

# THE FETHA NAGAST

The Law of the Kings

Translated from the Ge'ez

by

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Edited

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**PREFACE**

**CONQUERING LION OF THE TRIBE OF JUDAH**

**HAILE SELASSIE I**

**ELECT OF GOD, EMPEROR OF ETHIOPIA**

The long and great history of Our country demonstrates that Our people have always both administered and lived according to the law. Our people were at first ruled by Mosaic law, but after the advent of Christianity to Ethiopia they came later to be governed by the Fetha Nagast—a work combining both spiritual and secular matters, the former part pertaining to the spiritual, the latter to the temporal affairs of Our people. The Fetha Nagast has been venerated, supported, and applied by both the government of Our Empire and by the Church. The names of scholars learned in this law are famous in the history of Ethiopia, particularly since the reign of Emperor Zar'a Ya'qob when both the study and enforcement of the Fetha Nagast began.

By the Providence of the Almighty this bulwark of the law was preserved for Our people. Venerated for many centuries, it provided for Our people an invaluable source of legal principles.

When we ascended Our Imperial Throne and enacted a Penal Code compiled on the basis of the Fetha Nagast, We made all necessary provision for the printing of the Fetha Nagast, in order that it might be available to Our people. Owing however to the invasion of Our country by the enemy, the copies which had already been printed, but not distributed, were burnt together with the printing press.

When, with the assistance of the Almighty, We returned victorious to Our country and subsequently made provision for the codification of Our laws, realizing that those who had helped us in the process of codification had availed themselves of the provisions of the Fetha Nagast, We ordered that its text be printed together with a commentary thereon, and offered to Our people for their assistance.

We are pleased that this great work, for so many centuries the basis of law and the administration of justice in Our country, has now, under the auspices of the Faculty of Law of the University to which We have given Our name, been translated into English so that it may be known to scholars of other countries.

No modern legislation which does not have its roots in the customs of those whom it governs can have a strong foundation. The effort which has been made by the Faculty of law of Our University to disseminate the knowledge not only of the new codification but also of the historically rooted legal practices of Ethiopia, which by the providence of the Almighty we have preserved, and which are the source of Our new legislation is befitting and deserving of Our warmest approval.

Given at Our Imperial Palace in Addis Ababa this 29th day of August 1968.

*Haile Sellassie I*

Emperor

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## FOREWORD

The Fetha Nagast, "The Law of the Kings", is a collection of laws which has been in use in Christian Ethiopia for many centuries. It was originally written in Arabic by the Coptic Egyptian writer Abu-l Fada'il Ibn al-'Assal (commonly known as Ibn al-'Assal) at the time when Cyril III was Patriarch of Alexandria (1235-1243).

Ibn al-'Assal divided his work into two distinct parts. The first dealt with religious matters and the second with secular matters. In compiling the first, he relied largely on the Old and New Testaments, writings supposed to be of Apostolic origin, the canons of such early church councils as the Council of Nicaea and the Council of Antioch, and the writings of a number of Fathers of the Church — St. Basil, St. Hippolytus and others. These sources were also consulted in compiling the second, secular part, but in this latter effort Ibn al-'Assal relied most heavily on a collection of laws found in four books known as "The Canons of the Kings".<sup>2</sup>

C.A. Nallino and G.A. Costanzo have carried on the work begun by two German scholars, Sachau and Riedel, towards identification of these four books.<sup>3</sup> According to them, the first book is the *Procheiros Nomos*, a handbook of Roman-Byzantine laws enacted between 870 and 878 by the Byzantine Emperor Basilus the Macedonian.<sup>4</sup> The second is an Arabic version of what is commonly known as "The Syro-Roman Law Book". This was originally written in Greek at about 480 A.D. as a handbook, probably of didactic character, intended to explain the

1. In the Introduction to his Italian translation of the Fetha Nagast, Guidi identified the author as al-'As'ad Ibn al-'Assal. Ignazio I. Guidi, *Il Fetha Nagast o "Legislazione dei Re"*, *Codice Ecclesiastico e Civile di Abissinia* (Roma, Casa Editrice Italiana, 1899), p. V.

Studies conducted after Guidi's translation established that there were three Coptic Egyptian writers bearing the name of Ibn al-'Assal. They were contemporaries—presumably relatives, perhaps brothers. The one who wrote the Arabic version of the Fetha Nagast was certainly Abu-l Fada'il Ibn al-'Assal, and not al-'As'ad. Cf. P. Düb, "Lequel des Ibn al-'Assal est l'auteur du Nomocanon?", *Revue de l'Orient Chrétien*, vol. 20 (1915-17), p. 104; G. Graf, *Geschichte der christlichen arabischen Literatur* (Rome, 1947), vol. 2, p. 387 ff.; C. A. Nallino, "Libri Giuridici Bizantini in Versioni Arabe Cristiane dei secoli XII e XIII", *Rendiconti della Reale Accademia dei Lincei*, Serie VI, vol. 1 (1925), p. 102, n. 4. In his *Storia della Letteratura Etiopica* (Roma, Istituto per l'Oriente, 1932), p. 78, Guidi seems to acknowledge the correctness of this view when he lists Abul-Fada'il Ibn al-'Assal as the author of the Arabic version of the Fetha Nagast.

2. Guidi, *Il Fetha Nagast*, work cited above at note 1, p. VI. Regarding the influence of Muslim law on the work of Ibn al-'Assal, see A.D'Emilia, *La compravendita nel Capitolo XXXIII del nomocanone di Ibn al-'Assal* (Milano, 1938); D'Emilia, "Influssi di diritto Mussulmano nel Capitolo XVIII, 2 del nomocanone di Ibn al-'Assal", *Rivista degli Studi Orientali*, Vol. 19 (1940), Fasc. 1, pp. 1-15.
3. E. Sachau and K.G. Bruns, *Syrish-Römisches Rechtsbuch aus dem fünften Jahrhundert herausgegeben, übersetzt und erläutert von ...* (Leipzig, 1880); W. Riedel, *Die Kirchenrechtsquellen des Patriarchats Alexandrien, zusammengestellt und zum Teil uebersetzt* (Leipzig, 1900); C.A. Nallino, work cited above at note 1, p. 101-165; G.A. Costanzo, *L'Eclaga Araba nel Fetha Nagast e la sua prima versione in Italiano* (Roma, Istituto Italiano di studi legislativi, 1947).
4. The *Procheiros Nomos* was edited in a Latin translation, with an introduction, by K.E. Zachariae von Lingenthal, *O Procheiros Nomos: Imperatorum Basilii Constantini et Leonis Prochiron* (Heidelberg, 1837), and has been translated into English, with a commentary, by E.H. Freshfield, *A Manual of Eastern Roman Law. The Procheiros Nomos* (Cambridge, University Press, 1928). See Costanzo, work cited above at note 3, p.7, n. 13.

ancient Roman *ius civile* in light of the *ius novum*.<sup>5</sup> The third book has been identified as an Arabic version of another handbook of Roman-Byzantine laws, the *Ecloga* of the Emperors Leo III (Isauricus) and Constantine V (Copronimus),<sup>6</sup> which was published in Constantinople in the year 726.<sup>7</sup> The fourth book has been identified as the "Precepts of the Old Testament", a compilation of ritual and moral precepts from the Pentateuch, together with some Christian interpolations.<sup>8</sup>

Given the Roman background of three of the major sources of the secular part of Ibn al-'Assal's work, it is no surprise to find it pervaded by principles of Roman Law. Rules regulating various types of contract, guardianship, manumission and servitude, and many principles governing wills and succession are taken from Roman Law — ancient, pre-Justinian and Justinian. In particular, family law, especially that part which deals with the dissolution of marriage, is strongly influenced by Justinian's *Novellae*. Of course, these principles came to the Fetha Nagast through the Roman-Byzantine sources mentioned; but it is still appropriate to trace them back to their initial expression, and this has been attempted in footnotes to this translation.

The Arabic version of the Fetha Nagast was originally entitled "Collection of Canons," but is commonly known by scholars as "The Nomocanon of Ibn al-'Assal". It was compiled as a guide for the Christian Copts living among the Muslim people of Egypt. The Coptic Church of Egypt used it and regarded it as a very authoritative work.<sup>10</sup> Some authors are of the opinion that it ought to be considered as one of the works prepared for use by the *Episcopales Audientiae*,<sup>11</sup> church institutions of a judicial nature which were permitted to adjudicate certain disputes among Christians by the Moslem conquerors of Egypt and other areas of the Middle East.

5. See Costanzo, work cited above at note 3; W. Selb, *Zur Bedeutung des syrisch-römischen Rechtsbuchs* (Munich, C. H. Beck, 1964). Among the Christian writers of Arabic outside Egypt, this book was the only one bearing the title of "Book of the Canons of the Kings," Nallino, work cited above at note 1, p. 103.
6. The third book was first identified as a collection of Precepts of the 318 Fathers of the Council of Nicaea excerpted from the four books of the Kings which had been compiled for Constantine. (In Latin translation from the Arabic by the Maronite Abramus Echellensis, + 1664, *Sanctorum Patrum 318 [Nicaenorum] Sanctiones et decreta alia ex quatuor Regum ad Constantinum libris excerpta*.) This translation is published in the collection of Mansi, *Sanctorum Conciliorum nova et amplissima Collectio* (Florentine, 1759), vol. II, c. 1029-1054, see Nallino, work cited above at note 1, p. 105 and n. 1. The studies made by Costanzo, however, have established that the third book on which Ibn al-'Assal relied for most of his citations was the Arabic version of the *Ecloga* of Leo Isauricus and his son, Constantine Copronimus. Costanzo, work cited above at note 3, p. 8 ff.; cf. also Costanzo, "Il Fetha Nagast (Diritto dei Re)," *Novissimo Digesto Italiano*, vol. 7 (1961), pp. 253-254. Nallino believed that the *Ecloga* was unknown to Ibn al-'Assal. Nallino, *Id.*, p. 126.
7. The *Ecloga* was also edited by K. E. Zachariae von Lingenthal, *Collectio librorum juris graeco-romani ineditorum, Ecloga Leonis et Constantini* (Lipsiae, 1852), and has been translated into English, with commentary, by E.H. Freshfield, *A Manual of Roman Law, The Ecloga* (Cambridge, University Press, 1926). See Costanzo, work cited above at note 3, p. 8, n. 17.
8. Costanzo, work cited above at note 3, p. 8; in Nallino, work cited above at note 1, p. 129 the year of publication is given as 740.
9. *Id.*, at p. 105; see also Riedel, work cited above at note 3, pp. 52, 130.
10. Cf. Guidi, *Il Fetha Nagast*, work cited above at note 1, p. VIII.
11. G.A. Costanzo wrote in 1947 that the book of Ibn al-'Assal was still being studied and consulted with great interest in Egypt. There have been two recent editions of the book: the edition of 1908 and that of 1927. See G. A. Costanzo, work cited above at note 3, p. 1.
12. Other works prepared for such use were the Arabic nomocanon of Macarius, and the Syrian nomocanons of Bar Hebraeus and Ebed Yeshe, etc. see B. Ducati, "Postilla" to L. Agresti, "Su l'antico diritto Religioso Etiopico", *Rivista Giuridica del Medio ed Estremo Oriente e Giustizia Coloniale* (1932), c. 63-72; and Nallino, work cited above at note 1, p. 102, ff.

It is not possible to say at this time exactly when the nomocanon of Ibn al-'Assal was introduced into Ethiopia. Ethiopian tradition holds that the Fetha Nagast was introduced into Ethiopia during the reign of Zar'a Ya'qob (1434—1468). The story relates that one day a certain Petros Abda Sayd, an Egyptian by origin, found the Emperor in a sad mood. When Petros asked the Emperor what the cause of his sadness was, the latter replied that he was displeased that justice in his empire was still administered on the basis of the Old Testament although he and his people lived in the era of the New Testament. Then Petros informed the Emperor that there was a book of laws which had been compiled by the 318 Fathers of the Council of Nicaea, and was then promulgated as law by the Emperor Constantine. The book, Petros said, had been translated into Arabic and could be found in Alexandria; why not send somebody to fetch a copy of it? Zar'a Ya'qob responded: "You know the language of this country and that country. Go and bring me the book", and gave Petros 30 *wegets* of gold. Petros brought the book and subsequently translated it into Ge'ez.<sup>12</sup>

If the above is taken at face value, then the Fetha Nagast was introduced into Ethiopia sometime around the middle of the Fifteenth Century. On the other hand, what is apparently the first record of use of the Fetha Nagast dates from the reign of Sarsa Dengel, who reigned over Ethiopia from 1563 to 1597.<sup>13</sup> The most ancient Ge'ez manuscripts of the Fetha Nagast conserved in European libraries are from the reign of Johannes I (1667—1682),<sup>14</sup> and it has been suggested by Professor P. Sand that the few earlier references to the work may be based upon the Arabic version.<sup>15</sup>

The man who translated the Fetha Nagast from Arabic to Ge'ez gives his name at the end of the book as "Petros, the son of Abda Sayd".<sup>16</sup> In Ethiopian tradition, this person is identified as the same man who brought the Arabic text to the Emperor Zar'a Ya'qob. In the same closing passage, there is a reference to the "priest Abraham, the son of Hanna Nattyjan [who] has taken care of this [book]".<sup>17</sup> The traditional explanation of this reference is that the book was originally written in Greek (by Ibn al-'Assal?), Abraham translated it into Arabic, and Petros then translated it into Ge'ez.<sup>18</sup> European scholars offer a variety of other explanations.<sup>19</sup>

12. Cf. ፍትሐ ነገሥት ንግዳብናት ርኅሣዕ Photo Offset Edition of a Fetha Nagast Manuscript (Addis Ababa, Berhanenna Selam, 1966), p. 8, c. 1.
13. C. Conti Rossini, *Historia Regis Sarsa Dengel (Melak Sagad)* Paris-Leipzig, 1907, part I, p. 76 (Ge'ez Text); part II, p. 87 (French Text). The text of this reference is quoted below, p. XXI, in the text following note 35.
14. Guidi, *Il Fetha Nagast*, work cited above at note 1, p. X.
15. P. Sand, *Origins of the Fetha Nagast* (1968, unpublished, Library, Faculty of Law, Haile Selassie I University), p. 5. This short pamphlet collects the opinions of various European authors on the question of introduction.
16. *Infra*, p. 319.
17. *Ibid.*
18. *Photo Offset Edition*, work cited above at note 12, p. 519, c. 3. This interpretation is based upon the belief that the nomocanon was originally written in Greek at the Council of Nicaea and that, years later, it was found in a library at Nicaea by the priest Abraham, who thereupon translated it into Arabic and arranged it in chapters and sections. *Id.*, at p. 1, c. 1, and p. 7, c. 3. Thus, according to Ethiopian scholars, the priest Abraham played no role in the translation of the book into Ge'ez.
19. European scholars hold that the reference is to be taken to mean that Abraham helped Petros translate or that he encouraged Petros to undertake the translation of the book.

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The first printed edition of the Fetha Nagast followed the first form; it was published by Ignazio Guidi in 1897.<sup>20</sup> Just before 1935, an edition of the Fetha Nagast in the didactic form was printed under the auspices of His Imperial Majesty Haile Selassie I. Unfortunately, this edition was never offered to the public for sale; in the pell-mell of the 1935 war, all copies — printed but not yet bound — were burned, together with the Printing Press.<sup>21</sup> Some fragments of this edition, containing Chapters XXIII, XXIV, XXV and part of Chapter XXVI, are kept at present in the National Library at Addis Ababa. In 1964 another edition of the Ge'ez text in the first form was printed in Asmara.<sup>22</sup> In 1966 a photo offset edition of a didactic manuscript of the Fetha Nagast was prepared by the Berhanenna Selam Printing Press of Addis Ababa.<sup>23</sup>

The only previous full translation of the entire text of the Fetha Nagast into a modern foreign language is that of Guidi, who translated it into Italian in 1899.<sup>24</sup> Short portions were translated into Latin by F.A. Arnold<sup>25</sup> and J. Bachmann.<sup>26</sup> Several other extracts which have been published, notably by G. de Stefano, do not merit being called direct translations.<sup>27</sup>

Dillmann, *Catalogus Codicum Mss. Bibliothecae Bodlicianae Oxoniensis* (Oxonii, 1848), p. 29, and Zoeterberg, *Catalogue des Manuscrits Ethiopiens (Ghez et Amharique) de la Bibliothèque Nationale* (Paris, 1887), p. 146, understood it as "with the assistance of the priest Abraham...". Guidi believes that the ለገሱ "after" should rather be taken like the Amharic ከ: "since": "since Abraham has taken care of it", that is, since the priest Abraham has given his attention to this translation, either by beginning it himself or by encouraging Petros Abda Sayd to carry it on. Guidi, *Il Fetha Nagast*, work cited above at note 1, p. IX. It remains a puzzle who this Abraham was. Guidi, *id.*, at p. X, limits himself to the observation that his patronymic — Hanna Natyan — is different from the usual Ethiopian patronymic. The Maronite Abramus Echellensis, who was responsible for the translation of Nicæan canons cited above at note 6, lived in Rome in the seventeenth century; it would appear too wild a guess to equate him with the Abraham of the end of the book. Cf. Sand, work cited above at note 15, pp. 7-9.

20. ፍትሐ ነገሥት: (Roma, 1898 E.C. (1897)). The Guidi translation, work cited above at note 1, was published as a companion volume.
21. The Imperial Preface to the *Photo Offset Edition*, work cited above at note 12. See also His Majesty's Preface to this translation.
22. ፍትሐ ነገሥት ነገሥት (Asmara, Kokobe Sebah Press, 1956, E.C. (1964)).
23. Work cited above at note 12.
24. Work cited above at note 1.
25. F.A. Arnold, *Libri Aethiopici, Fetha Nagast, i.e., Canon Regum, Caput XLIV De Regibus* (Halis Sax, 1841).
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Petros Abda Sayd had considerable difficulty in rendering his translation. This was partly due to the necessity of dealing with notions, juridical institutions and terminology which were unfamiliar in Ethiopia. In addition, Guidi notes, the Arabic version the translator had appears to have lacked vowels and some diacritical marks for consonants, making understanding hard.<sup>28</sup> Whatever the explanation, there is a great deal of disparity between the original Arabic text and the Ge'ez. On occasion, passages are unintelligible or absurd. Frequently one finds inaccuracies of rendition, distortion of meaning, and unnecessary insertions or repetitions. The reader will note that this translation sometimes reverts to the Arabic, to the glosses, or to *ad sensum* renditions in order to produce an intelligible English text.

Guidi offers what seems to be the best explanation of how this book, originally entitled "Collection of Canons", came to be called the "Fetha Nagast". He says that that part of the nomocanon of Ibn al-'Assal dealing with religious matters was also to be found in the *Senodos*, a book of sacred canons known to Ethiopia before the coming of Ibn al-'Assal's book.<sup>29</sup> Only that part of the nomocanon which dealt with secular matters, as found in the "Canons (or Laws) of the Kings," was new to Ethiopia. The title "Fetha Nagast" was taken from this part; it is a literal translation of "Laws of the Kings".

That the Fetha Nagast was named for its secular roots, however, should not hide the prestige and force it obtained from its religious sources. The numerous references to the Holy Scriptures, the church councils, and the writings of the Fathers of the Church permeate the work with a spiritual ambience. Although the Fetha Nagast did not reflect fully the life and customs even of the Christian Ethiopians, Ethiopian scholars and judges held it in high esteem as an example of how Christians ought to order their relationships, just because of this religious background. Its prestige was further enhanced by the belief common among Ethiopians that the 318 Fathers of the Council of Nicaea were its authors.

Throughout its history in Ethiopia, the Fetha Nagast has been intimately connected with the Ethiopian Orthodox Church, which still observes many of its provisions, such as those dealing with liturgy and fasting. It was in the monasteries and schools annexed to important churches that the Fetha Nagast was conserved and available for consultation; it was by the people of the church, learned in ecclesiastical sciences, that the Fetha Nagast was taught. Great importance has been attached to the study of the Fetha Nagast ever since its introduction into Ethiopia, and the names of its most distinguished scholars are still well remembered.<sup>30</sup> This study

"Testi di diritto antichi e moderni riguardanti gli Etiopi", *Codificazione canonica orientale, Fonti*, Vol. V (Roma, 1931); and by R. Rossi Canevari, *Fetha Nagast, il libro dei Re, Codice delle leggi Abissine, con note e riferimenti al diritto Italiano* (Milano, 1934). Each of these works was based on Guidi's translation. A summary German translation of the Fetha Nagast in G.K. Rein, *Abessinien: Eine Landeskunde nach Reisen und Studien in den Jahren 1907-1913* (Berlin, 1918), Vol. I, pp. 437-482, is based on de Stefano's text.

28. Guidi, *Il Fetha Nagast*, work cited above at note 1, p. XII. The deficiencies of his text led the translator into incredible misunderstandings and errors. For instance, he reads as "cavalry" the Arabic word for "snares"; as "said", the word for "acceptance"; as "to say", the expression for "rescission of a contract of sale"; and so forth. He often resorts to a confusing expedient: when he comes across Arabic words having two possible meanings (according to their vocalization and the diacritical marks of their consonants, or because they have the same orthography), if he is uncertain which is the correct reading or the correct sense he translates the passage or the word twice — first reading it in one way, and next, in the alternative manner. The choice is left to the reader! Guidi, *ibidem*.
29. Cf. Guidi, *Storia*, work cited above at note 1, pp. 37-38.
30. The *Photo Offset Edition*, work cited above at note 12, p. 8, c. 1, lists, among others, Hawaryana Krestos, (the first disciple of Petros Abda Sayd), Liqa Kahmat Walda Yona, Akabye Sa'at Kaptye, Aza Lamyeh, and Mulugeta Kidana Maryam.

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25. F.A. Arnold, *Libri Aethiopici, Fetha Negest, i.e., Canon Regum, Caput XLIV De Regibus* (Halis Sax, 1841).
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belongs to the branch of learning known as the ጥበብ ልቦና ጥምረት: "study of the [works of the Saintly] Doctors [and the Fathers of the Church]". Its importance is such, however, that it has always been considered as a special field of study, as a subject which required specialization. As the Imperial Preface to the *Photo Offset Edition* states: የዚህ ሕግ (ፍትሕ ነገሥት) ጥናት ያላቸው ሊቃውንት... ሊቲ የግል ግዕዝ ላይተር ያሰማቸው ነበር ይህም ግለት ከሁሉ የላቀ ሕግ ያወቀ ግለት ነበር: "Those who were versed in the study of the Fetha Nagast were ... awarded the rank of *Liege*, which word meant one who excelled others in learning, one versed in the studies of law".<sup>31</sup>

One may form an idea of the way the Fetha Nagast was taught from the didactic manuscripts which were handed from generation to generation. The ሙያህር "professor", would take the Ge'ez text and read it out, sentence by sentence, explaining its meaning in Amharic as he proceeded. This explanation might consist in mere translation of the Ge'ez text into Amharic, if the passage was clear. Sometimes, he would paraphrase a passage or insert a word or two to clarify the text. But where a sentence was complicated or its meaning was equivocal or unintelligible, as happens very often, the professor would resort to the famous ለገደፍ system, interpreting the equivocal or obscure passage or sentence in two, three, or even more different ways. These interpretations might be made by inserting words, by dropping words, by changing a sentence from the negative form to the affirmative or vice-versa, by changing the syntax of the sentence, and so on. Sometimes the professor would make a ሐተታ, a brief comment; sometimes he would pose a hypothetical case or refer to a preceding judicial case such as ለገደፍ ግራም ልጁ ግለት "like the case of Zewde Goshu's wife"; sometimes he would make use of a ታሪክ a story which would illustrate a concept or hypothesis.

In interpreting and commenting on the Fetha Nagast, references were always made to the framework of Ethiopian life and customs. For instance, one might define a prodigal or spendthrift as ላዝግራሽ ለሰጠ ሰጠ ለገደፍ ግራም ልጁ ግለት "one who wastes his money by giving it to minstrels, to wanderers, and in drinking houses". When dealing with an object to be bequeathed to a male child, the interpreter might create a vivid picture by saying የወገሱን ልዩ ጥንጥን ጋዳ ጥላጽን ጦር የጥገን ሊረከብ ለእገሉ ስጥታለሁ ብሎ ለይተ (የግራም) ግራም "one who bequeaths specifically, saying: 'I give to A the sword with which I arm myself, the shield I put on my arm, the spear I hold in my hand, and the horse I ride'". The Fetha Nagast states that a deposit must be left with a person capable of disposing of and receiving it. The Ethiopian commentators understood this to mean that it must be given to one who could give it the care required by its nature; thus, beasts such as cows, oxen, etc., were to be entrusted to a ሕግ "a shepherd", and not to a የጠቅላይ ልጅ "the son of a townsman".<sup>32</sup> Often, the commentators drew on existing Ethiopian proverbs to explain the text. For example, the acquisition *jure belli* is paraphrased as በሊረከብ ለገገት በጦር ለገደበት "[to acquire something] with the neck of the horse and with the language of the spear"; the receiver of stolen goods is የሌባ ጥፋት ጥፋት ጋዳ "the shelter of the thief and the shield of the robber"; to bring a lawsuit is ስገግ ለገገት ላፍ ለጠቅላይ ልጅ "to litigate [while] holding a stick upright,"<sup>33</sup> [after] appointing a judge". The strength of the

31. Work cited above at note 12, Imperial Preface.

32. *Infra*, p. 171 at n. 21. ሕግ: literally denotes a tribe of the Lake Tana region, but has come to mean "shepherd" or "nomad" in common parlance. የጠቅላይ ልጅ: "son of a townsman", is often used in the connotation "civilized", in opposition to the supposed characteristics of nomads or shepherds. See E. Ullendorff, *An Amharic Chrestomathy* (London, Oxford University Press, 1965), pp. 124 and 134.

33. ስገግ: a thin stick, once a distinctive mark of an Ethiopian lawyer, who would hold one upright before him during any litigation.

influence of the Ethiopian way of life on the Fetha Nagast was such that in one instance, an entire chapter was relegislated to fit it. Chapter XXIX, *Mandate*, was uniformly understood to refer to stewardship in the house of the Emperor or some member of the nobility.

Traditionally, the Fetha Nagast has been closely tied to the kings—whose law it is—as well as to the church. The records of its judicial use, until recently, are largely from proceedings before the Emperors in the Imperial Chilot (although this may result, as well, from the scarceness of records from other than Imperial sources). A vivid description of the proceedings as they were in the first part of this century appears in the *ዝክሪነገር*, a collection of legal and administrative documents with commentary relating to the reigns of the Emperors Menelik II and Haile Selassie I: "... A little behind the seat occupied by the Afa-Negus (the King's spokesman) sit the reader of the Fetha Nagast and [other] learned men with their lecterns before them... Whereupon the people stand up and the Fetha Nagast is brought. The learned persons, after they give due consideration to the matter and after they read and interpret the article which deals with the case, say: 'He deserves death,' or 'He does not'; 'He deserves punishment', or 'He does not'; according to the case. But if the Emperor is not convinced by the interpretation of the article of the Fetha Nagast or if he is of the opinion that it is a controversial article, he postpones the matter until the following day; but if the interpretation is found satisfactory, the party in whose favor the verdict is issued utters a shout of joy..."<sup>34</sup>

As has already been noted, introduction of the Fetha Nagast did not overthrow the customary legal systems of Ethiopia. It was widely known only in Christian Ethiopia, and was never applied *in toto* even there. But it should not be supposed, as foreign scholars sometimes do, that the Fetha Nagast had no important bearing on the legal life of the country. Although documents which prove its official promulgation as law are not available, the fact that it was considered and applied as law is evidenced by many records.

The first record of its application is a document which goes back to the reign of Sarsa Dengel (1563–1597). It states: መባሐተ ፡ ግበይተ ፡ ግንገሥት ፡ ወመላህት ፡ ሕዝብ ፡ እትተለዎ ፡ በከፍ ፡ ሥርዐ ፡ ግሥጋሪ ፡ ቤተ ፡ ክርስቲያን ፡ በፍትሐ ፡ ነገሥት ፡ "The great men of the kingdom and the chief of the people condemned them (the rebels) in accordance with what the Sages of the Church decreed in the Fetha Nagast".<sup>35</sup>

In the chronicles of Emperor Susenios (1607–1632), it is reported that Tekle Giorgis, a provincial chief, was condemned to death by the great men of the kingdom and the ሊቃውንት ፡ ቤተ ፡ ክርስቲያን ፡ እላ ፡ የአምሩ ፡ ጽሑፈ ፡ ፍትሐ ፡ ነገሥት ፡ "the learned men of the church who were versed in the Fetha Nagast".<sup>36</sup>

A document from the reign of Iyasu II (1730–1755) deals with the case of Surabe Krestos, the chief of Wolqait. Surabe Krestos rebelled against the king

34. Bal. Mahtama Sellassie Wolde Masqal, *ዝክሪነገር (Zekra Nagast)* (Addis Ababa, Netsanet Press, 1942 E.C.), pp. 105, 107.

35. Conti Rossini, work cited above at note 13, *ibid.* In a footnote, Conti Rossini expresses the belief that "Fetha Nagast", in this context, means, "the customary law of the royal court". In his introduction to the Italian translation of the Fetha Nagast, however, Guidi mentions a letter from E. Pereira, interpreting this reference to "the Fetha Nagast" as definitely being to an early Ge'ez rendition of this book. Guidi, *Il Fetha Nagast*, work cited above at note 1, p. X; cf. Sand, cited work above at note 15, p. 4.

36. E. Pereira, *Chronica de Susenyos, Rey de Ethiopia* (Lisboa, Imprensa Nacional, 1892), p. 298 (Ge'ez text).

and sought sanctuary in the house of the Ecege<sup>37</sup> in Gondar. The case was handled by a group of doctors in law (ጥላምራኅ፡ፍትሕ). The document is the only court record known to have existed before Menelik's reign, and is worth reproducing in its entirety:

መጽሐፈ ፡ ሕግ ፡ ወሥርዓት ፡ ዘእ  
በተዋጽኦ ፡ ግላምራኅ ፡ ፍትሕ ፡  
ሊቃውንት ፡ አመ ፡ ፍ ወ ፪ ፡ ዓመተ ፡  
መንግሥቱ ፡ ለንጉሠ ፡ ነገሥት ፡ አድ  
ያም ፡ ሰገድ ፡ ጳጉሜ ፡ ርቱዓ ፡ ሃይማ  
ኖት ፡ ወብዙሃ ፡ ትዕግሥት ፡ ወመፍ  
ቀረ ፡ ምጽዋት ፡ እግዚአብሔር ፡ ያር  
ትዕ ፡ መንግሥቱ ፡ ወይዘታብ ፡ ሠራ  
ዊቱ ፡ ወያገርር ፡ ጸላእቶ ፡ አሜን ።

እሉ ፡ እመንቱ ፡ ሊቄ ፡ ተክለሃይማ  
ኖት ፡ ወሊቄ ፡ ነጮ ፡ ወሊቄ ፡ ኮከበ ፡  
ልዳ ፡ ወሊቄ ፡ ኢሳይያስ ፡ ወሊቄ ፡  
በትረ ፡ ወአዛዥ ፡ ቲዎዶሶስ ፡ ወአ  
ዛዥ ፡ ባሕርይ ፡ ወአዛዥ ፡ ፋሊሉ ።

በእንተ ፡ ዘይደሉ ፡ ተግሕዕኖ ፡ ለድ  
ጊን ፡ በመንበሩ ፡ ወበመስቀሉ ፡ ለአ  
ቡነ ፡ ተክለሃይማኖት ፡ ዓምዳ ፡ ወድዳ፡  
ለቤተ ፡ መንግሥት ፡ እስመ ፡ መንበሩ፡  
ዓባይ ፡ ትትበህል ፡ ወትሰመይ ፡ ሀገረ፡  
ጸወን ፡ ወምስካይ ፡ ለገባረ ፡ ሠናይ ፡  
ወእከይ ።

ወምክንያተ ፡ ዝንቱ ፡ ነገር ፡ እመ ፡  
ተግሕዕነ ፡ ሱራሔ ፡ ክርስቶስ ፡ ሥዩ  
መ ፡ ወሊቃይት ፡ ኀበ ፡ እጪን ፡ በቤተ፡  
አቡነ ፡ ተክለሃይማኖት ፡ ተስእሉሙ፡  
ንጉሥ ፡ ለእመንቱ ፡ ሊቃውንት ፡  
ወይቤሉሙ ፡ አምጽኦ ፡ ሊተ ፡ መጽ  
ሐፈ ፡ እመነ ፡ መጽሐፍት ፡ ቅዱሳት ፡  
በእንተ ፡ ዘይደለዎ ፡ ወኢይደለዎ ፡  
ተግሕዕኖ ፡ ኀበ ፡ መምህር ፡ ወጳጳስ ።

ይቤ ፡ ሙሴ ፡ በአረት ፡ ዘጉልቶ ፡  
በ፴ወ፪ ፡ ምዕራፍ ፡ ፍልጡ ፡ ለክመ ፡  
አህጉረ ፡ ምስካይ ፡ ከመ ፡ ይኩናከመ ፡  
ኀበ ፡ ይሰኪ ፡ ቀታሊ ፡ ዙሉ ፡ ዘቀ  
ተለ ፡ ነፍስ ፡ በኢያላምር ፡ ወይኩና  
ከመ ፡ ወእቶን ፡ አህጉር ፡ ምስካየ ፡

A book of law and rules written by doctors in law and judges in the twenty-second year of the reign of the Emperor Adyam Sagad II, a patient and alms-giving member of the Orthodox faith. May God strengthen his kingdom, watch over his army and crush his enemies. Amen.

The judges were liege Tekle Haymanot, liege Nechio, liege Kokaba Leda, liege Isayyas, liege Betre, Azaj Tewodosios, Azaj Bahrey and Azaj Fasilo.

The case concerns the question who may seek sanctuary to save himself in the See and the Cross of our Father Tekle Haymanot, the bulwark and foundation of the royal house; his venerable See is said to be and is called the city of refuge, a haven for doers of good deeds as well as for evil doers.

The reason for this case is that Surahe Krestos, chief of Wolqait, took refuge in [the house] of the Ecege, which is the house of Our Father Tekle Haymanot. The King questioned the judges [named above], saying to them: "Bring me the passages from the Holy Scriptures concerning who may or may not take refuge in the house of an abbot or the metropolitan".

Moses says in Chapter Thirty-five of the Book of Numbers: "Set aside for yourselves cities of refuge, so that you may have places where any man who has killed another without willing it may take refuge. These cities will be for you a place of refuge from the avengers of the blood [he spilled]".<sup>38</sup> In the nineteenth chapter of the Book of Deuteronomy, Moses also says:

37 The Ecege, who invariably was the abbot of the monastery of Dabra-Libanos, was the highest ranking Ethiopian member of the clergy at the time when the metropolitan was an Egyptian appointed by the Patriarchate of Alexandria. (See *infra*, p. 18). His responsibility was to oversee all monks in the Empire.

38. Num. 35, 11.

እምላብ : ደም = ወካዕበ : ደቤ : በዳ  
ገም : በ፲ወ፱ : ምዕራፍ : ሠላስ : አህ  
ጉር : ትትረላጥ : ለከ : በግእከለ :  
ምድር : ከመ : ይኩን : ህየ : ምስካዩ :  
ለዙሉ : ቀታሊ = ወዝንቱ : ሕጉ :  
ለቀታሊ : እምከመ : ሰከየ : ይሕየው :  
ለእመ : በኢያለምር : ቀተሉ : ለካልኡ :  
ወለእመ : ኢኮነ : ጸላኢሁ : ቀዲመ =  
ወለእመበ : ዘሐረ : ሐቅለ : ምስለ :  
ካልኡ : ይገጥብ : ዕፀ : ወወደቀ :  
እምእደሁ : ጉድብ : እንዘ : ይገዝም :  
ዕፀ : ወወደቀ : ሐዲት : እምዕፀ : ወወ  
ረደ : ላዕለ : ካልኡ : ወቀተሉ : ውእቱ :  
ይሰኪ : ወየሐዩ =

ወካዕበ : ደቤሉ : ፫፻፲ወ፮ : ሊቃው  
ንት : በፍትሐ : ነገሥት : በ፲ : አን  
ቀጽ : በዳገም : ክፍል : ለእመ : ኮነ : ዘቀ  
ተለ : ሰብአ : ዘኢኮነ : ግእከሌሁ :  
ጽልእ : እምቀዲመ : አላ : ኮነ : ቀቲ  
ሉቱ : በእደሁ : ዘእንበለ : ረቃጽ :  
ለእመ : ተግሕፀነ : ወጎረየ : ምንዙ  
ስና : ይትወከፍም = ወለእመ : መጽኡ  
ሰብአ : ዘኢሁ : ዘለተቀትለ : ወረቀጽ :  
ይንሥእም : ይትጋደል : ርእሰ : ምኒት :  
ወሰብኡ : ዙሉ : ለእድገናቱ =

ወካዕበ : ደቤሉ : በ፶ወ፯ : እንቀጽ :  
በራብዕ : ክፍል : ለእመ : ኮነት : ዝብ  
ጠተ : ገበ : ብእሲ : ካልእ : ዘእደረ  
ቅድ : ቀቲሉቱ : ወቀተሉ : ዝንቱ :  
ለእመ : ተግሕፀነ : ገበ : ቤተ : እግዚ  
አብሐር : ይድገን = ወካዕበ : ደቤሉ :  
በዝንቱ : እንቀጽ : በ፲ወ፪ : ክፍል :  
ወዘየሀይድ : ዘተግሕፀነ : በቤተ : ከር  
ሰቲያን : በመባሕተ : ርእሱ : ወዘያ  
ወጽእ : እምኔሃ : በጎይል : ይዝብ  
ጥም : ወይላጽዩ : ሥዕርቶ : ወይስድ  
ድም : ወይንበር : ለግለም : በሰደት =

ወንሕነ፤ : ንብል : ዘቀተለ : በኢ  
ያለምር : እንዘ : አልቦቱ : ጽልእ :  
ወዘቀተለ : ግብተ : ለዝንቱ : ይደልም :  
ተግሕፀና : ወድጊን =

በእንተ : ዘእደደልም : ተግሕ  
ዕና : ወዘደደልም : ሞት : ደቤ :

"Three cities will be set aside for you in the midst of the land, so that there may be a refuge for every man who kills another; and this is the law regarding him: when he takes refuge he shall be saved, provided that he killed the other without willing it and that he was not his enemy from an earlier time. If one man went to the countryside with another to cut wood, and if while he was cutting down a tree the axe slipped out of his hand or the iron [head] flew off its handle, striking his companion and killing him, he may take refuge and be saved".

The 318 Sages also say in second section of the tenth chapter of the Fetha Nagast: If a person kills another for whom he had no enmity and this killing happened accidentally, and if the killer takes refuge, choosing to become a monk, he shall be accepted. If the kinsmen of the victim come and want to take him away, the abbot of the monastery and all his men shall do their best to save him.

They also say in the fourth section of the forty-seventh chapter: If a stroke falls upon another man by mistake and kills him, the striker may be saved if he takes refuge in the house of God. Moreover they say in the twelfth section of the same chapter: One who by his power and with violence takes a person seeking refuge in a church out of that church shall be beaten and his hair shall be shaved. He shall be sent into exile and remain there forever.

We therefore say: Whoever kills another accidentally, without willing it and without any hatred, is allowed to take refuge and be saved.

Concerning the one who may not take refuge, and who must be put to death, Moses says in Chapter Thirty-five of the Book of Numbers: "If a person kills another with an iron instrument or with a stone, and if he

ሙሴ : በአራት : ዘጉልቀ : በ፱  
ወ፭ : ምዕራፍ : እመሰ : በ፺፱፻ :  
ሐፂን : ወበእብን : ተተሉ : ወእመኒ :  
ጽልእ : ይጽልእ : ወይጸንሐ : ሞተ : ለይመት :  
ወይትትሉ : አበደም = ወካዕበ : ይቤ :  
በዳገም : በ፲ወ፱ : ምዕራፍ : ወለእ  
መበ : ብእሲ : ዘይጸልእ : ለካልሉ :  
ወጸንሐ : ወእምዝ : ተንሥእ : ላዕ  
ሌሁ : ወተተሉ : ወሰከዩ : ይልእኩ :  
ሊቃናተ : ሀገር : ወያምጽእም : እም  
ሀዩ : ወይሚጥውም : ለአበደም : ወይ  
ትትሉ : ወዐይንከ : ኢትምሐክ =

በፍትሐ : ነገሥትኒ : ይቤሉ : በ፶  
ወ፮ : አንቀጽ : ዘተተለ : ካልእ : በ፶  
ፍዕ : ይትተተለ : ሀዩንቲሁ : ወዘለ  
መደ : ተቲለ : ወተግሕፀን : ይንሥ  
እም : እምሀዩ : ወይትትልም =

ወንሕንኒ : ንብል : ለከተሉ : ብእሲ :  
ዘተተለ : ነፍሰ : በረቃዶ : ሞት :  
ይደልም : ወኢይትመሐፀን =

ወከመ : ኢይደልም : ተግሕፀና :  
ለዐግፂ : ይቤ : መጽሐፈ : ነገሥት :  
ዳግግዊ : ወሀሉ : ፩ : ብእሲ : ወልደ :  
ገጠአት : ዘስመ : ሳቡሒ : ወልደ :  
ቢኮሪ : ወአንፍሐ : ተርን : ወይቤ : አል  
ብነ : ከፍል : ምስለ : ዳዊት : ወኢር  
ስት : ምስለ : ወልደ : እሚይ : እቱ :  
እስራኤል : ውስተ : አብያቲክ = ወእ  
ምዝ : ሐረ : ወጎሠሠ : ሀገረ : ምስ  
ካይ : ወደገና : ኢዮአብ : ወተዐዮና :  
ለይእቲ : ሀገር : ወትቤሉ : ኢሐቲ :  
ብእሲት : ለኢዮአብ : ሐቲተ : ሕትም :  
ለአቤል : ወርእዩ : ዘአቀመ : እስራ  
ኤል : ወእምዝ : መተሩ : ሕዝብ :  
ርእሶ : ለሳቡሒ : ወወሀብም : ለኢዮ  
አብ = ወበግልስ : መጽሐፈ : ነገሥት :  
ይቤ : ፈርሀ : አዶንያስ : ወአገዝ : እት  
ርንተ : ምሥዋዕ : ወእዘዘ : ንጉሥ :  
ሰሉጥን : ለብንያስ : ወልደ : ዮዳሒ :  
ከመ : ይትትሉ : እሰመ : ጎሠሠ : ዘኢወ  
ሀብም : መንግሥተ = ወዳግመ : ፈርሀ

hates the victim and lies in wait for him, he shall be put to death; the kinsmen of the victim shall kill him".<sup>40</sup> Moses also says in the nineteenth chapter of the Book of Deuteronomy:

"If there is a man who hates his neighbor, lies in wait for him, and then rises and kills him, and he takes refuge, the chiefs of the city shall send for him; they shall take him from the place of refuge and deliver him to the avengers of the blood, who shall kill him. And your eyes shall not show any pity".<sup>41</sup>

The 318 Sages also say in the forty-seventh chapter of the Fetha Nagast: Whosoever kills a man unjustly shall be killed in turn; the one who is addicted to killing and seeks refuge shall be torn away from the place of refuge and killed.

And we say that any man who kills another intentionally deserves death, and shall not be given refuge.

