and warned that no one shall revile the king at all and mention him in any evil way; also not to oppose the rulers nor to act treacherously against the governors and not to rise against any man at all.

* p. 251 So then we declare¹⁰⁰, through the frightful word of God * that he who is found in these (affairs) to exalt himself whether by (plotting) against the ruler or by being associated with one (who plots) against the governors and the authorities in whatever manner, he shall be removed and shall be held in contempt by the church until he shall repent thoroughly.

[Canon] 34. The apostles and the teachers have determined that the Christians shall stand in good order in the church of God and in fear and in trembling and must know before whom they stand and from whom they ask petitions and, indeed, to whom they pray.

Finally, they are not allowed by God to talk and discuss at all, not a word of profit nor of harm within the church during the prayers, not at all in order not to anger God over them. Standing during the reading of the holy Scriptures, they shall harken to them diligently. He who is weak in illness or in old age may sit during the time of the reading. When, however, the holy Gospel is read, everybody shall stand in fear bowing his head as he holds his hands on the breast and shall not talk with anybody at all—all the members of the church, bishops, presbyters, deacons, and all the people.

Throughout all the service, the faces of all of them shall be towards the east, the priests and those of the people, because this is not the time that they should talk to one another, discuss and beckon. Everybody, however, must gaze towards God in fear and trembling, waiting for mercy, being attentive and beseeching.

If the church is narrow and there is no possibility of the entire congregation to stand with their faces towards the east, the clergy by all means shall stand with their faces looking towards the east. Some of them shall stand on the side of the north and (others) from the south, and their faces towards one another and not towards the people.

At the moment of the offering, the Apostle shall by all means be read before the Gospel¹⁰². If there is no other deacon there or

¹⁰⁰ Lit. say.

¹⁰¹ πόρος.

¹⁰² εὐαγγέλιον.

a presbyter, the presbyter who offers shall (read) the Apostle and afterwards the Gospel.

He who disregards this, shall be condemned.

[Canon] 35. Peter the apostle and his companions have determined * that the gift of the priesthood of God shall not be conferred for money * by the sacerdotal orders of our ecclesiastical priesthood at all¹⁰³.

Therefore, he who employs the laying on of hands of the priesthood for gold or silver, (both) the receiver and the donor are entirely rejected.

There shall be a simple table for the bishop and clergy only—as far as it is possible.

If there is want and he has nothing at all, it is rather they who must supply his need. When a parish is given to a presbyter, or a reception is given in an important church where there are clergy according to the custom of that place, it shall be without avidity and prejudice regarding appearance¹⁰⁴.

He who commits wrong on these (matters) or who drives anyone away from the laying on of hands for (having demanded) a gift or he who presents one who is not worthy likewise for a gift, is rejected from the entire church and its mysteries.

[Canon] 36. Because, regarding the inheritances¹⁰⁵ of a man who is deprived of a wife and many sons, there continuously happen strifes involving secular lawsuits, we declare¹⁰⁶ by the frightful word of God that he who is bereaved of wife and sons shall, when he comes sick, make himself a will¹⁰⁷ before honorable witnesses, prudent persons. It is to be kept as long as he has his senses and comprehension. It shall be sealed and kept. If God so orders through death, he is freed from blame. He is buried as are the rest of the believers.

If, however, he neglects this also and does not make a will, on account of which there are conflicts after him and many are calumniated through suspicion, he shall not be followed (in a funeral procession) or buried as a believer and he shall not be signed with the sign of the cross on his breast with the blessed dust as is the custom of the funeral.

So then, everybody shall hear this and fear; when he becomes ill, he shall thus make for himself a will. And next he shall confess his sins.

¹⁰³ Cf. Acts VIII, 18ff.

¹⁰⁶ Lit. we say.

¹⁰⁴ Or: dissimulation, hypocrisy.

¹⁰⁷ διαθήκη.

¹⁰⁵ Lit. portions.

[Canon] 37. The holy apostles and the holy prophets have often admonished us regarding usury and have ordered that none of the members of the church shall employ it.

Even for non-believers, usury is very contemptible so then how right is it for believers that they be beware of it. The presbyters, however, with the deacons or the believers shall not employ it at all.

* p. 253 * If someone of the priestly rank is found to give his money for usury or of prepayment¹⁰⁸ which is called by some *sūlfā*¹⁰⁹, at more than the (regular) price of the buying and the sale, if he shall do this, he shall fall away entirely from his service. (This is) until he turns from this evil and returns to the owners everything he took above that which was proper, and promises that he shall not return to do this (sort of thing again).