[To show] that a rebel may not seek refuge, it is said in the Second Book of Kings: "There was a sinful man whose name was Sheba, the son of Bichri; he blew his trumpet and said: 'We have no part in David nor inheritance with the son of Isai. Return to your houses, O Israel!' After this he went and sought a city of refuge. Joab pursued him and laid siege to the city. And a woman said to Joab: 'Inquire in Abela and see who has troubled Israel'. Then the people cut off Sheba's head and gave it to Joab".<sup>42</sup> And the Third Book of Kings says: "Adonias feared [Solomon] and took hold of the horns of the altar. Then King Solomon ordered Benias, the son of Joida, to kill him, because Adonias had desired a kingdom which was not given to him. And then Joab feared [Solomon],

40. Num. 35, 16 ff.

41. Deut. 19, 11 ff.

42. II Kgs. 20, 15.

ኢየሱስ ፡ ወላገዝ ፡ አቅርጋተ ፡ ምሥ  
ዋዕ ፡ እስመ ፡ ጉብረ ፡ ምስላ ፡ አደጋ  
ያሰ ፡ ለውላቱ፤ ቀተሉ ፡ በሀዩ ።

በፍትሐ ፡ ነገሥት፤ ይቤሉ ፡ በፃወ  
፩ ፡ አንቀጽ ፡ በራብዕ ፡ ክፍል ፡ ወለእ  
መቦ ፡ ዘያስተዋዲ ፡ በእንተ ፡ አሕሥ  
ሞተ ፡ መንግሥት ፡ በዘይመውኡ ፡  
ፀር ፡ ወይከሥት ፡ ሉሙ ፡ ምክረ ፡  
ደስቅልዎ ፡ ወያውዕይዎ ፡ በእሳት ።

ወንሕነ፤ ፡ ንብል ፡ በከመ ፡ ሰግዕነ፤  
ወርኢነ ፡ እመጸሕፍት ፡ ቅዱሳት ፡  
ዘሉ ፡ ብእሲ ፡ ዘዐመፀ ፡ ወዐለወ ፡ ትእ  
ዛዘ ፡ ንጉሥ ፡ ኢይትመሐፀን ፡ ወኢይ  
ድገን ፡ እሞት ፡ እስመ ፡ ይቤ ፡ ነቢይ ፡  
ኢትገሥሡ ፡ መሲሐንዩ ፡ ወኢታሕ  
ሥሙ ፡ ዲበ ፡ ነቢያትዩ ፡ ደውሉስ፤ ፡  
ይቤ ፡ በመልእክቱ ፡ ለሰብእ ፡ ሮጜ ፡  
ለዘሉ ፡ ነፍስ ፡ መኩንን ፡ ተኩነነ ፡  
እስመ ፡ ኢይሠዩም ፡ መኩንን ፡ ዘእን  
በለ ፡ እምነበ ፡ እግዚአብሔር ፡ ዘሰለ  
በዩ ፡ ተኩንኖ ፡ ለመኩንን ፡ ትእዛዘ ፡  
እግዚአብሔር ፡ አበዩ ፡ ወካዕበ ፡ ይቤ ፡  
እግብኡ ፡ ሉሙ ፡ ጸባሕተ ፡ እስመ ፡  
ለኩለከንቱ፤ ዘእኩነንዎሙ መጥባሕተ ።

ወበእንተዝ ፡ ኢይደልዎ ፡ ሕይ  
ወት ፡ ለዐማፂ ፡ ወዘሉ ፡ ብእሲ ፡ ኢይ  
ትዐደው ፡ ትእዛዘ ፡ ንጉሥ ፡ እስመ ፡  
ይቤ ፡ በወንጌል ፡ ሀቡ ፡ ዘቲሣር ፡ ለቲ  
ሣር ፡ ወዘእግዚአብሔር ፡ ለእግዚአብ  
ሔር ፡ ሐዋርያኒ ፡ ይቤ ፡ ለእግዚአብ  
ሔር ፡ ፍርሀዎ ፡ ወለንጉሥኒ ፡ አክብርዎ ።

From the above it appears that the judges considered Surabe Krestos' rebellion as an act of high treason and a crime against the State, as contemplated by Chapter XLIV of the Fetha Nagast. Consequently, they ruled that he was unworthy of having refuge and being spared from death.

C. Conti Rossini understood this judgment as one not essentially based on the Fetha Nagast. He construes the judges' use of the Fetha Nagast as a citation, not of a ruling law which must be absolutely applied, but of a reference work to be

and took hold of the horns of the altar, because he had connived with Adonias; he, too, was killed there".<sup>43</sup>

The 318 Fathers also said in the forty-fourth chapter of the Fetha Nagast: If someone gives information treacherously, to bring harm upon the kingdom so that the enemy may win, and reveals the plan to the enemy, he shall be hanged and burned.

We also say, pursuant to what we have heard and seen in the Holy Scriptures, that any man who rebels against and defies the orders of the king shall not be given refuge and spared from death, since the prophet says: "Do not seek my anointed; do not harm my prophets".<sup>44</sup> And Paul said in his letter to the Romans: "Magistrates are given power over every soul; magistrates are not vested with this power except by God. Therefore, he who refuses to be judged by the magistrate refuses the commandment of God."<sup>45</sup> He also said: "Give them tribute, since they were not given the sword in vain".<sup>46</sup>

Therefore a rebel does not deserve to live; no man shall defy the orders of the king, for God has said in His Gospel: "Give to Caesar what is Caesar's, and to God what is God's."<sup>47</sup> And the Apostle also said: "Fear God; honor the king".<sup>48</sup>

43. III Kgs. 1, 50, 12, 25; 2, 28 ff.

44. Ps. 104, 15.

45. Rom. 13, 1-2.

46. Rom. 13, 6, 4.

47. Mt. 22, 21.

48. I Pet. 2, 17. The document is found in I. Guidi, "Contributi alla storia letteraria di Abissinia. Un Risponso sul diritto d'asilo", *Rendiconti della Reale Accademia Nazionale dei Lincei*, Serie V, vol. 31 (1922), p. 210.



consulted in order to investigate which juridical norm should be adopted.<sup>49</sup> His argument seems to be that the Holy Scriptures are the only legal authority referred to as such in this judgment. Yet this view is no more than conjecture. Indeed, since the King asked only for scriptural passages, the fact that the judges mentioned the Fetha Nagast points to just the opposite conclusion. It is as if the judges were reminding him of another law, about which he had neglected to ask.

The chronicles of the Emperor Yoas (1755-1769) give an account of a disagreement between the Emperor and Ras Mikael, a powerful Tigre chief. When the Emperor sent messengers to Mikael ordering him to go back to his country, Mikael appealed to the Fetha Nagast, telling the messengers: "What have I done? I brought the royal crown and gave it to the King... I have killed [one who was] a rebel against the King's authority. Can that be considered rebellion? I beg you to judge for yourselves and to consult the Fetha Nagast... If it says, 'Go', I will go; if it says, 'Stay', I will stay, if it says; 'Cut off your right hand', I will cut it off, but I will not leave without the orders which it gives".<sup>50</sup>

The chronicles of the Emperor Teodros (1855-1868) mention the Fetha Nagast as a law regulating certain matters, including penal cases. One question which arose was whether he was entitled to use offerings made to the church. ንጉሥ ተዋድርሶ፡ ሠራዊታን ፣ ይዘው ፡ እቡን ፡ በላግ ፣ ከሀናቱን ይዘው ፣ ተከራክረው ፣ ፍትሐ ነገሥት ፣ በታየጊዜ ከቤተ ፡ ሙደሱ ፣ የባለይወጣ ፣ አለ። "In the dispute between King Teodros and his men, on the one hand, and Abuna Salama and his priests on the other, the Fetha Nagast was consulted; they discovered that it said: 'Whatever has entered the church shall not be taken out' ". But the verdict infuriated King Teodros, who said that they were distorting the whole thing, as they were both the readers and the interpreters (እንደህግ እንደባለሀገሩ ፣ ተርጓሚ ፣).<sup>51</sup> It is also reported that a certain Azmac Alamyē rebelled against Teodros, was captured at Magdala, and was condemned to death. The sentence was delivered according to the law of the Fetha Nagast (ፍትሐ ፣ ነገሥትዎ ፣ እንዲሁ ፣ ፈረደ ፣).<sup>52</sup>

Other chronicles report that when Teodros celebrated his marriage to the woman who had cohabited with him for ten years, the ceremony of nuptial coronation was performed. Apparently the chronicler disapproved, for he says: "The Fetha Nagast states that a nuptial coronation is not allowed in such a case, but only in the case of virgins".<sup>33</sup>

References to the Fetha Nagast as ruling law are also found in the chronicles of Menelik II.<sup>54</sup> When Emperor Teodros came to Shoa, some people who plotted against his regime were brought before him and executed by his order. "This action of the Emperor"—the chronicles say—"caused great fear and shock to the population

49. C. Conti Rossini, "Diritto consuetudinario Etiopico", *Rivista Giuridica del Medio ed Estremo Oriente e Giustizia Coloniale*; Nuova Serie, vol. I (1937), c. 302.
50. R.K. Pankhurst (ed.), *Ethiopian Royal Chronicles* (Addis Ababa, Oxford University Press, 1967), p. 136.
51. E. Littmann, *The Chronicle of King Theodros of Abyssinia* (Amharic text) (Leipzig, Otto Harrassowitz, 1902), p. 28.
52. *Id.*, at p. 45.
53. See *infra*, Chapter XXIV, p. 142, nn. 81 and 84, p. 143; C. Conti Rossini, "Vicende dell' Etiopia e delle Missioni Cattoliche ai tempi di Ras Ali, Deggiac Ubié e Re Teodoro, secondo un documento abissino," *Rendiconti della Reale Accademia Nazionale dei Lincei*, Serie V, vol. 25 (1916), p. 517.
54. ታሪክ ሕግ፣ ጳጳሳዊ፣ ፍጊላክ፣ ንጉሠ ነገሥት፣ ስለታደፍ፣ ከጸሐፊ፣ ትላንገ፣ ነብረ፣ ሥላሴ ፡ Addis Ababa, (Artistic Press, 1959 E.C.). French translation: Guébre Sellassie, *Chronique du règne de Ménélik roi des rois d'Ethiopie*, 2 vols., (Paris, Maisonneuve Frères, 1930).

of Shoa, because the kings of Shoa up to King Hailemelekot<sup>55</sup> used to judge evil-doers and murderers according to the Fetha Nagast, and to deliver them to the avenger of the blood. If it happened that the avenger of the blood wanted to have the blood money, he was given the money and the murderer was rescued. The manner of putting people to death [adopted by Emperor Teodros] was unknown — unusual to the people of Shoa and a new thing for them.”<sup>56</sup> Dealing with the campaign for the conquest of Harar, the chronicles say that “in observance of the precept found in the Fetha Nagast which says: ‘When you reach a city to fight against its inhabitants, offer them terms of peace,’ King [Menelik] sent a message [of peace] to Abdullahy, Emir of Harar”.<sup>57</sup> Reporting a regulation regarding lands, it is said that “on Ter 23, 1885 (E.C.), after consulting the provisions of the Fetha Nagast, the Emperor Menelik promulgated a decree saying that the lands from Wayat back to Awash shall be owned by the holders as property, like the lands of Menz”.<sup>58</sup>

The report of a judgment imposing a death sentence against some conspirators states: "Emperor Menelik assembled the metropolitans, the Ecege, and the doctors; they condemned the conspirators to death, following customary law and the Fetha Nagast".<sup>59</sup> A certain Hagos of Tigre who murdered two postmen on their way to Addis Ababa from Harar, "was condemned to death at a public hearing according to the Fetha Nagast".<sup>60</sup> So also, a certain "Dejazmatch Wodajie was convicted of murder, condemned to death according to the Fetha Nagast, and, having been delivered to the avengers of the blood, executed".<sup>61</sup>

More remarkable, however, was that in a Regulation issued by Emperor Menelik to define the powers and the duties of the Minister of Justice, it was expressly provided that the Fetha Nagast should be applied as law in every judgment. Art. 2 of the Regulation provided: የፓላሽናዊ ፍርድ ሠሎሳት ሐገን ሥጦታ ልብ ጋት የፖለቲካ ስርዓት "The Minister of Justice must diligently make supervision to assure that every judgment is made according to the Fetha Nagast".<sup>62</sup>

A Regulation regarding the execution of murderers issued when Emperor Haile Sellassie I was still Crown Prince of Ethiopia, some years after Menelik, states that a murderer is to be put to death only if the judges and the Fetha Nagast deliver a sentence of death (ፈርድና፡ፍትሐኅንጾት፡ይውትበታለበው፡የፈረዱ፡እንደሆነ).<sup>63</sup>

In 1930 the first modern Ethiopian code, the Penal Code, was promulgated. The Imperial Preface to the Code states: "The reason why we have caused a revision to be made of the law concerning damages for abuse and serious injury and concerning the punishment of takers of life and all other criminals is because we have noted on the eighth page of the preface of the Fitha Negast<sup>44</sup> the principle underlying the orders of the Three Hundred which they give in the Fitha Negast

55. Who died at about the time Teodros first came to Shoa.

56. See Chapter XLIV, *infra*, at p. 27: ታሪክ፡ . . . , cited above at note 54, Amharic ed., p. 50.

57. *Id.* (Amharic ed.), p. 144.

58. *Id.* (Amharic ed.), p. 179.

59. *Id.* (Amharic ed.), p. 198.

60. *Id.* (Amharic ed.), p. 286.

61. *Id.* (Amharic ed.), p. 314.

62. Em. Mahtama Sellassie, work cited above at note 34, p. 71.

63. *Id.*, p. 90.

64. The eighth page in the Ge'ez Edition of the Fetha Nagast published by Guidi in 1897, as a companion volume to the Italian translation cited above at note 1; see note 20 above.

in the words, "act according to your observations of the conditions of times and seasons".<sup>65</sup> This excerpt implies that until promulgation of this code, the law concerning wrongs was officially considered to be that found in the Fetha Nagast. The Legislator points out that his work was "a revision" of the Fetha Nagast, and for this "revision" availed himself of the clause therein which allows one to act "according to times and seasons", that is, according to the needs of the day.

The anxiousness of the Legislator to show that his work of revision did not depart from the Fetha Nagast is also demonstrated by the following passage from the Preface: "The Three Hundred ... have distinguished between a sentence passed on a child, a drunken person, a madman and a forgetful person, and the sentence passed on a grown person of full understanding, and accordingly the Code is meant to agree with the Fitha Negast. (Cf. Fit. Neg. Pt. 47, p. 303)".<sup>66</sup> As in this example, the Legislator made express references to the Fetha Nagast in more than seventy articles of the new code.<sup>67</sup> One can understand this careful reference as a precaution taken to obtain the acceptance of the new code by a public which, until then, was accustomed to having judgments rendered on the basis of the Fetha Nagast.<sup>68</sup>

This tradition has been carried forward to the present. The introduction to the Penal Code of 1957 states that "the venerable and well-established legal traditions of ... [the] Empire as revealed in the Fetha Negest" were "adapted as the point of departure".<sup>69</sup> So also, "in preparing the Civil Code, the Codification Commission ... has been inspired in its labors by the genius of Ethiopian legal traditions and institutions as revealed by the ancient and venerable Fitha Negest".<sup>70</sup>

This last use of the Fetha Nagast was made with the help of a document which itself shows the nomocanon's present vitality—a collection of maxims excerpted from judicial decisions supposed to have been delivered between the beginning of the century and 1935.<sup>71</sup> The preface to the collection states that the judgments from which the maxims were excerpted were delivered by judges who were versed in the Fetha Nagast (የኢትዮጵያ ፍትሕ ነገሥት ለዋቂዎች), and that the decisions were based on the Fetha Nagast, bearing in mind the exigencies of the day.

Indeed, the Fetha Nagast has been referred to as authority in Ethiopian Courts even after the coming into effect of the present Civil Code. The Supreme Imperial Court recently used the Fetha Nagast to rule upon the validity of a will made

65. Ethiopian Penal Code of 1930 (1941 ed.), Preface, Art. 5. The sentence quoted is a translation *ad sensum*; a more literal rendition would run: "... you shall judge as you see fit ..."; see p. 3 of the translation, *infra*.
66. *Id.*, Preface, Art. 16. The Fetha Nagast passage referred to corresponds to that in the text *infra* at p. 289.
67. The assertion commonly made that the Ethiopian Penal Code of 1930 "copied the Code of Siam" with a few changes or "incorporated many aspects of the law of Indochina" is considered by J. Graven to be "superficial" and "contrary to the official statements of the preamble itself and to a deeper study of the texts", J. Graven, "The Penal Code of the Empire of Ethiopia", *J. Eth. L.*, Vol. 1 (1964), p. 273, n. 15.
68. S. Lowenstein, "The Penal System of Ethiopia", *J. Eth. L.*, Vol. 2 (1965), pp. 384-385.
69. Pen. C., Imperial Preface.
70. Civ. C., Imperial Preface.
71. An original of this collection is conserved in the Archives of the Faculty of Law, Haile Sellassie I University, Addis Ababa. A mimeographed translation of the collection into English is in the course of publication at the time of this writing. The collection was made with the purpose of preparing a basis for the work of the Civil Code Commission. J. Vanderlinden, "An Introduction to the Sources of Ethiopian Law", *J. Eth. L.*, Vol. 3 (1966), pp. 247-248.

prior to the coming into force of the Civil Code of 1960.<sup>72</sup> In another judgment,<sup>73</sup> the Supreme Imperial Court was required to decide whether a petition for divorce in the case of a religious marriage must be submitted to the religious authorities. The Court ruled that such a petition must be referred to the religious authorities, holding that only the said authorities have jurisdiction over matters concerning dissolution of religious marriages. The Court was strongly influenced by cited passages from the Fetha Nagast, which it regarded as "a permanent and sacred law in the past, for the present and in the future". The Court also referred to a Decree of 1942 establishing the administrative regulations of the Orthodox Church; but this Decree, it remarked, is itself "based on the traditional law" — that is, the Fetha Nagast.<sup>74</sup>

To conclude, one may say that the Fetha Nagast has had a great influence on Ethiopia, not only as a source of learning or legal science, but also as functioning law. A work such as the Fetha Nagast, pervaded with biblical and Christian principles together with juridical principles of eminent pedigree, could not fail to influence a people that boast such a long biblical and Christian tradition, and innate sense of law. The tendency to blend secular matters with religious, a tendency common to the Fetha Nagast and particularly to be found in its penal sections, has contributed to a conception of law as something intrinsically sacred in character. When an Ethiopian summoned someone in the name of the law, he used to say በእግዚአብሔር ስም (in [the name of] the Divinity of the law), and no one dared defy these words. A litigant would open his address to the judge with አግዚአብሔር ያረጋግጥልኝ (may God enlighten your honor). Though this mental attitude was primarily derived from Christian principles deeply rooted in Ethiopia, it can be said that the Fetha Nagast contributed its share to its creation.

A. Paulos Tzadua

Addis Ababa  
June, 1968 (G.C.)

72. Estate of Beyenetch Aba Nebro, (Sup. Imp. Ct., 1964) *J. Eth. Law*, Vol. 2, p. 245.

73. Shewan Gizaw Ingida Worq v. Nigatu Yimer (Sup. Imp. Ct., 1966), *J. Eth. L.* Vol. 3, p. 390. On this case, see N. Singer, "The Dissolution of Religious Marriage in Ethiopia", *J. Eth. L.*, Vol. 4, (1967), p. 205. The case of Tewabech Inquoseclassie et al. v. Wadajo Yimer (Sup. Imp. Ct., 1965), *J. Eth. L.*, Vol. 3, p. 377, refers to Chap. XXXII of the Fetha Nagast as the source of the rule requiring repayment of double the amount of the earnest by one who has rescinded a contract after having received earnest.

74. I am told by some learned and reliable persons that at least until very recently there were still persons versed in the Fetha Nagast in some provinces. These persons, called የፍትሕ ግንኙነት አውጪ, were approached by litigants to consult the Fetha Nagast, interpret it, and settle their disputes. A fee, put up in equal shares by the litigants, was paid for the opening of the Fetha Nagast.

### TRANSLATOR'S NOTE

This translation was made under the auspices of the Faculty of Law, Haile Sellassie I University, Addis Ababa. My initial work was done on the basis of the Ge'ez text of the Fetha Nagast published by Guidi. The translation has been extensively revised and edited, however, since the Berhanenna Selam *Photo Offset Edition* became available; in the work of revision and editing both versions have been equally consulted. The fragments of the pre-1935 text in the National Library and a richly glossed Ge'ez manuscript of the Fetha Nagast, also in the National Library, have been consulted as well.

This translation was not undertaken with a philological purpose in mind;\* however, I have tried to remain faithful to the text even at the cost of clarity. The work is inherently an ambiguous one, and its ambiguities and redundancies too, should find their place in any translation. Where the two principal texts diverged I have tried to choose the most comprehensible alternative and to indicate the other in a footnote. On occasion, I thought it necessary to supply additional textual material, such as pronomic references, not present but usually implicit in the Ge'ez. These insertions are marked by enclosure in brackets, thus [ ].

In resolving divergences and deciding on insertions, I have relied extensively on the Italian translation of Guidi and the Amharic interlineation of the *Photo Offset Edition*. Each offers peculiar advantages.

Guidi invariably consulted the Arabic text to solve the problems posed by the Ge'ez. This enabled him to gain a sound understanding of the historical antecedents of the Ge'ez, a substantial help in interpreting or filling out obscure passages. As the reader will observe from the notes, I have relied entirely on his translation for references to the Arabic text, and have on that basis adapted some of his interlineations.

To the legal historian, however, the prevailing Ethiopian understanding of the Ge'ez text, however imperfect that text is, may be of more interest than the text's historical antecedents. The Amharic interlineation and explanation of the Ge'ez text in the *Photo Offset Edition* helps to show how the Ge'ez was actually understood, and thus reveals the Fetha Nagast as a living body of law. Consequently, I have frequently preferred the translation which it suggests, as being closer to the traditional Ethiopian understanding of the text.

Scholars who are familiar with the obscure and equivocal language and the less than perfect style of the Fetha Nagast's Ge'ez, will appreciate how difficult was the task I undertook. I hope that they will not be too harsh in their criticism of the imperfections which they will come across, as they certainly will in going through the book.

This translation was edited by Peter L. Strauss, A.B., LL.B., Lecturer in Penal Law at the Faculty of Law, Haile Sellassie I University. If by editorial work

\* For the convenience of those interested in Ge'ez-Amharic legal terminology, I have compiled a Glossary of important legal terms at the end of this book.

is meant mere stylistic work I must say that Mr. Strauss' work was much more than that. Besides giving a more presentable linguistic form to the whole translation, Mr. Strauss has suggested revision of many passages and has helped me in revising them. Thanks to his suggestions, I have tried to enrich and improve the documentation of Roman Law sources. After his suggestions, I have added further footnotes; some of them were modeled by him. He has edited and given a better arrangement to the Foreword. In conclusion, I must say that, if this translation has the form which is presented now, it is thanks to Mr. Strauss' patient and scrupulous work. May I express my deep gratitude and thanks to him.

I would also like to express my sincere appreciation to Prof. James C. N. Paul, former Dean of the Faculty of Law, who together with Prof. G. Krzczunowicz and Mr. S. Lowenstein commissioned me to translate the Fetha Nagast. Mr. Lowenstein, together with Mrs. Everett Goldberg, also helped in the preliminary editing of my translation, and for this too, I am deeply grateful. My thanks go also to Ato Semereab Michael, a Law student who assisted me in various ways, and to Dr. A. Gabrejesus Hailu for his moral support in my work.

The final and most important acknowledgment which I feel I must make is to His Imperial Majesty Haile Sellassie I for graciously condescending to give this translation the stamp of His August Preface.

## EDITOR'S NOTE

The work of translating and documenting this edition was done entirely by Abba Paulos Tzadua, before editing began. His final draft translation would have made a substantial contribution to learning as it was. The job for editing was only to tidy the English and the footnotes, and to try, by questioning, to prod Abba Paulos into yet sharper rendition of the Ge'ez text. No author enjoys constant critical questioning of his work; a translator must be particularly frustrated when this comes, as it did, from one who has no knowledge at all of the language of the original to which he must adhere. Abba Paulos' patience was endless, and he always presented the true scholar's curious blend of humility and stubborn adherence to position. He deserves full credit for the successes of this translation.

Hopefully, the reader will understand some compromises which have had to be made to usage and style in rendering the Ge'ez into English. Although Ge'ez (and modern Amharic) consistently distinguish between singular and plural forms of the second person, the translation generally follows modern English practice, using "you" to represent both singular and plural; the only exception observed has been for the case of biblical quotations, where Abba Paulos rightly felt that the archaic usage would be more familiar, and hence could be essayed. Again, the Ge'ez alphabet has several characters requiring glottal stops in pronunciation; ideally, special marks should have been used to indicate these stops in transliterated abbreviations and names, but printing limitations forbade this. All the compromises were of this minor sort; at no point would Abba Paulos have permitted usage to dominate over what he understood as the substance of the text, even had the editor desired it.

The list of persons who deserve credit for the publication of this translation is endless. Abba Paulos has already mentioned several. Of those who were of particular help to the editor, I especially want to point out Mr. Torkom Aslanian and Ato Amanuel Tewelde of the Central Printing Press. Printing is hard enough work when it is in one's native language; their patience and perseverance with a foreign tongue are responsible for whatever merits the appearance of this book has. In the job of editing, many of my colleagues willingly gave their suggestions for improvement in the areas of their special competence, particularly Professors Harrison Dunning, William Ewing, Stanley Fisher, Michael Kindred, Robert Means and Peter Sand. Professor Michael Topping was kind enough to supervise the last-minute details of publication. Invaluable assistance in proof-reading was rendered by Mr. Frank Horowitz of the Law School faculty and by Atos Melese Telahoun, Mengistu Assefa, Mesfin Tadesse, Tadesse Tassew, and Woldeyesus Amar, students in the Faculty of Law. Perhaps every secretary in the Law School, at one point or another, had her fingers at work producing the endless manuscript copies of this translation; particular thanks in this department are due to Woz. Yeshi Emebiet Jemaneh, who did most of the typing of the final draft. My wife was source of endless patience and encouragement. To all these, to the others who have also helped — and particularly to Abba Paulos — are thanks and credit due.

Peter L. Strauss

## FOOTNOTE CONVENTIONS

- Gloss:** Unless otherwise indicated, glosses given in the footnotes appear as footnoted Ge'ez glosses in the Ge'ez text published by Guidi, ፍትሐ ነገሥት (Roma, 1888 E.C. (1897)). The glosses given in the text are now considered part of the text, and would be found in any manuscript.
- (2/332)** The reference is to footnote 2 on page 332 of Guidi, *Il Fetha Nagast* ..., (Roma, Casa Editrice Italiana, 1899).
- POEFNM 23-1** The reference is to column 1 on page 23 of ፍትሐ ነገሥት ትርጉሙ *Photo Offset Edition of a Fetha Nagast Manuscript* (Addis Ababa, Berhannena Selam, 1966).
- NLM** A manuscript of the Fetha Nagast, with marginal glosses, to be found in the National Library, Addis Ababa.
- NLF** Fragments of a printed edition of the Fetha Nagast, to be found in the National Library, Addis Ababa.
- Deut. 21, 3** The reference is to the Holy Scriptures, Book of Deuteronomy, Chapter 21, verse 3. (Scriptural references, in general, have been copied from the marginal notes of the Guidi translation, and are reproduced for the reader's convenience.)
- Dig. X, 1,1**  
(Inst.)  
(Cod.)  
(Nov.) In accordance with standard convention, the reference is to Book 10, Title 1, Section 1 of the *Digest* of the Emperor Justinian. The principal works of Roman Law cited are, in addition to the *Digest*, the *Justinian Institutes* (Inst.), *Codex* (Cod.), and *Novellae* (Nov.).
- MAK 9.** The bold-face abbreviations and numbers which appear in the text of the translation and, less frequently, its footnotes, are taken from the Ge'ez. As the Preface explains at length (pp. 5-9, *infra*), these abbreviations were used by the compiler of the Fetha Nagast to indicate the sources from which the stated precepts were derived.



[PREFACE]

In the name of the Father, and of the Son, and of the Holy Spirit, one God. With the help of God and with His gracious favor we begin to write the Preface to the collection<sup>1</sup> made by the Saintly Fathers [of Nicaea]. May their prayers, their blessing and the gift of their help be with all Christians, world without end. Amen.

\* \* \* \* \*

After the end of the martyrs' era, when the 318 Orthodox Fathers [of the Council of Nicaea] coronated King Constantine, he said to them: "I desire not kingdoms, because the way of Christ and the way of the world are different. The way of Christ and indeed His commandment clearly say: Love your enemies, do good to them that oppress you."<sup>2</sup> They say these and similar things. As this commandment is the second<sup>3</sup> law of perfection, it commands one to be patient, to bear, to forgive, to pardon, and to do good towards one's neighbor and to consider him as oneself.

"How then" could I leave this law aside and order punishments and the punctual payment of debts without mercy, and avenge the oppressed? As what is perfect must necessarily abrogate whatever is imperfect, the law of Our Lord [Jesus Christ] has, therefore, abrogated what was in force before it; but His law shall not be abrogated because there is nothing more honored than it. It is the law of perfection and the final law, since nothing is more honorable than the way of mercy, doing good, and bearing with patience [the faults of others]."

When the 318 Fathers heard the words of Constantine they entreated Our Lord Jesus Christ - may He be praised! - by saying: "O Lord! There is no beginning nor end to Thy Being<sup>4</sup> because Thou art higher than any highness, and there is no bottom to Thy depth, nor length nor width to Thy divinity. Thy kingdom is everlasting and Thy power is from generation to generation. Give Thy judgment to Constantine, O Lord! and Thy justice to his son, to judge Thy people with justice and Thy poor with judgment."<sup>5</sup> They said this Psalm until its end and other prayers, and entreated [the Lord] by saying: "O Lord! Let not this field of the throne<sup>6</sup> be vacant, sow on it the grain of the [Heavenly] Kingdom, so that it

1. Gloss: "The Fetha Nagast." As POEFNM 2-3 points out, አስተዋዕል : "collection," is a more appropriate term than the term ጉብኢ : used in the text, which may also mean "gathering, assembly, or council."
2. Mt. 5, 44; Lk. 6, 27, 28, 35.
3. Reading ላግሎ : "secondly, also," rather than ላግጊት : "second," one can arrive at an alternative rendition, to wit: "This commandment is a law of perfection; also, it commands one to be patient..." POEFNM 10-1.
4. Or, "O Lord, Who hast neither beginning nor end." One of the versions of the gloss runs: "To Thy primordial Being there is no beginning nor end."
5. Ps. 71,1 ff.
6. Literally, ቀተ : መግቢረ : ገራህት : means "this throne of the field," but to make sense it should read, ቀተ : ገራህት : መግቢር : which would mean "this field which is the throne [that is, the Empire] of Constantine," POEFNM 12-1.

may bear fruits of justice to the people and the poor. We pray and beseech Thee, O Lord, for Thou art near those who invoke Thee."

Then Our Lord Jesus Christ accepted their prayer and came to them and commanded them to compile a book of laws extracted from the Old and the New Testaments. And Ibn al-Assal wrote this book, and they gave it to Constantine, the son of Helen; and he ruled in the country of the Greeks.<sup>7</sup>

Glory to God Who honored us with an excellent faith<sup>8</sup> and deeds, and regulated our external and internal acts with these two Laws: the First<sup>9</sup> and the Last.<sup>10</sup> Having said this, we wish to make it known that this book of laws is a collection from the Divine Books and from church canons, and from what is deduced by reasoning and arrived at by analogy,<sup>11</sup> without abridgement or omission. The book has two advantages, to wit, it is well detailed and [the matters dealt with are] collected [in one whole]; and by reason of these two advantages, every matter is explained. The Fathers who put it together did so harmoniously,<sup>12</sup> with intelligence and with care<sup>13</sup> from the treatises written by those who were qualified to teach and to clarify [the meaning of the law] and [who knew] the custom [of the country]. Whatever was taken from the [Holy] Books and [church] canons is indicated with the use of various abbreviations. And whatever was arrived at by reasoning and through analogy from the [church] canons is not marked [to indicate this source]. But there is little of this, and it does not appear [in this book] except for a few provisions<sup>14</sup> [relating to civil matters]. This is so because many provisions [relating to civil matters] appear in the Canons [of the Kings, for which the mark is MAK], [and the few of them which have been deduced from the church canons] are not treated separately [there].<sup>15</sup> They are in fact found in the forty-fifth of the 130 [canons of MAK], and are the following sections: guaranty, pledge, loan, succession, provisions on punishments, laws,<sup>16</sup> partnerships, robbery, boundaries of lands, watercourses, and similar matters. Other canons are mentioned with regard to other matters laid down in this book.

Since whatever deals with a particular or a general [subject] must be divided [into chapters], and this book [originally] was not divided [into chapters], know that it should have been divided [into chapters] in the city in which the canons

7. It is a gross distortion of historical fact to assert that Ibn al-Assal was a contemporary of the Nicæan Fathers and Constantine, for as Guidi notes, the former lived in the 13th century. This pre-preface is not found in the Arabic text (2/2).
8. That is, the Christian faith. Arabic text: "...with the best faith and the best deeds" (1/3).
9. The Law of the Old Testament.
10. The Law of the New Testament.
11. Arabic text: "...the precepts which intelligence and reasoning deduce from the said canons and which may be traced back to the canons by analogy" (2/3).
12. POEFNM 14-2.
13. Arabic text: "This book has been arranged in such a way that it combines brevity with completeness. It has the two virtues of being an exhaustive treatise and a treatise *per summa capita*, and is consistent with other collections made with intelligence ..." (3/3).
14. Gloss: ቀጥሎች : "provisions" rather than ጥገታዊ : "[juridical] negotiations."
15. Arabic text: "Those parts which were not extracted from the Holy Scriptures and the canons but deduced through analogy and bearing no indication, are few in number; it was necessary to include them in the book because even if the canons mention contracts in passing, they do not treat them exhaustively" (3/4).
16. That is, family law, POEFNM 15-3.

were laid down by the council, yet this book compiled [from the Holy Scriptures] did not reach us divided [into chapters] or [in the form of] a complete collection, as is witnessed by the saying in the treatises [of the Fathers].<sup>17</sup>

Any decision given on the basis of this [book] is just. It removes malice and hatred from those who have disputes concerning bargains and from those who have contracted debts or committed crimes.<sup>18</sup> This book was written to facilitate the duty of the judges in judging. One who considers a case fully before delivering judgment requires time to give an opportunity for reflection, for haste leads to wrong decisions.<sup>19</sup> Because of haste, wrong judgments are passed and for the same case, different sentences are delivered. And among all people there are legal provisions<sup>20</sup> on which judges base their judgments. The Apostles have said in the second part of the third chapter of the Didascalia on the provisions regarding bishops: "Every deed is good for man if it is done for his benefit." Since with regard to many things in the canons, the canons treat them in several chapters, and sometimes deal with them in an exhaustive way and sometimes mention them in many places, it was necessary to group these canons together and to summarize each one of them in its chapter. As the legal provisions on business are not set out in detail [in the canons], except for a little part of them, it was necessary to fill out the detail of these legal provisions in accordance with the judgment of intelligence on them and the practice.

This book, then, is meant for those who are appointed [judges] in consideration of their excellent lives and deeds, but who do not have the knowledge necessary to act as judges. It is arranged to help judges give judgments with diligence and to enable them to rule on everything, and to help them to be careful not to pass on anyone a judgment due to another.<sup>21</sup>

In the thirtieth provision of the canons which are seventy-one in number, the Apostles said: "If we have omitted something, you shall judge as you see fit because the Spirit of God is upon all of us." And in the thirty-fifth provision of the said canons they said: "If something has been skipped by us, the bishop shall make mention of it." And in the forty-seventh of the aforesaid canons it is said: "If we omitted anything, O dearest, may God reveal it to those who are worthy, and may the Church be led properly, to the haven and tranquillity." The Apostles also said to the bishops in the Didascalia: 4. "Since Our Lord has

17. This paragraph is very obscure, and is translated *ad sensum*. See POEFNM 16-2 and the Arabic text in the following footnote.
18. The Arabic equivalent of this and the preceding passages reads: "In the rest of the canons, the other things mentioned in this book are mentioned explicitly or explained summarily, wherefore it becomes necessary to point out what was said summarily. ... It is clear, however, that these things should have been specified, in the cities in which the canons were written, by the respective councils; but these specifications did not reach us. Therefore, what is clear was specified. In all matters, the analogy of cases explicitly provided for in the [canonical] provisions, and the sense of justice which protects those who make pacts and enter contracts from damage caused by wicked persons, are followed" (1/5).
19. The Arabic text says that without the help of a nomocanon, one would sometimes spend a lot of time thinking over a judgment, but that this sort of time is not always available, thereby giving rise to the danger of a hasty and wrong judgment (2/5).
20. Arabic text: "There are books which are arranged systematically, as this nomocanon is, ..." (1/6).
21. The Arabic text says that "... the necessity of a nomocanon is also demonstrated by the passages from the Scriptures ... because justice is emphasized there and the Scriptures exhort [judges] to know the judgment proper to each case and to avoid passing on one case a judgment which is appropriate to another," (3/6).

also said to you: 'Whosoever you shall bind upon earth shall be bound also in heaven, and whosoever you shall loosen upon earth shall be loosened also in heaven,'<sup>22</sup> you shall judge with full power like God." And also when the Apostles judged [and awarded] long penances to sinners, they gave power to the chiefs<sup>23</sup> to mitigate or to aggravate [the penances] to the extent they deemed it proper, according to the nature of the deed. The justification for basing one's conduct on this interpretation is the word of Our Lord — may He be praised! — Who said to the disciples: "Go and teach all nations. Baptize them in the name of the Father, and of the Son and of the Holy Ghost. Teach them to observe all things, whatever I have commanded you; and behold I am with you all the days, even to the consummation of the world."<sup>24</sup> It is obvious that the Apostles could not live forever and it is manifest that He has designated by these words those who were to come after them, and who were to be appointed to teach instead of them. And He confirms this by His saying to them: "What I say to you, I say to all."<sup>25</sup> Therefore, the canons of the saintly councils, and [the works] of the Saintly Doctors and wise men, such as Abulides,<sup>26</sup> Patriarch of Rome, Basil, Bishop of Caesarea, and other persons from among the Patriarchs of Alexandria, are accepted.<sup>27</sup>

Since, as the Apostle Paul said, the purpose of preaching is limited to faith, and the precepts of life<sup>28</sup> last forever, the preachers of the Gospel left the responsibility for secular affairs and laws to be discharged in the cities by secular chiefs. Since the Apostles invited men to give up property entirely, they did not lay down specific provisions on loans and partnership; and since they invited men to abstain from marriage, they did not lay down laws on marriage; as they forbade the love of the world and of what is in it, they did not lay down laws on trade and profit.<sup>29</sup>

And in promulgating the corporal and external rules according to which judges must pass judgment on men, the Apostles deemed what was contained in the Ancient Law sufficient, that is, the Mosaic Law, as laid down in its chapter [of the Scriptures]. Therefore, Apostle Peter said in the twelfth canon of the [canons which are] seventy-one [in number], "O brethren, the [Holy] Books shall teach you the remaining precepts; we say to you only what has been commanded to us." And the Apostles turned their efforts to the law of perfection and to that complete correction of the internal spiritual deeds which must be observed by a wise man, but over which [secular] judges have no power, such as the correction of conscience, character and the internal impulses which arise suddenly, to the exclusion of what is done with the external parts of the body. Indeed, the perfection of man, composed of soul and body, in carrying on spiritual and corporal acts, is achieved by this last correction. Since it is the soul that moves the body, when the moving agent is corrected and perfect, the actions done by the moved objects, that is, the body, are correct, because it is the instrument of the soul.

22. Mt. 18, 18.

23. That is, bishops and priests.

24. Mt. 28, 19-20.

25. The Gloss says that the phrase is also found in Clement.

26. St. Hippolytus.

27. That is, they are considered as binding.

28. ትእዛዝ ፡ ሕይወት ፡ "precepts of life," connotes "The Law of the Gospel."

29. POEFNM 21-2 is followed in part for the rendition of this passage.

Whatever the chiefs may supplement or repeal is found in a chapter at the end of this book. They have all power in this regard. In a subsequent section dealing with observance of the provisions found in the canons, the word of the Fathers assembled at Nicaea is found and it says: "If somebody transgresses what we have said above, he opposes not us but God. He must consult the books of God and examine the book of the church and he shall understand that God has commanded us in all these things." And from their canons one can understand that everything contained in them was not elaborated upon in detail nor was it laid down explicitly, such as that which is found in the Divine Books and in the Apostolic canons; if that were the case, the contents of the canons of the [Nicaean] Council would be an unnecessary repetition. In fact, [rules of conduct] were stated [in the Holy Books] implicitly and not expressly, and later on the Council Fathers stated them explicitly so that they would be understood and open to evaluation,<sup>30</sup> as we said earlier.

Such is the state of this book and others like it. Among the books which come later, there are some which resemble those [which came] before them.<sup>31</sup>

We beseech from God mercy, concord<sup>32</sup> and help.

Know that this book contains a preface and two collections.<sup>33</sup> The preface contains two parts. We have already dealt with the first part. The second enumerates the books and the canons collected in this book and explains the abbreviations used therein.

As for the Sacred Books, the abbreviations for the Gospel is G. For the Acts of the Apostles and the "Apostle,"<sup>34</sup> it is the name of the respective authors. For the Epistles of Paul, the abbreviation is either of the name of the respective city and person to whom the Epistle was addressed or of some other name. For the Epistle to the Hebrews it is EB. For the Epistle to Timothy it is TET. The books of the Pentateuch are designated by two letters: TA for the first book, TB for the second, TG for the third, TD for the fourth, and TH for the fifth. The letter which follows the "T" indicates the ordinal number of the book.<sup>35</sup>

- [I] As for the books of the canons, the first book is the book of the canons promulgated by the Apostles when they assembled in the Cenacle of Sion after the Ascension, and after the descent of the Holy Ghost upon them, before they went forth to preach the Gospel. The Melchites and the Nestorians had the diligence to translate it from Greek into Arabic; it is also found with the Jacobites and Syrians, where it is written down.<sup>36</sup> With the Melchites the number of the canons is thirty; the abbreviation used is the letter "ayn."

30. Arabic text: "[The Council Fathers stated them] by adhering to and analogizing from what was said implicitly in the Holy Scriptures" (2/9).  
31. Arabic text: "And such is the relationship of this book...to those that existed before it" (3/9).  
32. Arabic text: "assistance" (4/9).  
33. That is, two parts. Gloss: "civil and ecclesiastical laws. It is also taken to mean the Old and the New Testaments."  
34. The Epistles of the Apostles with the exception of St. Paul's Epistles (2/10).  
35. Thus, while the letter "T" stands for "Taurat" i.e. "Pentateuch," the letters which follow it (A,B,G,D,H,) correspond to the Arabic letters which are equivalent to 1,2,3,4,5; in this context they would mean Taurat Book 1, Taurat Book 2, etc. (5/10).  
36. Arabic text: "It is used and considered as an authoritative work by the Syrian Jacobites" (6/10).

- II Other canons which the Apostles promulgated and sent to all the disciples and faithful by the hand of Clement, disciple of Peter, Prince of the Apostles. The Melchites and Nestorians translated them into Arabic in a single book; with the Melchites they are eighty-three in number as they are with the Jacobites and Syrians.<sup>37</sup> but with the Nestorians they are eighty-two, as it is said in the book of all Christians compiled by the Nestorian Walda Tayb.<sup>38</sup>

The abbreviations used are made up of four letters; the first two indicate the name of the Apostles. The third indicates the name of the disciple through whom the canons were sent.<sup>39</sup> It is said that the Patriarch Abba Mikael of Damietta collected all these canons, which are contained in three books, and compiled them one by one from the writings of the Apostles. No person other than Abba Mikael made such a collection.<sup>40</sup> The fourth letter indicates the number of the book.

Therefore, the first book bears the letter RSTA, which means "Clement Book 1."<sup>41</sup> The Copts indicate the number 1 with "alef," the number 2 with "bet" and so on until 10; number 20 with "kal," number 30 with "lamed" and so on until the end. The Copts have published the same book in two separate books, each one of which contains the main part of what is contained in the other. The canons laid down in one [of the two books] are seventy-one in number and the abbreviation used is RSTB, that is, "Clement Book 2," and the canons in the other book are fifty-six, and the abbreviation is RSTG, that is, "Clement Book 3." The contents of all these three books are very similar, but the number of their respective chapters varies; one adds but little to the others.

- III The third is a book known among the Copts as "the Didascalia" or "the doctrine." The book says that the twelve Apostles, Paul the chosen one,<sup>42</sup> and James, Bishop of Jerusalem, gathered in Jerusalem to compose it. The Copts had the diligence to issue it and there is nothing in it which is less than the canons.<sup>43</sup> Moreover, passages from the Gospel and the Old Testament are quoted in it to corroborate its contents. It is in forty-three chapters and its abbreviation is DESQ, that is, Didsqelya (Didascalia).
- IV The Epistles of Peter to Clement. It is abbreviated as PET, that is, Petros (Peter).
- V The canons of the first Council, held after the [passing away of the] Apostles, in the city of Ancyra, one of the cities of Galatia. The number of the bishops was twelve. They called the Council as a result of several apostasies committed [by some Christians] at the time of the persecution. The canons, according to the Copts, are twenty-five, and they are indicated by the name of the city, [ENQORA, that is, Ancyra].

37. Arabic text: "Syrian Jacobites" (2/11).

38. Arabic text: "The Book of Christian Jurisprudence" (3/11). Guidi says that this is the nomocanon of Ibnat-Tayyib (1049), *ibid*.

39. Here, Clement.

40. The above passage is obscure and is translated *ad sensum*.

41. RS is the abbreviation for the Arabic word "rusul," meaning Apostle. T is the abbreviation for Clement; A corresponds, as before, to the number 1. Hence, "Clement Book 1," and so it goes with RSTB and RSTG (5/11).

42. See Acts 9, 15.

43. Arabic text: "There is nothing in it that conflicts with the canons" (2/12).

- VI The canons of the second Council held in Carthage near Caesarea.<sup>44</sup> There were fifty bishops present at the Council, and they enacted fourteen canons on marriage and priests; the abbreviation is QATAG, that is, Qertagena. (Carthage).
- VII The canons of the third Council, namely, Gangra; it was attended by fifteen bishops. They were assembled to excommunicate those who asserted that eating meat and marriage were unlawful. To cope with these and other similar things, they promulgated these twenty canons. The abbreviation used is GENER, that is, Gengra (Gangra).
- VIII The canons of the fourth Council, which was attended by thirteen bishops. They held a council in Antioch as a result of the heresy of Paul of Samosata, when he said that Christ was a mere man. They deposed him and enacted twenty-five canons on priesthood; the abbreviation used is SAK, that is, Ansokya (Antioch).
- IX The canons of the fifth Council, which was the first of the great Councils (Ecumenical Councils) held in Nicaea, in the year 325 of Our Lord, the nineteenth year of the reign of Constantine the Great, first of the Christian Emperors. Three hundred eighteen bishops, selected, it is said, from 2340 bishops, attended the Council. They were assembled as a result of the heresy of Arius when he said that the Son was a created being. Alexander, Patriarch of Alexandria, confronted him and overcame him [in argument]. The Council supported his proposal to depose Arius and send him to exile. They wrote a book in which [the doctrine of] the orthodox faith was contained; and after the judgment against Arius they promulgated a great number of canons.<sup>45</sup> This book is in two parts; in the first part there are twenty canons, followed by a great number of maxims. All agree on this first part; it is abbreviated as NIQ, that is, Niqya (Nicaea). The second part is of great use. The Melchites and Nestorians had the diligence to translate it; it is also found with the Jacobites and Syrians.<sup>46</sup> The number of the canons in it, according to the Melchite version, is eighty-four, with numerous maxims attached to the canons. But the Melchite version has some special supplements to those canons; it is indicated as NIQYA.
- X The canons of the sixth Council, that is, the Council of Laodicea. The bishops present there were nineteen; they held the Council because of Manete and other men of falsehood like him who perverted the faith. The bishops enacted fifty-nine canons on priesthood, ascetic life, marriage and other similar things. They are of great use and they are indicated as DAQ, that is, Lodoqya (Laodicea).
- XI The canons of the seventh Council, which was attended by 140 bishops. They assembled in Sardica, a city of the Roman Empire and Palestine,<sup>47</sup> subsequent to the revolt of the Arians against Athanasius, nineteenth Patriarch of Alexandria, and against the Patriarchs of Antioch and of Constan-

44. Arabic text: "... referred to by others as Caesarea" (4/12). Guidi says that it is the Council of Neocaesarea of Cappadocia (4/12).

45. Arabic text: "...they enacted canons on judgments" (3/13).

46. Arabic text: "Syrian Jacobites" (5/13).

47. Arabic text: "They came from the country of the Greeks (Byzantine) and from Palestine and gathered in Sardica" (7/13).

tinople. As those Patriarchs were driven away by the Arians, the Fathers of the Council restored them to their sees and promulgated twenty-one canons on the hierarchy of bishops;<sup>48</sup> the abbreviation is SEDEK, that is, Serdeqya (Sardica).

XII The canons of Abulides,<sup>49</sup> Patriarch of Rome, which are thirty eight in number. The Copts had the diligence to translate them and they are of great use. Abba Gabriel, Patriarch of Alexandria, incorporated some of them in the canons he collected and the abbreviation used is BADAS, that is, Abulides (Hippolytus).

XIII The canons of St. Basil the Great, Bishop of Caesarea, on priests, ascetic life, marriage and similar things. They are observed by the Copts and the Melchites. They are 160 in number. They are of great use and are abbreviated as BAS, that is, Basilius (Basil). Some passages taken from his writings on ascetic life are included in the chapter on monks,<sup>50</sup> and the abbreviation used is also BAS.

XIV The canons known as the Canons of the Kings and containing secular provisions. It is said that they are four books collected for the kings' use and extracted from several maxims of the Council of Nicaea, and that they were written at the Court of the Emperor Constantine. The first book, known as Abtelis,<sup>51</sup> is in forty chapters. The Melchites compiled them in a book, which is very good. The abbreviation used is TS, that is, Tatlasat. There are 130 chapters in the second [book] which is used by both churches, that is, the Coptic and the Melchite. The book is found with the Nestorians, and Abba Gabriel, Patriarch of Alexandria, has quoted [some canons] from it at the end of his book. It is indicated as MAK, that is, "[Book of] Kings 2."<sup>52</sup> The third book is the one translated by the Melchites; it contains twenty-seven chapters. It is indicated as MAG, that is, "[Book of] Kings 3." In these two books there is little that is of use to us and little of it has been incorporated here. The fourth book is in thirty-five sections; section 87 comes first and section 121 comes last. Most of it was taken from the laws of the Pentateuch, and some of the provisions from the New Testament. Only a few provisions have been incorporated in this work and they are indicated as MAGH, that is, "[Book of the] Kings 4." In most cases the numbering of the canons in the various versions is different.

[In the Fetha Nagast] there is nothing extracted from books other than those mentioned above with the exception of [the writings of] the Nuncio, Dionisius,<sup>53</sup> which are indicated as DA, [the works] of Gregory [of Naziazen], indicated as GER, those of John Chrysostom, indicated as HA, those of Chrystodule, whose name

48. Arabic text: "... on the appointment and provisions regarding bishops" (2/14).

49. St. Hippolytus.

50. Chapter X in this book.

51. ላብጥሊስ : ላብጥሊሳት : "Abtelis, Abtelisat," is a distortion of the Greek word "titloi" (1/15). A little lower one reads ተጥላሳት : "tatlasat," which is a better rendition of the Greek.

52. MA is the abbreviation for the Arabic "maluk," meaning kings. For reasons which are not apparent, the text uses the letter K rather than B to signify the number 2, and for Book of Kings 4, MAGH rather than MAD. See note 35 *supra* and (1/15).

53. The Arabic text says that books of canons other than those mentioned here are quoted very rarely. (2/15). The term "Nuncio" does not occur in the Arabic text, and is a distortion of the Arabic term for "rare," *ibid*.



means "servant of Christ," and who was one of the Patriarchs of Alexandria, indicated as KRESTA, and finally those of Timothy, indicated as TIMO. When a canon conflicts with another, the one most commonly used shall prevail if it is in accordance with the times and does not offend reason. Such a conflict arises because of the words used in interpreting the canons, whereas errors in words are caused by lack of attention.<sup>54</sup> And the diligent reader must correct [such errors] according to what seems clear to him.<sup>55</sup> The end of this Preface.

The entire first part [of the Fetha Nagast] consists of twenty-two chapters on the clergy and the laws of the divine service. Glory be to God, world without end. Amen.

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| "       | II    | The fundamental books accepted [by the Church]     |
| "       | III   | Baptism and those who embrace the faith            |
| "       | IV    | Patriarchs   |
| "       | V     | Bishops  |
| "       | VI    | Priests  |
| "       | VII   | Deacons  |
| "       | VIII  | Administrators of the Church                       |
| "       | IX    | The clergy [in general]                            |
| "       | X     | Monks and nuns                                     |
| "       | XI    | Rules and provisions regarding laymen              |
| "       | XII   | Mass   |
| "       | XIII  | The Eucharist                                      |
| "       | XIV   | Prayer   |
| "       | XV    | Fasting  |
| "       | XVI   | Alms   |
| "       | XVII  | Those appointed to distribute alms                 |
| "       | XVIII | Tithes, first-fruits, vows and charitable legacies |
| "       | XIX   | Sundays and feast days.                            |
| "       | XX    | Martyrs, confessors and apostates                  |
| "       | XXI   | The sick   |
| "       | XXII  | The dead   |

End of [the index to] the first part.

54. That is, lack of attention in copying.

55. The Gloss says that the reader should make correction of his own only if there is not a ምህር, "professor," qualified to interpret the Fetha Nagast.

## [INDEX TO THE SECOND PART]

Laws<sup>56</sup> governing secular<sup>57</sup> matters.

Laws governing a single man deal with his personal self and his character, such as his food, clothing, habitation, marriage and the prohibition against concubines. Most of the laws governing [several matters] item by item have been laid down in the chapter on the rules concerning laymen, for example, how every man must behave with his wife, his son, and his slave. Public laws deal with commercial negotiations, litigation, and judicial punishment for crimes.<sup>58</sup>

The chapters [of this second part dealing with secular matters] are twenty-nine [in number]; together with the chapters of the first part, [the Fetha Nagast] comprises fifty-one chapters.

|               |  |
|---------------|--|
| Chapter XXIII | Food, clothing, habitations and trades                         |
| " XXIV        | Betrothal, dowry and marriage                                  |
| " XXV         | Prohibition against concubines                                 |
| " XXVI        | Donation   |
| " XXVII       | Loan, guarantee, pledge and mandate                            |
| " XXVIII      | Free loan, such as clothing, animals and other things          |
| " XXIX        | Deposit and similar things                                     |
| " XXX         | Mandate  |
| " XXXI        | Slavery, liberty and manumission of slaves                     |
| " XXXII       | Guardians and the guardianship of minors in all their dealings |
| " XXXIII      | Sale, purchase, and matters concerning them                    |
| " XXXIV       | Joint ownership and things similar to it                       |
| " XXXV        | Coercion and violence  |
| " XXXVI       | Lease of houses and land rent such as "gammata" <sup>59</sup>  |
| " XXXVII      | Construction of buildings and related matters                  |
| " XXXVIII     | Loan   |
| " XXXIX       | Admission of liability   |
| " XL          | Finding lost things, such as animals or similar things.        |
| " XLI         | The making of wills to dispose of property                     |
| " XLII        | Succession   |
| " XLIII       | Judges and those who sit with them                             |
| " XLIV        | Kings  |
| " XLV         | Provisions from the Old and the New Testament                  |
| " XLVI        | The punishment of apostates                                    |
| " XLVII       | Homicide   |
| " XLVIII      | The punishment for fornication                                 |
| " XLIX        | The punishment of thieves                                      |
| " L           | On various other faults  |
| " LI          | On other things in detail                                      |

End of the Index.

56. The term ጥገዳ : "administration" has been translated as "law" in these passages.  
57. ሁለገደያት : "secular or temporal laws," in contradistinction to the preceding ecclesiastical laws.  
58. A distinction is made here between laws governing man as a single individual, family law, and laws regarding a social group or a society (3/17).  
59. ገደታ : a quantity of crop paid by the farmer to the landlord as rent (2/18).

In the Name of God, One in Divinity and  
Three in Persons and in Being

## CHAPTER I THE CHURCH AND WHAT CONCERNS IT

G. A church is a house of prayer.<sup>1</sup> BAS 94. A church shall be built only with the permission of the bishop. If some one dares to do otherwise, mass shall never be said in it; and if a priest dares do it, and celebrates mass, he shall be removed from his office.

Chapters 15 and 30 of the Didascalia establish the way in which a church should be constructed and what [its internal] arrangement should be. It must be lighted with many lamps, in the likeness of heaven; especially during the reading of verses from the Holy Books, such as [the Epistles of] St. Paul, the "Apostle,"<sup>2</sup> the Acts of the Apostles and the Gospel of the Kingdom [of Heaven], must it be brilliantly lighted. PET. It shall be lighted with wax and with lamps when the bishop consecrates the Tabot<sup>3</sup> on the altar: during the consecration seven priests shall be with him, and he shall make the sign [of the cross] on the Tabot with chrism, which is the oil of happiness, as it is the seal of God. [After this has been done] the sacred mysteries may be celebrated in the church. The Gospel of St. John the divine<sup>4</sup> shall be read on the altar.

Mass shall not be celebrated except when the priests with their chief and all the deacons are gathered to attend, so that it may be an honor and a joy. If the altar breaks or is transferred elsewhere, it shall be consecrated again. The Tabot shall be such that it can be transferred from one place to another like the stone of the children of Israel which could be transferred from one place to another.<sup>5</sup> BAS 96; BADAS 29. The dust which is swept from the sanctuary shall be thrown into a running river.

RSTA 28. No man shall trade<sup>6</sup> in consecrated objects belonging to a church, such as vessels made either of gold or of silver, for it would be a transgression of the law. If one does so, he shall be driven away from the church, after being punished.

RSTA 69. The bishop shall say mass in his house if infidels prevail again<sup>7</sup> over the Christians and prevent them from going to church. If they are unable to

1. Lk. 19, 46.

2. See the Preface, n. 34.

3. In the Old Testament, ታቦት means the Ark of the Covenant; in the above context, however it connotes the rectangular table of wood placed on the altar (መንበረ ታቦት) on which mass is celebrated. In a wider sense ታቦት also means "altar."

4. እግዚአብሔር: "divine," may also be interpreted as "theologian." In fact, St. John is frequently called የሐንስ ታላቅ ግሥት: "John the Theologian."

5. The Ark of the Covenant contained two stone tablets on which the Ten Commandments were inscribed, cf. POEFNM 39-3.

6. Arabic text: "No one may use [consecrated objects] in his house" (2/20).

7. ላገሩ: "again," is not found in the Arabic text (3/20).

gather in a house or in a church, each one shall say the psalms, read, and pray alone at the place where he finds himself. **DAQ 58.** [In normal times] mass shall not be celebrated in the house of the bishop nor in the house of a member of the faithful, but only in a consecrated church. **GENER 7.** Whoever trespasses against the church and does in his house things which should be done nowhere else but in church, shall be excommunicated.

**BADAS 29.** No one shall stay [to carry on a conversation] at the place where the altar is located; one may stay there only to pray and worship before the altar.<sup>8</sup> **19.** No one but priests may enter the place where the altar is located to receive the Holy Eucharist. **DAQ 28.** No one may invite others to sit at a banquet or to eat in the house of God, and in His saintly Tabot.<sup>9</sup> **QORONTOS 14.** Do not profane the church of God by drinking and eating inside it and do not humiliate those who have nothing to eat or drink by getting drunk while they stay hungry.<sup>10</sup> **DAQ 44.** Women are not allowed to enter the sanctuary<sup>11</sup> nor to pray in it.

**G.** Vendors and money-changers may not trade in the church.<sup>12</sup> **DESQ 12.** The doors of the church shall be guarded so that infidels and Christians who are excluded from receiving the Holy Mysteries may not enter it.

8. Arabic text: "One shall stay ...to pray and for no other purpose, and one shall worship in front of the altar" (5/20).

9. "The house of God" is the external part of the church surrounded by an enclosure; "the holy Tabot" is the internal part of the church (7/20).

10. I Cor. 11, 22, 21,

11. The inner part of the church in which the altar is placed.

12. Mt. 21, 12 ff.

## CHAPTER II

### THE DIVINE BOOKS WHICH MUST BE ACCEPTED BY THE HOLY CHURCH AND WHICH ARE EIGHTY-ONE IN NUMBER

RSTA 81; RSTB 55. The [Sacred] Books accepted by the faithful in the church [are]: The books of the Old Testament, that is, The Law (Pentateuch), five books; one book of Joshua, the son of Nun; the book of Judges; the book of Ruth; the book of Judith; the books of the Kings, four in number, of which the first and the second form one book and similarly the third and the fourth form another book; two [books of] Paralipomenon; two books of Ezra, the scribe; the book of Esther; the book of Tobias; Machabees, two books; the book of Job; the Psalms of David, one book; five books of the Wisdom of Solomon, that is, Proverbs, Qohelet,<sup>1</sup> the Song of Songs, Wisdom,<sup>2</sup> Wisdom of Bagor<sup>3</sup>; sixteen books of the Prophets, of whom the greater ones are four, namely, Isaiah, Jeremiah, Ezekiel and Daniel, and the lesser ones are twelve, to wit, Hosea, Amos, Micah, Joel, Obadiah, Jonah, Nahum, Habakkuk, Zephaniah, Haggai, Zechariah and Malachi. Besides these there are the Wisdom of Jesus, the son of Sirach, for the education of boys and also the book of Joseph the Koryon, which is [another] book of Machabees.<sup>4</sup>

The books of the New Testament are: The four Evangelists, the Preachers, Matthew, Mark, Luke, and John; one book of the Acts of the Apostles; the book of the Apostles,<sup>5</sup> that is, the seven epistles of which two are Peter's, three John the Evangelist's, one James', and one Jude's; the book of Paul [containing] fourteen epistles; and the book of the Apocalypse of John the Evangelist. These are the laws that we have imposed upon you. RSTA 55; RSTB 41. If someone, in order to deceive the people, takes a false book written by apostates and introduces it in the Church of the Holy God as a genuine book of God, he shall be expelled.

1. Ecclesiastes.

2. ተብላ : meaning "wisdom," corresponds to Chapters 25-30 in the book of Proverbs (2/21).

3. ተብላ : ባጎር : meaning "Wisdom of Bagor" corresponds, according to Guidi, to Chapter 30 in the book of Proverbs and the Wisdom (Sapientia) (2/21). The name Bagor is a corruption of the Biblical Agur, Prov. 30, 1.

4. Gloss: "History of the Jews."

5. See the Preface, n. 34.

### CHAPTER III

#### BAPTISM AND THOSE WHO EMBRACE THE FAITH<sup>1</sup>

Men and women, children and the aged, must all be baptized, for Our Lord—may He be praised!—has said: G. “Unless a man is born again of water and of the Holy Ghost, he cannot enter into the Kingdom of God.”<sup>2</sup> He also said to His Disciples: “Go and teach all nations, baptize them in the name of the Father and of the Son and of the Holy Ghost.”<sup>3</sup>

And the canons enacted for this purpose are: DESQ 21. Only a bishop or a priest shall baptize; the deacons shall assist them. PET 4. No one shall accept a bribe to baptize another, nor shall anyone sell for a price the gift of the Holy Ghost. DESQ 20. Women shall not baptize anyone. RSTA 44. If someone is baptized by heretics, he is not a member of the faithful. DESQ 34; NIQYA 24. Men shall not stand as godfathers to women nor shall women stand as godmothers to men, but the males shall stand to the males, and the females to the females.

RSTB 34. Baptism shall be administered at a running stream or in water that runs in the baptistery; in case of necessity, the water, drawn elsewhere, shall be poured into the baptistery. DESQ 34; ROME 8. Our immersion in water symbolizes our association with the death of Christ, and our coming out of the water symbolizes our resurrection with Him.<sup>4</sup> BAS 107. If the required quantity of water, that is, enough water to cover the head of the one who is to be baptized, is not available, three handfuls of water shall be taken, and his head shall be washed in the name of the Trinity.

GER. And he who can receive baptism, when the time to receive this privilege arrives, shall not defer it until tomorrow.<sup>5</sup> One shall not delay baptism to wait for the coming of parents or friends, nor procrastinate on account of some dress of which one wants to make show. None should wait for the coming of the patriarch, the metropolitan, the bishop or a [specific] priest to administer the baptism; rather, [one should wait] only [for a minister] who is entitled to administer the sacrament of baptism, since the power of baptism is one and equal. What is required for its proper administration is that the priest who baptizes be not alien to the church, that is, a heretic, or one whose rebellion is notorious. The rich man shall not refuse to be baptized together with the poor, nor a master with a slave.

RSTB 34. They shall be undressed and the babies shall be baptized first; those who can talk shall speak themselves; but if they are such that they cannot talk, the parents or some relative shall speak on their behalf. After [the babies], the

1. The glosses indicate that “baptism” refers to those who are baptized on the fortieth day after their birth, while the words, “those who embrace the faith,” refer to those who get baptized later in life.
2. Jn. 3, 5.
3. Mt. 28, 19.
4. Rom. 6, 4.
5. Arabic text: “Whosoever can be baptized today and achieve such a great benefit shall not procrastinate over his baptism” (3/23).

men shall be baptized and then the women,<sup>6</sup> with their hair untied and without wearing any gold ornaments on their hands;<sup>7</sup> no one shall wear anything when he is immersed in the water.

**BADAS 19.** Those who are baptized shall wash themselves with water on the fifth day of the [Holy] Week<sup>8</sup> and shall eat; they shall fast on [the Holy] Friday. If a woman is menstruating, she shall wait until she is pure. On [the Holy] Saturday, the bishop shall gather those who are to be baptized and command them to turn their heads toward the east; he shall extend his hand over them and pray. After he has made them swear their renunciation [of the devil], he shall blow on their faces and make the sign of the cross on their members,<sup>9</sup> so that they may be diligent in every saintly thing and prayer. At cock-crow, they shall be placed near the water of the baptistery, and the bishop shall pray over the blessed oil, by which the oath [renouncing the devil] is sworn. He shall give it to a priest, who will stand at his left and pray over the blessed oil, which is the oil of thanksgiving. Then, he shall give it to another priest and make him stand at his right. The one who is being baptized shall turn his face from the east to the west and shall deny the devil. A priest shall take his right hand, and shall turn his face eastwards, towards the water; before stepping into the water, he shall confess that he is a believer in the Father, in the Son and in the Holy Ghost.

Thus all shall be baptized, and then they shall receive the Eucharist; they, as well as those who fasted together with them,<sup>10</sup> shall taste nothing before taking the Holy Mystery. But at the end of the mass they may eat what they wish. **BAS 105.** They shall receive the Eucharist before other people do.

**GLOSS I,** from the canons: A clergyman who has a son aged one year or more and does not have him baptized shall be forbidden to perform his priestly service; a layman who omits to do this shall be expelled [and prevented] from receiving the Eucharist until he has his son baptized.

**QATAG 6.** Pregnant women shall not be prevented from being baptized whenever they wish. The baptism shall not benefit both the mother and the [unborn] child, for every person must profess his faith individually.

**GLOSS II:** An additional canon says that if it is feared that a child will die before the purification of his mother from the blood of confinement, he shall be brought to church by another person and baptized.

**DESQ 34.** The bishop shall anoint the head of the woman and the deaconess shall anoint the remaining part of the body, because it is not proper for a man to look at the nakedness of a woman. In the Coptic Church this law is laid down in a separate book on baptism,<sup>11</sup> which is compiled from the canons and deals only with Christian baptism and with the prayers which are used in it. Baptism

6. In the glosses the "babies" are likened to the angels who announced the birth of Our Lord, the "men" to the shepherds who heard the announcement first, and the "women" to the Apostles.
7. Arabic text: "They shall put aside the gold ornaments they wear" (2/24).
8. That is, Holy Thursday.
9. ይዕቅብ፡ ለባሉ፡ "he shall make the sign of the cross on their members," is also taken to mean ለውኃቸውን፡ ይቅባ፡ "he shall anoint their bodies" POEFNM 47-2.
10. That is, the godparents.
11. Arabic text: "In the Coptic Church a special book on the administration of baptism was compiled" (1/26).

is to be administered according to that book and one must observe its rules scrupulously.<sup>12</sup>

RSTA 43. The conduct of the person who is preparing himself to be baptized shall be examined. BADAS 9. During the instruction given to those who are preparing for baptism, one shall inquire about their lives by asking them if they have done good deeds. And if those who have brought them [for baptism] testify that they have done so, they shall be allowed to hear the word of the Gospel from the day they are brought. And when the day of their baptism arrives, the bishop shall make all the witnesses swear,<sup>13</sup> one by one, so he may know that those to be baptized are pure; if one is found not to be pure, he shall be separated from the others and rejected, because he has not heard the [divine] word with faith.

12. Arabic text: "In [the administration of baptism] this book is to be adhered to" (2/26).

13. Arabic text: "...the bishop shall make each one of them swear" (3/26).



## CHAPTER IV PATRIARCHS

Most of the provisions dealing with bishops hold good for patriarchs as well, because the latter are called the great and the first among the bishops or, in other canons, the chiefs of the bishops. This chapter is divided into two parts: [one is] taken from [various] books and [the other is arrived at] by reasoning.

### Part I, [taken] from [various] books.

Patriarchs are the successors of Christ and His Apostles to whom Christ said: "He that receives you receives Me."<sup>1</sup> And the power of a patriarch over Christians is like the principedom of Moses over the Israelites. The Council of the Saintly [Fathers of Nicaea], NIQYA 37, commanded that there must be only four patriarchs in the world [at one time], like the four books of the Gospel, the four rivers,<sup>2</sup> the four orders of the world,<sup>3</sup> the four directions of the world,<sup>4</sup> the four winds, and the four elements of creation.<sup>5</sup> The chief and prince among them must be the one who occupies the see of Peter, [that is, the see] of Rome, in accordance with what the Apostles commanded. After him comes the one who occupies [the see of] Alexandria, the great, which is the see of Mark. The third patriarch is the one who occupies [the see of] Ephesus, the see of John the Theologian, and the fourth is the one who occupies the see of Antioch, which is also the see of Peter. The bishops are spread [over the world], each under the authority of [one of] these four patriarchs.

Each metropolitan of the great cities shall consecrate the bishops of the province under his jurisdiction, but none of his bishops may consecrate him as metropolitan, because he is superior to them. Each one shall restrict himself to his jurisdiction and no one shall usurp the jurisdiction of another. The council shall excommunicate whosoever transgresses this law laid down by us.

38. The Patriarchate of Ephesus shall pass to the imperial city [of Constantinople], so that it may be an honor to the kings and the priests together.<sup>6</sup> The bishop of Ephesus shall be respected, and shall not be despised because the patriarchal dignity which he had has been taken away from him. He shall be honored with the great name of Kotolika,<sup>7</sup> which is a name given to chiefs. He who occupies the see of Thessalonica shall be honored because he deserves it. The Bishop of

1. Mt. 10, 40.

2. The four rivers of the earthly paradise, Gen. 2, 10 ff.

3. That is, the four seasons.

4. The four cardinal points.

5. These four elements are ነፋስ ለላት ማይ ጦረት = "air," "fire," "water," and "earth." Cf. POEFNM 50-3. Arabic text: "four like the Evangelists, the rivers, the winds and the elements" (3/27).

6. More precisely, "so that it (Constantinople) may be the pride of the kingdom and the priesthood."

7. This title, derived from the Greek *Katholicos*, carries with it the honors due to patriarchs but not the powers.

Jerusalem shall not be subject to another bishop; rather, he shall be exalted and honored, because he is appointed over the Holy City and because the Cross of Our Lord Jesus Christ and the place of His resurrection are in his hands.

Honor is also due to the bishop who occupies the see of Baghdad, that is, Seleucia, which is in the east and is called the city of Medyam. He also shall be honored with the name of chief, and, as of now, shall be permitted to consecrate metropolitans, just as the patriarchs do. [This is] to spare the Orientals the necessity of going to the Patriarch of Antioch and returning from him. The Patriarch of Antioch has indeed given his consent to this, as he was requested by the Council not to regret the fact that jurisdiction over the east was taken away from him. The Council requested this to bring peace to the Christians of Persia. 39. If it becomes necessary for the bishops to hold a council in Roman territory, and if the titular of Seleucia, known as the city of Baghdad, which was originally called Sabur and [is called] Medyam today, participates [in this council], he shall, during the session, be more exalted and honored than all the other metropolitans of the Roman Empire, because he bears the title of patriarch in the East; his chair shall be the seventh in rank, next to the Bishop of Jerusalem. The council shall excommunicate anyone who transgresses this rule. 40. The great council may not assemble at Seleucia to promulgate laws without the permission of the patriarch of Antioch, because, although the Orientals' chief has the rank of patriarch because he has asked to become the equal<sup>8</sup> [of other patriarchs], the Orientals, however, do not have the power to loosen and to bind the law of the Church, to add to it or to repeal [existing laws] of their own desire. In everything they are subject to the superiors and the assembly of patriarchs.

GLOSS III: After this session, the Patriarchate of Ephesus was given to the one who occupies the see of Constantinople, who was placed second in rank and was third after the Patriarch of Alexandria.<sup>9</sup>

42. As for the Ethiopians, a patriarch shall not be appointed from among their learned men, nor can they appoint one by their own will. Their metropolitan is subject to the holder of the see of Alexandria, who is entitled to appoint over them a chief who hails from his region and is under his jurisdiction. And when the said metropolitan is appointed, with the title given to the chief,<sup>10</sup> he is not permitted to consecrate other metropolitans as the other patriarchs do. He shall only be honored with the name of patriarch, without enjoying the power of a patriarch. And if it becomes necessary to hold a council in Roman territory and if the metropolitan of Ethiopia takes part, he shall be seated eighth, next to the titular of Seleucia, which is one of the cities within the boundaries in which Babylon, Iraq and the kingdom of Sabur are found. [The metropolitan of Ethiopia comes in rank after that of Seleucia] because the latter is permitted to consecrate bishops for his own country, but neither is permitted to be appointed by the will of the bishops [under his jurisdiction].

44. The patriarch shall watch over all work done and orders made by his metropolitans and bishops in the countries over which they are appointed. If he

8. It was decided that he would be the nominal peer of other patriarchs but that he would not be vested with their power (1/29).
9. In the seating arrangement, the first seat (at the center) was given to the Patriarch of Rome. The Patriarch of Alexandria was seated to his right and that of Constantinople to his left. The latter was placed "second in rank" counting from the center to the left, but with respect to rank he came after the Patriarch of Alexandria, and was placed third (3/29).
10. That is, *katholikos*, see n. 7 *supra*.

discovers something improper, he shall change it and make it conform with what appears proper to him, since he is like the father of all [metropolitans and bishops], and they are his children. The metropolitan appointed over the bishops shall be honored as the elder brother appointed over his brothers, and must be obeyed so that his rule and administration will be good. The patriarch, in his power, is like a father over his children. And as a patriarch has authority and power over those who are under him, so also the titular of Rome has power over all other patriarchs, because he is the chief, as was Peter, who had power over all Christian chiefs and the community of Christian men<sup>11</sup> in his capacity as the Vicar of Christ, Our Lord, upon His people and His churches.

45. The bishops of every city shall gather with their metropolitan twice a year to examine with him what is to be done<sup>12</sup> and to see him, so that when the terrible day [of judgment] arrives, they can give a valid account of the office to which they were appointed. 46. And similarly, the metropolitans and the bishops shall gather with their patriarch once a year, as the judges of the Israelites used to report their difficulties to Moses.

RSTA 1. The election of a patriarch shall take place only in the presence of the bishops and the metropolitan, who is the archbishop. If there is a dispute about his election, it shall be settled in accordance with the advice of the majority of them,<sup>13</sup> and the one who is fit shall be appointed over them. NIQYA 37. Each city and village, big or small, under the jurisdiction of the patriarch shall be obligated to give an offering<sup>14</sup> to the patriarch, in proportion to what the city or village can afford to give, and that offering shall be sent to him every year, to be a help to him. Failure to observe the provision of this chapter does not entail excommunication.

49. The metropolitan and his bishops are not allowed to inquire into the guilt of a bishop under the metropolitan's jurisdiction. Nor can they judge him, nor accept his repentance, without leave of the patriarch<sup>15</sup> and without his knowledge and command. 50. No charge brought against a patriarch by one of the metropolitans under his jurisdiction shall be accepted. Or, if a patriarch is guilty of some offence, [no proceeding shall take place] unless one of his three fellow patriarchs takes part in the accusation and in the inquiry into the matter. No one of the three patriarchs may authorize another accuser [to proceed] against the accused patriarch, nor shall [any of the three] support an accuser without the authorization of a fellow patriarch and without inquiring himself into the matter as said earlier.<sup>16</sup> 51. No patriarch, metropolitan, or bishop is allowed to loosen what another [of equal rank] has done except after the latter's death; but the patriarch is permitted, after having inquired into the matter, to loosen what [metropolitans or bishops]

11. According to the gloss, "Christian chiefs" stands for "Apostles," and "Christian men" for the seventy disciples.
12. Arabic text: "...to examine what must be examined" (4/30).
13. Arabic text: "...the majority of them and of those over whom he is to be appointed" (1/31).
14. ቢረከት : connotes "tithes."
15. Arabic text: "...unless the patriarch is with them" (2/31).
16. Arabic text : "An accusation brought against a patriarch by a metropolitan who is under his jurisdiction shall not be accepted, unless another patriarch, his brother, supports the accusation and they inquire into the matter. Nor shall a fellow metropolitan allow the accusing metropolitan to do such a thing or support the charge without asking the permission of another patriarch, and without inquiring into the matter in the manner prescribed above" (2/31).

have done, if he deems that so doing is good, for he is the master of the house, honored above them and over all.

76. When a metropolitan appoints a bishop, he shall send a chorepiscopus with him,<sup>17</sup> so that he may introduce him into his city and his church and enthrone him on the first day he occupies his see. After the bishop dwells in his city for three months, he shall go to the metropolitan<sup>18</sup> to visit and greet him, and the metropolitan shall command the chorepiscopus or the archpriest or the archdeacon to test the bishop on the laws of bishops and see if he has fulfilled all these prescriptions. If they find that he has fully observed them, then the metropolitan shall ratify his appointment and shall give him power to rule over his diocese; thenceforth, his orders shall be observed. The metropolitans must do the same with their patriarchs. Woe to him who transgresses this provision; the council will excommunicate him.

NIQYA 49. No bishop who is under the jurisdiction of a metropolitan shall ask permission [directly] from the patriarch in any matter, but shall do so only with the permission of his metropolitan and after informing him of it. No metropolitan or bishop shall attempt to see the king without the permission of the patriarch. The council will excommunicate anyone who transgresses this. RSTG 25. The bishops of every country must know their chief, and must accept him as their superior. They shall not do anything, either great or little, except with his advice. Nor may their chief do any important thing without the advice of all his bishops; thus they shall remain in full accord.

#### Part II, [arrived at] by reasoning.

The patriarchate stands in the place of Christ in the world, to preserve the faith and to rule the faithful in accordance with spiritual laws. And the patriarch's appointment, which helps to preserve the precepts [of the Church], is imposed on the faithful and binding on all of them. This is shown by law and custom. The first is evident] from what is laid down [in the preceding canons].<sup>19</sup> The second [is also evident] because it is a natural custom of intelligent persons to look for a teacher to lead them to knowledge of the way of justice and doing good. [They] go forth to a chief who will prohibit them from doing injustice and adjudicate the quarrels and enmity which may be among them.

If one who is worthy is appointed, then the law is fulfilled. And those who choose him must, in particular, choose a chief for the people.<sup>20</sup> The requirements applicable to those who choose are of three kinds. The first is the knowledge of uprightness which has been mentioned in the chapter on witnesses. The second is intelligence, through which they can know well who is worthy of this office.<sup>21</sup> The third is that they must have prudence and wisdom, to lead them to choose that person, whoever he is, who is the most suitable person for the time. [This is] the

17. ኮረ: ለጳጳስ: ቀጽሰ: "chorepiscopus," belonging to the class of ንጉሳን: ለጳጳስ: ቀጽሳን: *Episcopi minores* (Cf. Dillmann, *Lexicon Linguae Aethiopicae*, c. 806).

18. Arabic text: "... the metropolitan shall go to visit him (the bishop)" (2/32).

19. Arabic text: "The first point (the law) is [made clear] by what is dealt with previously" (3/33).

20. Arabic text: "If one who is meritorious is vested [with patriarchal dignity], the precept [regarding the appointment of the patriarch] is fulfilled; if not, the electors must choose" (4/33).

21. Or, according to POEFNM 59-1, "the second is a degree of education by which they can know whether the candidate is a learned man."

man who appears best suited to enforce the law and to lead them, the man who can rule and show [them the true way].<sup>22</sup>

As for the qualifications required of the one who is worthy of the patriarchal rank, they are of two kinds. The first are taken from the books and are mentioned in the first chapter on bishops. [The second] are deduced by reasoning and they are of four kinds: The first [two] are perfect conditions of sanity, and health of those parts of the body without which one cannot fulfill the duty of a chief, namely, [the organs of] sight, hearing and speaking, the hands and the legs. [The third] is absence of illnesses which would prevent the patriarch from associating with the people under his jurisdiction, such as sores<sup>23</sup> or leprosy. The fourth is doing good and giving wise advice, [having] experience and the prudence with which a righteous administration and the good [of the administered] are well fulfilled.<sup>24</sup>

When the electors find many persons bestowed with the qualifications for this office, they must elect one who has more qualifications and whom the people are eager to obey. If such a person refuses and does not accept the office, they may choose another from among them; but if there is no one who is worthy [to replace him], he must accept. If there are two persons who are equally qualified, the older of the two shall be chosen and appointed.<sup>25</sup> But as being older than another is not a necessary requirement for election, it is lawful even if the younger person is appointed. If one of them is more learned and the other is more experienced in administration, the one whom the exigencies of the time more urgently demand shall be elected as the shepherd [of the faithful]. If knowledge of the [Holy] Books is in greater demand, because of the appearance of some heresies, the one who is learned in the Holy Books shall be appointed. If, on the other hand, a wise administration is required, one who administers well shall be appointed patriarch. If they are equally qualified in every respect and others vie to have their respective friends appointed, the question shall be settled by lot on the altar. It is better, however, to choose people other than these two, if others are available, because the competition for the appointment throws discredit upon the contenders. The fact that there is a man of greater perfection does not preclude one of lower rank from being elected, provided that he is perfect in observing the laws, because greater perfection makes one eligible to election but does not assure that one has the necessary requirements.

Those who elect a patriarch shall elect a person who is worthy to be a patriarch, and if they refuse,<sup>26</sup> they commit a sin. The rank of patriarch may not be held by two persons simultaneously in one see, and if two are elected in one city, the appointment of the one who was elected first shall be ratified. If the office is given to [two] persons who are [equally] worthy, but in two different cities, it shall be held by the one who was appointed first in that place in which the election is customarily held. If it happens in one city the office shall be held by him who was appointed first. When [two elections] take place simultaneously,

22. Arabic text: "...the election of one who can get along with the men of the time and who can run the administration in the best way" (6/33).

23. **ጠገል** : from the verb **ጠገለ** : that is, to be affected by open sores or elephantiasis, Dillmann, *Lexicon Linguae Aethiopicae* c. 1034.

24. Arabic text: "...[the good character] which helps to rule subjects and to administer affairs" (2/34).

25. Arabic text: "... [the older] shall be given preference" (3/34).

26. Arabic text: "... if they are indifferent" (3/35). According to the gloss, the refusal refers both to the candidate and the electors.

both the elected shall be removed and the electors must choose one of the two who was appointed first.<sup>27</sup> If they are equally worthy of this office, the matter shall be settled by lot on the altar, and this outcome shall be respected.

If the one who is vested [with this rank] makes a statement in his will about it, that is, nominates his successor, his will concerning the designation of the patriarchal office is not sufficient. The election shall be held, as would normally be done in the case of any other [candidate], and his election will depend on his diligence in all his acts, in which there must not be blame.<sup>28</sup> The people must know the name, the face, and the character of the person who is to be appointed. It is not that only one of them knows him or that only one is concerned [to know his name, his face, etc.]; rather, all the electors [shall inquire] into his character and [the candidate] must be one who is constant in the performance of his duties.

All shall make inquiries about him and shall consider whether he meets the following five requirements.<sup>29</sup> The first is that of keeping of the faith as it has been laid down since its establishment and in accordance with the words of the Apostles, the accepted councils and the Saintly Fathers whose teachings are accepted by all — keeping of the faith by uprooting the heresy of those who are separated from faith and by putting an end to quarrels,<sup>30</sup> so that the faith may be safeguarded from scandals and the people may be kept from falling into error. The second requirement is that of passing judgment with uprightness and putting an end to disputes. The third is that of giving donation to him who is worthy, without favoring one or slighting another,<sup>31</sup> and of giving it at the right time, neither early nor late. The fourth is that of appointing those who are worthy and of giving alms to the good and the faithful.<sup>32</sup> The fifth requirement is that of taking care of all business and administering the affairs himself.<sup>33</sup> Neither shall he say “it is advantageous to me to authorize others to carry out [affairs],” nor shall he attempt to draw benefit for himself from anything; neither shall he have tasty food, nor demand to be the only one served by others, for only God can be served indefinitely.<sup>34</sup> He must consult wise persons on punishments and judgments, and confer with prudent persons before punishing and removing, before binding and loosening.

If the patriarch perseveres in fulfilling what he must fulfill and perseveres in teaching the precepts, his subjects must obey, exalt, honor him and accept his word as just. If his intelligence is affected by sickness, but there is a chance that he

27. Arabic text: “... [the office shall be given] to the one of the two who is more worthy of being elected” (1/36).

28. Arabic text: “And it (the will) shall be one of the things which may favor the successor’s election, provided that there is no fraud in the will” (3/36).

29. Arabic text: “The people must know the name and character of the person appointed patriarch, but except those who examine [his qualifications], others need not know him personally. Everybody must entrust all affairs to him, without opposing him. Five things are required of him...” (4/36).

30. Arabic text: “... by ruling on doubtful cases” (1/37).

31. Arabic text: “...to allot presents to those who deserve them without giving too much or too little” (2/37).

32. Arabic text: “...and to entrust alms to persons who are able and trusted administrators” (3/37).

33. Arabic text: “...to deal with general things and to examine, by himself, special cases” (4/37).

34. Arabic text: “He shall not devote himself to works of piety, and to devotions [to the prejudice of his duty], because devotions have their proper time” (5/37).

will recover, they shall wait. If there is no hope of recovery, and the time of his illness is short-lived, he shall not be removed from his office. But if his time [of sickness] is long, he shall be removed [from his office]. No sick person shall be barred from holding the office of patriarch because of a short illness, provided that he recovers soon after, since one should hold the office only after he recovers completely, and to be removed from office a complete deficiency of health must be apparent in him.<sup>35</sup> If he is bound by the rope of illness or any similar thing, one should wait and hope for his recovery.<sup>36</sup> But if the illness persists, those who elect must replace him with a successor. If he will recover, a healthy man shall replace the patriarch with the consent of the latter until he recovers and returns to his place.<sup>37</sup> But if it is known that he will die and cannot recover, somebody else shall be appointed as we said before.<sup>38</sup>

Complementary matters regarding patriarchs, their appointment and similar things are found in the canons dealing with patriarchs; with the exception of the Patriarch of Alexandria, bishops of the place of a patriarchal see may not appoint [their patriarch].<sup>39</sup>

35. At this point, the Arabic text was completely distorted in translation. It should run: "Whatever impediment there may be prior to a person's appointment [as patriarch] shall not preclude him from staying in office [once elected], because just as sound health is required at the beginning [of the election], so also one must be totally deficient in health to be removed from office" (1/38).
36. In the Arabic text this passage carries another meaning, to wit: "If he falls prisoner or some similar thing befalls him, everyone must make an effort to rescue him, and he remains chief as long as there is hope of his liberation" (2/38).
37. Arabic text: "If the imprisonment continues, the electors must appoint a vicar (a bishop) who shall act as patriarch, and if possible, it is preferable to do this with his consent (the consent of the imprisoned patriarch); the vicar shall act as patriarch until the latter is set free and returns to his see" (3/38).
38. Arabic text: "If his death (the death of imprisoned patriarch) is ascertained, the vicar shall be appointed as patriarch, provided that he is worthy according to the canonical provisions; if not, another shall be appointed" (1/39).
39. Arabic text: "The rest of the chapter on patriarchs regarding the conditions of their appointment and similar matters are dealt with in the canons under the heading 'Bishops,' since the patriarch is the bishop of his see; therefore the Patriarch of the see of Alexandria cannot appoint a Bishop of Alexandria" (3/39).

## CHAPTER V BISHOPS

As said in the Didascalia, a bishop is like a shepherd and must be considered from three points of view: [I] before his election and consecration; [II] the procedure of his election; [III] after his consecration.

[I] The first point of view has three sub-divisions:

The first, [a], lays down under what conditions he is deemed worthy of being a bishop. The second, [b], deals with factors which prevent him from being a bishop. The third, [c], deals with matters which render him unworthy but, nevertheless, do not disqualify him from the episcopal dignity.

[a] To be appointed bishop, a person must meet eight requirements. The first, the second, the third, and the fourth are behavior, character, health and being elected.<sup>1</sup> Apostle Paul said: TET 4, "[There is] a faithful saying: if someone desires to be appointed bishop,<sup>2</sup> he desires a good work. A bishop must be blameless and the husband of one wife, sprightly and wise, a comforter, a lover of pilgrims, a teacher not given to much wine, no brawler, but modest. He must not be quarrelsome, nor covetous of riches, but one who rules his own house well, brings up his children and induces them to obedience and all chastity. If he knows not how to rule his own house well, how shall he rule well the house of the Lord and His church? He shall not be a neophyte, lest being puffed up with pride, he fall into the tortures of the devil. He must also have witnesses in his favor from among those who are against us in the faith, lest he fall into reproach and the snare of the devil."<sup>3</sup> DESQ. And similarly we heard Our Lord Who said: "The shepherd who is appointed bishop in the church, in every place, must be without reproach and error, and must be free of any human injustice, not below fifty years of age, and, if he can, he must have a complete knowledge of doctrine and must be an expert in explaining things." If the see is small, and an elderly and more aged man is not available, but there is one who is younger, and it is certified by those who dwell with him that he is worthy of being appointed bishop and that in his youth he showed, joyfully, regularly, and wisely, the maturity of an older person, he too must be tested. If he is really what the others said he was, he shall be appointed [bishop] in peace. But be he young or old, he must be kind, humble, and calm, for God has said through the prophet Isaiah: "To whom shall I have respect but to them that are humble and meek and that tremble, in any time, at My words?"<sup>4</sup> So also He said in the Gospel, in chapter 5: "Blessed are the meek, for they shall inherit the earth."<sup>5</sup> A bishop shall be merciful, because Christ has said: "Blessed are the merciful, for they shall obtain mercy."<sup>6</sup> And he shall be peace loving, because the Lord has said: "Blessed are the peace-makers, for they

1. Arabic text: "experience and prudence" (1/40).

2. The text says ለጳጳስታዊነት: "episcopal rank," but in the gloss one reads ለጳጳስ: "bishop."

3. 1 Tim. 3, 1 ff.