[Canon] 38. The holy fathers have determined that the believers shall not be deprived of the reception of the holy mysteries in the last breathing, but that there shall be for him a *viaticum*¹¹⁰ on the road to eternity.

Therefore, (there is) a commandment and canonically (established regulation) regarding the presbyter-*šabtāyā*¹¹¹ of the apse¹¹². (This is) the sacristan¹¹³ who keeps himself in watchful care by a continuous fast until evening for the sake of the communion of the sick, so that when they ask for the eucharist in the hour of death, he can celebrate¹¹⁴ it (for them). The presbyter-*šabtāyā* shall be fasting, prepared and in the church for the mysteries for the reception of the sick, indeed, for every emergency that presents itself—until there will be another presbyter-hebdomadary. And he shall also fulfill this canon, and keep the succession of the fast until evening for the reception of the mysteries in the last breathing for the believing sick.

If, however, one has sinned and been evil like a (rude) man but has been in remorse and repentance and the time of his repentance has not yet come to an end, he shall obtain communion¹¹⁵ immediately when he is dying. It is right that there shall be compassion on

¹⁰⁸ Or: bargain.

¹⁰⁹ The vocable *سلف* is taken from the Arabic *سلف*.

¹¹⁰ *κρίσι* the provision, the last food.

¹¹¹ *ἑβδομαδικός* hebdomadary.

¹¹² *κόρυθη*.

¹¹³ The vocable *κρίσι* is derived from *κόρυθη*.

¹¹⁴ Lit. breaks bread.

¹¹⁵ Lit. he breaks (the bread).

him by the priest and that he shall be worthy of the holy communion of the mysteries and that even (when) his talk is suddenly taken away. However, the priest must say to him what is necessary for the confession and he shall make a sign (indicating) that "I confess".

5 If, however, he is impious, sick in his sins, and does not repent and suddenly the sickness of death reaches him, and his talk is taken away so that he cannot confess his sins and promise that if he would live he would make a complete penance, and on his bed cannot groan, weep, and be moved to regret—for one like that. * the reception of the holy mysteries is useless. Therefore, he does not deserve even a funeral procession and burial and prayers—except that the burial of an ass will be given to him, but, indeed, no funeral procession and the prayers of the priest, but corresponding to the faith and compassion of the members of his family and corresponding to the time and season, this administration shall be arranged. The mysteries shall not be given at all to one who in this way is evil and rebellious.

[Canon] 39. Regarding the regular alms, the first fruits of the priests and the sustenance of the churches and the monasteries.

All the nations which have been in the world from the beginning until our own day have orders and laws, and with great care keep their own sanctuaries, adorn and decorate them and have set apart regular alms, first fruits, and tithes for their priests. For the first nations divided all their labor each year into three parts: one for the necessary sustenance of their lives, the other for their ruler who shall give soldiers' pay¹¹⁶, supplies and wages¹¹⁷ to the fighting forces which stay on watch over the countries against the enemy, and another one to God—that from which to provide the sanctuaries, priests and the needy.

After these, then, the elect people of the sons of Israel arose. God commanded them through His holy mouth that they shall give the tithes, vows, and gifts to the priests from all their labor and their offerings and possessions each year, and first fruits and vows and the first born male, cattle and sheep, together with the rest of the sacrifices, offerings, the meal offering and the drink offering for the holy sanctuaries, the incense and oil for the candelabra.

Also the true Christians today do the same and in all the Occident

¹¹⁶ *ἀννόματα*, *ἀννόματα*, *annonae*.

¹¹⁷ *δοῦρα*, *δῶρα*.

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If, however, one has sinned and been evil like a (rude) man but has been in remorse and repentance and the time of his repentance 30 has not yet come to an end, he shall obtain communion¹¹⁵ immediately when he is dying. It is right that there shall be compassion on

¹⁰⁸ Or: bargain.

¹⁰⁹ The vocable *صه لعه* is taken from the Arabic *سلف*.

¹¹⁰ *كسول* the provision, the last food.

¹¹¹ *كسول* hebdomadary.

¹¹² *كوزي*.

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After these, then, the elect people of the sons of Israel arose. God 30 commanded them through His holy mouth that they shall give the tithes, vows, and gifts to the priests from all their labor and their offerings and possessions each year, and first fruits and vows and the first born male, cattle and sheep, together with the rest of the sacrifices, offerings, the meal offering and the drink offering 35 for the holy sanctuaries, the incense and oil for the candelabra.