4. Is. 66, 2.

5. Mt. 5, 4.

6. Mt. 5, 7.



shall be called the children of God.”<sup>7</sup> His conscience shall be good and avoid any evil or injustice, because the Lord has said: “Blessed are the pure of heart, for they shall see God.”<sup>8</sup> The bishop must be patient and abide by all good rules. He must not be impatient or a drunkard, wrathful or a lover of wealth and gold. They shall investigate and see whether he is blameless in everything of this world, because it is written: “They shall test the one who is appointed to this [office] so that he may be blameless.”<sup>9</sup> He shall not be wrathful, because the Wisdom says that anger ruins the prudent. He shall be a lover of men, because Our Lord says: “By this shall all men know that you are My disciples, if you have love one for another, between you.”<sup>10</sup> TS 28. As for those who choose him, it is necessary that each of them be over thirty years old.

The fifth requirement is that [the candidate] must be a monk<sup>11</sup> from among those who have the [holy] orders of the altar<sup>12</sup> or [a lawfully married priest] who has been praised [by the people].<sup>13</sup> [As a rule, however,] it is not good to appoint as a bishop a [priest who is] lawfully married<sup>14</sup> unless there is no other choice, and then only after he binds himself to observe the sacred canons. This is in accordance with what is said in the canons of Athanasius, Patriarch of Constantinople, and is [a rule] laid down in our church, that is, that he must be a monk or a priest.<sup>15</sup>

The sixth requirement is that he have the approval of the people over whom he is appointed, and the approval of his patriarch. DESQ 36. As is the pleasure of the Holy Spirit, a bishop shall be appointed pursuant to an election made by all the people. NIQYA 9. If someone desires the episcopal office and has the approval of all the people of his city, but not that of the metropolitan of his province, he is not allowed to be bishop without the approval of the metropolitan. If he transgresses this, the council shall excommunicate him and he shall be deposed from the episcopal office. But if the majority of the people support him, and he receives the approval of the metropolitan and the patriarch, the choice of the majority shall prevail. RSTG 1. A bishop shall be appointed with the approval of the metropolitan and the people of the place,<sup>16</sup> and two or three bishops shall consecrate him. 2. Priests, deacons and others of lower rank shall be ordained by one bishop only, and only one bishop shall be in communion<sup>17</sup> with them and shall bless them.

The seventh requirement is found in the canons of the Kings. MAG. The episcopal rank shall not be given with undue haste, before the election takes place<sup>18</sup> [on

7. Mt. 5, 9.
8. Mt. 5, 8.
9. The allusion seems to be to Lev. 21, 17 (2/41).
10. Jn. 13, 35.
11. Gloss: “a virgin.”
12. That is, from among those who may say mass.
13. That is, a lawfully married priest who has the approval of the people, POEFNM 67-3.
14. *Ibid.*
15. Gloss: “If a monk is not available, a priest who is lawfully married (ዓለ፡አግ) shall be appointed.”
16. Arabic text: “diocese” (5/42).
17. This refers to the relationship which is established between the bishop and the priests, the first by giving the ordination and the latter by receiving it. The Arabic text says: “They shall have the approval of the bishop and that of their companions” (6/42).
18. Arabic text: “[...before the investigation and the test] are completed” (17/42).

the basis of] the candidate's faith, learning, character and the reputation he enjoys. The candidate shall [first] be admitted to the priesthood and shall be promoted rank after rank progressively. If his conduct has been impeccable in all the offices he has held, he shall be appointed [bishop].

The eighth requirement is that the bishop must be elected by many [electors].<sup>19</sup> BAS 47. No one shall be appointed bishop unless twelve persons bear witness of praise for him. RSTA 13. If it is a country with only a few faithful in it, and the number of community members does not amount to twelve, [the number required] to elect a bishop, they shall write to the churches in the neighborhood of that place, where there are numerous faithfuls, so that three chosen persons from among the latter may come and carefully advise the former on the person they deemed worthy [to be appointed bishop],<sup>20</sup> and may see if he is of good character, not a blasphemer or a hypocrite, and if he is capable of interpreting the Holy Books.

[b] There are six causes which impede a person's appointment as bishop. First: RSTG 52. A person possessed by the devil may not be a bishop. Second and third: RSTG 52. A blind, deaf or foolish person may not be appointed a bishop, not because it is a stain [on him], but because he cannot execute his duties and the work of the church. Fourth: RSTG 75. One who was an infidel and was baptized later [in life], or who was a wicked man and has repented, shall not be appointed bishop immediately after his conversion, because he comes from sin;<sup>21</sup> he shall not be a teacher, nor shall the people recognize him as an uprighteous man<sup>22</sup> unless there is a manifestation from God.<sup>23</sup> Fifth: RSTG 15. One who voluntarily makes himself an eunuch shall not be appointed bishop, but one who was made an eunuch by force shall not be disqualified from becoming bishop. Sixth: TS 28. If someone opposes [the appointment] and says that the candidate does not deserve to be appointed bishop, the election shall be delayed for three months, and the matter regarding him shall be examined<sup>24</sup> in the presence or absence of the opposer. If something is known against the candidate which, according to the canons, bars his appointment, he shall be barred; otherwise, he shall be appointed. The man who accused the candidate and could not prove the charge shall, if he is a clergyman, be expelled from the church, and if he is a layman, he shall be duly punished.

[c] The third deals with causes which render one unworthy but do not impede his appointment. RSTG 72. A one-eyed person<sup>25</sup> or a lame person is not barred from being appointed bishop, if he is worthy [as regards other matters], because a physical defect is not a [real] defect, but the [real] defect is that of the soul.

19. Arabic text: "...that people must testify that he is honest" (1/43).

20. Arabic text: "And they shall examine the qualifications of the one who is worthy to be appointed bishop" (2/43).

21. በቀዳሚ ጊዜ: "on account of his previous state," is also interpreted to mean that, due to his previous state, he may not be appointed bishop, or may not be so appointed if it is apparent that he still persists in it, POEFNM 69-2.

22. Arabic text: "...since it would be a fault to let him teach while his uprightness is unproved and unknown" (4/43).

23. That is, unless something supernatural occurs. In connection with this a story, ታሪክ: is told according to which a certain Zaccarias was elected bishop by a supernatural manifestation. He fell down from the top of a roof and was not injured, nor did he spill the sacred oil. Guidi believes that the subject of this story was Zaccaria, Patriarch of Alexandria in 1002 (5/43); POEFNM 69-3.

24. Arabic text: "...within three months" (1/44).

25. ኃጽር: was translated as አንድ ግድግዳ: "a one-eyed person," in the POEFNM 70-2; Guidi, on the other hand, translated it as "losco," "cross-eyed" (text/44).

## II. His consecration:

DESQ 37. The bishop shall be consecrated on Sunday. All the people shall be present at his consecration and act together with the priests as his witnesses. The bishops who come<sup>26</sup> to impose their hands on him shall wash their hands and shall consecrate him. The people, standing up in silence and with fear, shall raise their hands and the bishops shall impose their hands on him and say: "We lay our hands upon this chosen servant of God, in the name of the Father, of the Son and of the Holy Ghost, so that he may remain in the good and permanent service of the unique and spotless Church of the living and invisible God, and may deliver right judgments and show sanctity, pure grace, and faithful teaching. This is a person who is appointed over the congregation of the church by the Holy Trinity with the mystery of the Cross." After this the senior bishop shall impose his hands on him and shall say the prayer of the consecration, and all the people shall say: "Amen."

GLOSS IV: The prayer of consecration is in the chapter we have already mentioned; in the church there is a book for ordination and in that book can be found this prayer and other prayers.

Then the bishops shall kiss [the newly consecrated bishop] and all the priests and the people shall say: "He is worthy! He is worthy! He is worthy!" and all shall kiss him and invoke peace upon him.<sup>27</sup> Then they shall read the scriptural passages appointed for this occasion and mass shall be celebrated. First he shall give the Holy Mystery to himself; then he shall give it to all those present, according to their rank; then he shall dismiss them in peace. They shall celebrate a spiritual feast for three days, in the likeness of the mystery of Him Who rose on the third day. RSTB 52. After the newly elected bishop receives the approval of all, the people, the priests and the bishops shall gather on Sunday, and the senior [bishop] shall interrogate the priests and deacons and say: "Is this the one who received your approval to be your superior?" And when they answer "Yes," he shall interrogate them a second time by saying: "Is he worthy of this honored office? Has he behaved well and with prudence, and can no blame be imputed to him?" If all answer saying that it is truly so, and that he is truly worthy of the office, and not elected by favoritism, he shall ask them for a third time and say: "Is he truly worthy of this office?", for in the mouth of two or three, every word shall stand.<sup>28</sup> And if for the third time they say, "He is worthy," all shall stretch and clap their hands. After they do this unanimously, they shall fall silent and the deacons shall bring the Holy Gospel and open it on the head of the person to be consecrated, and the bishops shall install him on the chair reserved for him. Since all have accepted him, the Lord also has accepted him.

BAS 46. No one shall be consecrated bishop unless [another] bishop comes from [another] country, and not him only, but two other bishops with him, and [thus] one shall be consecrated by three bishops. He shall be consecrated thus: When the Gospel is put on his head, the senior bishop shall pray over him. When he finishes praying he shall impose his hands on him, kiss him, and blow on his face, so that he may be filled with the Holy Ghost; after this, the other priests shall kiss him. The

26. Arabic text: "...who are present there" (3/44).

27. They shall say over him the ሀገ፡ ሰላም፡ "O Lord, grant him peace," a prayer attributed to St. Basil (3/45).

28. Deut 19, 15.

ordinary people shall kiss his hand; only the bishops and the priests shall kiss him on the mouth. Then they shall finish the mass. DESQ 34. We command that bishops be consecrated by three bishops, and in case of necessity by two bishops, but never shall a bishop be consecrated for you by one bishop only, for the testimony of two or three has more weight. RSTA 58. If he who imposed his hands on him was one bishop only, a distinction must be made.<sup>29</sup> If it occurred through necessity or by force, or if it was not possible for the community [of the faithful] to gather because of a manifest persecution<sup>30</sup> or for other similar reasons, he may consecrate him alone but must have the permission of many bishops. They shall permit him to consecrate and it shall be done pursuant to their order.

### III. After his consecration:

[This aspect] is divided into eight parts. The first is what the newly consecrated bishop must do with respect to himself. DESQ 23. A bishop shall fast for three weeks after his consecration; he shall not taste anything except on the sabbath<sup>31</sup> of each week. This is done if the period does not fall within the fifty days [from Easter to Pentecost]. After this fast, he shall pass one year fasting three by three.<sup>32</sup>

GLOSS V: I believe it says to fast every day until the end of day from Sunday<sup>33</sup> to Saturday for three weeks and in the rest of the year to fast three days every week, that is, on Wednesdays, Fridays and Mondays. As on Saturdays and Sundays there is no fast, one cannot fast during a week "three" [days plus] "three" [days, equal to six days], while one can fast according to the interpretation given above, [that is, three days weekly].

The food to be taken by the bishop throughout the year of his fasting is bread, salt, oil, honey and vegetables; he shall not take wine. For the rest of his life, he shall fast as he can, and shall take the food he needs, in the proportion required by his physical constitution. However he must abstain from meat, not because he becomes impure by eating it, but lest his heart become hard and his intelligence become dark and unable to be watchful [over his flock] because of much comfort. In fact, one who wishes to do a bishop's work must choose loneliness,<sup>34</sup> and he who is given to loneliness does not seek any [material] profit beyond what is necessary for the sustenance of his body.<sup>35</sup> If during the year [of fasting] the bishop falls victim to an illness which renders him incapable of observing what we have said, he may eat fish and drink wine with moderation for a few days, so that he will not fall<sup>36</sup> and the church will not be deprived of his rule and teaching. He shall make sure that he receives the Mysteries every day, if nothing obstructs him, so that he may always live in them. RSTA 36. The bishop must fast only

29. POEFNM 73-3 is followed here and in the succeeding text.

30. Arabic text : "...[because of] a widespread [persecution]" (4/46).

31. ለእንበል፡ በልተ፡ ሰንበት፡ means, literally taken, "except on Saturday." However, POEFNM 74-1 corrects this to say, ከእሁድና፡ ከትዳሜ፡ በተር፡ "except on Sunday and Saturday."

32. That is, three days weekly.

33. Here the Ge'ez text says እምልተ፡ ሰንበት፡ እስከ፡ ልተ፡ ሰንበት፡ "from Saturday to Saturday," but according to POEFNM 74-1, the fasting period runs ከእሁድ፡ እስከ፡ ትዳሜ፡ "from Sunday to Saturday."

34. POEFNM 75-2: "...must choose moderation in eating."

35. POEFNM 75-2.

36. Arabic text: "... so that he will not stay in bed for a long time" (5/47). ከሙ፡ እይኩን፡ ውዲቱ፡ is also interpreted to mean that "[he shall eat ... and drink wine with moderation] so that he will not fall [into sin] by eating and drinking excessively." *Ibid.*

on the days on which all people fast, because if he comes to the church and someone brings something, he must eat with the community. DESQ 4. The bishop shall take enough food and drink to sustain himself, so that he will not be too lazy to teach those who are unschooled.

A bishop must not be extravagant, nor must he be a wanderer or a rover. His living must not be full of pleasures, nor shall he eat choice food. He shall give himself to teaching with his whole heart. Let him always teach and read the Divine Books. Let him know well the verses [of the Holy Books], in order to be able to explain the books exactly. He shall interpret the Gospel, the Pentateuch and the Prophets. The Lord has said: "Search and see the Scriptures, for they give testimony of Me."<sup>37</sup> He must not seek profit, which entails shame, by associating [with others], especially with infidels; nor shall he desire to have the greater share. He shall not oppress the people nor befriend the rich and hate the poor. He must not love one who slanders others,<sup>38</sup> nor shall he testify falsely or be irascible. He shall not stand surety for anyone, nor shall he hunger after the position of the chief or be double-hearted or double-tongued, nor shall he be one prone to listen [to stories]. He shall not go to the feasts of [infidel] people, nor shall he love luxury or covet money, for all such things are enemies of God and companions of the devil. He must be wise and prudent so that he may know evil and avoid it. He shall strive to be beloved by all men. He shall try to be the best of men, because the shepherd, if he stands far from injustice, draws his disciples and encourages them to emulate him in his good work and in truth. In fact, the prophet Hosea said: "How the priest is, thus the people will be."<sup>39</sup> Our good master, Jesus Christ, Our God, also first began to do and then to teach,<sup>40</sup> and said: "He that does and teaches, shall be called great in the Kingdom of Heaven."<sup>41</sup>

After his consecration, the bishop shall be devoted to the service of the altar, and shall pray day and night. And if in every hour he prays for himself and the people, he does good. He shall be alone in the church<sup>42</sup> and if there is someone with whom he likes to stay or if there are two or three persons who are as one soul with him, he shall have them with him so that they may help him in what is necessary. And especially [shall he be accompanied by others during prayers], so that he may pray together [with others] and beseech [the Lord] in harmony [with others], for the Lord has said: "Where there are two or three gathered together in My name, there am I with them."<sup>43</sup> If he cannot stay [in the church] continuously, he shall say the [canonical] hours [wherever he is]. 38. He shall beseech God wholeheartedly and with every effort, so that the words he utters may bear fruits of the Holy Ghost. 23. He must know every word he teaches, and remember that he himself must put each into practice before teaching it, so that he may know exactly what he says, because if he knows what he says, those who hear him shall know what he says to them.

The second [part of this section] deals with what he must do with respect to his people and what he must command them. Apostle Paul said to Timothy, a

37. Jn. 5, 39.

38. Arabic text: "He shall not be a slanderer" (3/48).

39. Hos. 4, 9.

40. Acts 1, 1.

41. Mt. 5, 19.

42. The traditional interpretation is that he shall pray at a quiet corner in the church when he does not have to pray together with other priests (3/49).

43. Mt. 18, 20.

bishop and his disciple: 3. "I pray thee, first of all, that thou beginnest to make request to God with prayers, supplications and thanksgivings for all men, that they may stay in patience, quiet, silence and in fear of God, in purity, because these things lead to God, the life-giver, Who wishes all men to be saved and to come to the knowledge of His truth."<sup>44</sup> 5. "Be thou an example to the faithful, in word, in the life of perfection, in charity, in faith, and in chastity. Until I come, attend unto reading, to teaching and to exhortation. Neglect not His grace that is in thee, which was given thee by prophecy and with the imposition of the bishops' hands; take heed [to thyself] and be [whole] in these things; for in doing this, thou shalt save both thyself and them that hear thee."<sup>45</sup> "Rebuke not aged men, but entreat, comfort, and gladden them as fathers, the young men as thy brethren, old women as mothers, young women as thy sisters in all chastity and honor. With regard to orphans and widows, do according to justice."<sup>46</sup> Against a priest, receive not an accusation unless there is testimony offered by two or three persons; them that sin, reprove before magistrates,<sup>47</sup> that all men may have fear. Do not do anything through favoritism to either side. Hasten not to impose hands upon any one; neither be a partaker by this of other men's sins."<sup>48</sup>

6. "As for those who have corrupted themselves and have gone astray and consider that the fear of God is a commerce and gain, let thee be far from them. As for us we have a great gain, that is the fear of God, along with enough food. We brought nothing into the world and we know that we can carry nothing out from it. Therefore, it is necessary that we take from the world only the food and the clothing that is enough for us. But those who love riches and desire to become rich fall into temptation and into the snare [of the devil], and into many concupiscences which lead into error and plunge [a person] into corruption and perdition; for the desire of money is the root of all evil, and many persons have coveted this and have erred from the faith and have brought themselves into many tribulations. But thou, O man of God, flee these things and pursue justice, uprightness, along the path of faith, charity, patience and humility. Fight for the right and good faith, and thou wilt have the eternal life for which thou art called. Command the rich of this world not to be proud nor to trust in their riches, in which there is no confidence, but they must trust in the living God Who gives us all things in the copiousness of His riches for our benefit. Let the faithful be rich in good works, and let them give promptly with equal measure, and lay down for themselves a good foundation for things to come, so that they may hold on to the true life. O Timothy, keep what is entrusted to thee, and avoid the hearing of vain things and the drolleries of the lying world,"<sup>49</sup> because those who seek such things have deviated from the faith. Grace be with thee, amen."<sup>50</sup>

DESQ 4. Be eager to teach, O bishop, and if you can explain the words taken from all books, satisfy your people and enlighten them with the light of your laws, so that your people may be rich through the abundance of your teaching. And you, O bishops, must be vigilant and watch over the people, for you are the

44. 1 Tim. 2, 1 ff.

45. 1 Tim. 4, 12 ff.

46. Arabic text: "Respect widows that are widows indeed" (4/50).

47. Arabic text: "... admonish them in front of everybody" (5/50).

48. 1 Tim. 5, 1 ff.

49. Arabic text: "... of the false doctrine" (4/51).

50. 1 Tim. 6, 5 ff.

eyes of Christ.<sup>51</sup> And God has said through the prophet Ezekiel with reference to you: "Son of man, I have made thee a watchman of this people, so that thou mayst hear from Me the word and announce it to the people and watch over the people. Since, if thou tellest not the sinner to keep away from sin and if that sinner dies in his sin, I will require his blood from thy hands. But if thou hast given warning to the sinner from the beginning and hast spoken to dissuade him from doing evil and he converts not and dies in his sin, thou hast delivered thy soul."<sup>52</sup> Therefore, teach those who live without knowledge, and comfort those who are learned, bring [to the truth] those who have erred, and speak to them always about their error. Maintain yourself, O bishop, in purity in all your work, and know the degree of your dignity, since because of your dignity you are like God in the eyes of the people, and have become chief over the people and over all the kings, the judges, and the priests, the parents and their children who are learned, and over all those who are subject to your command. Stay in your church and preach the divine word, since you have the power to judge the sinners. Indeed to you, [O bishops], Christ has said: "Whatever you shall bind upon earth shall be bound also in heaven."<sup>53</sup> Judge with power similar to God's, accept whoever repents, because the Lord is a God of mercy. Reproach whoever sins, and drive not away him who does penance.

Take care, O bishops, of the salvation of every man, as to you our Lord has said: "See that you despise not any one of these little ones."<sup>54</sup> And know by this that He will want you to account [for whatever was entrusted to you]; moreover [you have to know that] he who has had much in trust, will be asked for much. Be blameless so that no one will be scandalized because of you. A layman cares for himself, but you have carried a great burden. It is written that God said to Moses: "Thou and Aaron shall bear the sins of the heedless people."<sup>55</sup> Teach those who are heedless and know that you will have a great reward if you do it, as well as a great punishment if you neglect it. If one who has a great sin comes to you, neglect him not. In connection with the bishop who neglects his people, the prophet Ezekiel has said: "Woe to the shepherds of Israel who left their sheep to feed alone. Are you not the shepherds who feed the flocks? You drink the milk and you clothe yourselves with the wool and kill that which was fat, but you look not after My flock. You strengthen not the weak, you heal not the broken, you seek not the strayed, you recover not the lost. You teach them not with love, but with derision. And My sheep were scattered because there was no shepherd, and they became the food of the lions of the desert."<sup>56</sup> And He also said: "I will judge between sheep and shepherd and between sheep and male goats."<sup>57</sup>

And he who has sinned, whom you, O bishop, have driven away with excommunication,<sup>58</sup> do not leave him out, but bring him back to the church. Seek him who is astray, and him who hopes for no salvation, because of the great number of his sins; you shall not leave him to be lost completely. Thus also, the bishop must

51. Arabic text: "Be you the custodian, watch over the people, because Jesus Christ watches over you" (1/52).

52. Ez. 3, 17 ff.

53. Mt. 18, 18.

54. Mt. 18, 10.

55. Num. 18, 1.

56. Ez. 34, 2 ff.

57. Ez. 34, 17.

58. Arabic text: "... because of this sin" (2,53).

himself bear the sin of the sinner, and must do as if he had sinned more, and say to him who has sinned: "Be converted, and I will accept death in thy stead as did Our Lord Who died for me and for all men and said: 'I am the good shepherd. The good shepherd gives his life for his sheep. But the hireling who is not the shepherd, whose own the sheep are not, when he sees the wolf who is the devil coming, he leaves the sheep and flees, and the wolf catches those sheep.'"<sup>59</sup> O watcher of the sheep, seek the sheep that is gone astray, since our Lord has said: "He leaves the ninety-nine in the mountain and goes to seek that which is gone astray, and when he finds it, he lays it upon his shoulders and drives it into the sheepfold, rejoicing for it."<sup>60</sup> If one is sick with sins, he looks for an intelligent physician who can help him in his sickness.<sup>61</sup> And our Lord has said: "They that are in health need not a physician, but they that are ill."<sup>62</sup> And the Son of Man, when He came, because He Himself was a physician, has saved and healed the sick. Do not love the slanderous and the greedy, and if you see a sinner, reproach him little by little; do not hasten to drive him away,<sup>63</sup> but order the deacons to meet him out [of the church], to persuade him, to bring him in, and to pray for him. Then fix for him a fasting period for his sin, in proportion to his strength, be it one or two weeks, or three or four or five or six days. Teach him so that he may reform, as he must for his sin to be forgiven, and respect him and teach him so that he may be humble and meek in himself.

5. And you, O bishops, must look at Our Savior and Our King and Our God, Jesus Christ, as your model; be His ministers, and imitate Him, so that you may be merciful, peacemakers, not envious, nor proud, nor hypocrites, nor boastful, nor immoderate eaters and drinkers. Do not despise the gift of God, but you shall receive it because you were good administrators of God, and to Him you will render [an account] of the administration and [of the observance] of the law He gave to you.

A bishop shall take the food and clothing he needs in purity, for a reward is forthcoming to him who serves. He shall never adorn his clothing, but shall take what is necessary to cover his body without extra-fine ornaments. You are now priests of your people; you are Levites, ministers of the Holy Tabernacle which is the Holy Church. You are the fathers of the people under your power. You are the chiefs over magistrates, kings, and administrators; you are the peacemakers between God and men; you are His faithful servants, forgivers of each person's sins, and it is you who answer for everyone. You will also receive a great reward from God and the honor of His unutterable glory. You render a good service to the Holy Church. As you bore the sin of everyone so you will take food, clothing, and whatever you need from everyone.

DESQ 8. Be skillful, just like the silversmith [who after testing metals keeps the best]. A bishop must do in like manner with the men he keeps close to him. Let him heal those who are false and sinners. If their sickness has no remedy, he shall drive them far away from him, but he shall not do so irreparably, as by excommunication. Never shall he entrust to another, whomsoever he be, the [spiritual]

59. Jo. 10, 11-12.

60. Mt. 18, 12; Lk. 15, 4.

61. Arabic text: "Be thou a physician to the one who is sick with sin" (1/54).

62. Mt. 9, 12.

63. Arabic text: "...drive him away from the church, but at the same time send someone after him to bring him back" (3/54).



government [of his people], but he himself [must rule his people] as he should. He shall not believe any false witness against them. As a man of God, you shall be patient, and not hasty to accept the word of one who accuses his brethren falsely, through envy or wickedness, since such people [by their accusations] destroy the continuous reign of peace. Observe them keenly and be wary of them, so that you will not lose those who are not sinners. If you find that their accusation is true, you shall deal with it according to the teaching of the Lord: "Take the accused alone and reproach him. If he does not wish to repent after thy reproach, take with thee one witness or two, and teach him, gently, the spiritual doctrine. If he accepts thy counsels, it will be good for him. But if he does not mend his ways, thou shalt tell the council, so that it will rebuke him, and if he obeys not the council, thou shalt tell the Church; and if he hears not the Church, thou shalt take him for a heathen and publican."<sup>64</sup> He shall not communicate with you until he does penance.

If he repents as the publican did, and mends his ways, he shall be allowed<sup>65</sup> to enter the church to hear the words of God, until the fruit of penance becomes visible in him. Do not, O bishop, allow them to participate in all the prayers; rather, after the reading of the Gospel bid them to leave, so that they may regret their past, while the rest of the congregation shall devote themselves to the [Christian] calling.<sup>66</sup> Whosoever sees them shall feel sorry for them, and shall be careful not to fall into prevarication, and shall be afraid lest what befell them, befall him. If a sinner falls once or twice, do not abandon him nor prevent him from associating with the faithful; he may also take meals with them; accept his penance and dress him in clothes similar to those of the repented son who returned to his father. Lay your hand on them, instead of baptizing them, because by the imposition of our hands penitents receive the grace of the Holy Ghost. Restore them to their former place. In the same manner, heal the sinners and supply them with good and soft medicine, and fortify them with words of admonition. Dress their wounds, and if the wounds are profound and full of pus, they should be healed with strong medicine, which is the word of admonition, and then with words of comfort. If the wound spreads and cuts off the limbs of the body<sup>67</sup> and nothing to cure it is found, a wise physician should be sought with great care, attention, and counsel. He may, in spite of the pain and sorrow, cut off the spoiled limb so that the other limbs will not be similarly affected, since the Sacred Book says: "Take away the evil out of the midst of you."<sup>68</sup> Do not hasten to cut, nor be daring and hasty to saw with a sharp-toothed saw.

And if the accuser is false do not listen to him, for know that if you pass judgment against someone unjustly, a judgment of vengeance will leave your mouth against yourselves. But if you judge impartially you will know who accuses his neighbor falsely. When you discover his lie, punish him publicly and do to him what he wanted to do to his companion, and make him known in the midst of the community, as the killer of his brother. If he repents, order him to fast, and then you shall impose your hand upon him, and receive him, after he promises

64. Mt. 18, 15 ff.

65. Arabic text: "... thou shalt behave with him as one behaves with a pagan who is converted from his errors" (2/56).

66. Arabic text: "The rest of them ... shall attend to supplications" (5/56).

67. Arabic text: "If the wound spreads, burn it and cut off the evil, and if there is no remedy ..." (1/57).

68. Deut 17, 7.

to neither return to nor persist in his error, neither once more nor twice.<sup>69</sup> If he abandons not his malice, he shall be expelled because he is an evil-doer, so that he will not contaminate the Church of God. Pass not the same judgment on all sins. Your judgment on one who sins by deed must not be like that of one who sins by words or by thought. There are some who deserve reproach only, and there are others who are commanded to give alms to the poor; others are commanded to fast, and still others are expelled from the church in proportion to [the gravity of] the sin they have committed.<sup>70</sup> The law does not prescribe the same punishment for all sinners, for the punishment of one who sins against God or against the priest or against the sanctuary is not like the punishment of one who sins with injustice against the king or against one of his companions; nor is it like the punishment of one who injures his own companion and servants, nor like that of one who sins against his parents and his relatives. Nor is one who sins voluntarily the same as one who sins involuntarily, for to some the punishment of death is due, and to others, flogging [only]. Some deserve fines and still others the punishment they desired their neighbor to get. Know the different punishments due to each sinner<sup>71</sup> so that injustice may not be among you, for as you punish and judge, so also a judgment will be passed on you.

12. If a bishop must pray that peace be upon another, the more [reason there is] that peace be in him; otherwise how could the people live in peace, if this prayer [for peace] is not in him?<sup>72</sup> And this is the will of Christ, that those who are saved be many, and that from the number of the Church no soul be lost. And our Lord has said: "He that is not united with Me"<sup>73</sup> scatters those who are with Me."<sup>74</sup>

If you are separated<sup>75</sup> from the sheep, you are their enemy, and God's adversary, and a scatterer of the sheep whose shepherd is God. How is it that you scatter those whom we gathered from many people with many languages,<sup>76</sup> with toil, tribulations, vigilance, fasting, by lying on the ground, with exile, chains, and with long-sufferings, until we fulfilled the will of God and we filled His house with the chosen people, who are the Church, the Holy Community. 19. Stretch, O bishop, your right hand and, as an administrator of God, care to provide for the needs of widows, orphans, and those who have no shelter, the indigent, and all the poor faithful, in such a way that they can feed their children and [be able to overcome] the sickness which befalls them. 18. Call the orphans who follow you,<sup>77</sup> take care to feed them, and do not let them fall into poverty. Take care of the young virgin girl until she reaches the age of marriage, and have her married to one of the faithful. And so with respect to boys, train them in some trade, teach and feed them so that they can have something to live on, until they can support themselves with the work of their hands. 22. The bishop must correct the laymen, so that they shall not utter curses. Care must be taken of all, be they clergymen or laymen. BAS 29. The bishop who dresses in silk and fine clothings and adorns

69. Arabic text: "again" (6/57).

70. Arabic text "... for a fixed period of time" (8/57).

71. Arabic text: "... to every sin" (1/58).

72. Arabic text: "Otherwise, how could he bestow to others what he has not?" (2/58).

73. Arabic text "... who does not collect are" (3/58).

74. Mt. 12, 30, Lk. 11, 23.

75. Arabic text: "[If you are] one who scatters the sheep..." (4/58).

76. That is, by teaching in many languages.

77. Arabic text: "Let the orphans be with you always" (3/59).

his table with varied and tasty food, while the poor of his city go hungry and naked, is not a bishop.

Third. The people must obey the bishop, and do what he commands them. DESQ 8. The bishop is, next to God, your father who begot you a second time by water and the Holy Ghost. He is your God on earth after the Lord, the true God. And the Lord has said through the prophet David: 'I have said: You are gods and all of you are sons of the most High.'<sup>78</sup> He also said: "Thou shalt not speak ill of the gods,"<sup>79</sup> by which was meant the bishop. 7. O man, it is thanks to bishops that God called you His son; know in this how He has honored you and honor him who was for you the cause of this high honor. Do not the [Holy] Books say in connection with those who begot you in body: "Honor thy father and thy mother so that thou mayest have [long] life, and he that says an evil word to his father and his mother shall die the death."<sup>80</sup> Must you then not honor much more your spiritual fathers? They, indeed, are the mediators between you and God. They have begot you again by water and the Holy Ghost, and have fed you the milk which is the word of learning. They have strengthened you by their canons and have rendered you worthy to receive the body of the Savior and the venerated blood that is the blood of Our Lord Jesus Christ. They purified you from all your sins and made you worthy of His saintly grace and a partaker of His inheritance. Fear them, for they are given by God the power of life and death, in order that they may judge whoever sins and deliver against him condemnation to the eternal fire; if he does penance they shall forgive the sin and shall save him. Therefore you must love the bishop as a father, fear him as a king, and respect him as the Lord.

You must give what is due to him, and he must administer what is entrusted to him. Because he is the judge chosen by God to set in order the things of the Church, you shall never ask him to account [for his administration]. The final part of this word is found in the chapter on alms. NIQYA 47. The gift to be given to the bishop shall be imposed on each city [under his jurisdiction], according to the prosperity of the city. The gift shall be brought to him every year by the priests, who will go round to the people of the cities and to the monasteries [to collect it] and to bring it to the bishop, so that he will be helped in his necessity.<sup>81</sup> DESQ 7. If the shepherd falls into evil, death is clearly before him. RSTA 52. If there is a bishop who, because of lack of wisdom, loves vengeance, he is not a bishop, but bears the false title [of bishop]. He is not from God, but from men.

Fourth. On the bishop's relationship with priests and archpriests, and with priests in particular. Apostle Paul said to Titus, his disciple and bishop: "Know that I left thee to set in order the things that are wanting and to ordain as priests those who are blameless."<sup>82</sup> The rest of this [passage] is found in the chapter on priests. And in the chapter on the mass, it is said that the bishop shall take his place before the altar, and his name must be mentioned in every prayer. RSTA 53. The bishop shall not be haughty towards the priests and deacons, nor the priests towards the people. 61. The bishop shall bless the [priests], and

78. Ps. 82, 6.

79. Ex. 22, 28.

80. Ex. 20, 12; 21, 17.

81. The Arabic text says: "The villages are obliged to give a present to the bishop, and the inhabitants of cities, a tribute" (3/60).

82. Tit. 1, 5.

never shall the latter bless him. He shall confer ordinations, and receive the eulogy<sup>83</sup> by the hand of bishops and not by that of the priests; he shall depose any priest who deserves to be deposed, but not a bishop, as he cannot do this alone. NIQYA 67. He must record and know all the ranks of the priests and their position, lest disputes arise between them regarding it, and lest the men of the Apostolic Church be equal in rank with laymen, or, [lest the priests be equal in rank] with the archpriests. DESQ 8. Be, O bishops, of a single heart among yourselves and commiserate with the sorrowful; save the brethren and feed the people with harmony and purity of heart for their redemption. Teach them to be of one will, of one spirit and of one body so that they may be one in thought and in counsel, in accordance with the commandment of Our Lord.

RSTB 11. A bishop must not leave his see and his city and go to another city, unless it is to reconcile other bishops like him, who are of use to the people of that country, by promulgating laws for the remission of their sins.<sup>84</sup> [In this case] he shall stay there until the need they have of him is over. NIQYA 7. No bishop shall receive a man excommunicated by another bishop, regardless of whether the excommunicated man was a priest, a monk, or a layman. Neither shall he loosen the excommunicated, nor say any prayer of absolution, lest it be a sign of contempt for the bishop who excommunicated him. If the bishop who excommunicated him is wicked and oppressive, and his wickedness is known among the bishops, a report shall be made to his superior, the metropolitan, and the other bishops like him, so that they may write to him about his conduct and speak to him. If he persists he shall be removed from his office. 77. A bishop shall not go to any place other than that to which he is appointed, either because his country is great or small in size or because there is a scarcity of inhabitants or gifts.<sup>85</sup> He shall not seek a better see than it; he is not allowed to do such a thing, since every man is given his share by God. This [act] is comparable to that of laymen who marry women. If in fact a man is on bad terms with his wife, for reasons other than adultery, and desires to replace her with another woman better than she, he sins gravely. Similarly, bishops and priests who seek what is better than their country [sin gravely]. We excommunicate and depose such men, for such a habit is a bad one. And if there is any ground that justifies leaving the city, so much so that there is no alternative but being transferred from it, he may [leave it], and must be sent to another city, if it is recognized that his purity, his good administration, and his faith were not affected by this. If he is worthy, he shall be transferred to a higher [see], because he did not leave his first see of his own will.

DESQ 11. If a bishop comes to the see of another bishop in search of honor and praise, and stays there for a long time because he finds it advantageous to be away from [his see], and if he knows that the bishop of that see has little learning, he must not despise or scoff at this bishop, nor shall he bless the priests who want the full blessing,<sup>86</sup> for only the bishop of the see is entitled to bless them,

83. According to POEFNM 93-2, አወላጊያ : "eulogy," in this context means ሥጋወና : ደብዳቤ : "the Holy Eucharist"; hence, a bishop shall receive the Eucharist from the hands of another bishop. However, eulogy, properly speaking, is the blessed bread which is distributed among the clergy at the end of the mass.

84. Arabic text: "...unless he is requested to come by another bishop for the religious benefit of the people of the city he is going to" (2/62).

85. Arabic text: "He shall not go to another country on the ground that his own country is arid, small, sparsely populated, or has too few monasteries..." (4/62).

86. በረከት : ፍጹም : literally, "full blessing," is also interpreted to mean ሹመት : "appointment" POEFNM 95-2.

lest the people despise him. He must not ordain [priests]<sup>87</sup> and be absent from his church nor must he absent himself for more than three weeks to attend to his own affairs. And if he stays for a long time at the place he went to for some purpose, he shall not be accompanied by more than three persons. RSTG 70. No testimony of heretics shall be accepted against a bishop. RSTB 12. The testimony of only one bishop against him shall not be accepted.

Fifth. On the bishops' synod, which must take place twice a year. This part is in two sections.

First. RSTB 27; RSTG 28; SAK 20. The synod of bishops shall take place twice a year, and shall deal with matters pertaining to the church and with matters of interpretation or arrangement which are difficult for some. The bishops shall put an end to the scandals found in the church. If there are enmities, they shall settle them peacefully. The first synod shall be called on the fourth week of the fifty [days between Easter and Pentecost]. The second synod shall be called on the 12th of Tekemt.

Second. NIQ 7; NIQYA 45. The bishops of every place shall meet their metropolitan or their patriarch twice a year. The first meeting shall take place before Lent, to remove evil and anger, and to make their sacrifice during the Holy Lenten time pure and acceptable to God. The second shall be held in autumn, after the Feast of the Cross, because epidemics and sudden death are more frequent in summer and in autumn. [Thus, it is held] to assure love and peace before death and that they may go to Our Lord Jesus Christ clean and pure. [They shall meet] to examine sentences passed on priests and others whom the bishops have excommunicated, lest there be spite or anything like it; and they shall judge according to what they deem proper. And if it is known that some one of the priests has offended a bishop, he shall be punished severely, and shall be prevented from entering the church and from associating with the faithful. If he obeys the bishop [by accepting the punishment], he shall not be reproached by the synod for his sin, for he has confessed to obtain pardon for the hate, the anger and the evil he has committed against the bishop. They shall restore him to his former position. If the bishop bears malice and is angry and violent against him, let the bishop be deposed.<sup>88</sup>

DESQ 40. If any bishop is called to this synod, he shall not fail to come, and must not absent himself unless he has a known and justifying cause, [in which case] he shall write a letter explaining the cause and shall be given permission. NIQYA. As they are gathered with the patriarch to ask all the questions they may have,<sup>89</sup> he shall give his decisions. They shall keep the proceedings secret unless they deem it necessary to reveal them to someone who has great knowledge and faith. No one except the learned men shall ever stay near the bishops [during the synod]. At the centre of the assembly room a chair shall be placed; the Holy Gospel shall be placed upon it. The patriarch shall sit facing the bishops and the doors shall be closed. They shall stand up together and pray, and then they shall sit down and examine secretly the matter that was the cause of their gathering. And

87. ሊያደርግ: "he shall not ordain," is an erroneous translation of "he shall not stay out [of his diocese]" (3/63).

88. Arabic text: "If the one who did wrong is the bishop, he shall not be allowed to do so and shall be warned and reproached by the synod for his fault. If he confesses it, he shall be forgiven, but if he displays a bad intention, anger, ... he shall be deposed" (1/65).

89. Arabic text: "... on account of matter which he must examine and on which he must give a ruling" (2/65).

when they arrive at a sentence mitigated by mercy and pass it against the person who deserves it, as God wishes it, they shall make it public.

Sixth. RSTG 71; NIQYA 52; SAK 23. The episcopal office shall not be transmitted by succession. The law [of the church] does not authorize this, because that office is a divine thing. [It shall not be bequeathed], either to relatives or to non-relatives.<sup>90</sup> The same holds true for the priesthood.<sup>91</sup>

Seventh. NIQYA 54. Two bishops shall not be appointed over one city. If the inhabitants of a city or a village disagree [with their bishop] so that they are divided into two parts, and as a result another bishop is appointed, an inquiry shall be made into it. And if nothing which warrants deposition is found against the first bishop, he shall occupy his place. But if something is found against him, he shall be excommunicated and shall be replaced by another against whom there is no blame. DAQ 57. Two bishops may not be permitted to stay both in one city; it is only the abrotros, that is, the Qomos who acts on behalf of the bishop, who may stay there. If the bishop is in the city, the Qomos shall not do anything without consulting the bishop of the village.<sup>92</sup>

Eighth. This part deals with causes which, if proved against the bishop—even if it is only one that is proved—bring about the removal of the bishop from his office. In this chapter they are twenty-five. The first, second, third, and fourth pertain to one who takes the episcopal office with bribery, violence, or fraud and one who confers [that rank] after taking a bribe. RSTB 20; NIQYA 53; BAS 45. The bishop, priest, or deacon who receives [holy] orders with bribery, shall be deposed, as shall be he who ordained him, and no one shall associate with either, as I, Peter, did with Simon, the magician. RSTB 21. If one avails himself of assistance given by secular princes and is placed over the church by them, he shall be deposed and expelled together with those who were his companions. RSTG 28. Or, whosoever promises to give bribes and is consequently appointed by fraud, shall have his appointment rejected. If he obtains it fraudulently, he shall be deposed and shall be considered as a heathen by you. He shall be driven away from the Church of God and one shall avoid speaking to him or associating with him, as I, Peter, avoided any association with Simon, the magician, and expelled him from the Church of God by the command of the Holy Ghost. BAS 45. If any bishop receives goods from a person he ordains and the latter is not worthy, he shall be excommunicated. The magician Simon mentioned by the Apostles in their canons is the one who was mentioned by Luke in the book of the Acts [of the Apostles], when he said: "When Simon saw that the Holy Ghost was given by the imposition of the Apostles' hands, he offered them money, saying: 'Give me also this power that when I lay my hand [on someone] he may receive the Holy Ghost.' But Simon [later known as Peter] said to him: 'Let thy money go to perdition with thee, because thou hast thought that the gift of God may be purchased with worldly money. Thou hast no part nor lot in this faith, for thy heart is not right in the sight of God; but do come back

90. The Arabic text says: "The office shall not be bequeathed or given away as a donation" (1/66).

91. Arabic text: "...because priesthood is not inheritable" (2/66).

92. Arabic text: "There shall be no bishops, but only vicars in the villages. But if a bishop was appointed [to a village] before [the convention of this] council [let it be so, but] he shall do nothing..." (4/66). Guidi uses the term *periodeute* rather than vicar believing that the Arabic term *abruus* (from which the term *abrotros*) is a corrupted version of the Greek *periodeute*. *Ibid.* However, it would seem that *abrotros* is closer to the Greek *epitropos*, meaning "vicar, administrator," etc.

Fifth [cause], RSTG 29. If, in matters concerning his administration, any bishop places himself under the protection of outsiders or secular princes to get help from them in ruling the church, and tries to debase God's people [under his jurisdiction], or to be unduly haughty towards them, or to appropriate another bishop's church, he shall be excommunicated and deposed, together with all those who helped him in this deed.

Sixth [cause], BAS 15. If a bishop accepts presents from priests and deacons and refrains from ousting them from their offices in spite of a judgment against them, he shall be deposed.

Seventh [cause], SAK 17. If a patriarch, a metropolitan or a bishop—since this holds good in all three cases—resigns from his office after his appointment and acceptance, even for a single day or hour of the appointment, and then flees from his see, he shall be reproached by the people of his country until he assents and returns to his see. Otherwise, he shall be driven away from the place where he desired to remain and prevented from associating with the community. If he does not return after the request of the people of his country, they may choose. If they wish, they may let him stay with them<sup>94</sup> and may mention his name [in their prayers]. But if they are against him, they shall not mention his name, because they must pray for him only if he has prayed for them.

Eighth and ninth [causes], RSTB 47. If a bishop or priest or deacon has been ordained twice, he shall be deposed together with the one who ordained him, unless he proves that he was ordained the first time by heretics. RSTG 22. Similarly, if he had married twice before his ordination and was ordained later, he shall be deposed together with the one who ordained him. But if the one who ordained him did not connive with him,<sup>95</sup> only the ordained shall be deposed.

Tenth [cause], NIQYA 31. If there is a bishop who likes taking revenge and is prone to anger, so much so that he binds and excommunicates very often, never refrains from this [conduct], is always hungry for honor, and never quits his spite in issuing excommunications, he shall be deposed. Similarly, all those who are like him shall be excommunicated. DESQ 10. If a bishop, whose duty is to judge, delivers an unjust judgment against anyone, the judgment he delivers shall turn against him. RSTB 24. A bishop must be a leader who admonishes the people and binds them with the cross, and not with excommunication; never shall he bind or excommunicate unjustly. If he binds or excommunicates unjustly, with the desire to sadden the people or to mislead them, or to make them entreat him,<sup>96</sup> he shall be bound and excommunicated by God and his priests shall justly enough rise against him. If they cannot settle the matter in any other way, they shall inform the metropolitan or the patriarch, who shall justly enough rise against him<sup>97</sup> and shall not allow him to offend against Christ's sheep, which He bought with His

93. Acts 8, 18 ff.

94. Arabic text: "...they shall reinstate him" (1/68).

95. Arabic text: "... with the exception of those cases where the person who ordained the priest was ignorant of the fact that the latter was married twice" (2/68).

96. Arabic text: "... desirous to satisfy his ego and to humiliate and make the people submit to him" (5/69).

97. Arabic text: "...he shall be removed from his office" (3/69).

blood, or to exasperate and induce them to blaspheme God and deny His saintly law. Neither shall he be allowed to judge nor shall he command as one invested with authority. [And once deposed], he shall be steadfast in his faith,<sup>98</sup> admitting fairly his fault, [and doing penance for it], as he ought to. He shall ask for forgiveness from God for his injustice.<sup>99</sup> The judges shall not leave him to return to his wrong ways, and the people shall consider his punishment as something to his benefit,<sup>100</sup> as something he deserved, and he shall entreat God for [forgiveness for] his fault.

Eleventh [cause], RSTG 52; RSTB 51; RSTB 27, 28. The bishop or the priest or the deacon who neglects to teach his priests and his people, and neglects the service and fear of God,<sup>101</sup> shall be put apart. If he persists in his negligence, he shall be deposed. G 7. And so Our Lord did and taught from the beginning. Luke has said: "All the Apostles were perseverant to teach the entire day in the sanctuary and the temple."<sup>102</sup> So also, Paul commands his disciple to be perseverant in teaching.

Twelfth [cause], RSTB 54; RSTB 40. If there is a bishop or priest who takes no care of the priests and poor and does not give to them what he can afford to give, he shall be set apart. If he persists in his indifference, he shall be deposed, as he is a killer of his brother.

Thirteenth [cause], RSTB 35; RSTG 42. The bishop or the priest who receives not the sinner who has repented shall be deposed, for he has transgressed what Our Lord Jesus Christ has said: "There shall be great joy in heaven over one sinner who does penance."<sup>103</sup> G 7. And Our Lord came "not to call the just, but the sinners to penance."<sup>104</sup>

Fourteenth [cause], RSTB 41. If any bishop or priest or deacon is a habitual drunkard, an evil-doer or one who does no good deeds, 42, or seeks usury from one who pays a debt, PET 15, or if he is a false witness and backbiter, 29, or is haughty towards others and acts as if he were greater than they and watches after the people of God with indifference, he will not have a good name in life, nor mercy from God after death. 17. No one shall be a chief of Christians and no one shall be entrusted with the government of the church, but the one who knows its laws and its canons and observes them. If he transgresses them, he shall be deposed by force from his office. NIQYA 19. The one who lies down with a heathen woman, or with a fornicatress, shall be driven away and deposed from his office. No clergyman shall cohabit with such women, lest he diminish the faith of the faithful and the priests.<sup>105</sup> He shall also avoid cohabitation with [women] friends for

98. ወይኩን ፡ ጭረጽን ፡ translated as "he shall be steadfast in his faith," may also mean ጭጥ ፡ ሆኖ ፡ ይኑር ፡ "[once deposed] he shall live as a layman," POEFNM 102-3.

99. The above rendition is made possible by reading ዘይትሠሃ ፡ ለእግዚአብሔር ፡ "He shall ask [forgiveness] from God"; instead of ዘይትሠሃ ፡ እግዚአብሔር ፡ "God shall ask for an accounting from him." *Ibid.*

100. This passage is merely a repetition of what precedes it.

101. Arabic text: "The bishop...who neglects to teach his priests the service and fear of God" (7/69).

102. Acts 5, 42.

103. Lk. 15, 7.

104. Mt. 9, 13.

105. Arabic text: "...the confidence the faithful have in the clergy and the respect the former have for the latter" (4/70).



whose sons he acted as god-father, for the devil is an enemy who fights against Christians and especially against their chiefs, who are teachers and close to God: he tries to drive them far from Him and from their sacerdotal degree.

Fifteenth [cause], RSTA 34, RSTG 24. If a bishop ordains a priest outside the jurisdiction of his see without the consent of the holder of the see, he shall be deposed. SAQ 12. If a person comes to a city other than his own or passes through it, with the intention to be ordained as a priest or deacon there, [the bishop of that city] may not ordain him, unless he is accompanied by his own bishop, or unless the metropolitan and the bishops of his country have given him credentials.<sup>106</sup> If a bishop [ordains foreigners] of his own will, the holy orders of those whom he has ordained shall be null and he shall be deposed.

Sixteenth [cause], BAS 38. If a bishop expels a priest, and another bishop accepts him with the knowledge of his expulsion, the accepting bishop shall be deposed. If the priests expel a bishop on whom there was no blame, and replace him with another, this latter shall be deposed from the episcopal office he holds. NIQYA 51. No bishop may loosen or bind one who was properly excommunicated by another bishop who is still living; but if the bishop has died, his successor may loosen the one who was excommunicated. The patriarch has power to loosen and to bind both,<sup>107</sup> because he is like the master of the house.

Seventeenth [cause], RSTB 5; RSTG 6. If a bishop is given to secular affairs, he shall be deposed. RSTG 77. A bishop may not withdraw himself from the service of Christ and be appointed to any office of the king. If he fervently desires such a thing, he shall be deposed, since Our Lord has said: "No servant can serve two masters, for he will either irritate the one or please the other."<sup>108</sup>

Eighteenth [cause], SAK 11. If any bishop or minister of the church goes to the king without the verbal or written order of his superior, he shall be shorn of his rank, prevented from association with the faithful, and deprived of the honor he used to have.

Nineteenth [cause], RSTB 18. Every bishop or priest or deacon who in order to be feared by the people strikes a member of the faithful or an infidel when he commits a sin, shall be deposed.

Twentieth [cause], PETROS 10. A bishop shall be removed from his office if he believes in the calculus of the stars,<sup>109</sup> as will be he who believes the talk of diviners and sorcerers, and accepts their words.

Twenty-first [cause], RSTG 44. If a bishop or priest or deacon was baptized by heretics, or has received their Eucharist, he shall be deposed, 43, and if he has prayed with them, he shall be set apart.

Twenty-second [cause], ENQORA 17. If one is appointed bishop in his country,<sup>110</sup> but is not accepted by the inhabitants of that country or by the greater part of

106. The passage is a distortion of the Arabic text, which runs: "If he (the bishop) passes through another bishop's diocese or if the diocese is the aim of his journey, and he wishes to ordain someone priest or deacon, he is not allowed to do it even if a second bishop is with him, unless..." (1/71).

107. *I.e.*, the one who has excommunicated and the one who was excommunicated.

108. Mt. 6, 24; Lk. 16, 3.

109. *I.e.*, astrology.

110. Arabic text: "...in any country" (2/72).

their assembly, or if there is a dispute on his account, or if they want to go to another see because of their opposition to the one who is appointed to their see, a distinction must be made.<sup>111</sup> If the opposed bishop humbles himself and wishes to remain a priest, as he was before being appointed bishop, let it be so, and the episcopal rank he held shall be recognized, and he shall have seniority, but only in the assembly. If he provokes dissension against the bishop who was [appointed] in that place [as his replacement] and against the one who consecrated the latter,<sup>112</sup> he shall be deposed from the sacerdotal dignity as well. But if he is solicitous of the welfare of the diocese, he shall become bishop again, after he behaves well, and shall be taken out of the sacerdotal degree.

Twenty-third [cause], RSTG 64. If a bishop is accused by reliable faithful, the other bishops shall call him and when he comes, if he confesses his sin, they shall admonish him for what he did and shall punish him. If he refuses to come, they shall send to him an envoy representing the bishops, either once or twice. And if he refuses they shall send him an envoy for the third time. If he does not come, the council of the bishops shall order his deposition lest he believe that his refusal to come to the council of the bishops was to his advantage.

Twenty-fourth [cause], NIQYA. If a bishop goes on a journey and leaves his see, he shall not absent himself for more than six months. If he exceeds [this period] unnecessarily and without permission of the patriarch, and celebrates the feast of Easter in a see other than his own, he shall be suspended from his priestly rank.

Twenty-fifth [cause], RSTG 12. If a bishop receives like any other priest a priest who left his own church, and if he does not send him back at the request of his bishop, he shall be expelled. RSTA 28. Whosoever gives money to be appointed bishop shall have his appointment annulled and he who consecrated him must be punished.

All these provisions [on bishops] are in addition to whatever is found in the chapter on priests and other chapters.

111. ይገለጻል : "a distinction must be made," is also taken to mean "he shall be deposed." Hence, the passage might be read, "... he shall be deposed. And if he humbles ..." POE-FNM 106-2.

112. Gloss: "the patriarch."

## CHAPTER VI

### PRIESTS

This chapter is divided into six parts: the requirements necessary [for appointment], ordination, the ranks, the precepts, causes of deposition, and matters which are not causes for deposition.

#### I. The requirements:

Apostle Paul said to his disciple Titus, 11: "Know that I left thee so that thou mightst put in order the things that were wanting and that thou mightst ordain priests in every city, as I had commanded thee; [the person to be ordained must be] one who is without blame, the husband of one wife, with faithful children who are not accused of luxury, who are not obstinate, and who are obedient. For it is proper that a priest, as the steward of God, be blameless. He must not be one who behaves by following his own counsel only,<sup>1</sup> nor one who nurses a grudge, who is given to much wine, who is ready to strike others, or who is greedy for filthy profits. Rather he should be given to hospitality and to good deeds, chaste, just and good, one who restrains himself from concupiscences, who helps teach the word of faith, who can console others by teaching justice and who rebukes gainsayers and deceivers."<sup>2</sup> QATAG 11. A priest shall be ordained at the age of thirty. Even if he is worthy [before that age], he shall wait until he reaches it, because Our Lord was baptized at the age of thirty, and then He began to teach. BAS 83. One who cannot interpret the words of the Divine Books [accepted as] good, especially the four Gospels, shall not be ordained. 47. And no one shall be a priest unless five persons testify to his worthiness.

#### II. On ordination:

RSTA 22, 54. When a bishop wants to ordain a priest, he shall impose his hands on his head; all the priests, as well, shall stand up, touch him, and pray over him in the manner already prescribed in the chapter on bishops. BAS 10. And no one shall be ordained priest or deacon without the approval of the bishop who has jurisdiction over him. RSTG 2. And only one bishop shall ordain [a priest,] for the bishop's rank comes third.<sup>3</sup>

#### III. The rank:

DESQ 1. A priest is like a teacher; 7. priests shall be considered by you as teachers of the knowledge of God, and you shall receive from them the word of the true faith and the true doctrine that we taught.<sup>4</sup> Our Lord has commended us when He wanted to send us [to preach the Gospel] by saying: "Go, and teach ye all nations, baptize them in the name of the Father and of the Son and of the

1. The above is a literal translation of ከፍላጋት ስጦታ ጋር ጋር፤ but it means that he must not be proud. Cf. Tit. 1, 7.

2. Tit. 1, 5 ff.

3. This ambiguous phrase may mean that a bishop is ranked after priests and deacons. Guidi's conjecture is that the word "third" was improperly inserted here; it is most likely that the translator confuses it with the next heading (1.75).

4. Arabic text: "...[the true teaching] which they announce to you on our behalf" (3/75).

Holy Ghost; teach them to observe all things, whatsoever I have commanded you.<sup>5</sup> 34. A priest has only one power<sup>6</sup> and that is to teach, to baptize, to say mass, and to give benediction to the people. 8. He shall be with the bishop when the latter sits to judge. RSTA 58. He shall give benediction but he shall not receive benediction from one who is inferior to him in rank; he shall receive the eulogy from the bishop and from a priest on an equal footing with him. He shall impose his hands on the head of the people but he shall not ordain anyone nor shall he depose anyone. He shall not expel one who has committed a fault. The word which is in the book of the canons of the Apostles [says]: "And he shall accuse the one who has a fault if the latter is one who deserves punishment."<sup>7</sup>

#### IV. The precepts pertinent to him:

Peter has said in his first letter: "And the priests that are among you, I, a priest, their companion,<sup>8</sup> beseech them by saying: Feed the flock of God which is among you, provide them with the spirit of God not by constraint, but willingly; not with bad spirit, but with peaceful heart; not like masters who terrify, but as a shepherd to a flock, so that, when the Prince of shepherds shall appear, you may receive a never-fading crown of glory."<sup>9</sup> RSTB 13. Priests shall be like the seniors, who did not take even one wife, so that they may participate in the mysteries with the bishop and help him in everything and gather with love around their pastor.

The interpreter has said: "I think that the seniors mentioned above are the twenty-four priests who were spiritual ministers."<sup>10</sup>

The priests who stand at the right must be sure to help in the sanctuary, to honor the one who deserves honor and to debase the one who deserves to be debased.<sup>11</sup> But the priests who stand to the left shall take care of the people gathered in the church and make sure that they are quiet, do not cause disturbances, behave well in every respect, and are fully obedient. DAQ 57. Priests must not walk ahead of the bishop around the altar, nor shall they enter the sanctuary before him, nor seat themselves around the bishop's chair until the bishop seats himself in their midst; they shall enter after the bishop. They shall not sit around him unless they are ill, or tired because of a journey and the command [to sit down] is given them [by the bishop].

MAG 7. A priest shall not go to the nuptial banquet of one who married two sisters. As the one who stays with two sisters must do penance, how then is it possible that a priest eat with him at such a banquet? BAS 51. No priest shall add a burden of any sort on the people beyond [that imposed by] the canons of our fathers, the Apostles. LUQ. "Now, therefore, why do you tempt God and put a yoke upon the neck of the disciples which neither our fathers nor we are able

5. Mt. 28, 19-20.

6. ፩ ሥልጣን፣ ባሕረቱ፡ "one power [for himself] only," in the sense that he cannot ordain priests.

7. Gloss: ይከሰሰው፡ "he shall accuse him." This means that a priest shall not expel but accuse the one who has committed a fault, POEFNM 110-1.

8. ካልሉ፡ "their companion," is interpreted as ተባባሪያቸው፣ ወንድማቸው፡ "their companion, their brother" POEFNM 110-2; Guidi understands this passage as "I, a priest, different from them..." that is, having a higher rank than them (text/76) and (1/76).

9. I Pet. 5, 1 ff.

10. Rev. 4, 4.

11. ከሙያክብርያ... ወይም ከሙያ... rendered as "to honor" and "to debase" are taken to mean በፊት፣ ሙቀበል፣ የሚገባውን፣ በፊት፣ በኋላ፣ ሙቀበል፣ የሚገባውን፣ በኋላ፣ ይቀበሉት፣ ወንድ... [the priests shall help]... to give the Eucharist to those who must receive it first and then to those who must receive it later," POEFNM 111-1.

to bear? For this reason I say that you must not add any trouble to those who are converted to God. Now, it seemed good to the Holy Ghost and to us to lay no further burden upon you beyond these things<sup>12</sup> which you shall not do."<sup>13</sup> BAS 53. No priest shall undress himself before another man, except in case of necessity. If he needs and wishes to go to [public] baths, he shall go only with others of rank equal to his, and before the coming of the laymen to the bath. NIQYA 59. The priests shall gather around their bishops three times a year and shall examine everything they need.

**V. The part which deals with the causes that bring about a priest's deposition:**

Mention has already been made in the chapter on bishops of some of these causes, [and the fact] that they were promulgated in writing specifying their number. The following are the causes: any priest who attains the rank of priest with bribery, by intimidation, by favoritism, by deceit, or by promising bribes, [shall be deposed]. Also one who has been ordained twice or one who has married two wives, or one who neglects the education of his people, or one who does not take care of the poor priests nor help them, [shall be deposed]. The following also shall be deposed: one who does not accept the repentance of sinners; one who is known to have given false testimony or to have backbitten people; one who is haughty; one who knows the law but does not observe it; one who is given to drunkenness and to evil doing; one who habitually neglects to do good; one who lends with interest; one who lives<sup>14</sup> with a fornicatress, even if she is his god-daughter, or does anything similar; one who goes to the king without the permission of his superior; one who strikes someone to terrify the people; one who believes in the calculus of the stars; one who believes in the sayings of diviners and sorcerers; one who was baptized by heretics; or one who takes their Eucharist or prays with them. Other causes are found in the chapter on the clergy,<sup>15</sup> and this is its summary. The following persons shall be expelled or deposed: one who makes himself an eunuch; one who is found committing fornication, theft or swearing falsely; one who believes that marriage or eating meat or drinking wine is a prohibited thing; one who eats in markets and drinks in banquets; one who eats [animals which are found] dead<sup>16</sup> or [animals] that were half-eaten by wild animals; one who enters the temple of Jews or who enters the churches of heretics to be cured; one who fasts with Jews and celebrates the feast [of Passover] with them, or receives gifts [offered] during their feasts; one who sends [gifts] to their temple or to the sacred places of infidels or to churches of heretics; one who brings gifts to or speaks and prays with an excommunicated person or with one who is cut off [from the community of the faithful];<sup>17</sup> or one who goes on a journey without a written permission of his bishop.

The last causes are found in this chapter and they are ten in number.

The first is: RSTB 3. A priest or a deacon who parts with his wife under the pretext of serving God is not allowed to do so, and if he divorces his wife

12. That is, the prohibitions against eating food sacrificed to idols and eating blood. See Acts 15, 29.

13. Acts 15, 10, 19, 28.

14. *ἄνω* : literally "to lay with," connotes "to cohabit" (2/78).

15. Chapter IX.

16. That is, animals that were not slain ritually.

17. Gloss: "[severed] from the faith."

under this pretext he shall be deposed. RSTG 5. Similarly, if he sends her away to devote himself to a solitary and monastic life, [he shall be deposed].

Second: RSTB 19; SAK 4. If any priest or deacon is removed from his office justly due to his fault, and then dares to perform the sacred service as he used to do before his removal, he shall be completely severed from the church, as shall be the one who, well aware of his case, has communication with him.

Third: RSTB 22, SAK 5. If a priest or deacon despises his bishop and makes a special altar for himself, and if his bishop calls him two or three times but he does not respond, he shall be deposed from his office together with his followers.

Fourth: RSTA 14; NIQYA 14. If a priest or a member of the clergy or monk wants to go away from his church, no other church shall receive him, and he shall be compelled to return to his former place. If he refuses to return, he shall be expelled and shall not associate with the community of the faithful.<sup>18</sup> If he wants to go from his altar to another altar,<sup>19</sup> but those who are in it<sup>19</sup> do not accept him,<sup>20</sup> and if he wants to return to the place from whence he came, those in this place shall not receive him, and he shall be shorn of his rank at both places. RSTB 12. Especially shall this be done if the bishop had sent him a letter ordering him to come back to his place, but his letter was ignored.

Fifth: NIQYA 27. A priest shall not prevent any member of the faithful from receiving the Eucharist because of personal anger or because of any other wordly thing; and the priest who disregards this command shall be demoted in his rank, and shall be prevented from associating with the faithful.<sup>21</sup>

Sixth: NIQYA 9. If one is ordained a priest without any inquiry into his conduct, he shall be expelled when the fault he committed becomes known,<sup>22</sup> and the Church shall never accept him again.

Seventh: QATAG 9. If a priest failed to confess a sin which was discovered later on, he cannot serve as priest; but if he confessed of his own will, although he cannot serve as priest, he may receive the Eucharist.

Eighth: NIQYA 28. Priests and those who follow them<sup>23</sup> shall not stand surety [for another], nor shall they bear witness in accusation nor go to the king to accuse people. They shall not be backbiters or people who harm the faithful.<sup>24</sup> Anyone who does these things shall be deposed and expelled from the community [of the faithful].

Ninth: NIQYA 29. If a priest or a deacon fails in his duties by allowing a woman who is menstruating to enter into the church, or gives her the Eucharist during the days of her menstruation, he shall be deposed even if the woman is from the royal family.

Tenth: NIQYA 15. When priests and deacon leave their own churches, they must not be received by other churches until they explain why they want to stay

18. That is, from his church to another church.

19. In the second church.

20. Arabic text: "...if those he went to dislike him" (5/79).

21. Gloss: "He shall not be allowed to celebrate mass," or, "He shall not be allowed to receive the Eucharist."

22. Arabic text: "...[when he] confesses the sins he committed" (2/80).

23. That is, the deacons.

24. Arabic text: "...or such that they generate enmity among the faithful" (6/80).

in these [other] churches before returning to their own. If they fail to leave to return [to their own churches], no one shall have communion with them. If a priest leaves his church of his own will, without the authorization of his bishop, he shall be shorn of his priestly rank.

**VI. On one who is not impeded from performing his duties:<sup>25</sup>**

**BADAS 8.** A priest shall not be prevented [from saying mass] because his wife gave birth. **9.** If a priest leaves [his place] to go to another place, and the priests of this [new] place accept him, let his bishop be asked to ascertain whether the former fled [from his church] or not. If his city is far away, he shall be tested to see if he is a true minister, after which he shall take part in the community and shall have double honor.

25. Arabic text: "On what cannot prevent a priest from carrying on his duties" (1/81).

## CHAPTER VII DEACONS

This chapter is divided into five parts.

### Part I. The requirements necessary to appointment:

The Apostle Paul, after laying down the precepts that govern priests, said: TET 4, "Similarly, deacons shall be calm and obedient, not double-tongued, nor given to much wine, nor covetous of filthy lucre, and they shall hold the mystery of faith with pure conscience and great cheerfulness. The rule concerning them is that, first, they must be proved, and then, if they are found blameless, let them serve as deacons. Let a deacon be the husband of one wife, one who rules his own house and his children well, for they that have ministered well shall purchase to themselves a good degree and much grace in the faith which is in Our Lord Jesus Christ."<sup>1</sup>

RSTA 17. Matthew has said: "Deacons shall be appointed on the testimony of two or three persons, since it is written that [on the testimony of two or three] everything shall be settled; and they shall be tested in every service."<sup>2</sup> The community shall testify that they have lived with only one wife, and have brought up their children in purity. They shall be merciful and mild. They shall not grumble, nor shall they be double-tongued, nor prone to be angry, for anger ruins a wise man. Nor shall they be partial to the rich, nor oppress the poor, nor drink much wine; rather, they shall toil for the good mysteries. They shall command the brethren who possess wealth to give to the poor, and to establish brotherhood with the poor by giving. And deacons shall honor the community with every honor, with respect and with fear of God."

### Part II. Ordination of deacons:

RSTA 54; QATAG 14. When you ordain a deacon, you shall impose your hand on him and pray, while all the priests and deacons stand upright. 23. A deacon shall be chosen as we said before, and only the bishop shall impose his hands on him, because a deacon is ordained not to receive the spirit of greatness in which [all] priests share, but to carry out the orders of the bishop.

QATAG 11. GLOSS: Found in the Roman version and says: One shall not be ordained deacon before he attains twenty-five years of age, and this is the rule laid down in the New Law. Similarly, the rule of the Levites in the Old Law<sup>3</sup> prescribed that a Levite should not serve at the Tabernacle if he did not attain this age. Moreover, a person cannot have sufficient [knowledge of this service] if he has not attained this age.<sup>4</sup> But the New Law as regards the service of the diaconate does not require this.<sup>5</sup>

1. I Tim. 3, 8 ff.
2. That is, in the services proper to the orders preceding the diaconate (1/82).
3. Arabic text: "...because a deacon in the New Law has the rank of a Levite in the Ancient Law" (7/82).
4. Arabic text: "The duties of the Levites in the Ancient Law were such that a man below this age could not fulfill them properly" (9/82).
5. This passage has been interpreted to mean that in the New Law, one may be ordained deacon at as early an age as ten or twelve, provided that one has received the necessary instructions, POEFNM 117-3.



**QATAG 14.** Deacons must be seven in number, even if the city is small. If the city is large [their number] shall be fixed freely by the bishop<sup>7</sup> of the city. 29. [This rule is found in] the book of the Acts of the Apostles.<sup>8</sup> **NIQYA 67.** Seven deacons shall be appointed and supported by the church, subject to what the church can afford; the others shall be obedient.<sup>9</sup> **BAS 56.** And a deacon shall be selected from among three candidates.<sup>10</sup>

### Part III. Provisions regarding deacons:

**DESQ 37.** Deacons shall be blameless, just like the bishop, and shall be greatly honored and perfect in all their services to the church, so that they may act without shame.<sup>11</sup> 60. The deacon who serves the bishop shall be pure in all his work without any reproach, as if he were serving Christ; nor shall he do anything by his own will, without the consent of his father who is the bishop and who commands him in everything. 10. Priests and the deacons shall be with you, O bishops, when you sit down to render judgments. **BADAS 5.** A deacon shall serve the bishop and priests in everything, like one who serves God,<sup>12</sup> and not only at the time of mass. He shall also serve, instead of the bishop, those people who are sick and have no one to nurse them; he shall inform the bishop so that the latter can pray for them, or send them what they need. The deacon shall also [take care] of the people who are secretly needy and shall serve those to whom alms are given from the sanctuary and by important persons. It is proper that they give [alms] to widows, orphans and the poor. In this way [every deacon] shall fulfill his duty and thereby become the true deacon of whom Christ said: "He who has served Me shall be honored by My Father."<sup>13</sup>

**DESQ. 12.** A deacon or priest shall read the Gospel and watch over the people lest someone doze, sleep, laugh, or make fun of his companions. He shall seat the people in the manner laid down in the chapter on mass. **RSTB 35.** A deacon shall hold the chalice if there are not enough priests. **BADAS 31.** He shall give [the Holy] Mysteries to the people when he is allowed to. **RSTA 37.** In the absence of a bishop or priest, he shall give the people the eulogies with his hands<sup>14</sup> at the time of agape. **BADAS 34.** A deacon has no authority to teach, to baptize, to celebrate mass, or to bless the people; rather he shall be devoted to serving the bishop or the priests and shall perform the duties incumbent upon the diaconate. **RSTA 58.** He shall not give the eulogy [to a bishop or a priest], but he shall receive it from the bishop or the priest; neither shall he hold the Eucharist. And when the bishop or the priest holds it, he shall give the chalice to the people. He is not a priest but one who serves priests. **PET.** He shall not impose his hands

6. Guidi maintains that in the Arabic text this part, (that is, 'QATAG 14 ... three candidates') forms part of Part I, following the words "...with fear of God" in Part I. (1/83).

7. ሊት : "superior," is interpreted as "bishop."

8. Following the POEFNM 118-1.

9. "The others" are subdeacons, etc., who must live off their work, POEFNM 118-1. In the Arabic text one reads: "Seven [deacons] shall be maintained by the church; the others shall be volunteers" (3/83).

10. The Ge'ez ለጳጳስ ስልጣን : ስለሥራ is highly ambiguous, and could also be translated "by three persons, see text at n.2 *supra*."

11. Arabic text: "...and they shall be respected by all priests of the church so that they may be undespised workers" (4/83).

12. Arabic text: "The deacon is a servant of God; he serves..." (18/4).

13. Jn. 12, 26.

14. Arabic text: "The eulogies shall be taken from his hands" (5/84).

or give the Eucharist to one who is senior to him in rank, but he shall command his juniors in the service of the church. NIQYA 17. Deacons shall not be seated in front of priests or beside them, be it inside or outside the altar, unless the latter allow them to be so.

61. The archdeacon shall stay behind the bishop or at his side during the prayer as is proper to a junior. He proclaims every prayer<sup>15</sup> and everything regarding the church. He shall settle disputes or quarrels which may arise among the deacons who are under his authority, and shall not report anything of this to the bishop as the deacons are under his command. He is the absolute leader in prayer, and every matter concerning the church must be in his hands, lest he lose the honor forthcoming to him. 62. No person other than the bishop is senior to the archdeacon, as the latter is the superior of the priests. The chorepiscopus shall be in rank like the two hands and the two wings of the bishop.<sup>16</sup> When the bishop goes to church or elsewhere, the archdeacon shall stay at his right and the others at his left, and the bishop shall stay at the center like a father in the middle of his children. The bishop shall not give any orders concerning priests without consulting the archdeacon,<sup>17</sup> for the latter is the guardian of the city,<sup>18</sup> who knows the people; he is the leader in prayer, and must be like the bishop in everything.<sup>19</sup>

#### Part IV. On obedience:

BADAS 8. A deacon shall settle the matters which he has [the power] to settle and shall consult the bishop on important affairs so that the latter may decide as he sees fit. An archdeacon<sup>20</sup> is like the bishop's ears, eyes, and mouth. He shall be with the bishop with all his heart, so that the bishop may occupy himself only with important affairs, just as Jethro, the father-in-law of Moses, advised him how to administer justice among the children of Israel, advice which Moses accepted and [by which] he settled all matters happily.<sup>21</sup>

GLOSS: In one of the books of Rome it is said, 27: Deacons shall not put on their belts during prayers, for they are free and have no master other than Our Lord Jesus Christ, Who is universal King and universal God, and the honor of deacons is manifested by this. Failure to observe the provisions of this chapter does not entail excommunication.

34. You, O deacons, must watch over the needy and speak to your bishops about the needs of the needy, since you must act as the bishop's soul and body in everything. You must obey him and carry out his orders as you would carry out the orders of a father, a chief or a teacher. BADAS 7. If a deacon gives money to someone because this person is needy, but keeps it secret from the bishop, and if he is charged later before the bishop with negligence towards the needy, and

15. That is, he invites the people to pray.

16. ክንፍ: literally "wings," connotes "arms."

17. Arabic text: "The bishop shall not promote anyone to the rank of priest without consulting the archdeacon" (3/85).

18. ልግረ ሀገር: , literally "guardian," or "tutor of the city," means "one who knows the city well" (48/5).

19. Arabic text: "...the leader in prayer and in all the services" (5/85).

20. Arabic text: "A deacon" (7/85).

21. Ex. 18, 14 ff.

the people get excited and grumble not only against him but also against God,<sup>22</sup> God will judge the deacons and the people as He judged Aaron and his sister when He spoke through Moses by saying: "How dare you accuse Moses, my servant?" RSTA 18. And a deacon shall do good deeds, night and day, in every place. The one who serves well, without sin, shall gain and take a good portion [in the life to come].

#### Part V. Causes for deposing a deacon from his rank:

One of the ~~cases~~ found in the chapter on bishops and priests applies to all:<sup>23</sup> a deacon shall be deposed if he attained this rank by bribery, force, fraud, or promises to give bribes; if he has been ordained twice or has married two wives; if he is given to drunkenness and does evil things; if he neglects to do good often; if he is one who lends money with interest; if he is one who gives false testimony; if he is a backbiter; if he is haughty; if he cohabits with a fornicatress or goes to the king without the permission of his superior; if he strikes someone to terrify the people; if he was baptized by heretics or has received their eucharist and has prayed with them; if he divorced his wife under the pretext of serving God or dedicating himself to a monastic and ascetic life; if he was deposed for good cause and dared resume the functions of his former office; if he is one who despised his bishop, left his altar,<sup>24</sup> and made an altar for himself; if he did not answer when called by the bishop; if he left his church for another and afterward returned to his former church; if he went on a journey or went away to become a monk without the permission of, and a letter from, the bishop, especially if he went away while excommunicated; if he lets a woman who is menstruating enter the church and gives her the Eucharist; or if he gives the nuptial coronation to someone secretly. All this is additional to what is found in the chapter on the clergy [in general]. Other [causes of deposition] are found in this chapter in detail and they consist of two things, the first of which is: ENQORA 9. If at the time of their ordination, deacons bind themselves to live without wives, and they marry after their ordination, they shall be deposed from the rank of diaconate. The second is: NIQYA 11, QATAG 10. If a deacon after being ordained confesses to a sin he committed before his ordination, he shall be deposed and shall not take part in the service of mass. If he confesses to it and is reproached publicly in the assembly, he shall be allowed to remain at the rank of subdeacon.<sup>25</sup>

22. Arabic text: "If the good he does is unknown to the bishop, who accuses him of neglecting the poor, and he excites the people [whom he helped secretly] to grumble against the bishop, let him hear from God what Aaron and his sister heard..." (3/86). See Num. 12, 2 ff.
23. Arabic text: "Some of these causes are found in the chapters on bishops and priests, and their essence is that one shall be deposed if ..." (4/86).
24. Chapter VI, n. 18, *supra*.
25. A clearer rendition of the above passages is given by POEFNM 124-1, which says: "If a deacon, after being ordained, confesses voluntarily to a sin he committed before his ordination, he shall be allowed to remain in the rank of subdeacon. If he does not confess his sin and, being accused by others, is convicted in a public trial (ወደወደ : ገለጽ : ቢረታት), he shall be deposed and shall not be allowed to participate in the service of mass." The Arabic text says: "If a deacon, after his ordination, confesses to a sin committed prior to his ordination, he shall not be deposed, but he shall have nothing to do with the service of mass if he does not confess, but has been publicly reproached by the community, he shall be demoted to subdeacon" (5/87).

## CHAPTER VIII

### SUBDEACONS, THE ANAGNOSTES OR LECTORS, DOORKEEPERS, SINGERS, AND DEACONESSSES

This chapter is divided into five sections.

#### Section I. The requirements necessary for appointment:

The Apostles have said, RSTA 15, that an anagnoste shall be ordained after being tested. He must not be talkative, a drunkard, or one who cracks jokes; he must be well-behaved and devoted to good deeds, one who hastens to attend gatherings at which divine matters are being discussed. He must be obedient, one who reads well, knows in what manner to read,<sup>1</sup> and is diligent to practice what he has read. He must know that a lector must fulfill what he reads, and that it is his duty to fill the ears of the listeners; he must understand the meaning of his text. One who fills the ears of his listeners must know and understand what he reads; [if he fails in this], will it not be ascribed to him as a sin before God?

Paul, after writing the provisions regarding deacons, said: TET 4. "Similarly, women shall be chaste and diligent in good works, faithful in all things; they shall not cause disputes. 15. If thou chooseth a widow, thou shalt choose one whose age is not less than sixty years, who has been the wife of one husband, one regarding whom people testify that she has done good deeds in her life, one who brought up her children, who has given hospitality to strangers, who washed the feet of saints, who has felt pity for the oppressed, and who has done good deeds."<sup>2</sup> DESQ 17. The bishop shall choose saintly women and shall appoint them to serve other women. When women need help, it is not proper that he send a deacon without a deaconess to their houses, wherefore deaconesses are appointed for this reason as well as for the woman who is to be baptized; the deaconess anoints the woman's body, after which the deacon anoints her forehead with the sacred oil.<sup>3</sup> It is not proper that a man look at a naked woman, nor shall women be touched by a deacon, except for the imposition of hands.<sup>4</sup>

#### Section II. On their ordination:

RSTA 27; BADAS 7; BAS 48. During the ordination of an anagnoste, the bishop shall first give him the Gospel. The bishop shall impose his hands neither on an anagnoste nor on a subdeacon. He shall give them a name<sup>5</sup> so that they may serve

1. POEFNM 124-3: የንባቡን ፡ ስልት ፡ ስልቱን ፡ ውርዱን ፡ ለይቶ ፡ የግንደውት ፡ "One who pays due attention to punctuation and flexion of voice in reading."
2. 1 Tim. 3, 11; 5, 9 ff.
3. Arabic text: "...[so that the deaconess may anoint] after the deacon anoints the front" (3/89).
4. According to the traditional interpretation, this እንብሮ ፡ እድ ፡ "imposition of hands," means that the deacon must hold the hand of the deaconess who anoints the women's bodies, (4/89); POEFNM 124-2.
5. ንፍቀ ፡ ዲያቶን ፡ እናንንስጢስ ፡ እያለ ፡ ስም ፡ ያውጣላቸው ፡ "he shall declare and give them the name of sub-deacons or anagnostes," POEFNM 125-3.

the deacon. If the anagnoste has no wife, he shall not be ordained unless it is testified that he keeps away from women. Singers also shall be blessed by the bishop [on their ordination]. The bishop shall not impose his hands on a virgin, for only her mystery makes her virgin.<sup>6</sup>

### Section III. On their duties:

DESQ, at the beginning. Subdeacons are assistants, an anagnoste is a lector, elabelides<sup>7</sup> are singers. 12. An anagnoste shall stay at the center of the church on a high place, and shall read two verses from the books of the Old Testament and from any book [of the New Testament]. The singers shall sing from the Psalms of David. Doorkeepers shall stay at the entrance reserved for men and shall guard it. SAK 45, 46, 47, 67; DAQ 21, 22, 23, 43. Subdeacons shall not serve in the place of deacons nor shall they touch the vessels of God; subdeacons shall neither wear the chasuble nor go far from the door. Neither anagnostes nor singers may wear the chasuble when they read, nor shall doorkeepers go far from the door even for one hour. SAK 39. Assistants<sup>8</sup> and doorkeepers shall not handle the chalice of the Eucharist. RSTA 59. Deaconesses shall not give benediction nor shall they perform any of the functions of priests and deacons, but they shall guard the door and serve the priests when the latter baptize women, because this is one of their duties. BADAS 6. Deaconesses shall be honored by you but shall say no word nor do anything without an order from the deacons.

No woman shall go to a deacon or to a bishop to ask for anything if she is not accompanied by a deaconess. 34. Deaconesses shall teach the other women, shall make them rest [when they feel ill], and shall help them. DAQ 11. It is not proper that women be priests. They shall not be called by this name, nor shall they intone prayers in the church, nor say prayers to dismiss the faithful, nor pray in a loud voice.

### Section IV. Causes of deposition not laid down in the preceding chapters and in the chapter on priests:

BAS 48. If an anagnoste steals, he shall be driven away for his sin, and shall be forbidden to read from the reading desk for one year. After this he will be allowed to read again, but he shall not be promoted to the next degree. He shall stay in his degree until his death. Because a fault was found in him while he occupied the first degree, he must not be trusted in the next degree. If he plays the cittern,<sup>9</sup> he must know and declare that he will not go back to playing it; if he resumes playing it, his punishment shall be seven weeks of fasting. If he wants to continue playing the cittern, he shall be deposed and driven out of the church.

### Section V. Things they may do:

RSTB 17. An anagnoste or a singer who wants to take a wife after entering [church service] may do so. BAS 55. If the wife of any anagnoste, singer, or doorkeeper dies, the anagnoste, singer, or doorkeeper may take another wife.

6. This means that a woman is eligible to become a deaconess not only on the basis of her virginity but also ስለሳ፡ ዘመን፡ መታላት፡ ደም፡ ግጥም = "by the fact that she has attained sixty years of age and her menstruation has come to an end," POEFNM 126-1.

7. Derived from the Greek *psaltes*, "singer" (3:90).

8. That is, subdeacons, lectors, etc.

9. A medieval, lute-like musical instrument.

## CHAPTER IX

### ON PRIESTS AND THOSE WHO FOLLOW THEM;<sup>1</sup> [MATTERS] OTHER THAN THOSE DEALT WITH IN DETAIL IN THE PRECEDING CHAPTERS

This chapter is in five sections.

[Section] I. On those who are worthy to be priests and what impedes one from becoming a priest:

RSTB 71. A man who wants to fill our hands [with wealth] cannot obtain from us what he desires. NIQYA 1. Whosoever is circumcised after baptism, or made a eunuch by force or by a physician who did this to him because of his illness, may be accepted by the Church, provided that he is [otherwise] worthy to be ordained a priest. Whosoever was made a eunuch by his own will, without any illness, shall not be ordained. RSTG 77. Slaves shall not be accepted into any church office without the consent of their masters; this is done to avoid saddening their masters or ruining the masters' houses. If a slave is qualified for priesthood as Onesimus was,<sup>2</sup> and his master frees him, allows him to leave his house, and sets him free publicly in the presence of the people, and if the slave is worthy, he shall be ordained. 24. For a Christian who has confessed [his faith] and was condemned to chains for Christ's name, [the formality of] the imposition of hands shall not be required for him to be admitted in the service of the diaconate or priesthood, for he attained the honor of priesthood by confessing [his faith] with martyrdom. Imposition of hands shall be required if he is promoted to the episcopal rank. But if he is a confessor who was not brought before kings, and was not punished with imprisonment and chains and suffered no tribulation, but was driven away and despised for his Lord's sake with all his fellow Christians and was punished in his house and confessed [his faith], he is worthy of all clerical positions, but the imposition of hands shall be necessary in his case. BAS 49, 50. No one shall be impeded from ordination by physical defects, [as, for instance], if he is one-eyed,<sup>3</sup> lame, or left-handed, provided that such individuals can say mass and are worthy. Any bishop who dares to prevent them [from being ordained] shall be suspended from his office until he accepts them.

55. If a layman has the people's testimony that he is worthy to be ordained a priest, he shall not be disqualified by the fact that he does not come from a sacerdotal family, for the Church has begot all [Christians] through baptism, especially those who observe the law, and the Apostle Paul testifies to this by saying that those who are baptized in Christ are one.<sup>4</sup>

RSTG 15, 16; RSTB 13. Whosoever takes a wife for a second time after baptism, whosoever takes a concubine after marriage, be it openly or secretly, or whosoever has married a widow, two sisters, a woman suspected of adultery, a

1. "Priests" denotes here patriarchs, bishops and priests; "those who follow them" are deacons, subdeacons, etc. POEFNM 128-2.
2. Cf. the Epistle of St. Paul to Philemon.
3. See Chapter V, n. 25 *supra*.
4. I Cor. 12, 13.

fornicatress, a slave woman, a woman who is accustomed to going to dancing places, a divorced woman, or a woman who has a bad reputation, he shall not be a bishop, priest, deacon or one appointed [to church office].

RSTG 68, 71; RSTG 42, 51. A member of the faithful who is accused of any act of fornication, luxury, violence, or some similar shameful thing, or one who is reproached publicly, shall not be appointed to any clerical office. One who is troubled by an evil spirit shall not be appointed to any church service and shall not pray with the faithful; but after he recovers and is sure that he will not fall ill again, he shall be eligible to hold a clerical office.

NIQYA 3. A neophyte shall not be a priest until he is learned and until the sanctity of his life, the firmness of his faith, and the purity [of his life, which are pre-requisites] for election, are proved.<sup>5</sup> In connection with this, the Apostle Paul has said: "He must not be a new plant, lest he be puffed up with pride and fall into the judgment of the devil."<sup>6</sup> If a long time passes, and a sin on his part is afterwards discovered which entails a condemnation of the soul,<sup>7</sup> such as weak faith, adherence to doctrine contrary to the faith, or negligence of his duty, he shall not remain in any clerical position.

YOHANNES (Chrysostom) 5, on saintly fear: the fear of God is a good thing. A man must not be a leader who has no fear [of God] and is not prudent, for I know of many persons who would deliver themselves into the fetters [of monastic life] at any time, so much so that they wasted themselves away with fasting and persisted in it, doing nothing to make others grow up before God, and that they persevered in fulfilling only the minor precepts.<sup>8</sup> Yet when they were ordained priests and had to bring others back [to the right way], none of them could do it, and they fled.<sup>9</sup> And some of them who had been ordained priests lost the sanctity they previously gained, and were ruined irremediably. A person shall not be admitted to church service simply because he grows old on the middle rank,<sup>10</sup> but he shall be so admitted only if he is deemed worthy.

## Section II. On ordination:

DESQ 17. We command that a bishop be consecrated by three bishops or, if there is a scarcity of bishops, by two bishops. But he may not be consecrated by one bishop only, for everything stands and is more clearly manifested by the testimony of two or three. Priests and deacons shall be ordained by one bishop only, as shall be the others who are appointed [to church office]; but priests and deacons shall not ordain any layman as priest, 21, nor shall they ordain any other person appointed [to minor orders]. BAS 47. No one shall be ordained without favorable testimony on his behalf. NIQYA 64. Those who are chosen

5. Guidi's translation is followed here (text/94).

6. I Tim. 3, 6.

7. ገጠላት ፡ ነፍሳዊት ፡ "a spiritual sin," is interpreted as በነፍስ ፡ የሚያስፈርድ ፡ ገጠላት ፡ "a sin which entails condemnation of the soul" POEFNM 131-1.