Also the true Christians today do the same and in all the Occident

¹¹⁶ *كسول*, *ἀνώναι*, *annonae*.

¹¹⁷ *كسول*, *δψόνα*.

they keep the same order¹¹⁸ and customs; and all the Francs¹¹⁹— everyone whom we have found. Also the Armenians every year give alms to the priests together with the first fruit and many other things. That is to say, who then, indeed, are these our people of the Syrian Jacobites? Their faith is so very weak that they neglect their churches 5 and priests on account of indigence.

* p. 255 * Canon 40. The blessed apostle Paul has said, and his companions too, that he maintained good behavior¹²⁰ towards those who are inside and outside¹²¹.

Do not give cause to those who search for a cause, do not be a 10 stumbling block to anyone at all. Be a good example and image for everyone, "so that they see your good works and glorify your Father who is in heaven"¹²².

Because we, the venerable ones, have seen many complaints, odious and condemnable troubles because of the operation of Satan 15 and many attribute ugly reports to the simple, unlearned and confused bishops because of their indiscretion of (the customs of) good behavior¹²³. For this reason we have (thought it) good that we, the bishops on the synod, (decree) this last canon of warning to the simple bishops. 20

We order and determine unanimously by the frightful word of God that the bishop shall exercise great discretion in all his manners of life and habits, in his eating, drinking and conversation. He shall not have dealings with impudent persons, women and children. When it is necessary¹²⁴ that they must present themselves before 25 him for necessary contests and affairs, two or three persons of presbyters and respectable men must be present with him. When he is in a town or in a village, he is not authorized to remain alone at all either by night or by day, but another person or two if possible must constantly be with him. His servants must be men advanced 30 in years or holy monks—for his conversation and his consolation

¹¹⁸ τὰς αἰς.

¹¹⁹ The text reads wrongly *Καίτοι* which should be *Καίτοι*, i.e. the Latins.

¹²⁰ σζήμα.

¹²¹ Cf. Titus III, 2; II Tim. II, 24.

¹²² Matth. V, 16.

¹²³ σζήμα.

¹²⁴ ἀνάγκη.

on whatever may happen. He shall absolutely not be served by a *bart qeyāmā*¹²⁵ or by a nun or by children, etc.¹²⁶

THE CONCLUSION OF THE CANONS AND ADMONITIONS

We determine and decree, we, all the bishops, and the synod that 5 has been gathered with the feeble and weak, the old and the long-lived, blessed Mār Jōhannān 'Ūrhāyā, bishop of the priestly monastery of Mār Ḥanānyā and of the town of Mardē, by the frightful word of God * under which the heaven and the earth tremble—that * p. 256 for the renewing of the church every year in the *Tešris*¹²⁷, these 10 canons shall be read before the people. (This takes place) while all are gathered in the church and they shall hear the canons, and they shall renew these canons by the renewing of the church.

There is no authority from God that bishops or priests or deacons may neglect them and leave them without reading.

15 Whoever does not observe them will be condemned¹²⁸.

¹²⁵ *ܩܘܪܝܢܐ* daughter of covenant, a female ascetic.

¹²⁶ It is necessary to add a word about the importance of this collection of canons. The sources which we had at our disposal are completely silent about Jōhannān's endeavors in creating, nurturing and nursing the fresh life in the newly restored and erected sanctuaries. In this respect the document which has emerged is particularly welcome since it for the first time puts flesh and blood upon the dry skeleton of topographical notes about new churches, chapels and sanctuaries. New perspectives are opened and we are allowed to see how the work of restoration really was carried out. For the first time a period which is a very significant epoch in the history of this historically important region receives enlightenment.

¹²⁷ The month of October and November.

¹²⁸ Our document has been preserved also by another witness in Ms. Mard. Orth. 176, fol. 143a-151b which belongs to the 15th cent. Not all the canons have been included here but a selection, namely can. 2, 1, 3-5, 13, 15-16, 18-27 and 37-40. Fortunately, this manuscript allows us to recover some canons which have been lost in the present manuscript, namely can. 13 (the end) and 15 and 16. Ms. Mosul Orth. 187, fol. 68a-73a, written in 1921 A.D., is a copy of the preceding codex. The text of the canons is extant also in Ms. Mardin Orth. 323, fol. 82a-101a, and Ms. Mardin Orth. 327, fol. 172a-181b.

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