8. ፍትሕ ፡ ገሉሰ ፡ translated as "minor precepts," means "monastic deeds" or "monastic life." Monastic life is considered as "minor" (ገሉሰ ፡) when compared to teaching (ተባላትዎ ፡ ከግስተግር ፡ በታች ፡ ነው ፡) POEFNM 131-3.

9. Arabic text: "I have seen many who led a most holy life and were constantly growing in wisdom in the eyes of God; but once they became priests ... they failed miserably" (5/94).

10. ማርግ ፡ ግላካዊ ፡ "middle rank," denotes a stage in monastic life between the one who is in the process of learning and the one who is a teacher (ከርድና ፡ በላይ ፡ ከግስተግር ፡ በታች) POEFNM 132-1.

by the community [of the faithful] to be clergymen and to be blessed by the bishop shall be brought to him by the archdeacon. The archdeacon shall test them<sup>11</sup> and see if they are versed in the reading of the Holy Books and in the law of the clerical state. After this they shall present themselves, and the archdeacon shall test them and have them under his full authority.<sup>12</sup>

An archdeacon is the teacher, the one who instructs the people of the city and all the deacons; he is the leader in prayer and is responsible for every duty pertaining to the diaconate.

A chorepiscopus is the superior of the lector at prayer time.<sup>13</sup> 67. The number of priests in the church shall not be few, lest they become few in prayer and in the [church] services, and lest the see be despised. Nor shall they be too many, lest there be a shortage of food [for them] in the church. Rather, those in charge of the church shall fix their number in such a way that there are enough priests [for church service].

### Section III. On ranks:

The Apostles have said at the beginning of the Didascalia: "We, the Apostles, gathered in Jerusalem, have laid down this teaching and have given every rank its appropriate name, modeled on the order of the heavenly spirits;<sup>14</sup> the church, too, must be modeled on the heavenly order." And everyone shall stay at that place to which he is appointed by God. Bishops shall be as shepherds, priests as teachers, deacons as ministers and the subdeacons as assistants; anagnostes [are] lectors, abseledisawiyān are singers and the alifusawiyān<sup>15</sup> are doorkeepers. The last belong to the class of laymen.

9. The kings who lived in the time of the Old Testament kept their armies but abandoned war — they sought peace in order to save the body. But bishops have received priesthood from God to save the body and soul from perdition; as the soul is superior to the body, so also priesthood is superior, in honor, to kingship. It punishes whosoever deserves punishment and forgives whosoever deserves forgiveness. 32. And if he who rises against the king deserves punishment, even if he is his son or friend, how much more deserving of punishment is he who opposes priests? And as priesthood is superior to kingship, the punishment of one who opposes the priests is greater than the punishment of one who opposes the king. Neither one shall escape punishment, just as Absalom and Aminadab,<sup>16</sup> Core, Dathan, and Abiron did not escape, because the first two rose against King David and the others against Moses and Aaron.

11. Arabic text: "The archdeacons and the chorepiscopus shall take them and shall test them" (3/95).

12. As a continuation — it seems — of the text given in the preceding footnote, the Arabic text reads: "... [the archdeacon and the chorepiscopus shall test them on] priestly rites or church laws. If it appears to them that the candidates know the said rites and laws, and when they ascertain that the candidates are worthy to be priests, they shall pray over them; then the candidates shall be brought to the bishop to have him impose his hands on them and bless them and ordain them as priests. If they are ordained deacons, the archdeacon shall take them to the chorepiscopus and the latter shall warn them not to serve at mass, and to restrict themselves to saying the prayers until they learn the rites proper to priests" (4/95).

13. Arabic text: "[The chorepiscopus is the] one who leads the prayer in the villages" (5/95).

14. Gloss: "Angels, Archangels, Princeps, Powers, Thrones, Dominations, Forces, Seraphins, Cherubs." As regards the likeness of the church hierarchy to the heavenly spirits, see POEFNM 133-1 and (3/96).

15. Guidi believes that the term alifusawiyān is a corruption of "Acolythus" (5/96).

16. Gloss: "Achitofel" or "Nabal."



**RSTG 79.** Every man shall abide in his rank and no one of you shall attempt to take another's position by violence. If you do so, you will call the wrath of God upon yourselves, as did the sons of Core and King Ozia when they usurped the priestly position against the command of God. The sons of Core were burnt with fire and the King's face was covered with leprosy. Moses, to whom God spoke, has fixed the requirements for the ordination of priests. He has stated who, according to these requirements, will be priests, and has duly explained everything. He has set out what is forthcoming to the Levites on account of their rank. And if any man commits a fault by doing something which is beyond his duty, he shall be punished with death. **81.** If there were not a law and prescribed distinctions between each degree [and every other], every creature would serve with only one name.<sup>17</sup> But when we learned from God the order of the various duties, we set bishops apart in order to make them the teachers of the priests, and we gave priesthood to the priests, and to the deacons, the duty of serving with the priests. And those who exchange ranks do not rise against us, but against the Bishop of all creatures, the Son of God, against the Teacher of all priests.

[Section] IV.

[This section has] two subdivisions. The first deals with what clergymen are commanded to do:

**BADAS 22.** Our Lord has said, "When you come into a house, say: 'Peace be unto the people of this house.' And if there is a man of peace, your peace shall remain on him, but if there is no one who is worthy, your peace shall return to you."<sup>18</sup> If peace returns to the one who uttered it, when it meets no one who is worthy, the more so shall a curse return to the head of one who utters it unjustly. Anyone who curses unjustly curses himself only. Solomon has said: "Like the flight of a bird, curses [uttered] unjustly do not come upon any man."<sup>19</sup> **BADAS 34.** Therefore, neither a bishop nor a priest nor a deacon nor anyone of priestly rank shall stain his tongue by cursing instead of blessing, lest he inherit a curse in place of a blessing. Each must know his rank and perform his work properly, and all shall be united in thought and spirit.

**GLOSS VII:** Peter has written: **21.** No priest or deacon shall interrupt his prayer or hasten to finish it to speak with a Jew or an idolater; he who does this shall not return to the point at which he stopped.<sup>20</sup>

**RSTA 59.** A bishop shall not be haughty towards the priests and deacons nor shall priests be haughty towards the people, for the Church stands [on the harmony which exists] between them. If in fact there were no laymen, over whom would bishops and priests be appointed? **MAG 3.** The good works of the priests benefit many people because the latter imitate the good example of the priests. In the same way, their sins cause the people to be lazy in doing good. **DAQ 27.** Priests and others appointed [to church service] must not take [anything] from the alms, lest shame befall the clergy; nor is one permitted to keep for himself a [greater] share, nor to take the share of others; neither shall one commit a sin [by causing] the greater share to go to his children rather than to others. One shall not rejoice

17. That is, if there were not a law ... there would be no distinction of duty.

18. Mt. 10, 12-13.

19. Prov. 26, 2.

20. The sense given to this passage is that if one interrupts his prayer — for instance, the reciting of Psalms — to speak with someone, he shall not resume from the point of interruption, but shall begin again from the start, POEFNM 136-3.

for having taken the greater share, nor consider it as a just deed; rather, one shall be guided by what is deemed laudable by the people and earns him a good reputation among them,<sup>21</sup> so that no blemish may be found in this law<sup>22</sup> against the children of the Church.<sup>23</sup>

54. Priests, the servants of the church and the chiefs of the faithful, must not be present at feasts [held on the occasion] of weddings or at banquets; rather they shall rise up and go away before the entertainers come. BADAS 21. All shall gather at cock-crow and shall say their prayers with Psalms and read the Holy Books as the Apostle commanded by saying: "Until I come, attend unto reading."<sup>24</sup> And whosoever among them fails to go [to church] without good cause, such as illness or a journey, shall be set apart. As for the ill, if their illness is not serious, they will recover if they go to church. [If they are seriously ill] they shall be visited at all times by those of the clergy who know them. BAS 58. No clergyman shall take usury. 59. No one shall swear except [in the manner] commanded by the [Holy] Books. 60. Nor shall one get angry, rather he must be patient. 61. None shall speak ill against any man before he hears what the latter says, because it is written: "He who speaks before he hears is a fool, and it shall be held as a blemish against him."<sup>25</sup> 63. Priests shall not be servants of anyone, for God has given them freedom, and they must not despise their freedom and be servants of men. 64. No priest shall scandalize the people lest he become a cause of evil, for if a man blasphemes God on account of our deeds or if others sin by following our example, we shall be the cause of the evil. 66. Clergymen shall never tell lies, 72, nor shall they say prayers over one who marries for the second time.

GLOSS VIII: This prohibits reciting the prayer of nuptial coronation and not the prayer of absolution.

73. Priests shall not participate in gatherings of Jews or the like. 78. They shall not sit at the table of heretics or make any request of them. 84. No one who used to perform circumcisions before his ordination shall do so after his ordination; one who was a physician shall not practice his profession after his ordination; similarly one who was a silversmith or a painter before his ordination shall not make images of idols again after his ordination.

GLOSS IX: In an appendix to the canons of the Kings, it is said that priests must know by heart the laudes and prayers of sacrifice, and whosoever does not know them, shall read them from the books. So also, clergymen must be careful not to cohabit with a fornicatress, be she related to them or not, and must reproach fornicators by [quoting from the admonition found in] the Divine Books, so that the latter may be converted.

87. A clergyman shall not be an administrator on behalf of another,<sup>26</sup> lest it bring trouble to him, and lest shame be brought on the priesthood, on him and on his fellow clergymen. 81. Clergymen shall not engage in business, but shall learn a trade in order to live from their hands' work. 92. Lawsuits concerning clergymen

21. POEFNM 137-2 is followed here.

22. That is, in the Christian law.

23. Alternative rendition- "... so that this shame [i.e., the greediness for the greater share] may not be a law." POEFNM 137-3.

24. 1 Tim. 4, 13.

25. Prov. 18, 13.

26. More precisely, a clergyman shall not be in the service of a secular chief, POEFNM 136-3.

shall not be brought before secular judges but shall be brought before the bishop or the archpriest so that he may judge them. Secular judges have no power to judge the Church, but the Church has power to judge all.

The second [subdivision] is on the provisions requiring laymen to respect priests, on how priests must behave in the presence of laymen, and on what laymen must do for priests:

DESQ 60. As an outsider, one who was not a Levite, could not bring or introduce anything to the altar without a priest, so also you shall not do anything without a bishop. Whatever you might do would be vain and unacceptable, as [in the case of] King Ozia and Saul who performed the duties of the priesthood although forbidden to do so. Was it not King Ozia who [while acting] as a priest was covered with leprosy because of his sin? Similarly, no layman will escape punishment if he despises God and dares to usurp the duties of the clergy, taking this honor by his own will. Nor does he imitate Christ, Who did not exalt and glorify Himself to be chief of priests, but waited until He heard His Father say: "The Lord has sworn and He will not repent that Thou art His priest forever according to the order of Melchisedech."<sup>27</sup> And if Christ did not glorify Himself without His Father, while he was equal to Him and one only with Him in everything, how can anyone usurp the power of the clergy without being ordained by one who is superior to him? Did not fire burn the sons of Core, notwithstanding that they were of the tribe of Levi, when they rose against Moses and Aaron and touched<sup>28</sup> what was forbidden to them?

And if those who are priests for devils are honored by their people, and if these people never perform any of their rites — which are ridiculous indeed — without these priests, and consider that the priest is the tongue of their stone [idols], and if they hear whatever the priest commands them, follow his teaching, and believe that the honor given to him is given to the idols who have no soul; then how much more dutiful must we be, who have the shining faith,<sup>29</sup> the sure hope and the expectation of eternal reward that is full of glory without fear? How much more must we give honor firstly to the Lord Our God and then to His priests, and look upon bishops as the mouths of God? And if Aaron, the brother of Moses, was called a prophet when he helped Moses by speaking for him, and if Moses was called the God of Pharaoh; that is to say, King and Chief of the priests, and if, as you have heard, the Lord said to him: "I have appointed thee the God of Pharaoh and Aaron thy brother shall be thy prophet,"<sup>30</sup> why then do you not consider your mediators in speaking [with God] as prophets? And why do you not serve them as servants of God? Deacons, take now among you the place of Aaron, and bishops, the place of Moses. And since the latter has been called a God by the Lord, you shall also honor a bishop as God, and deacons as His prophets.

7. Whosoever utters evil words against a bishop, sins against God. Have you not heard that God has said: "Thou shalt not speak ill of the gods?"<sup>31</sup> Do not believe that this precept was pronounced regarding idols; it referred to priests and judges, with respect to whom it was said: "You are gods and all of you shall

27. Ps. 109, 4.

28. Arabic text: "... and wished for" (1/101).

29. Arabic text: "... the faith that enlightens" (3/101).

30. Ex. 7, 1.

31. Ex. 22, 28.

be called the sons of the most High."<sup>32</sup> Moses also said to the people who rose against him: "Your murmuring is not against me, but against the Lord."<sup>33</sup> And if he who calls a layman "greedy" or "fool" does not escape punishment, since it is an insult that goes against Christ, how much more insulting will be the word of him who speaks ill against a bishop, through the imposition of whose hands God gave you the Holy Ghost?

RESTA 11. Honor, O my son, as you honor the Lord, the one who speaks to you the words of God and was the cause of your life, with all your strength, with the sweat of your brow and with the work of your hands. And as the Lord has caused you to receive from him spiritual and corporal food and the eternal life, the more reason is there that you give to the bishop perishable and corporal food. It is written for us that a reward is due to him who serves, as it is said "Thou shalt not muzzle the ox that treads out thy corn on the floor,"<sup>34</sup> and, "There is no one who plants a vineyard and eats not the fruit thereof."<sup>35</sup>

DESQ 11. No layman shall do the works that are reserved to the clergy, namely, giving the Eucharist, baptizing, or imposing the hands for ordination. We allow neither the great nor the small to perform these functions.

[Section] V. Causes of punishment:

RESTA 18; TS 19, 38. We command that no priest or deacon shall stand surety for another, nor shall one who has an [ecclesiastical] position take [or give] a pledge. Whosoever dares do so shall be deposed from his priestly rank. 22, 23. If a clergyman stands surety for any man, he shall be chased out of the church. 23. If a clergyman makes himself a eunuch, he shall be deposed from his position, and if a member of the faithful does this to himself he shall be set apart. A similar provision was laid down by the Council of Nicaea. 20. If any man makes himself a eunuch, if he is a clergyman he shall be deposed from his position and if he is a layman he shall not be admitted to priesthood. The same is also commanded by the canons of the apostles. BAS 5, 21, 22, 55. Whosoever makes himself a eunuch, if he is a clergyman he shall be deposed and expelled from the church for a period of three years; if he is a layman, he shall be expelled for three years. 29. If a clergyman is given to the amusements of the circus, he shall be deposed from his rank if he does not desist; the same holds true for all the faithful.

52. If a clergyman or a layman laughs at a dumb, blind, one-eyed or lame person, he shall be set apart. RSTG 24. Whosoever is found fornicating, stealing or swearing falsely, shall be removed from his priestly position, but shall not be expelled, for God does not punish twice for a sin. 47. Whosoever avoids marriage, eating meat, or drinking wine because he considers them as impure and illicit things, or whosoever considers himself better than others for this reason,<sup>36</sup> shall be deposed. But if he gives these things up for the sake of mortification, or to lead a monastic life, or to serve God, he may do so.

49. If a clergyman eats in theaters or drinks in the house of fornicators, he shall be expelled. 59. Or, if he eats the body [of an animal found] dead or that has been [half] eaten by a wild animal, he shall be expelled. Similarly, anyone who

32. Ps. 81, 6.

33. Ex. 16, 8.

34. Deut. 25, 4.

35. I Cor. 9, 7.

36. That is, because he abstains.

enters a temple of the Jews to pray, or enters a church belonging to heretics to be healed, shall be deposed and driven out of the church. 67. Thus also, anyone who fasts with the Jews and celebrates their feasts with them, or accepts from them the honors of their feasts, such as the azymus or the like, if he is a priest, shall be deposed, and if he is a layman, shall be expelled. 68. Similarly, if he sends gifts to the temples of the Jews, to the sacred places of the infidels, or to the churches of heretics, he shall be expelled from the Lord's Church.

RSTG 67. Anyone who, without being impeded by physical illness, does not fast during the Lenten time or on Wednesdays and Fridays, shall be deposed.<sup>37</sup> RSTG 1; BAS 43. A clergyman who takes a wife after being ordained shall be deposed from his rank. It is clear [that this rule also governs] bishops and priests.

If a clergyman must drink in the daytime, he should stay in his house or in the place where he has drunk; he must not go out, lest he scandalize the people. If a priest drinks, becomes inebriated, and uncovers himself while in that state, he shall be barred [from any priestly service] for seven weeks, and shall be demoted to a lower position for one year, for he has vilified this highest of positions. If a deacon does this, he shall be suspended for five weeks and shall serve the clergy for a month as a subdeacon. If a lector or doorkeeper does this, he shall be suspended for three weeks and shall be flogged forty times, not less, by order of the priest.

57. No clergyman shall utter evil words, be it in the presence of other clergymen or of laymen. Nor shall he scoff at a man who has a physical defect, nor insult someone by saying: "Hello, you blind man! Hello, you deaf man! Hello, dwarf! Hello, you slave! Hello, O lefthanded one! Hello, you lazy man! Hello, you outsider!" or any like insults. If he insults a layman thus, he shall be scolded like a child; but if the insulted person is a clergyman, the insulter shall be set apart until his punishment is terminated.

29. If a man testifies falsely against another in order to have the latter deposed from his position or punished, he deserves the punishment that was to be applied to the person against whom he falsely testified. 71. If someone wants to divorce his wife, and a priest writes the bill of divorce, the priest shall be set apart until he makes the man take back his wife and reconciles them.

77. If a clergyman is a backbiter, he shall be warned once or twice to desist. If he persists rather than desist, he shall be lowered in his rank until he reforms. If he does not reform, he shall be expelled. 79. If a clergyman laughs during the celebration of mass, his punishment is one week [of fasting]. 80. If one of the clergy who is a priest is crowned,<sup>38</sup> he shall stay out [of the church] for three months; if he is a deacon, for two months; those of the lower ranks shall be adjudged by the priests. 81. If a priest says something, but denies it later, he must reform. Otherwise, he must be driven away, lest he cause damage to the people when they see that he is not disciplined and cannot control his tongue. 83. If a clergyman takes an oath [using words] which conflict with the faith, or uses empty words,<sup>39</sup> he shall be punished until he reforms. Whosoever dares swear other

37. Arabic text: "If he is a priest, he shall be deposed, and if he is a layman, he shall be segregated" (3/104).

38. That is, if a priest takes a secular office.

39. ስራ፡፡ "empty [words]" is also taken to mean ስራ፡፡ እግዚአብሔር፡፡ ባለተጠራበት፡፡ ሙሉ ቢሆን፡፡ "if one takes an oath without invoking the name of God," POEFNM 146-3.

than on the Almighty, the true Creator, Christ, and says: "On Him Who created Christ," he shall be expelled [from the church] if he is a layman; if he is a clergyman, he shall be deposed and forbidden to receive the [Holy] Mysteries. 59. A clergyman shall swear only on the things commanded in the [Holy] Books.

90. If a deacon opposes a priest, the punishment awarded him by the bishop shall last for seven weeks, and if a priest has insulted a deacon, he shall be awarded the deacon's punishment. If a lector rises against a priest and does not obey him, the priest has the power to punish him without the order of the bishop.

91. If one priest is an enemy of a fellow priest, both shall be set apart until they reconcile themselves and make peace. And when a clergyman sees a fellow clergyman, he shall go out to greet him in peace. PET 81. One who is a leper shall not minister at the altar of God, not because he is unclean, as such is not the case once he is baptized, but so that he may not vilify the priests of God. The same rule applies in the case of one who has sores, because he must not serve in the house of God.

DAQ 41, 42. No priest, monk or minister of the church may leave his post and go on a journey, nor may other monks [do so], without the knowledge of the bishop and without his prayer over them, his permission and his document [certifying] the uprightness of the traveller's faith and his ordination to his position in the church. RSTG 12. If he does not have his document from the bishop who ordained him, he shall not be received by other priests; whosoever receives him shall also be expelled, and the period of expulsion of one who has been excommunicated shall be lengthened. 11. Whosoever speaks with excommunicated or expelled persons or prays with them shall be expelled from the church.

§. No one shall think evil of a priest and no one except his superior shall judge him. The Holy Books teach that if a priest conducts himself righteously, he must not be punished but honored and obeyed by all. If he engages in evil conduct and his sin is openly known and he persists in his evil ways, the superior must adjudge him according to the canons. As for the people, they have the [following] words of Our Lord, said as regards such priests: "The Scribes and the Pharisees have sat on the chair of Moses. All things therefore, whatsoever they shall say to you, observe and do; but you shall not do according to their works."<sup>40</sup> But if a priest's sin is not openly known, and he does not persist in it, he must not be deposed.

The person who judges him, if he leads an excellent life, will exercise care, in accordance with the word of Our Lord, Who said: "Judge not, that you may not be judged,"<sup>41</sup> and in accordance with the word of His Apostle Paul, who also said: "Who art thou that judgest another man's servant? If he stands or falls, he belongs to his own lord."<sup>42</sup> Do not judge your brother nor despise him, because we will all stand before the tribunal of Christ, and each of us will have to account for himself. Now, therefore, we must not judge one another, since we are similar in our works to the one [whom we judge]. Let us also be forewarned by the words of Our Lord, Who said: "With what judgment you judge, you shall be judged, and with what measure you mete, it shall be measured to you. Why seest thou the straw that is in thy brother's eye and seest not the beam that is in thine own eye? Thou hypocrite, cast out first the beam out of thine own eye; and then

40. Mt. 23, 2-3.

41. Mt. 7, 1; Lk. 6, 57.

42. Rom. 14, 4.

shalt thou see to cast out the straw out of thy brother's eye."<sup>43</sup> And Apostle Paul has said: "Thou art inexcusable, O man, that judgest thy brother, for wherein thou judgest thy brother, thou condemnest thyself and reproachest thyself. And what thinkest thou, O man, when thou judgest him who commits this wrong while thou committest the same? Perhaps to escape the judgment of God?"<sup>44</sup>

Reason makes it clear that priesthood is a divine gift which is found in the mind of priests, whose intelligence is enlightened by that gift; God strengthens them with it through the person who consecrates them to benefit His people. Priests do not have this benefit alone, but share it with the people committed to their hands. As the purpose of ordaining one a priest is to bestow benefit on him and on his people, [one of the following] will not fail to occur to him. If he works for himself and his people in the way proper to priesthood, and if he commits no injustice in carrying out his duty, he is worthy of a double reward; first as regards himself and second as regards his people. But if he does not do penance properly and deprives himself of the honor that goes with priesthood, he deserves double punishment; once on his own account and once on the account of his people. And he to whom no sin can be imputed shall be punished for the sin of his people as in the case of the one who buried the gold of his master in the ground; he was condemned because he did not trade with the money he had.<sup>45</sup> If he has failed or sinned, not as regards his people, but as regards himself only, he himself deserves punishment, but he is not indebted to his people, nor are his people indebted on his account.<sup>46</sup>

Gregory the Theologian, in his fourth homily dealing with baptism, compares the good people and the bad people to wax, and all the priests to two seals: the first seal is of gold and the second of iron; on both the image of a king is engraved. If a pressing on the wax is made, there is no difference in the imprint of the royal image between that made by the golden seal and that made by the iron seal; it is not possible to distinguish between the pressing made with the golden seal and the other. There may be distinctions among the persons who receive or do not receive the imprint of the instrument. But concerning the imprint there is no difference in the image. A priest who fails in his work may also be compared to a candle of wax, the flame of which can be likened to his priesthood. The fire burns the wax and gives light to the people; they are not injured by its flame. We will give another example to [explain] this better still. Of two men, one is good and the other, bad. Each of them submits his petition to the king; the petitions are identical. The king has two judges, one good and the other bad. The good petitioner be-

43. Mt. 7, 2 ff.

44. Rom. 2, 1 ff.

45. Arabic text: "And as the purpose of bestowing priesthood on him is to benefit both the people and himself, he must fall under one of the following situations: If he fulfills his duty towards the people and himself, there is no question but that he is perfect and deserves a double reward; but if he does not, he denies himself the honor that goes with the priestly rank and he deserves double punishment. If he fulfills his duties towards himself, but not the duty he owes to the people, he is blameless as far as the duty he owes to himself goes, but he deserves punishment for his failure to meet his obligations towards the people, just as the person who buried his master's money in the ground was punished ..." Mt. 25, 18 (4/108).

46. In continuation of the preceding, the Arabic text says: "...just as the person who buried his master's money in the ground was punished for failing to trade with what was given to him, despite the fact that he had not lost or spoiled it. But if he fulfills his duties towards the people ..." (2/109).

sees the intervention of the bad judge in his petition to the king, and the bad one beseeches the intervention of the good judge in his petition. But the king is just and he already knows what both judges will ask. When both judges request the king to grant the petitions, the king grants the petition of the good man presented through the bad judge, and does not reject the petition because of the badness of his judge; he does not grant the petition of the bad man presented through the good judge, for the goodness of the judge does not nullify the evil character of the petitioner. And God knows whether the bad person has gained any benefit or obtained any grace.<sup>47</sup>

47. These last few lines are very obscure; the Arabic text says: "If he can gain benefit, it happens rarely; God knows everything" (3/110).



## CHAPTER X MONKS AND NUNS

This chapter is divided into eight sections.

### I. On their status:

Monastic life is the wisdom of the Christian law, and monks are earthly angels or heavenly men, followers of Christ as much as it is humanly possible to be and emulating His Apostles in every deed by giving up world goods, by giving up pleasure, and by despising everything, themselves included, to obey Him and love Him. They fulfill the precept that He prescribed to those who are eager to be perfect. They love only Him, more than their parents, their children and wives, and more than riches. They are blessed for the calm they achieve by avoiding the troubles of this life — a calm they achieve voluntarily — and because they escape and are saved from the final and eternal punishment. They are blessed, and greatly blessed, because a dwelling in the Heavenly Kingdom is prepared for them as a reward for the transitory troubles they willingly bear.

### II. The requirements necessary to becoming a monk:

Our Lord Jesus Christ has said: "Wilt thou be perfect? Go, sell what thou hast, give to the poor, and come follow Me."<sup>1</sup> He said this to the person who said to Him: "What shall I do that I may have life everlasting?"<sup>2</sup> And when Our Lord told him to fulfill the commandments, he answered: "All these have I kept from my youth. What is yet wanting to me?"<sup>3</sup> Our Lord said to His disciples: "He that loves his father and mother more than Me is not worthy of Me; and he that loves his son and daughter more than Me is not worthy of Me. And he that takes not up the cross of his death and follows Me not, is not worthy of Me."<sup>4</sup> And Basil said in his book on ascetic life and the renunciation of the world, that it is first of all necessary that he who takes up this perfect life have a determined mind, that he hesitate not to fulfill what he has undertaken to do, that he not go back, that he fulfill the orders of his superiors, and that he seek what is necessary for the salvation of his soul.

NIQYA 1. He who has an evil spirit shall not take up monastic life. 15. If someone desires to become a monk without the permission of the bishop who has jurisdiction over him, he shall not be accepted in the monastery lest it serve him as a pretext [to abandon] his wife, children, mother, and the like. GENER 15, 16. Whoever abandons children and neither feeds them nor educates them, under the pretext of serving God, or whoever abandons his parents, particularly if they are Christians, or whoever does not honor them, under the pretext of taking up a life of perfection, shall be excommunicated.

NIQYA. Monastic life must be embraced voluntarily and not by force. When someone comes to a monastery to become a monk and to dwell there, the abbot of the monastery shall question him in detail: where he is from, what his previous

1. Mt. 19, 21.
2. Mt. 19, 16.
3. Mt. 19, 20.
4. Mt. 10, 37-38.

life was like, and why he seeks haven in the monastery; whether he is married and has children and whether he wishes to flee from them because of hard times. If he is the slave of a member of the faithful, he shall not be accepted without the approval of his master. If he is a freeman and a son of Christian parents, but is a young man still under the guardianship of his father, who does not wish him to become a monk, he shall not be accepted. But if he is single, has been separated from his parents for a long time, and is independent, he shall be accepted. If he has a wife who does not desire him to become a monk, he shall not be accepted. But if he is troubled and saddened by his wife, wishes to be rid of her, and flees from her, he shall be accepted. If he killed a man for whom he had no enmity nor with whom he quarreled, and the killing occurred involuntarily, and if he has decided to become a monk to do penance, he shall be accepted. If the kinsmen of the victim come, after the killer becomes a monk, and want to take him away, the abbot of the monastery and all his men shall do their best to save him; for he did not kill voluntarily nor did he beckon others, but it was an involuntary thing. [and] he took refuge in God to do penance and to dedicate himself to monastic life, to save his soul by avoiding sin. Failure to observe the provisions of this chapter does not entail excommunication.

### III. What a monk must do with his wealth pursuant to monastic practice:

TS 24. Whosoever wants to become a monk may dispose of his property as he likes before becoming a monk, because once he becomes a monk, all his property goes to the monastery. BAS. Our Lord and Redeemer has said: "Go, sell what thou hast, give to the poor, and thou shalt have treasure in heaven; come follow Me."<sup>5</sup> And I say that whosoever leaves his family and enters the service of God must not give up his riches improperly, for they are consecrated to God; he must dispose of them as God wishes, by giving to each his share and by setting free him who must be free<sup>6</sup>—either by himself, if he is a wise man of experience, or with other chosen persons whose conduct reveals that they are good administrators, learned, prudent, and known for their administration. [He shall do this] all the time bearing in mind that he is a traveller and that he leaves his property to his blood parents, who are not poor. If he entrusts the administration to one who is not such a person as we described above, and this person is appointed to administer the property, this is what is written: "Cursed be he who accomplishes the works of God with negligence."<sup>7</sup> We must be careful in every sense lest, through our negligence, we become transgressors of His commandments by seeking to fulfill some other commandments. Therefore, we must not hate those who deprive us, by war and killing, of whatever belongs to us.

### IV. The obligations of monks:

In this chapter there are six obligations.

The first is to give up marriage; there are some monks who never married and there are those who were married but left their wives later on. As for the first, they are those of whom Our Lord has said: "There are eunuchs who have made themselves eunuchs for the Kingdom of Heaven."<sup>8</sup> The second have adhered to His words which say: "Every man who has left his wife for My sake shall possess life everlasting."<sup>9</sup> And their voluntary solitary life in this world is aimed

5. Mt. 19, 21.

6. POEFNM 157-1 is followed here.

7. Jer. 48, 10.

8. Mt. 19, 12.

9. Mt. 19, 29.

at living in accordance with the words of Our Lord which were spoken with respect to them: "In the resurrection, they shall neither marry nor be married, but shall be like the angels of God."<sup>10</sup> They imitate the Apostle Paul, who said to the Corinthians: "As for leaving marriage, I would that all men were even as myself; I say to the unmarried and to the widows, it is good for them if they so continue, even as I. 8. I think that virginity is better for the trouble of [this] time; it is better for a man so to be. Therefore I would have you be without sadness, for he that is without a wife is solicitous for the things that belong to the Lord, how he may please God. But he that is with a wife is solicitous for the things of the world, how he may please his wife. There is a great difference between married women<sup>11</sup> and virgins; the unmarried woman thinks of the things that bring her close to God, to be holy both in body and in spirit, while she that is married thinks of the things concerning the life of this world, how she may please her husband. He that has power over his own will and wants to keep his virginity, does well. If the husband of a woman dies, she is at liberty. And blessed shall she be if she remains thus according to my counsel, since I think I have the Spirit of God."<sup>12</sup>

The second is to leave one's blood relatives, riches, and worldly pleasure, as we said above.

The third is to dwell in the monastery, to wear sack, to gird up the loins with skins pursuant to what was written about John the Baptist.

The fourth is to abstain from meat unless it is absolutely necessary, and to eat sparingly what is ordered for the health of the body and similar things.

The fifth is that the brethren shall live together as a single soul, as stated by Basil in his homily, and shall have one thought only in their bodies. Even if they are many in body, their chief is only one, namely God, Who unites [them into] this single soul, which is made one by the bond of love. Each one of them lives not only for himself, but one for another, to please God. They serve [one another] equally and voluntarily, as a result of which peace reigns among them. Each one takes the work of the other and there is none among them who suffers injustice. Therefore they inherit the Kingdom of Heaven. Their mind is united in perfect obedience, and they live as they will in the life which will come at the end of time.

The sixth is that the monk dedicates his life to fasting and prayers, to fatigue and labor, remembering God constantly, reading His Holy Books, learning the interpretation thereof, reading the lives of His Saints to be like His beloved, meditating on the perfection of His Persons, the greatness of His work, His primordality, the beautiful order of His creation, how He rules the creation in one way with no interruption, and the wonders of His ruling. With this in mind, monks keep their bodies far from those [worldly] things which may impede them from obeying, and restrain their tongues from words that are useless both to him who utters them and to him who hears them. They shall keep their external senses closed to what is improper to think or say so that nothing will come to their minds except good deeds. They shall control the internal senses with which the mind works and

10. Mt. 22, 30.

11. Reading ወ-ብ-ባት: "married women," instead of ወ-ብ-ባን: "married men."

12. I Cor. 7, 7, 26, 32-34, 39-40.

imagines. [Their minds shall not] remember or think of or retain things other than those mentioned above.<sup>13</sup>

V. The abbot of the monastery, his lay servant, the other members [of the community], the administrator and the doorkeeper:

NIQYA 78. The monks of a monastery shall choose an abbot only on the orders of the chorepiscopus. If during his lifetime an abbot of a monastery commands in his testament that a certain person, not related to him, succeed him as abbot of the monastery, and if the person so designated by the deceased abbot is of more righteous faith than others, is useful to the monastery, is pure, fears God, and is without any blemish, he shall be the abbot as commanded by the deceased abbot. Failure to observe the provisions of this chapter does not entail excommunication.

NIQYA. No one shall be abbot of a monastery except one who was brought up there, knows its laws, has lived a saintly and monastic life, is not a fool or feeble-minded, and is not one who is known to have committed a sin either in or out of the monastery. He must be one with good habits, learned, an observer of the canons of law, one who foresees what will come upon him, one who perseveres in what he deems to be right and fulfills the pleasure of those who have appointed him,<sup>14</sup> one who received the approval of the community of monks without any quarrels or disputes among them and was appointed abbot by them.

BAS. In his relations with his brethren, an abbot of a monastery shall act as a true father does with his children who obey him, and as the true teacher does with those who are under his power. A father is pleased when his children are good, wise, modest and humble, as the honor of the children goes to their parents. Similarly, teachers wish that their disciples be men of good knowledge, that they work and be learned in their teachers' arts, and that they be perfect men, who prevail over anyone who opposes them. Because of such men, their teachers are praised. This uprightness [of the disciples] is shared [by the teachers] when they carry out their duties. And it is becoming to a spiritual father and to a teacher of the ways of God that his desires and the expectations of the young disciples whom he is instructing be that they become humble disciples, wise, good, diligent in their spiritual lives, and men who prevail over their spiritual enemies; thus they may receive the crown of glory from Christ, Who made them His servants, and may become solicitous of good deeds, close to Him, lovers of God and fulfillers of His will. The abbot must also receive full honor from the monks, for he has made them brothers of Our Lord with his teaching: as the Lord in his great mercy has said: "Whosoever shall do the will of My Father, he is My brother."<sup>15</sup>

If the monks are not righteous in the service of God, because the abbot rules them badly and leads them improperly, he shall be disgraced on the day of judgment. And in this life, if children are bad, they are like scorpions which first throw their poison at their parents. Therefore, the shepherd must rule them properly and with due regard for each one, according to his age. In commanding them, he shall take into consideration their advanced age or their youth, augmenting and reducing their toils, giving orders to work or to rest from their work according to their ages, habits, health or illness, and according to their [physical] constitution.

13. Arabic text: "And the internal senses shall not think of or remember ..." (6/115).

14. Arabic text: "One who understands matters which are the cause of dispute, fills the office of an abbot with zeal, and was acceptable to his former abbot" (2/116).

15. Mt. 12, 50.

Different canons obtain in different matters and rulers have power to prescribe different rules for different people as they see fit, according to the exigencies of the times, thereby fulfilling what is written, which says: "And they used to give to everyone what was necessary to him."<sup>16</sup> The following rule, namely, abstinence from eating for pleasure and without moderation, applies to everyone. And as those who are under the power of the abbot will imitate him, it is necessary that his conduct be perfect in all the commandments of God, lest they come to believe that he is incapable of observing the precepts of God. His behavior and his silence must be such that they benefit the monks more than his teachings with words. He shall submit himself to the bishop and the chorepiscopus.

**NIQYA.** The lay servant of the abbot of the monastery, that is, the minister who is at his service, must follow the example of the prophet Eliseus. Notwithstanding the fact that he was the son of an important person from among the great of Israel, he was not ashamed to serve the prophet Elias, who was one of the inhabitants of the country of Galaad. Nor did Eliseus say to himself: "How could I serve this Quarenawi<sup>17</sup>"; and go to the dwellings of the children of Israel, among those who know me? How could I serve a wanderer and poor man?" But, on the contrary, he believed that the men of the country in which his teacher was walking were not worthy to be Elias' servants or disciples. Lay servants must have the same belief, even if they are more honored than their teachers in this world, and must say to themselves: "Woe to us, because we are persons who cannot repay our parents for begetting us. How much more must we repay our spiritual fathers!" Abbots must do towards obedient lay servants what Job used to do. He used to offer sacrifices every morning for his wife, his children and his servants.<sup>18</sup> So also teachers must do, by praying for their disciples and beseeching mercy from the merciful God for their salvation. Failure to observe the provisions of this chapter does not entail excommunication.

The abbot of the monastery shall see who among the brothers conducts himself righteously, fears the day of judgment, and loves the good of the monastery. The abbot shall make him responsible for the monastery and its stores, so that he may provide for the needs of all the brothers. He must be one who responds to their needs promptly. He shall not discriminate between the great and small, nor shall he transgress the word of God in the things entrusted to his administration. He shall be a chosen person, pure and trustworthy, not wicked or greedy; he shall keep nothing for himself. He must not eat, drink, or sleep in the room of one who has a bad reputation. He shall not appoint any of his relatives or friends over anything belonging to the monastery, but shall do things that glorify the Lord so that His words which say: "Blessed is that servant whom when his Lord came, He found him doing what He had commanded,"<sup>19</sup> may be fulfilled.

The administrator of the monastery's property must be a trusted and experienced person who distributes whatever is entrusted to him with a pure and peaceful heart. He must be a person who is solicitous of the tired and who takes care of the sick. He must not be one who likes relaxation, drinking or eating alone, without his brothers at the common table visible to all. He must not despise those who come to the monastery; rather he shall accord them full respect and supply them

16. Acts 4, 35.

17. Strangely enough Elias is called ቀረናዊ: "Cyrenian," in the above passage. The Arabic text says: "... this rustic man" (2/118).

18. Gloss: "his sons-in-law and his servants."

19. Mt. 24, 46.

with food that is available in the monastery, which [otherwise] would be spoiled, to the shame [of the monastery]. Let him give relief to the poor and to pilgrims with that food, lest it become spoiled, lest he throw it out and thereby commit a sin. In particular, he commits a sin if the food is spoiled because of his stinginess and envy, or if he does the pleasure of the devil and withholds food from the servants of God, that is, the poor brothers and those who come to the gate of the monastery.

The doorkeeper of the monastery shall be sweet in speech towards the members of the monastery and outsiders. He shall be very humble, patient in the face of insults, and shall refrain from answering back. Neither shall he despise the poor. He must be one who answers promptly to one who knocks at the door, and one who respects everyone as he can.<sup>20</sup> And when he hears those who enter and go out speaking ill of the abbot of the monastery, he shall not hasten to inform him about it, lest the abbot be sorry and the people in the monastery be upset. He shall wait patiently for the appropriate time to inform him about it, as the abbot would be saddened if he were informed [immediately]. When he does inform the abbot, he shall do so calmly and cheerfully, like one who wants to apologize on behalf of the person who spoke ill. He shall inform the abbot after he hears the latter say that he will not be saddened or upset by the information. The doorkeeper shall inform the abbot of those who honor and love him and of those who hate and despise him. He shall do so not to flatter the abbot, but because it is the duty of the doorkeeper to do so. The abbot of the monastery shall not reveal what the doorkeeper tells him.

The doorkeeper shall not allow any of the monks to go out of the door of the monastery nor shall he let anyone enter to see the brothers without the order of the abbot or some sign from the latter. He shall not allow the brothers to gather at the door of the monastery, to talk frivolously or to scoff at others, nor shall he accept anything from any of them, nor shall he keep anything in deposit without the knowledge of the [other] brothers. If one who does not belong to the monastery leaves something in deposit with the doorkeeper, he shall not open it or rummage through it. When he becomes aware of the fact that the food of the monastery is not enough, he shall make the moment easy with good words and send strangers away lovingly and with humility.

He shall tactfully exhort all who come to the door of the monastery to give something from their substance to the monastery. He shall not seek, by cultivating friendships with the people, to acquire something which may cause enmity between the abbot and those people, and which may create the belief that the abbot is unfavorably disposed towards them, lest, because of his false stories, he become like Judas, who accused his Master because of the woman who anointed Him, and pretended in his evil mind that he was generous towards the poor.

**VI. On the obedience of monks and the observance of the rules governing them:**

NIQYA. The community of the brothers shall always fast, pray, and read the Holy Books, as commanded by the abbot of the monastery. They shall work according to their turn, each in his allotted week, inside and outside the church, in service connected with priesthood or in temporal service. And when a foreign monk comes to them, they shall give him great honor, and shall accept him at their table and make him rest. But [guests who are] laymen shall eat alone and stay to one side.

20. Arabic text: "...[one who respects everyone] according to his importance or his rank" (1/120).

Some laymen may be invited by the abbot of the monastery to sit at his table if there is some justifiable reason, to the advantage of the monastery.

81. Monks shall live doing good among themselves and towards all people. Never shall they walk through the squares and the streets without modesty and gravity, nor shall they joke among themselves irreverently or flippantly; rather, they must be devoted to silence and gravity, especially when they are among heretics. They shall adorn themselves with every spiritual adornment, and never shall they stay near women, nor eat meat, neither in their monastery nor in other monasteries. They shall not adorn or anoint themselves, and shall gird up their loins with rough leather girdles. Their clothing shall be of rough wool, the clothing of one who renounces [the world]. Thus their external appearance will be different from that of the layman in every respect. They shall avoid laymen's ornaments and habits, as did the fathers, whose deeds of perfection and good [example] we have adopted. They were true monks and considered themselves as dead.

As for food, drinking and clothing, if most of the monks work on the land for the monastery, they must eat twice a day, first at the sixth hour and second at the end of the day. But if most do not work on the land, it is enough for the monks to eat only once a day, at the ninth hour or at the end of the day.

Monks must sleep on the ground in their cells. But if the abbot of the monastery or the brothers who are ill want to sleep on their beds they may do so, the former because his rank entitles him to it and the latter because they are indisposed. They shall not take off their clothing, nor shall they loosen their girdles when they want to sleep. Two shall not sleep in one bed, nor shall they stay side by side; rather they shall be prepared for prayer and vigilant, as soldiers who prepare themselves for the day of fighting and the hour of battle. If the toil and work are excessive for the weak they shall be allowed to rest and shall be given added time to finish their prayers alone. As for the healthy, they shall work, everyone in his turn.

Monks shall be given clothing after the feast of the Cross. And when winter arrives, they shall write their names on their clothes and dresses, and shall store them in the wardrobe of the monastery until summer, taking them again at the end of winter. They shall do the same thing with their winter clothing when summer arrives.

In summer, they shall go to work early in the morning and shall rest in the hot hours, until the hour of prayer, at noon. After the prayer they shall eat and then rest until the heat cools down. When the day grows cooler, they shall return to work until evening; and after they say their prayers they shall take dinner. They must divide the day into three parts: one part for prayer and reading; the second part for eating; and the third part for working. In the intervals, they shall rest. As for drinking, they shall take the amount the body requires, as long as it is beneficial, as Paul has commanded his disciple.<sup>21</sup>

If engaging in commerce is a shame to laymen, how much more shameful will it be to monks if they engage in commerce?

BAS. A monk who has abandoned everything must not covet the dignity that goes with priesthood or the rank of the abbot of the monastery. The love of dignity is a diabolic illness, and whosoever falls on this painful illness is envious

21. I Tim. 5, 23.

of those who deserve to become priests and to be appointed to some office, and secretly incites people against them. He wishes for their death, so that he may take over their office; by disapproving of their appointment, he creates disagreement between them and himself. Therefore, he must avoid this evil desire. And if it is the will of God that someone have dignity, only He knows whom He appoints.

A monk who renounces the world must detach himself completely from his parents, his relatives and from his secular friends, just as the dead are separated from the living. If his parents enter the monastery, their relationship shall be spiritual only. They shall not be considered as his parents; rather they shall be considered as his brothers, since the true Father of all is, first, the Lord, universal Father, and second, after the Lord, the spiritual superior who leads monks to the life of perfection. As for his blood relatives, he shall take care of them by entreating God that they have true faith, or he shall examine their actions.<sup>22</sup> He must not fail to take care of his relatives [in this way], lest the seducer put evil and worldly thoughts in their minds, thoughts which we have abandoned. [If we do more than this], we would be like idols which have the external appearance of monks, but which do not have in them souls which observe the perfection of monastic life. Moreover, Our Lord did not allow the man who decided to be His disciple to make arrangements for the people of his home, to bury his father, or to look behind.<sup>23</sup>

None of these who enter the society [of monks] may have any personal property,<sup>24</sup> nor may one who has handed himself over to God do whatever he wishes with himself. Everything belonging to them is dedicated to God, and no monk has the right to do anything for laymen, for his blood relatives, or for himself, unless it be for his brothers, the monks, who form his family. Monks have no power over themselves, to detach themselves from their link of spiritual fraternity, just as the natural unity of the parts of the body cannot be dissolved except by death. If someone says that the brothers [of a certain monastery] are bad, we say that not all are such. The Apostles, also, did not dissolve their fraternal union on account of the evilness of Judas, nor could the wickedness of the latter so overcome the uprightness of mind of the others that they failed to obey Christ.

The true spirit of monastic life consists firstly in restraining your sight and your hearing, so that they will not let anything enter that might spoil your soul. Then, [restrain] your thought and your tongue, so that nothing that defiles them may get out of them. About food and clothing, we must choose what is sufficient and proper,<sup>25</sup> and remember the following words: "I fill heaven and earth," said the Lord, "I am a God at hand and not a God afar off."<sup>26</sup> The Lord has also said: "Where there are two or three gathered in My name, there am I in the midst of them."<sup>27</sup> We must fulfill everything as if God were watching us in everything. Let the fear

22. Arabic text: "But we are not allowed to take care of them or to be concerned about their lives" (2/123).

23. Mt. 8, 22.

24. The gloss says ለሰው: "for relatives," and the passage should run, "A monk shall not set aside anything for the use of his relatives (ለሰው) or for his own use (ለገሥት)." (1/124). Arabic text: "He shall have no property, nor is he the master of himself once he gives himself to God," *ibid.*

25. Arabic text: "... [we must choose] easily available clothing" (3/124).

26. Jer. 23, 24, 23.

27. Mt. 18, 20.



of God be in us, and let us fulfill His will; we must not fulfill His precepts<sup>28</sup> for the sake of men.

To live in a community is advantageous for a monk for many reasons. One is that a man cannot provide alone for the needs of his body; also, Christian charity and the apostolic precept command that each one of us avoid seeking what is advantageous to himself only, and should rather seek what is advantageous to his neighbor. Moreover a man who lives alone knows not his defect, and when he tries to fulfill one precept, another goes by unattended; when he goes to visit a sick person, the pilgrim escapes him. How then will he be able to receive the gifts of the Holy Spirit, gifts which are given to him only to be administered to others? If they remain hidden within him after he receives them another draws no benefit from them, nor does he himself derive any benefit from others; but in a community everyone benefits from his own gift and from the gift of others. There is no one to awaken the man who lives alone when he falls asleep nor can he find by living alone what he can find if he lives in a community, for instance, words of admonition to help him persevere and praises of the brothers to help him improve [in perfection]. He believes he has reached ultimate perfection, but if he lives alone, he cannot reach the perfection that comes by being obedient and merciful, because there is no one whom he must obey or towards whom he may be merciful. How can he be patient if there is no person to oppose his will? If he says that the Holy Book suffices to teach him how to do works of perfection, he must know that he is like a man who teaches carpentry when in fact he has never seen this type of work practiced.

**NIQYA.** If you eat meat during an illness, it may be scandalous to you but it is not considered a sin. However, you must feel sorrow for this defect you have in your life of perfection. And if during your illness you are compelled to bathe at the public baths, take a bath once or twice; but if you are healthy, you should not bathe at the public baths. You must not weep excessively nor cry too much. You should sing with moderation lest your brothers be diverted. And when, after the brothers pray together, each one leaves [to go] to his place, if he can fulfill the precept of the Apostle who said: "Pray without ceasing and give thanks always,"<sup>29</sup> let him do so. **BADAS 38.** Anyone who desires perfection shall bear all afflictions which come upon him for God's sake and must always be ready to die. The fact is that no one who seeks perfection is left without temptations, just as Our Lord was tempted by gluttony, pride and love of riches. If he is not vigilant and does not remember God constantly, he will fall on the worship of idols, which is pride.

#### **VII. Causes of punishment:**

**NIQYA.** If there be a brother who refuses the food of the common table, or if there is a practice of preparing the food according to the brothers' wishes, this practice must be ended. And if any one accuses the abbot and the monks for the food, he must stop doing so; if he does it because of gluttony, he shall be awarded the punishment he deserves.

If two brothers quarrel, for whatever reason, and one of them strikes the other, if the one who was struck forgives the beater, let the forgiver know that he has done a good deed but his beater shall be excommunicated for a period of forty days. If the one who was struck reacted and struck back, he shall be excommunica-

28. Arabic text: "... and let us not render His precepts useless" (4/124).

29. I Thess. 5, 17; Arabic text "...[and give thanks] in all things" (2/126).

ted like the other. Any of the brothers who stretches out his hand to hit the abbot of the monastery shall be beaten forty times and exiled to another monastery, where he shall fast and purify himself, doing penance for one year; no one shall associate with him. After one year he shall come back to his monastery. If he was one of the senior brothers in the monastery, he shall be demoted to the lowest rank of the monastery.

Any brother who defames or accuses his companion [falsely] shall leave the monastery; he shall not dwell there when such a fault is proved against him. So also for the one who hurts the other monks, or causes riots among them, or does not listen and obey, or is voluntarily lazy in the work he is assigned to do, such as work on the land, or spoils the food of the brothers. And if any of the brothers is found drunk, he shall be forgiven one, two or three times; but if he does not desist from drinking, let him be punished for his sin; he shall not continue to drink wine. The brother who is physically healthy but does not work shall eat alone and shall be given less to eat than the others. Similarly, one who often sleeps at the time of prayer shall be given less to eat. A brother who commits fornication shall be pardoned one time and shall fast for forty days, remaining in isolation and purity for one year. If a brother leaves his monastery, heedless of the laws of monastic life, and goes to dwell in another city or country, he shall be assimilated to the laymen there; he shall not be as a monk, but as a layman. If he cannot impress others as a [good] monk, he will give other monks a bad reputation. Failure to observe the provisions of this chapter does not entail excommunication.

**BAS 32.** If a monk who cohabits with a woman says: "This thing cannot bring me harm," both shall be separated and excommunicated, for the Holy Book has said: "Who is it who puts fire to his bosom and burns not?"<sup>30</sup> And the Holy Books teach us to avoid excessive familiarity with women, and beware of talking with them.

#### VIII. Nuns and pious widows:

**RSTA 17.** As Peter said, three widows shall be appointed. Two of them shall give all their time to prayer for all those who are in tribulation and desire to know what will come to pass. The third shall stay with women who visit the sick,<sup>31</sup> who hasten to give assistance to them, who watch over them, and who inform the priests of what happens. She shall not be greedy for personal gain, nor shall she be one who gets drunk, lest she become lazy during the service she renders at night. 26. When a widow is appointed, she shall not be anointed, but only the name [of pious widow] shall be given to her. If her husband has been dead for a long time, she shall be appointed but if he has been dead for a short time only, one shall not have confidence in her. If she is qualified, she shall be tested for one year and then shall be appointed only verbally.<sup>32</sup> She shall be bid to serve together with the other widows,<sup>33</sup> but hands shall not be imposed on her, for she offers on sacrifice and renders no priestly service. The sign of the cross is made over the clergy to appoint them as priests, whereas in the case of a widow, it merely means

30. Prov. 6, 27.

31. Arabic text "...with women who are ill" (1:128).

32. Gloss: "they shall say to her: 'serve!'"

33. ወያንንጥ፡ "and she shall be girded up," is interpreted as ከቀሩት፡ ባለቲቶች፡ ጋር፡ እርጁ፡ ይበሉጥ፡ "and she shall be bid to serve together with the other widows" POEFNM 177-3

taht she will dedicate herself to prayer; all this [is prescribed] for each one, [priests and nuns,] differently. 27. One shall not impose hands on the head of a virgin, because only her intention makes her a virgin.

DESQ 14. A woman shall be appointed to the office of widow when she reaches sixty years of age, to give her the strength to avoid a second marriage—a marriage which would be shameful to the honor of widows. A young woman, therefore, must not be too eager [to be appointed to the widow's office]; rather, she should be persevering. It is better, in her case, to take no vows than to take them and not fulfill them. A young widow shall not be enrolled in the rank of widows, lest she be overcome by the weakness of her nature. As she is still young she might remarry, and thus become an object of the devil's laughter. BADAS 9. The honor of widows lies in praying much, in serving the ill, and in fasting much. BAS 43. Virgins shall have priority over widows.

If there is a woman whose husband is dead, she shall stay with the widows; if she does not wish to stay with the widows and takes another husband after making a vow, she commits a sin and incurs a great punishment.<sup>34</sup>

Widows must not laugh immoderately, nor stay at a place where men are present, unless the latter are their brothers, fathers, or children. Widows and virgins must not heed the concupiscence of their bodies; rather, they should fast every day to extinguish the fire of concupiscence, in order to win the struggle against their enemy. Virgins especially must be careful; none of them shall walk alone when she has reached the age of marriage. Neither shall a virgin appear to people at sunset, nor drink wine unless she is ill because of excessive mortification. She shall not fatten her body beyond the correct proportion. Food is the weapon of concupiscence and solitary life<sup>35</sup> is the first bond of purity.<sup>36</sup>

Women who go wandering from place to place cannot avoid seeing, hearing or speaking ill of others; these things give pleasure to the mind. Women shall be wary of idleness and laziness. Those who contaminate their tongue with slander and deceitful talk shall not be called widows or virgins. A virgin must not raise her voice when she speaks nor shall she quarrel nor sue someone for objects of this world. She has renounced the world and is a servant of God; hence, she must not be a servant of the object of this world. The work of her hands shall be sufficient to support her in the solitary life of her house. She must not be preoccupied with worldly affairs, nor go to marriage feasts nor to any meeting. She must accustom her tongue to reciting psalms and must be pure and obedient, humble in her talk and meek, [avoiding] all evil [deeds], constantly devoted to the life of piety so that she will have wisdom in all good things, and may be given to prayer and vigilance every night. Sleep comes naturally to the body, but to sleep excessively is unnatural for the body. A man shall not dress his daughter in monastic dress while she is a virgin, but she may devote herself of her own will, so that, if she sins, the sin may be imputable only to her. DESQ. 14. Nor shall widows be easy to anger, talkative, or slanderers; they shall not listen to evil talk. 24. A virgin must be pure of soul and body, because she is the Lord's sanctuary, Christ's dwelling, and the resting-place of the Holy Ghost.

34. Arabic text: "If she promises not to take another husband but does subsequent to her promise, she commits a sin" (2/129).

35. Gloss: "mortification."

36. Or, "mortification is the most appropriate means to attain purity."

## CHAPTER XI

### ADVICE AND PRECEPTS FOR THE LAYMEN AND FOR THE COMMUNITY OF THE FAITHFUL.

This chapter is in three parts.

**Part I deals with matters concerning all people:**

This part is subdivided into two.

The first deals with Christian teachings,<sup>1</sup> found in the Gospel and the Epistles of the Apostles, and this is also dealt with in Chapter XLV. The second deals with what is found in the canons as well as at the beginning of the Didascalia, [which says]: "Be careful, O children of God, that you do what leads you to obedience to God. If somebody lives sinfully, he fights against the will of God and shall be counted among worldly-minded rebels. Avoid injustice and the ambition to take the greater share. Do not add beauty to the beauty<sup>2</sup> given to you by God at your birth. Do not feed your hair to render it long and do not keep it without shaving it. Do not render it fine in order to attract women, whose trap is always at hand. Do not wear fine clothes, for they cause deception. Do not wear multi-colored shoes nor golden finger rings, since all these are signs of fornication. Do not have freely flowing, disheveled or plaited hair. Do not spoil your beard by shaving part of it, nor shall any man change his external appearance from its natural appearance; the law forbids all this."

2. If you are rich and do not need to have a craft for your living, still you must not be without ability.<sup>3</sup> When you go out from your home, stay with the faithful and talk with them about the [spiritual] life. You must avoid enmity between you and quickly forgive the sins of your brothers. We do not say this to the judges.<sup>4</sup> We advise you to do good always; by doing this you will receive from God great and incalculable honor. If it happens by the devil's will that you get angry with one another, do not let the sun set on your anger. Solomon has said: "The soul of those who bear malice will find death." Our Lord also has commanded us to love our enemies; then how can we hate our enemies? 11. If you wish to be a [good] Christian you must follow the law of God and cast off the hold of evil from yourself. 10. Those who quarrel, oppose one another, or sue one another are strangers to God, because He is the God of mercy.

Ever since the beginning, He has called people to penance through the just, the prophets and the saints. He taught through Abel, Seth, Enos, and Enoch — who went away — those who lived before the Flood. Through Noah, He preached to those who lived at the time of the Flood, and through Lot, who used to give hospitality to strangers, God preached to those who lived in Sodom. He taught those who lived after the Flood through Melchisedech, Abraham, and Job, the friend of God. Through Moses He preached to the Egyptians and through Moses

1. Gloss: "[the Christian] law."

2. Gloss: "to thy natural beauty."

3. Gloss: "without a trade."

4. The judges must not fail to punish those who are guilty.

and Joshua, the son of Nun, Caleb and Phineas, He taught the children of Israel. After the said men, He also taught the children of Israel through the Angels<sup>5</sup> and the prophets. God preached to those who lived before His coming through John, His Herald. And He Himself preached to those who lived after His coming by saying: "Repent, for the Kingdom of Heaven is at hand."<sup>6</sup> Through us, the twelve Apostles and Paul who was a chosen vessel, He preached to those who lived after the bodily Passion He suffered for us. But when a man works night and day in this transitory time, neglecting what concerns eternity, and when he troubles himself about food that perishes and goes to ruin, despising what is infinite—how can he avoid being told: "The heathens are more just than you," just as the Lord bitterly reproached Jerusalem, saying: "Sodom is more just than thee"? What will you, who keep yourself far from His Holy Church, reply to the Lord? The skill of the faithful consists in [spiritual] wisdom, and their [main] occupation is worshipping God. Carry on, then, with your [spiritual] skill in order to be wise, as is your custom, and carry on with it as you work for your food. Be devoted in working in God's service, as Our Lord has commanded by saying: "Labor not for the food which perishes, but for the food which is for the life everlasting."<sup>7</sup> He also said: "This is the work of God, that you believe in Him whom He has sent."<sup>8</sup>

14. We, the faithful, must not be idle, nor must we reveal the mysteries [of our faith to infidels]; rather we must be constant [not to reveal the mysteries] when asked for them, as Our Lord has commanded us by saying: "Do not cast your pearls before swine."<sup>9</sup> And when the infidels hear us talking about Christ, because they lack knowledge of faith, they scoff at us and it seems to them a lie; and it is written: "Woe to him because of whom My name is blasphemed among the Gentiles."<sup>10</sup> 17. Whosoever curses unjustly, curses himself, and we teach widows and orphans to take what God has sent them, with gratitude and fear.

27. Keep away from those who do evil, just as one keeps away from murderers and fornicators, so that it will not be said that Christians take pleasure in unlawful deeds. Christ has no need of our help, but we have need of His mercy. What He wants from us is that we persevere in our faith and do according to His will. 29. We advise you our brethren and companions in worship, to avoid idle talk, evil talk, shameful talk, indecent talk, drunkenness and greed. You must not speak uselessly or do what is not good—especially on Sunday, the day on which you must rejoice with spiritual joy.

RSTA 4. Peter has said: "Do not speak ill against any man, nor plot to do evil to him. Do not be double-hearted or double-tongued or greedy, wanting the greater share; and do not give bad advice." Andrew said: "Do not be envious, do not scoff at others, and do not be given to killing nor easy to anger, for anger leads to killing." 6. Philip said: "Do not be lustful, for lust leads to fornication; and when the devil of anger unites with the devil of lustfulness they ruin whosoever receives them. The dwelling of an evil spirit is the wound of sin in the soul. When the devil finds a little entrance, he widens the entrance and brings all the evil spirits and introduces them into this soul. A man so wounded cannot in any way arise and see the truth." 60. James said: "O my son, do not act by consulting

5. According to the gloss, "Angels" denotes the Judges of the Jewish people, such as Gideon.

6. Mt. 4, 17.

7. Jn. 6, 27.

8. Jn. 6, 29.

9. Mt. 7, 6.

10. Rom. 2, 24.

[astrological] signs, do not be an entreater [of devils], nor be one of those who watch the hours and choose the days, nor a watcher of stars, nor one of those who foretell with dust, fruits of trees or shells; do not desire to know any of these things because they all lead to idolatry." 9. Nathaniel said: "O my son, do not be a liar, nor a lover of gold or of vain praise, for all these lead to stealing. Do not grumble, because grumbling leads to blasphemy. Do not become haughty, but love and be the companion of just and humble persons, and whatever happens to you, accept it with thankfulness."

35. The members of the faithful shall receive from the hands of the bishop small pieces from the whole bread they brought, because this bread is benediction and not Eucharistic sacrifice. 37. If there is no bishop, they shall receive the eulogy from the hands of a priest, and if there is no priest, they shall receive it from the hands of a deacon; but a layman must not do or give eulogy. 37. Eat and drink according to your rank,<sup>11</sup> but do not drink unto drunkenness, lest the people deride you. DAQ 53. A Christian must not go to a nuptial banquet to clap his hands rhythmically or to dance with his feet; rather, he shall eat in a quiet way as is proper to saints. 55. A member of the faithful must not drink in a house where slanderous and dishonest people, and people who buy drinks with money won in wagers, hold their gatherings.

NIQYA. O dear ones, do not be careless, foolish, or impudent. Do not desire to acquire more gold or silver than suffices for your life, for your sustenance and for your clothing in a proper measure. It is good for a layman to be given to commerce, if he lives in a place where there is neither farming nor [other] trades. Respect others more than yourself, and be the brother of all. Do not be prone to quarrel or to strike anyone, unless it be boys you want to educate and discipline, so that they may be careful in the future; but do even this with prudence, lest the boy die by your hand, for many things cause death.

BADAS 38. We must always be watchful and not grant sleep to our eyes or rest to our eyelids until we have found the place of God. No one shall say: "I have received Christian baptism and have taken Christ's flesh and am quiet," nor shall a man consider himself a Christian nor say he is a Christian, while he himself is given to quarrels and does not obey the precepts of Christ. Such a man is like one who takes a bath in a place full of dirt; when he gets out of the bath while he is still unclean and has not yet removed the dirt, he adds dirt to his dirt. Such people are the object of the devil's mockery, since first they said to him with their mouth: "We deny thee, O devil!" while now they hasten to imitate his evil deeds. And anyone who says of himself: "I am a Christian," and does not perform Christian duties, shall be called a devil by God and by men, because he does not hate the deeds of the devil; rather, he imitates them. Therefore, he shall be known by the names of the devils in this world and in the one to come. If he dies in this impure state, he shall be a spoil of the devils.

DAQ 3. A Christian must behave in conformity to the precepts of Christ and must imitate Him in every deed. He must not be deceitful or covetous of perishable things, nor must he waste his property on causes which do not bring about salvation. He must not do what is not proper nor must he be of little mercy. He must not be a lover of women; rather he shall take only one wife and bring up his children in the fear of God. He must not flee, [abandoning his family], in time of distress; he must be devoted to reading and must understand what he hears. Let

11. Arabic text: "in an orderly manner" (1/134).

him be quick to give from what he owns. He shall not be slothful, nor shall he despise his servants; rather, he shall consider them as his children. He shall take or give with pleasure, and he shall not neglect to give offerings for the Eucharistic sacrifice, as well as incense.

If a Christian is persevering in all this, he is an imitator of Christ and shall sit on His right and sing laudes together with the Angels; he shall receive the crown of life that Christ has promised to His beloved. O lover of God, do not love silver, for the love of money is the root of all evil. It is enough for us to find food and the [necessary] clothing, and in reference to us it is written: "Cast thy care upon the Lord, and He shall sustain thee."<sup>12</sup> DESQ 22. Be ready to hasten to church in all diligence, without laziness, and do not fail to work with your hands so that in all your days you may earn something to feed yourselves and the poor.

**Part II. This part is in three subdivisions.**

The first deals with what parents must do for their children and what children must do for their blood parents.

DESQ 22. Teach your children, O parents, the word of God and raise them well disciplined and knowing God. Teach the trades which are useful to them, lest they be occupied with idle things and contemplate leaving their parents and educators [without any help]. If parents neglect them and discipline them not, and the children therefore remain idle, the latter will be hardhearted and unwilling to do good. You must not, therefore, fear to scold or to discipline them, putting fear in them, because if you discipline them you will not kill them; rather, you will give them life, as the following words of Solomon uttered in his Wisdom show: "Reproach thy son so that he may refresh thee and may be of use to thee, for he is thy hope"<sup>13</sup> and if thou beatest him with a rod, thou will deliver his soul from death."<sup>14</sup> Teach your children the words of God and prevent them [from doing evil] with strokes, to make them obey you, starting from their childhood. Teach them all the Divine Books and do not leave them in idleness, lest they prevail over you and disobey your commands. Do not allow them to drink [wine] with their companions, because they will turn to evil deeds. If they sin because of the negligence of their parents, not only they but also their parents shall be punished. Therefore, you must discipline them, and when they are ready for marriage, marry them to pure women. And Paul said: "The children ought not to amass treasures for their parents, but the parents for their children."<sup>15</sup>

EFESON 5. Children, obey your parents as you obey the Lord, for this is just. The first commandment has said: "Honor thy father and thy mother, that it may be well with thee and thou mayest be long-lived upon earth." And you, parents, provoke not your children to anger but bring them up to be well disciplined and to know the teaching of Our Lord.<sup>16</sup>

GLOSS X. It is laid down in the canons of the Kings: the first born is obliged before the Lord<sup>17</sup> to take care of his father, and his brothers after their father dies; and [the brothers] who want to know the justice of God and to be

12. Ps. 54, 23.

13. Prov. 29, 17.

14. Prov. 23, 14.

15. II Cor. 12, 14.

16. Eph. 6, 1-4.

17. Gloss: "for the sake of God."

given to His obedience are obliged before God [to obey their elder brother];<sup>18</sup> and every chief who is appointed next to his companion must do the same.<sup>19</sup>

**QUALOSEYS 5.** Obey your parents, O children, in all things, for this is very pleasing to the Lord. Parents, provoke not your children to indignation lest they be sorrowful.<sup>20</sup> **BAS 28.** Teach your children to pray the prayer of the [canonical] hours in purity. **DESQ 9.** Honor your blood father and mother, for they are the cause of your birth.

The second subdivision deals with the love of husbands for their wives and the obedience wives owe to their husbands.

Paul said in his letter to the Ephesians, 5: "Let women be subject to their husband as to the Lord, because the husband is the head of the wife, and husbands must love their wives as they love their own bodies. Let everyone of you love his wife as himself, and let the wife love and fear her husband."<sup>21</sup> In his first letter, Peter said: "And so also you women be subject to your husbands, so that those who do not obey the word may be won without the word by the good manner of you, O wives, when they consider the purity of your heart and your turning to penance and justice. And you shall adorn yourselves thus: not with ephemeral ornaments or with plaiting of the hair or with rings of gold or with the putting on of fine dresses, but with the ornaments of man which are hidden, the true ornament which is found in a humble heart, an ornament that becomes not old, the ornament that is found in a peaceful mind, an ornament that is in God forever. The ancient holy women who trusted in God were so, and their ornament was to be in subjection to their own husbands. As Sara obeyed Abraham, calling him 'my lord,' so you, her daughters in doing good deeds, be not frightened by anything which causes fear. And you men, likewise dwell with them according to knowledge and purity; keep them as weak vessels and respect them, for they inherit with you the life everlasting."<sup>22</sup>

At the beginning of the Didascalia Peter said: "O men, servants of God, every man among you shall bear the weight of his woman. He must not be haughty, nor deceitful, but shall be merciful and upright, one who hastens to do that which pleases his wife. He shall not adorn himself to make another woman desire him, lest she sin by looking at him." 3. Fear, O woman, your husband, and be respectful towards him; do, next to the Lord, only his pleasure; be vigilant to give him rest and to serve him. A wise woman does every good thing for her husband; she supervises the work of her servants and uses her hands for useful things. Her fingers are strong enough to weave clothing for the poor and to make two dresses, one for herself and the other for her husband. When she walks through the street, she veils her head with her cope; she veils herself with purity to defend herself from the looks of wicked men. She adorns neither her head nor her face, for there is nothing which renders her ugly and makes adornment necessary. Let her droop her head and look at the ground, and let her always remain veiled. **BADAS 16.**

18. Arabic text: "The first born have a duty before God to take care of their mothers and brothers after the death of their fathers, and those who are ruled by the first born have a similar duty to recognize his authority and obey him" (2/137).

19. That is, he must give assistance to the chief who was prior.

20. Col. 3, 20-21.

21. Eph. 5, 22-23.

22. 1 Pet. 3, 1 ff.



A free woman<sup>23</sup> shall not leave her hair unveiled in the house of the Lord; she shall not give her children to wet-nurses, nor shall she be slothful in administering her house nor disobedient to her husband.

Third [subdivision], that servants must obey their masters and that masters must love their servants.

Paul has said in his Epistle to the Colossians: 5. "Servants, obey your worldly masters in all things, not with feigned flattery towards them to be praised by men, but with peaceful heart, in the fear of God. Whatsoever you do for them, do it wholeheartedly as if you were doing it for the Lord and not for men. And know that the Lord shall reward you in the day of His judgment, because you serve Christ the Lord. The one who does wrong shall pay for the wrong he has done, and there is here no partiality or respect for anyone."<sup>24</sup> Masters, deal justly with your servants, observing equality between them. EFESON 5. "You must be masters who forgive their faults in the knowledge that you have a Master in heaven, Who is not partial nor One Who acts in respect of a person's face."<sup>25</sup> BADAS 38. A [good] Christian despises not his servants but considers them as his children. In the Chapter of Sundays and feasts, it is said that they shall have rest on those days.

### Part III. Matters that entail punishment:

RSTA 29. A sorcerer who reads omens with fruits of trees, with shells, or on dust, one who evokes the dead, one who interprets dreams or explains magic signs, one who foretells the future by watching the flight of birds, one who is superstitiously careful not to meet a lame or a blind person, one who foretells the future on the basis of people's talk, 28, so also one who follows the customs of the heathens and the vain talk of the Jews, one who does foolish things, one who watches spectacles—all these people must abstain from these things. Otherwise, they must be chased out of the church. ENQORA 23. So also, to a diviner, to one who gives shelter to sorcerers or the priests and ministers of the devil, RSTA 63, to one who hypnotizes others, to one who ties and unties [magic knots] or invokes the devils, BAS 35, to one who listens to magicians, to one who watches sunrise and moonrise attentively and acts [on his observations], to one who wears amulets engraved with the devil's names, to one who holds a piece of iron to drive off devils, to one who uses a conjurer's tricks and to one who dances with his feet.

GLOSS XI: The following is laid down in the canons of the Apostles and was included in the canons by extraction, 22, from the precepts of Paul: a messenger or one who stands in the street holding a rod in his hands, one who tells false miracles, one who writes conjurations, one who frowns during misfortunes and grumbles against the judgments of God, and one who tattoos his hands with a needle [shall be chased out of the church].

23. Gloss: "a woman who is not enslaved by the devil."

24. Col. 3, 22-25.

25. Eph. 6, 9.

## CHAPTER XII ON MASS

DESQ 12; NIQYA 61. In church, people must attend mass quietly, with purity, with great attention to hear the word of God, with great care, each one in his proper place, according to the positions of the heavenly spirits: the bishops, in their capacity as rulers, in front of the altar; behind them the priests as teachers, and on the side of the bishop, the archdeacon; and the deacons [shall stay] behind the priests as ministers. And behind them, all the people: young in one place separated from the others, and if there is room enough to accommodate them, the boys shall [be grouped separately, otherwise they shall] stay with their fathers.<sup>1</sup> Similarly women shall stay separately in one place, those married to one side and girls to another. If there is no separate place for the girls, they shall stay behind the women. The virgins and widows, however, shall have priority over all the women in [occupying] places as well as in [intoning] the prayers.<sup>2</sup> GENER 27. The kings shall stay in the sanctuary with the chiefs and rulers.<sup>3</sup>

DESQ 12. The deacons shall assure that everyone stays in his appropriate place, and shall watch the people lest some slumber, sleep, laugh, or deride their companions. BAS 72. Whoever laughs during mass shall be awarded one week of fasting as his punishment, if he is a priest; and if he is a layman, he shall be sent out immediately and shall not receive the Eucharist. 96. No one shall talk at the sanctuary or around the sanctuary unless it is necessary, and no one shall spit while he is at the sanctuary unless he is ill. BADAS 17. No one shall utter [vain] talk in the church, because the house of God is not a place of conversation but a place of prayer with fear of God. One who talks in church shall go out and for that one time he shall not receive the [Holy] Mysteries. BAS 92. Unless it is necessary, no one shall go out of the church after the reading of the Gospel and before the end of mass, the benediction of the priest and the dismissal of the people.<sup>4</sup> RSTB 7. Whoever enters the church and hears the [Holy] Books and does not stay in the church until the end of the prayer, must be segregated.

BADAS 37; BAS 96. The vestments with which mass is celebrated shall be white, as is becoming to priests, and not of varied colors. Moreover, Our Lord's clothing became as white as light when he was transfigured; also, the appearance of angels who announce good news to men is of this color. God commanded the children of Israel to come to Him in this fashion on the day He spoke to them. BAS. This vestment must reach to the feet of the priest, and a wide piece of cloth shall be placed on his shoulders. The mass vestments shall be kept in the house of the servant of the church<sup>5</sup> or in the place where the church books are kept; the

1. POEFNM 195-1 is followed here.

2. ወበጸላጥ : "in prayer" is also interpreted to mean በረቱ : ይቀበሉ : "they shall be first in receiving [the Eucharist]" POEFNM 195-1.

3. "Chiefs" denotes here the spiritual chiefs such as patriarchs; "rulers" denotes bishops, cf. POEFNM 195-2.

4. The dismissal is performed by the deacon who says እትጢ : በሰላም : "go ye in peace."

5. ላእከ : ቤተ : ክርስቲያን : "the servant of the church" is taken to mean ገብዝ : "the administrator of the church," POEFNM 196-3.

vestments shall not be kept outside this place. No one shall put on shoes at the sanctuary, since the Highest God said to Moses: "Take off the shoes from thy feet, for the place whereon thou standest is holy."<sup>6</sup> He said the same thing to Joshua, the son of Nun, disciple of Moses.<sup>7</sup>

BAS 97. The mass shall not be begun until all the people are gathered. RSTB 52. The deacon shall carry the Eucharist<sup>8</sup> to the sanctuary, and if the celebrant is a bishop, the priests shall stand at his right and left, like his disciples. NIQYA. It is not proper that the priest celebrate mass without a deacon to announce the prayer to the people and preach to them with fear and honor.<sup>9</sup> He must be capable of making himself heard by the people. DESQ 38, 23, 12. The celebrant shall begin the mass with the prayer of thanksgiving.<sup>10</sup> Next he shall explain the word of the Holy Books. Then, the priest shall bring the loaf of bread and the Eucharistic chalice, and the bishop shall take the thurible and shall go around the altar thrice in honor of the Holy Trinity. He shall give the thurible of incense to the priest, so that the latter may go with it around all the people. At the end of the singing, the deacons shall read some verses from the letters of the Apostles, and laudes from the psalms, and after this they shall read the Holy Gospel while the people stand up in silence. The reader shall be a priest or a deacon.

BAS 99. When the reading of the Gospel is over, if a bishop is present he shall take the Gospel in his hands and shall explain the verses which were read to the people. If the bishop is not present, the priests who can explain it shall do so. QORONTOS 17. If you speak in a different language and do not explain what you say, how shall it be possible for others to understand what you say? Because then you shall be like the one who speaks into the wind.<sup>11</sup> 18. They shall speak one by one and another shall interpret to him. But if there is no one to do the interpretation, the person who speaks a different language shall keep silent in the church.<sup>12</sup>

DESQ 12. After the explanation of the Gospel, the celebrant shall pray for the sick, the pilgrims, and the afflicted, the winds, the fruits of the land, the kings, the dead, those who bring offerings for the Eucharist to the church, those who built that church, the catechumens, the peace of the universal Church, the bishops, the clergy, and the community of the people. The bishop shall celebrate the mass standing near the altar, with the curtains drawn. The priests shall stay behind the curtains, and the deacons shall stand around the altar fanning the air with flabella in the likeness of the wings of the Cherubs. RSTA 52. Two deacons shall stand at the side of the altar and shall take flabella made of soft material and drive away the little flies, lest any of them drop into the chalice. DESQ 12. A deacon shall stay with the archpriest to serve him and shall say to the people that anyone who does not give up fraud or false pretense between himself and his companion must not receive the Eucharist. After this he shall bid each one of the men [to give each other] the chaste kiss of peace; then all men shall salute each other with a holy salutation. RSTA 103, 32, 53. Women shall salute women and men shall not

6. Ex. 3, 5.

7. Jos. 5, 16.

8. That is, the unconsecrated bread.

9. Arabic text: "...who will admonish the people to stay with reverence and politeness" (4/143).

10. This prayer is the "prayer of thanksgiving of St. Basil" which begins: ኃላቡተ ለገባረ ምናታ፣ "We give thanks unto the Doer of good," POEFNM 197-2.

11. Cf. I Cor. 14, 9.

12. I Cor. 14, 27. In POEFNM 198-1: "One shall speak and another shall interpret."

salute women. The deacon shall bring water; then the priests shall wash their hands and the deacon shall say: "You, who do not receive the Eucharist, get out." DESQ 12. After this, the archpriest shall pray for the people and shall finish the mass; the people shall pray in a low voice. BAS 99. Those who sing at the sanctuary shall sing not with abandon but with intelligence.

99. The priest shall divide the Eucharist slowly, piece by piece, and shall be careful that none of it falls on the ground. And he shall divide it equally, so that the piece may not be [too] small or [too] big, but shall be such as to fill the mouth of the person who receives it, and such that the receiver can roll it inside his mouth. The sign of the holy cross shall be engraved into each loaf and on all parts of it. 97. After all the prayers have been said, the priest shall make the profession [of faith] in the name of the Trinity and all the people shall cry together and say: "Amen, we believe." The priest shall say, through the deacon, "He who is pure, let him receive the Eucharist, but he who is not pure, let him not receive it, so that he will not burn in the fire of the Divinity. Those who have enmity towards their companion, those who have thought of fornication and drunkenness, and those who were not present at the beginning of the mass, may not receive the Eucharist." KRESTA. The priest who was not present at the beginning of the mass must not receive the Eucharist nor take the Holy Body with his hands. There are three masses<sup>13</sup> in the Coptic Church: those of Basil, Gregory and Cyril, and they are the masses that are celebrated.

13. More precisely: "There are three Anaphoras in ... ." The Anaphora is the variable part of the mass.

## CHAPTER XIII EUCCHARIST

**RSTB 2.** No priest shall bring honey, milk, birds, or meat of any animal to the holy altar as an offering. If any priest brings<sup>1</sup> for an offering something other than that commanded by the Lord, he shall be deposed, unless it is pure oil to be used for lighting or incense to be used during the pure mass. **PET; RSTG 3.** No offering shall be brought to the altar except the host of pure wheat and the juice of pure grapes. The wine shall not be replaced by any intoxicating drink prepared with the help of fire. The fruit of the ear [of wheat] shall be offered in its season and the grape during its feast, when it begins to ripen.<sup>2</sup> **BAS 99.** The offering shall be prepared from what the church has, but if it has nothing, the offering shall be made and prepared from the offerings brought to the church [by the faithful]. **DESQ 38.** Eucharist shall be offered every week on Sunday, Wednesday, Friday and Saturday, and on feast days if they fall on weekdays. **21.** Only the oblation of the good Christian shall be offered during the mass; the offering of the following people shall not be accepted, namely, blasphemers, murderers, idol worshippers, thieves, idolmakers, drunkards, those who oppress widows and orphans, publicans and robbers, wicked soldiers who vex the poor, those who put people in fetters unjustly, those who rule with tyranny over their subjects and ill-treat them, those who act unjustly [and] with oppression,<sup>3</sup> merchants who sell wine mixed with water, and all the transgressors of the law, for "The Lord abhors the offering of the impious"<sup>4</sup> as the wise Solomon has said. **NIQYA 30.** Do not sell, O priest, your first birthright<sup>5</sup> by receiving something from one who lives in sin. **NIQYA 30.** Similarly do not receive the offering of those expelled [from the church], whom the church has excommunicated.

**DESQ 38; RSTB 44.** Only members of the faithful and those who have not been expelled shall receive the Eucharist. **ENQORA 15.** If any member of the faithful is excommunicated and put with those who are out of the church, and his day of death approaches, he shall not be prevented from receiving the Eucharist. If he recovers from his sickness, he shall take part in the prayer of the faithful and shall not be put back to the status of those who are outside. **TIMO.** One who is possessed by evil spirits, provided he does not blaspheme and does not slaver after he falls down, shall be given the Eucharist on feast days. **DESQ 35.** The deacons shall write down daily the names of those who bring offerings, be they living or dead,<sup>6</sup> in order to remember them during the prayer and reading; and the singers inside the curtains and all the people together shall pray for them.

**RSTA 30.** The bread which is offered on the altar of sacrifice shall be a new loaf. It must not be saved for the following day, but must be distributed on that

1. The word used in the text is ቦለ : በ : "to enter with," but the POEFNM version which uses አብለ : "to bring in," has been followed here, POEFNM 200-1.
2. እው : በዓለ-ና : ዘቀናጊ : በጽሐቱ : እንድ : ወገን : "during its feast" and "when it begins to ripen" mean the same thing, POEFNM 200-3.
3. Arabic text: "...those who cheat people by using false scales" (5/146).
4. Prov. 15, 8.
5. More precisely, ማርገህን : አታበነቅፍ : "do not make your dignity contemptible," POEFNM 201-3.
6. That is, the dead who have left offerings for the church in their wills (1/147).

day; nothing shall be left for another day. BAS 98. The bread must not have cracks in it and must be without any stain. 99. The wine shall be poured into the chalice and shall be observed carefully to see [that it is pure]. It shall not be offered if it is not limpid and pure. 102. He who prepares the chalice shall not pour into it old wine, and shall not add water in excess of one-third of the wine: if there is ample wine, he shall add only water equal to one-tenth of it, and shall not vary this proportion. If he dares to change [the said proportion] he shall be expelled. RSTA 45. He shall not fill the chalice to the brim, in excess of its measure, lest the wine be spilled on the ground.

RSTB 46; PET. No one shall receive the Eucharist unless he fasts with purity, and if any faithful, man or woman, has tasted [food] and then dares receive the Eucharist, he shall be perpetually expelled from the church of the Lord. BADAS 28; RSTB 43. Every member of the faithful shall prove himself ready to receive the [Holy] Mysteries before tasting anything, especially in the days of fasting. If he has faith, let him receive [the Eucharist], and even if one gives him deadly poison, it will not harm him. 14. Every member of the clergy must be careful lest anyone receive the [Holy] Mystery without being a member of the faithful. The following is laid down in one of the canons of the Kings: the faithful, men and women, shall always stand during the prayer of the Eucharist, singing laudes and beseeching God, and shall restrain themselves from speaking in the church. G 7. If someone is about to put an offering at the altar but remembers that his brother is angry with him, he must leave his offering before the altar and go first to reconcile himself with his brother; then he may come back and leave his offering.<sup>7</sup>

QORONTOS 14. The man who eats of the body of the Lord and drinks of His blood unworthily sins against the body of Our Lord and His venerated blood. Therefore, let a man examine himself first and make his soul good and saintly; then let him eat of that bread and drink from the chalice, for he who eats and drinks of it unworthily, eats and drinks perdition to himself. He does not know the body of the Lord and does not discern it from other things. Therefore there are many infirm and ill among you and many who die suddenly.<sup>8</sup>

GLOSS, from the Pentateuch: "If anyone eats of the sacrifice of the Lord while defiled, his soul shall be cut off from his people."<sup>9</sup>

RSTB 7; RSTG 8. If the bishop or any priest offers the sacrifice and does not take from it himself, he shall give the reason for his doing so, and when he gives it, he shall be forgiven. If he does not give his reason, he shall be put apart, because he will have made the people suspicious that he celebrated the mass without purity. RSTA 53; NIQYA 17. The bishop shall receive the Eucharist first, then the priests and deacons, and after all of them, the people. Women shall receive it after men. All the faithful shall sing during the reception of the Eucharist. RSTA 53; BAS 99. When the priest gives the body [of Christ], he shall say: "This is the body of Christ, that He gave for our sins," and the one who receives it shall say: "Amen." Similarly, the one who holds the chalice shall say: "This is the blood of Christ, that has been shed for us," and he who receives it shall say "Amen," and shall receive it with great fear and purity.

7. Mt. 5, 23-24.

8. I Cor. 11, 27 ff.

9. Lev. 7, 20.

**RSTA 53.** The priests and deacons shall take care that nothing of the Eucharist remains, because a great judgment shall weigh upon them. **BAS 99.** What remains in the chalice shall be taken by all the deacons who serve at the altar. **100.** Everyone must be careful not to leave remnants, with the purpose to eat it as ordinary food, lest what befell the sons of Aaron and Eli when they defiled the sacrifice of the Lord befall them.

**RSTA 53.** When the singers have finished singing the laudes to the Lord, the deacon shall say loudly: "We have received of the venerated body of Christ, let us thank the One Who makes us worthy to receive it." After this, the bishop shall pray, thanking the Lord for the Holy Mysteries they received. When the priest is through with the prayer the deacon shall say: "Bow your heads in front of the Lord that He may bless you," and the bishop shall recite the prayer of benediction after which the deacon shall say, "Go ye in peace." **BAS 97.** After the thanksgiving is over nothing shall be left in the chalice prepared [for the service] to wait for the one who did not come to the church during the mass. **KRESTA.** No one shall drink water nor shall anyone cover the Eucharist he received with bread before the dismissal, and from the water [taken] to wash [the mouth afterwards], nothing shall trickle out of the mouth.

## CHAPTER XIV

### PRAYER

Prayer is the talking of man to the Highest God, whereby he thanks Him, praises Him, and recognizes His domain, confessing his sin and seeking on his part the way of pleasing Him. And there are precepts concerning one who prays: First of all, he shall stand up, as in the words of the Lord: "When you rise up for prayer, you shall stand up,"<sup>1</sup> and also the words of David, who said: "In the morning I will stand before Thee and will appear before Thee."<sup>2</sup> The second precept is to gird oneself with a girdle, as the Lord has said, "Let your loins be girt."<sup>3</sup> The third is to turn one's face towards the east, because that is the direction from which Christ — may He be praised! — has said He will appear in His second coming, and because the prophet David has said in Psalm 67: "Sing to God who has risen to the heavens, and from heaven, from the east side, has made His voice heard, the voice of power."<sup>4</sup> The law provides and commands that one who prays must turn his face in this direction, from which His voice has been heard and from which He will come. Accordingly he must not turn his head this way and that, as the Lord said to the children of Israel the day He spoke to them.

The fourth is to make the sign of the cross in the likeness of the cross, from the forehead downward and from the left to right. Crossing oneself is meant to drive away the devils, as Our Lord has said: "If I by the finger of God cast out devils ...."<sup>5</sup> And also the sign of the cross is made from the forehead downward and from the left to the right to signify that Our Lord descended from heaven to earth and transferred us from the left side to the right.

Moreover one crosses oneself because God, with his cross, accomplished the redemption, and also because in this way we remember the grace of the One Who was crucified for us. The Apostles, as well, commanded the same thing. RSTA 49. Every time we cross ourselves in the likeness of the cross, we do it with heartfelt faith to keep away the devil. The Apostles put this sign on us so that, through it, we may be saved from perdition, as God put the sign of the Paschal Lamb on the house of the children of Israel as a sign that would prevent death, lest He kill their first-born as He killed the first-born of the Egyptians. The times when one must cross oneself are at the beginning of prayer and whenever mention of the cross is made.

The fifth condition is to recite the words of the prayer with fear and trembling. This must be done in such a way that the spirit moves towards the Creator, either in thought only, or with the tongue which interprets the thought. The sixth is to kneel down and prostrate yourself, with your face on the ground, since our Lord has said: "It is written: the Lord thy God shalt thou adore and to Him

1. Mk. 11, 25.
2. Ps. 5, 5.
3. Lk. 12, 35.
4. Ps. 67, 33.
5. Lk. 11, 20.



only shalt thou prostrate thyself.”<sup>6</sup> The Gospel also testifies that Our Lord prayed in the night of His passion and prostrated Himself and knelt down. And our adoration must be in spirit and truth, as Our Lord — may He be praised! — has said. The times of adoration and their number are fixed in our church.

Whosoever prays shall prostrate himself when there is mention of the adoration of the Highest God at the time of prayer. He shall begin the prayer by prostrating himself once or thrice,<sup>7</sup> and so also at the end of the prayer; he shall recite the psalms and the hymns.<sup>8</sup> There are some who do only half of these as prostration and do the other as genuflexions; and there are others who go beyond this, according to their constitution and strength. As for the fixed times during which the prostration is substituted for by genuflexions, they are: NIQYA 20, Sundays, the days of Pentecost, NIQYA 32, the feast days of Our Lord and Our Lady, and also after receiving the Eucharist. During prayer one must raise one's hands with palms outstretched and open, especially at the time of supplication, since Paul said to Timothy: 3. “I wish that men pray in every place by lifting up their hands in purity, without anger or contempt.”<sup>9</sup> As the prophet David said in [Psalm] 133: “In the night, lift up your hands in the holy place and bless the Lord,”<sup>10</sup> and as he also said in [Psalms] 87 and 142: “I lifted my hands to thee.”<sup>11</sup> And also lift your eyes towards heaven as Our Lord — may He be praised! — did when He raised Lazarus and as the prophet said in [Psalm] 122: “Unto Thee, O Lord, we lifted up our eyes.”<sup>12</sup> And also strike your breasts, when you ask for forgiveness, and during penance, in order to free yourselves from sin, to repent for the days spent without doing good, as the publican who struck his breast in prayer was praised [by Our Lord].<sup>13</sup> [It is also commendable] to shed tears if one can do it, as David and the Saintly Father did.

What must be recited during the prayer is written in the Gospel<sup>14</sup> and the Canons.<sup>15</sup> G 7. You shall pray thus: “Our Father who art in heaven ...” until the end. NIQYA. And the faithful shall say the Creed at the end of every prayer. RSTA 22. The greater part of the daily prayers to be said, night and day, shall be from the psalms of David, because in them there are prayers of thanksgiving, laudes, supplications, professions of the unity of the Creator, and confessions of sin. DESQ 12. In the morning prayer, Psalm 62 shall be recited, and in that of the evening, Psalm 140. DAQ 19. The priests shall recite every day the Canticle of the Three Young Men<sup>16</sup> and shall always finish their prayer with the prayer of our Lady Mary.<sup>17</sup> On Monday they shall recite the Canticle sung by Moses and his sister when they came out of the sea, and when the Highest God saved

6. Mt. 4, 10.

7. The POEFNM 208-1 says አንድ ፍንድነት ፡ ሦስት ፡ የሦስትነት ፡ ጥላላ ፡ “with one prostration one signifies the Unity of God, and with three prostrations, the Trinity of Persons.”

8. Arabic text: “...three prostrations, and similarly at the end of every psalm and canticle” (1/152).

9. I Tim. 2, 8.

10. Ps. 133, 2.

11. Ps. 87, 9; 142, 6.

12. Ps. 122, 1.

13. Lk. 18, 13-14.

14. Gloss: “Our Father.”

15. Gloss: “the Creed.”

16. Dan. 3.

17. Lk. 1, 46.

them.<sup>18</sup> On Tuesday the priests shall recite the Cantic of Deuteronomy;<sup>19</sup> on Wednesday, the prayer of Ann, the mother of Samuel;<sup>20</sup> on Thursday, the prayer of the prophet Habakkuk;<sup>21</sup> on Friday the prayer of the prophet Isaiah;<sup>22</sup> on Saturday the prayer of Jonah;<sup>23</sup> and on Sunday they shall recite all the above prayers. The Fathers have prescribed other prayers in addition to those which must be recited.

DESQ 37; RSTA 40; RSTG 5; BADAS 27, 25; BAS 28. The faithful must say their prayers seven times a day, first before sunrise, when people awaken and rise from bed. They must pray after they wash their hands with water. Let everyone pray before beginning work. The second is the prayer of the third hour; the third, the prayer of the sixth hour; the fourth, the prayer of the ninth hour; the fifth, the evening prayer; the sixth, the prayer of the sleeping hour; the seventh, the prayer of midnight, after washing the hands with water. If water is not available at the moment, they shall blow on their hands and shall cross themselves with saliva from their mouths. If one is in the company of his wife, both shall pray together; but if she is not a Christian, the husband shall move away from her and pray alone. Those who are bound by marriage shall not skip prayer. They need not take a bath before praying; it is enough if they wash their hands, for their marriage is pure.

The reason why one must pray seven times a day is that David said: "Seven times a day, I give praise to Thee, O Lord."<sup>24</sup> RSTA 68. One prays in the morning because the Lord has made the light shine on us and has made darkness disappear; at the third hour, because Pilatus condemned Our Lord at that hour; at the sixth hour, because Our Lord was crucified then; and at the ninth hour, because then He passed away. At night you shall praise the Lord because He has given you rest from the toils of the day. You shall praise the Lord at these times because He accepted pain, crucifixion, bitter gall, death, and the descent into the tomb at sunset. The midnight [prayer is prescribed because] the bridegroom comes at midnight,<sup>25</sup> and [because] David has said: "I rose at midnight to prostrate myself before Thee."<sup>26</sup> At midnight also, Paul and Silas prayed in prison,<sup>27</sup> and Our Lord also prayed thrice during the night of His passion and said: "Watch ye and pray that ye enter not into temptation."<sup>28</sup> He also said: "Watch ye ... for you know not when the Son of Man comes, if He comes at midnight or at the cock-crow or in the morning."<sup>29</sup>

RSTA 48; DESQ 12. The morning and evening prayers shall be said in the church, especially on Sundays and Saturdays. And whosoever skips prayer, unless he is ill, shall be cut off from the congregation of the faithful. If one who is sick can come [to church], he must not miss it, for he may be healed by the holy

- 18. Ex. 15, 20-21.
- 19. Deut. 32, 1.
- 20. 1 Kgs. 2, 1.
- 21. Hab. 3, 2.
- 22. Is. 38, 10.
- 23. Jon. 2, 2.
- 24. Ps. 118, 164.
- 25. Mt. 25, 6.
- 26. Ps. 118, 62.
- 27. Acts 16, 25.
- 28. Mt. 26, 41.
- 29. Mk. 13, 35.

water and the oil he takes. If he is a sick person who cannot come, his acquaintances shall visit him every day. RSTB 47. The prayer of the third hour and the rest must be said at home. And when any of these times of prayer arrives and a member of the faithful finds himself in a place where he cannot pray, he shall pray mentally.

The prayers reserved to the priests must be said only in the church. [These prayers are] the prayer of baptism, the prayer of the sacrifice of mass, the prayer for the ordination of priests, the prayer for the consecration of the altar, the prayer for the consecration of the church, the nuptial prayer, the prayer of absolution,<sup>30</sup> the prayer to heal the sick, the prayers for the dead at the moment of their passing and thereafter,<sup>31</sup> BADAS 3, the prayer over the oil and the first-fruits of any edible thing, and every prayer to be said for any necessity. At the end of prayer, one shall say: "Glory be to the Father, to the Son and the Holy Spirit, world without end, Amen." The prayer of baptism<sup>32</sup> and the prayer said during the ceremony of the washing [of the feet]<sup>33</sup> as mentioned in the Gospel, are taken from the book of the mass.

The prayers that are not compulsory [are]: the prayer of devotion proper for monks and those who live in the fear [of God] — for they pray more, night and day, as is said in the teachings and in the parables of the Lord and in the following saying of the Apostle: "Pray without ceasing."<sup>34</sup> The Apostle also said: "Be instant in prayer."<sup>35</sup> Monks consider morning prayers at cock-crow as compulsory, pursuant to what is said in the canons. RSTB 47; BAS 28; BADAS 21. David said in [Psalm] 56: "I will arise early and confess to Thee."<sup>36</sup> There are also prayers of meal time to be recited at the beginning and at the end of meals, BAS 28, at the beginning of the meal, so that the Lord may bless the food which is to be eaten, and at the end of the meal, so that the Lord may render the food suitable for the preservation of the body and health, and so that a monk may have the strength to continue the ascetic life he lives in. Priests used to sit down and recite it with the people as Our Lord did when He looked at heaven and blessed the five loaves.<sup>37</sup>

There is the prayer for those who travel, like the prayer Paul said when the Ephesians accompanied him on his departure, and when he left Tyr to travel to Achaia.<sup>38</sup> There is also the prayer the monks shortened<sup>39</sup> and adapted, [to be recited] when they enter their houses and when they go out.

There is the prayer, the purpose of which is to bring an end to tribulation; this prayer is divided into two parts: the prayer a man says for himself, [and the

30. Gloss: ፍትሐት ስወልድ: "the absolution of the Son."

31. That is, ከዕለፍታቸው በኋላ ስላለው ጀምሮ እስከ ዓመት: "from the third day after their death for a period of one year," POEFNM 213-3.

32. The "prayer of baptism," እሉት ጥምቀት: is the rite performed in the river on the day of the Epiphany.

33. The ceremony performed on Holy Thursday. The term used in the text is ጉብተራ: "basin," and is derived from the Greek *niptr*. Dillman, *Lexicon Linguae Aethiopicae*, c. 657.

34. I Thess. 5, 17.

35. Col. 4, 2.

36. Ps. 56, 9-10.

37. Mt. 14, 19 ff.

38. Acts 20, 36; 21, 5.

39. Arabic Text: "... the prayer that was condensed for special use by monks" (2/157).

prayer a man says for others]. The first is in accordance with what was said by the Apostle: "If anyone of you is in tribulation, let him pray"<sup>40</sup>; so also Paul, Jonah, and the Three Young Men prayed in their tribulation and were saved. Our Lord also has taught us this with His prayer during the night of His passion. As for the prayer for others, the Acts of the Apostles testify that the Church prayed for Peter when he was in prison.<sup>41</sup> And Paul also said: "Pray for me, that I may be saved."<sup>42</sup> There is the prayer for the forgiveness of sins, the prayer of the priest for the people, such as Moses, Aaron and Phineas prayed.

There is the prayer for obtaining what one desires; by that prayer a desire not forbidden by law is fulfilled, as when one asks for offspring, or wisdom. Thus was the prayer of Ann by which Samuel was given, and her canticle when she gave birth to him. It is as said by the Apostle: "Whoever wants wisdom, let him ask God, Who gives abundantly; do not doubt, for He gives to those who ask,"<sup>43</sup> and also in conformity with the saying of Our Lord: "And all things whatsoever you shall ask in prayer believing, you shall receive."<sup>44</sup> There is also the prayer of the spiritual fathers for their children, such as the prayer said by Paul, and his command to his disciple, Timothy, about it.

RSTG 43; DESQ 33. One shall not pray with an excommunicated priest nor with an infidel, even if it is in a house. Whosoever prays with them shall be deposed. DESQ 60. You, O our brothers, pray always so that those who are inclined to anger without reason may desist from anger. 10. When an important person, be he a stranger or from the country, comes in, do not cut short your talk,<sup>45</sup> O bishop, but the brethren shall receive this person among them and the deacon shall give him a place [fit for him], so that the deacon's office may please God.

GLOSS: It is said in the canons of the Kings: A woman who is menstruating and a newly delivered mother shall say their prayer at home and not in the church.

40. Jas. 5, 13,

41. Acts 12, 5.

42. II Thess. 3, 1.

43. Jas. 1, 5.

44. Mt. 21, 22.

45. ንገር : "talk," stands for እየተገለጸ : "prayer," hence, "do not interrupt your prayer."

## CHAPTER XV ON ALL THE FASTS<sup>1</sup>

Fasting is abstinence from food, and is observed by man at certain times determined by law, to attain forgiveness of sins and much reward, obeying thus the One who fixed the law. Fasting [also] serves to weaken the force of concupiscence so that [the body] may obey the rational soul.

All the faithful are obliged to observe the fast of forty days as did Christ—may He be praised!—the fast which comes to an end on the Friday of Fesh,<sup>2</sup> and after it [the fast of] the week of Crucifixion. These fasts shall be observed until the end of the day, and during that time no blooded animal<sup>3</sup> nor what is produced<sup>4</sup> by animals shall be eaten. And also the fasts of Wednesday and Friday of every week [shall be observed], except during the fifty days,<sup>5</sup> and during the feasts of Christmas and Baptism,<sup>6</sup> when these feasts fall on these days. On fast days one must fast until the ninth hour, as it is written.

There are other fasts which have been established by the Coptic Church. Some of these are similar to the Lenten fast in the strictness [of the provisions regarding their observance]; these are the week of Herkal, which falls before the great fast,<sup>7</sup> the three days' fast of the people of Nineveh, the fast on the Eve of Christmas, and the fast on the Eve of Baptism. Other fasts are less [strict],<sup>8</sup> like the fasts of Wednesday and Friday; such a fast is the fast preceding Christmas, which begins in the middle of Hedar<sup>9</sup> and ends on the feast of Christmas. There is also the fast of the Apostles which follows the feast of Pentecost and ends on Hamle 5,<sup>10</sup> which

1. Gloss: "the seven fasts." These seven fasts are: 1) ገሀድ : Eves of Christmas and Epiphany; 2) ዓቢይ : ጾዎ : Lent; 3) ሕግግት : the Holy Week; 4) ዓርብ : Friday; 5) ረቡዕ : Wednesday; 6) ጾመ : ሐዋርያት : the fast of the Apostles including that of the Assumption of the Holy Virgin; 7) ጾመ : ልደት : Advent. If the Eves of Christmas and Epiphany are counted separately, ዓርብና ረቡዕ : Friday and Wednesday are lumped together and the number of fasts remains unchanged (2/158). Another system of counting the fasts is: 1) ሰብስት : Advent; 2) ገሀድ : Eves of Christmas and Epiphany; 3) ዓርብና ረቡዕ : Friday and Wednesday; 4) ነጉሜ : the fast of the Ninivites; 5) ዓቢይ : ጾዎ : Lent; 6) ጾመ : ሐዋርያት : the fast of the Apostles; 7) ፍልሰት : the fast of the Assumption of the Holy Virgin, POEFNM 219-2.
2. That is, the Friday following Passion Sunday. In the Ethiopian liturgic Calendar, Passion Sunday corresponds to ኒቆሊዮስ : "Nicodemus Sunday"; hence, the Friday in question is known as ዓርብ : ኒቆሊዮስ : "Nicodemus Friday." ዓርብ : ፍሥሕ : "Friday of Fesh," is also taken to mean the Friday before Easter, Good Friday, POEFNM 216-3. See also the internal gloss on pp. 94-95 below.
3. Gloss: "including fish"; but see following passages.
4. Milk, butter, cheese, eggs, etc. See the gloss and POEFNM 217-1.
5. The fifty days between Easter and Pentecost.
6. The feast of Epiphany.
7. This is the fast known as ጾመ : ሐርቃል : "the fast of Eracius," which falls a week before Lent.
8. They are less strict in that the minimum time limit for fasting is nine hours whereas in others cases it extends from twelve to thirteen hours, POEFNM 218-2 and (2/158).
9. Late November.
10. Mid-July.

is the feast of Peter and Paul. These fasts must be observed in their entirety, because they were observed by the people together with many patriarchs, whose number exceeds [that of the bishops gathered at] a few Councils whose canons are observed.<sup>11</sup> Finally, there are some fasts which are observed by many people. Such is the fast preceding the feast of Our Lady, which is observed mainly by hermits and monks; it begins on the first of Nehase<sup>12</sup> and ends on the feast of Our Lady.

In the fasts laid down by law, one shall fast until the ninth hour of the day.<sup>13</sup> No meat shall be eaten during that period unless it is fish.<sup>14</sup> He who observes a fast more strictly than is commanded shall receive a greater reward. On Sunday and Saturday, one shall not fast; however, one shall abstain from milk products.

Fasting is the tribute of the body, just as giving alms is the tribute of wealth. The purpose of the law in imposing fasting is to weaken the force of concupiscence and to make the latter submit to the rational soul, just as the purpose of prayer is to make the force of anger submit to the mind. And through the benefit we derive from fasting, we resemble spiritual [beings]. With this resemblance, he who emulates gains the power to approach the [spiritual] model.

Fasting is commendable, as the person who fasts is enabled to realize the suffering of hunger and may have pity for the hungry and those who ask for alms. [One must] also [fast] in order to receive the Eucharist having an ardent desire to be fed with it and in order to receive it with a spiritual and corporeal eagerness. [One must] also [fast] in order to give worship to the Lord in every way, by fasting properly. [Thus, when one fasts, he worships the Lord] with the animal half of his nature, whereas with prayer he [worships the Lord] with the spiritual half of his nature. And in the canons laid down on fasting [it is written]: DESQ 29. "The Lenten fast that begins on the second Monday of the week<sup>15</sup> and ends on the Friday preceding Fesh,<sup>16</sup> that is, the week subsequent to which the week of Fesh comes,<sup>17</sup> shall be revered among you. After that you shall be careful and complete the week of the Holy Easter after the Lenten fast."

GLOSS: The week preceding the week of Easter is known as the week of Fesh.

And so they have commanded us to fast on six days [of the Holy Week], and to fast on Wednesday and Friday of every week. On Wednesday, because the consultation<sup>18</sup> was made that day, and on Friday, because the will of Our Lord was done. People shall rest from fasting on the seventh day at cock-crow. One shall not fast on Saturday, for on that day the Lord rested from His work; but on the [Holy] Saturday one shall fast, because on that day the Creator of all creatures was lying in a tomb. 30. In these six days, only bread, salt and

11. Guidi's interpretation is followed (5/159).

12. First week of August.

13. Gloss: "reckoned from the morning."

14. ስለንበለጥጥ : "except fish," in manifest contradiction to the obvious meaning, is also interpreted as ጥጥጥጥጥጥ : "including fish," POEFNM 219-2.

15. More precisely: "The Lenten fast begins on the Monday which follows ዘወረደ : 'Zawarada Sunday,' " POEFNM 220-2.

16. See n. 2 *supra*.

17. That is, ሰባዓ : ስቃሰት : "the week of the Crucifixion," or the Holy Week; but see n.2 *supra* and the internal gloss following the text above.

18. The consultation to kill Christ.

water shall be taken. You shall abstain from wine and meat on these days, because they are days of sorrow and not days of feasting. You shall fast on Friday and Saturday [of the Holy Week]; and whosoever can, shall on these days not take anything until cock-crow at night. If someone cannot fast on both days, he shall observe the fast of Saturday. Our Lord has said in reference to himself: "When the bridegroom shall be taken away from them, then they shall fast."<sup>19</sup> You shall fast on these days until night, as we did when He was taken from us.

After the celebration of the feast of Pentecost is over, you shall celebrate again another week and then you shall fast,<sup>20</sup> having rested. Again we command you to fast on every Wednesday and Friday, and if you can fast more than this, do it, and give alms to the poor.

GLOSS of the chosen teacher who compiled this book, may the Lord have mercy on him!: The proof that we must not eat during this week<sup>21</sup> is that at the place where we are commanded to fast on Wednesdays and Fridays, Pentecost, Christmas, and Baptism are also mentioned [as the days on which we are permitted to eat], but nothing is said about this week. If it were similar to the days on which one is permitted to eat and not to fast, such as the above days, it would have been mentioned explicitly. Moreover, this week is not included in the days on which we are commanded not to fast and not to prostrate ourselves as happens on Sundays, Saturdays, and the feasts of the Lord. Also he who has failed to observe his duties during the Holy Week has been commanded to postpone them until the feast of Pentecost is over. Then if one were permitted to eat in the week following the feast of Pentecost after having eaten for fifty days, it would have said: "and also [eat in the week] following the feast of Pentecost." Moreover the word used is "celebrate"; therefore, with regard to this week it has been said only: "Make a feast," [which does not mean "eat"].

GLOSS: [Thus] it shows that the fasts of Wednesday and Friday [must be observed] during this week. It does not prove that one must spend [threw eek eating]. Basil and Chrysostom have said that "to celebrate" does not mean "to eat"; and it is known that to celebrate on fast days consists of reading what is appropriate to the feast and not of eating on that day. The canon has commanded us then, to celebrate for three days, when a bishop is consecrated; it is known that we do not eat during those three days if they fall on fast days, nor is the feast celebrated with eating. Moreover, they have ended this canon by saying: "If you can fast more than this, do it." Therefore, if dispute should arise on fasting, to fast is better than to eat.<sup>22</sup> Also, there were councils held by as few as twenty [bishops]; we have observed the fast during this week in the lifetime of many Patriarchs of Alexandria, whose number is more than twenty.<sup>23</sup> If we fail to observe [what is the same as] the command of a council, it would not be a good thing; it would be an act contrary to the council, especially because it would be in opposition to the perfection of our law, made up of a bad thing—namely, making our greed for food manifest. Moreover, as Moses fasted before announcing to the people the Law of the Pentateuch he

19. Mt. 9, 15; Mk. 2, 18; Lk. 5, 33.

20. Gloss: "...the fast of the Apostles and that of Friday and Wednesday."

21. The week following the feast of Pentecost, POEFNM 222-1.

22. Gloss: "...because through fasting one acquires honor."

23. As there are councils that were attended by twenty bishops whose canons are observed as law, this fast, observed during the lifetime of more than twenty patriarchs, must be considered as one prescribed by a regular council. See also Guidi's interpretation (text/163).

received from the Lord in the feast of fifty days, Our Lord also fasted after the descent of the Holy Spirit on Him, before giving His Law to the people. So the Apostles also fasted when the Holy Spirit descended upon them on the feast of Pentecost, before preaching the Christian Law to the people; and we are guided by them in this matter. The end of the gloss.

**RSTA 28.** If Christmas coincides with and falls<sup>24</sup> on a fast day, that is, Wednesday or Friday, the faithfuls shall pray and receive the Holy Mystery and shall not break the fast until the ninth hour. **RSTB 40.** If one is traveling at sea and [does not fast because he] is unaware of the days of the Holy Week, he shall fast after the feast of Pentecost. It is not the period of the Holy Week as such which he observes,<sup>25</sup> but something like it; he must fast to compensate for missing it. **RSTG 60; RSTB 48.** Whosoever does not observe the Lenten fast and the fasts of Wednesdays and Fridays, if he is a priest, shall be deposed unless he is visibly ill; if he is a layman, he shall be segregated. **RSTB 40; RSTG 7.** If a priest celebrates the Holy Week before night and day are equal,<sup>26</sup> he shall be deposed. And those clergymen who fast on Sundays and Saturdays other than the great Saturday of the Holy Week, shall be deposed.

**DAQ 31.** We must not celebrate the feasts of martyrs during the Lenten fast; rather, the commemoration of martyrs shall be celebrated on Sundays and Saturdays. **52.** No wedding shall be celebrated during the Lenten fast, nor shall there be any celebration if a woman gives birth to child then, and no people shall be invited to a drinking house to drink during that time. **BAS 77.** No clergyman shall drink wine during the Lenten fast nor during the fasts on Wednesday and Friday, nor shall he enter the [public] bath. Man shall not sleep with his wife on fast days. **40.** In case the feast of martyrs falls on a fast day and the bishop or priest celebrates the feast and causes the people to eat on account of the death of the martyrs, he shall be deposed, for he has been the cause of scandal to many souls. If the people eat of their own will, the bishop or the priest shall expel them; it is not proper to eat on the feast day of martyrs when the feast falls on a fast day, since the martyrs were put to death and burnt with fire in a state of hunger and thirst. Regarding the days of Christmas and Baptism as well as the feast of Pentecost, the Council of Nicaea commanded that mass be celebrated at night.

During the Holy Lenten fast, for the first week people shall fast until sunset; afterwards, they shall fast until the eleventh hour; but during the days of the Holy Week it shall be until the stars come out. No one shall wear ornaments on those days; women shall put aside their ornaments. Everyone must avoid [lying down with his wife] during the Lenten fast and the Holy Week, because our redemption and the forgiveness of our sins occurred during this period. It is an act contrary to the law of marriage for one [spouse] to stay near the other in bed during the Lenten fast. Woe to him who commits this sin in the days of the Holy Week. If we fulfill our will in pleasure in the Holy Lenten fast, where then will be our joy to see the resurrection? And fasting does not consist merely of [taking] bread and water only; the fast which is acceptable before God is living in purity of heart. If the body is hungry and thirsty, but the soul eats whatever it likes and the heart is entirely given to delights, what benefit derives from your fast?

24. Arabic text: "If a feast falls..." (3/163).

25. "He must not demand that the church ceremonies of the Holy Week be performed for his sake," POEFNM 224-1.

26. ሐግግት: "Holy Week" stands for ጥግሐ: "Easter"; hence the passage should read: "If a priest does not celebrate Easter in conformity with the exact date of the movable feasts, he shall be deposed." See POEFNM 224-2 for other interpretations.



**GLOSS: KRESTA 30.** One shall fast for forty days with mortification and humility and must abstain from taking milk products. No one shall get married, nor shall any baptism take place during the Holy Week. There shall be no ordination of priests or funeral services for the dead, and all must be fully devoted to the church in those days. On Palm Sunday, therefore, the office of the dead, the book of the Apostles, the Gospel, and the absolution for those who will die during the Holy Week shall be read. On Thursday, the prayer of salutation, the [prayer] "Lord of living," and the prayer of benediction shall not be recited. But on Saturday the "Lord of living," the absolution, and the prayer of incense—without the kiss—shall be recited. The dead shall not be enshrouded on Sunday, nor shall there be any weeping on Easter day. And the canon also says that there shall be no joyful feasts, nor shall there be any weeping, ordination of priests, baptism, or weddings during the fast, with the exception of prayers for the dying and the baptism of those who are in danger of dying.

**GLOSS:** This is found in the canons of the Kings. The rule concerning the great fast is that it must last for eight weeks. It begins at the end of winter—this does not mean the keramt of Ethiopia—and ends at the beginning of summer, with five days of fasting in each week. People shall eat on Saturday, which is the feast of the Ancient Law, and on Sunday, which is the feast of the New Law. People shall not eat seasoned food. The fasts of Wednesdays and Fridays shall always be observed, except on the feasts [of Christmas and Baptism] and during the fifty days [between Easter and Pentecost]. For [the love of] God, His obedient [servants] are obliged to observe the fast of His Disciples after the feast of Pentecost, with the exception of Saturdays and Sundays.

## CHAPTER XVI

### ALMS

To give alms is one of the acts of mercy. It is an act of man's pity [done] with his own property for those who are in need, without any desire to be repaid by them, but [done] to fulfill the command of Our Lord, who said: "Sell what you possess and give alms to the poor; make to yourselves bags which grow not old, a treasure in heaven which is neither corruptible nor transitory."<sup>1</sup> Our Lord has also said: "Give alms, and everything will be clean to you."<sup>2</sup> Through alms, a man emulates his Creator to the extent he can, because to give alms and to be merciful is an attribute of the divine nature. And Our Lord has said: "Be merciful as your heavenly Father."<sup>3</sup> Alms are a loan made to God, and to give them is also a sure [and] profitable trade with God. They are a deposit which a wise man entrusts to the Lord, his God, for as long as he wishes. They are an acceptable offering [placed] upon a reasonable altar. And the Lord — may His name be exalted! — has said: "I desire alms and not sacrifice."<sup>4</sup> Moreover, as the prophet has said: "Fasting is accepted with alms,"<sup>5</sup> and as it was said to Cornelius: "With alms, the prayer is also accepted."<sup>6</sup> As is written of the five foolish virgins, without the giving of alms, virginity itself is of no value. The provisions and parables regarding alms contained in the Holy Books are innumerable. Our Lord has said concerning alms: "Give to him that asks of thee,"<sup>7</sup> and He also said "Blessed are the merciful, for they shall obtain mercy."<sup>8</sup> He also said to the merciful: "Go into the kingdom prepared for you from the foundation of the world."<sup>9</sup> There is also the saying of the Apostle Paul: "Do not forget mercy towards the poor; be their companions. By such sacrifice man fulfills the pleasure of God."<sup>10</sup>

The utility of alms may be considered from many points of view.<sup>11</sup> The first is that all people, rich or poor, must give what they can afford; the reward for giving depends on the intention of the giver, regardless whether he gives much or little.<sup>12</sup> With regard to the rich there is the saying of the Highest: "To whomsoever much is given, of him much shall be required";<sup>13</sup> and the saying: "Whoever has loved much, [much] will be forgiven him";<sup>14</sup> so also His saying: "Give,

1. Lk. 12, 33.
2. Lk. 11, 41.
3. Lk. 6, 36.
4. Hos. 6, 6.
5. Tob. 12, 8.
6. Acts 10, 4.
7. Mt. 5, 42.
8. Mt. 5, 7.
9. Mt. 25, 34.
10. Heb. 13, 16.
11. Arabic text: "Alms may be considered from many points of view" (6/167).
12. Arabic text: "The reward is in proportion to the intention of the giver and not to the quantity of what is given" (2, 168).
13. Lk. 12, 48.
14. Lk. 7, 47.

and it shall be given to you with full, superabundant and overwhelming measure in your bosom, for with the same measure that you shall mete, it shall be measured to you."<sup>15</sup> The Apostle Paul has also reiterated the word of his Lord and has said: "He who sows sparingly shall also reap sparingly, but he who sows in blessings shall also reap in blessings; every man does as he deems in his heart."<sup>16</sup> TET 17. "Command the rich of this world not to be highminded but to be joyful in giving and obeying, in order to lay down for themselves a good foundation for the time to come."<sup>17</sup>

As for the poor, when the woman offered the two mites, Our Highest Lord said: "She has given all the living she has, while the others have given of their surplus."<sup>18</sup> He also said: "Whosoever has given you a cup of cool water to drink in My Name, because you belong to Christ, Amen, I say to you, he shall not lose his reward."<sup>19</sup> The Highest Lord has also said with the mouth of the prophet Isaiah: "Share thy bread between thee and the hungry."<sup>20</sup> The Apostles have also said in the Didascalia: "Love the Lord with your wealth that He has given to you, in the measure you can; what you can [give] to Him, cast it in the box of alms, either one or two or three mites, and if you want to obey [God], be the companion of the pilgrims with your wealth. 21. As for the bread which is given [to the poor] from the toil of widows, it is truly laudable and acceptable even if it is little. 25. He who has nothing, shall fast and shall give to the saints<sup>21</sup> half of his bread."

The alms which a person must give are of two types: [alms given] secretly and [alms given] publicly. [In the first case] the alms go from the giver to the needy, the hungry, the thirsty, the naked, the sick, the prisoners and the exiled, pursuant to the [following] saying of Our Lord—may He be praised!—"But let thy alms be in secret, and thy Father Who sees in secret will repay thee openly,"<sup>22</sup> and pursuant to what He will say on the day of judgment to those who will stay at His right.<sup>23</sup> His Apostle Paul also said: EB 10, "And do not forget to accept the pilgrims, for thereby some had the lot to receive, all unaware, pilgrims who were angels; remember the prisoners, as if you were in fetters together with them."<sup>24</sup>

Alms [given] publicly are those brought by the giver to the priest charged with receiving them. Such alms are tithes, first-fruits, and vows, pursuant to the words of the Apostles, who said: DESQ 8. "The tithes, first-fruits and vows which are brought to the church, as the Lord has commanded, shall be shared between the servants of God."<sup>25</sup> The part brought to the poor, as it is a thing of which God shall ask account, because He has entrusted this administration to their hands so that they may divide it among the very needy, shall be administered by good

15. Lk. 6, 38.

16. II Cor. 9, 6. ወሰለ፣ ይዘርዕ፣ በበረከት፣ "he who sows in blessings" is equivalent to "he who sows much," POEFNM 229-2.

17. I Tim. 6, 17.

18. Lk. 21, 4.

19. Mk. 9, 40.

20. Is. 58, 7.

21. ቅዱሳን፣ "saints" denotes ረግረዖቻውን፣ እንክድሮችን፣ ባለው፣ የታሰሩ፣ በግዕድታት፣ "martyrs who went to jail rather than deny their Creator," POEFNM 230-2.

22. Mt. 6, 4.

23. Mt. 25, 34 ff.

24. Heb. 13, 2-3.

25. That is, the priests, deacons, etc., POEFNM 231-1.

administrators, who shall divide it among the orphans, widows, those in distress, and also pilgrims who are in need. Do not dissipate the property of the church; neither shall you consume nor spend it for your own use, between yourselves only; rather, you shall help the needy with it so that it will be a right path for you before the Lord. 60. Hear what was said at the beginning, and we repeat it to you: the vows, the tithes, and the first-fruits mentioned above are destined for the highest priest of Christ and for the person who serves him.

The tithes, the first-fruits, and the vows which you must give should be brought to him who is the priest appointed to ensure that no one takes twice or more than once in a day or in a week while there are others who have not yet received anything. He knows who is in distress and provides to each one as it is necessary. 60. Bring to him the first-fruits, your tithes of your crops and of your handicraft, so that he may bless you. You shall give to him your first-fruits, your vows, and your gifts, and from the fruits that ripen first of your wine, oil, fruits, wool, and every other thing which God has granted to you, because he is the priest of the Lord, so that your offering may be accepted and your incense pleasant before the Lord your God, and so that He may bless the work of your hands and make most abundant to you the fruits of the land, since blessing descends on those who give alms.

Alms should be given to some in preference to others. Although everyone may give alms as he wishes, alms should first be given to the one who is in difficulty, to supply him with what he needs.<sup>26</sup> Such [worthy recipients] are martyrs, then clergymen, then Christian relatives, then all the faithful, and then infidels, in conformity with what the Apostles said. DESQ 14. A widow who is self-supporting is not a poor widow, but if she is poor through sickness or too poor to bring up her children, or poor because of physical weakness, stretch your hand more often to her, in consideration of her condition. TET 7. If any of the faithful have [relatives who are] widows, they shall help them, so that the church may not be burdened with them, since those who are truly helpless widows are a sufficient [burden] to the church.<sup>27</sup> The priests who execute their duties properly shall be given double honor,<sup>28</sup> especially those who labor with words and teaching.<sup>29</sup> [Paul] has also said: "If any man has relatives, especially if they are faithful, and takes no care to be useful to them, he has denied his faith and is worse than the infidels."<sup>30</sup> GALATYA 7. "Now therefore, while we have time, let us do good towards all men and especially towards those who belong to the faith."<sup>31</sup>

According to the word of Our Lord, who said: "Give to him that asks of thee and do not frustrate the hope of another; be you perfect as your heavenly Father Who rains upon the just and the unjust,"<sup>32</sup> alms should be given to all the needy, be they Christians or infidels, good or bad. DESQ 15. Give to the needy even if they do not belong to Christ. Therefore, as one must be mindful to give alms, he must give in the most perfect of times.<sup>33</sup> Although it is good

26. Arabic text: "...to the most needy" (7/170).

27. I Tim. 5, 16.

28. ያመከዕቡ ለክብርተው ፡ "they shall be given double honor," is rendered as ዕጽፍ ፡ ድርብ ፡ ለድርግደው ፡ ይሰጡቸው ፡ "they shall receive twice as much [as the others from the alms received]," POEFNM 233-1.

29. በቃል ፡ በትምህርት ፡ "with words and teaching," is taken to mean በመግር ፡ በግስተግር ፡ "[those who are devoted] to study and teaching," POEFNM 233-1.

30. I Tim. 5, 8.

31. Gal. 6, 10.

32. Mt. 5, 42, 48, 45.

33. That is, on Sundays and feast days (4/171).

to give alms on other occasions as well, the principal days are Sunday and the feast days, as indicated by the following words of the Lord in the Pentateuch concerning feast days: "Do not appear with empty hands before the Lord your God on feast days, but everyone of you shall offer part of that given to him by God in the measure that he can, so that the Lord your God may bless you."<sup>34</sup> The Apostle also said to the Corinthians: 22, "As for the collections that are made for the saints, as I have ordered the Church of Galatia, so you shall do also; on Sunday let everyone of you put [something] apart in his house<sup>35</sup> in the measure that he can. Everyone shall be careful in this, so that there may be no quarrel among you at the time of my coming to you."<sup>36</sup>

The giving of alms is necessary at all times, and the words said about this are as the [following] saying of Our Lord: "Give to him that asks of thee,"<sup>37</sup> and the word of Paul who said: "While we have life, [let us do good]."<sup>38</sup> and also the word of the Apostles: ESB 22, "Do not cease to give, as long as you have something to give, because the day of the Lord is near." And alms must be given to those mentioned previously; they shall not be given to others, because the Apostles have said: DESQ 3. "If one consumes his substance badly and improperly, in drunkenness or in laziness, and the [poor] widows of this world are driven to misery, the one who behaves thus shall not be helped."

It is proper, then, that the needy receive alms and pray for those who grant alms to them. Those who are not needy must not receive alms, as the [following] saying of the Apostles shows: DESQ 19. "Blessed is he who can help himself by his own [work] and maintain himself by his [substance]—who does not cast in misery the orphans, the pilgrims, and the widows," for as the Lord has said: "More blessed is he that gives than he who receives."<sup>39</sup> He also said: "Woe to him who has substance and receives alms, and also to him who can maintain himself and wants to take from others; God shall ask account of him in the day of judgment." But he who receives [alms] because he is an orphan, old, or sick, or because there are many who are fed by him, must not be blamed; it will be to his glory, and the Lord will honor him because it is considered as a sacrifice offered to God. He shall always pray for those who give him alms. He shall not take lazily what he receives, but for the honor<sup>40</sup> given him he shall return to the persons who gave him alms more reward in the form of prayers for them, to the extent that he can. Paul also said "Whosoever will not work, he shall not eat."<sup>41</sup>

Everyone must believe that alms purify from sin, forgive the fault and save from evil: because of giving them one receives a double reward. He who, while able, neglects to give alms is like the infidel and the wicked. Our Lord has also said: "Give alms and all things shall be clean for you."<sup>42</sup> The Apostles also have said [the same] in the Didascalia. 14. Similarly, Daniel has said: "O King, let my counsel be acceptable to thee. [Give alms] so that thy sin may be forgiven with

34. Deut. 16, 16-17.

35. The POEFNM 234-1 says: ታገደውን፡ እሑድ፡ ቀን፡ በቤቱ፡ ይዞ፡ ይጠብቅ፡ "On Sunday let everyone stay at home keeping what he has found."

36. I Cor. 16, 1-2.

37. Mt. 5, 42.

38. Gal. 6, 10.

39. Acts 20, 35.

40. ክብር፡ "honor" stands for ምልክት፡ "alms," POEFNM 235-2.

41. II Thess. 3, 10.

42. Lk. 11, 41.

alms and thy iniquities with having mercy to the poor."<sup>43</sup> David also has said: "Blessed is he who has understanding concerning the needy and the poor; the Lord will deliver him on the evil day."<sup>44</sup> Solomon also said: "He that satisfied the need of the poor, it shall be given to him; and he will be rewarded double what he gave. He that stops his piety for not hearing the cry of the poor, neither will his imploring be heard when he will implore."<sup>45</sup> TET 5. "He who has relatives, especially if they are among the faithful, and does not bother to help them, denies the faith and is worse than the infidels."<sup>46</sup> The Gospel also speaks about what Our Lord will say to those who will stay at His left,<sup>47</sup> such as the rich man who did not give to the poor Lazarus, and the five foolish virgins.<sup>48</sup>

Whosoever wants to be perfect must give all his property in alms; however, not everyone must give away all his property in alms. The first is borne out by the words of Our Lord, Who said: "If thou wilt be perfect, go sell what thou hast and give to the poor."<sup>49</sup> And the second [is demonstrated] by the word of Paul who said: "In this [present] time, let your condition be equal [to those about you]: that what is in abundance to you may supply their want, and what is in abundance to them may supply your want."<sup>50</sup>

The following are some specific provisions on the law of alms: that it must not be given with hypocrisy, that it must be given joyfully, without sorrow, and that one must not repent [having given it]. He who gives alms must be a lover of men, such as a person who is not haughty towards the one to whom he gives alms. He must not ask for an account of it from the bishop, must not investigate into its administration, and must not doubt, but must know that the Lord shall reward him for it. The substance to be given in alms shall be blameless. This is in conformity with the words of Our Lord who said: "Do not give your alms before men, to be seen by them, otherwise you shall not have the reward of your heavenly Father. If thou givest alms sound not a trumpet, as the hypocrites do in the assembly and in the streets so that they may be honored by men. Amen, I say to you they have received their reward."<sup>51</sup> TH. Do not be sad when you give alms to your brother; as the Apostle has said: "Every one of you shall give alms as he has determined in his heart,<sup>52</sup> and not with oppression<sup>53</sup> or sadness, for God loves a cheerful giver."<sup>54</sup> [The Apostle] has also said: "If I shall distribute all my goods to feed the poor, and have not charity, it profits me nothing."<sup>55</sup>

PET. Do not drive away the poor from the door of your house and do not be heedless of his words. Do not reproach nor despise him, but respect him

43. Dan. 4, 24.

44. Ps. 40, 2.

45. Prov. 21, 13.

46. 1 Tim. 5, 8.

47. Mt. 25, 41 ff.

48. Lk. 16, 19 ff.

49. Mt. 19, 21.

50. II Cor. 8, 14.

51. Mt. 6, 1-2.

52. That is, everyone of you shall give alms willingly, freely and cheerfully.

53. Not under force or compulsion.

54. II Cor. 9, 7.

55. I Cor. 13, 3.

wholeheartedly and console him and render him cheerful, so that the Lord may render you cheerful. Make him sit down with you at your table, and give him drink in the glass that you drink with; do not be proud towards him.

DESQ 7. You shall not call the bishop to account [for the alms given] or inquire about the administration [of the alms], that is, what he does with them, when, where, and to whom he gives them, or if he administers the alms as properly as he should, because God has entrusted this administration to him. RSTB 12. If you have property and give it away to achieve with it the salvation of your soul from sins, do not be double-hearted. If you have given away your property know Who it is Who will reward you.

The Apostles have also prohibited accepting alms from the hands of the wicked, as already said in the chapter on the Eucharist. The Apostles have said: DESQ 21, "If you say: 'They are [the ones] who give alms, and if we do not accept it from them with what will we feed the widows and with what will we bring up the orphans and what will we give to the needy who are among the people?' hear us! Do you not take, out of this [necessity], the honor which is the first-fruits of corn of the Levites? And is not taking the first-fruits given to you by your people sufficient for yourselves and the needy? Do not take then anything from the wicked. If all the community does this and there is no goodness among men it is better for you to die, to perish of starvation, than for you to receive [anything] from the enemy of God. And he [who accepts alms from the wicked] should be put to shame and derision among his companions. As regards them, the prophet has said: "Let not the oil of sinners fatten my head."<sup>56</sup> DESQ 21. Let every one of you prove himself and accept [the alms] of all those who are righteous in all their conduct. It has also been said: "If by necessity you accept money from one whom you do not like, that is, from an impure man, an infidel, use it to buy wood for fire so that the widows and the orphans may not take it and may not desire to buy with it food and drink in an improper manner; it is right that this substance of the impious become the food of fire and not the food of saints."

He who has amassed wealth for himself and is suspected of having committed injustice in collecting it, must not amass it unjustly and without good counsel, [planning to use it] for alms, for [he must realize] that [by this act] he does not obliterate his sin. Rather, he must repent of his deeds and return the substance to the one from whom he took it unjustly. If he cannot do so, he shall divide it and give it to the poor, as commanded by the Lord in the Pentateuch and the Gospel.<sup>57</sup> The command of the Highest God contained in the Pentateuch says that those who take someone's property by violence must return forthwith what they took, five-fold of it, and must offer sacrifice to the Lord. If the person who was robbed or any of his relatives cannot be found, it shall be offered to God, and given to the priest together with the sacrifice. The Gospel [also commands this], on the basis of what our Lord said in the parable He told about the unjust steward, who gathered the debtors of his landlord and left them half of what was due to his landlord: the Evangelist says that God<sup>58</sup> praised the unjust steward because he acted as a prudent man would. And Our Lord said: "And I say to you, make yourself friends with wealth acquired unjustly so that when you have

56. Ps. 140, 5.

57. Num. 5, 7; Lev. 6, 5.

58. In the biblical text it is said that the landlord, and not the Lord, praised the steward. Lk. 16, 8.

finished" they may receive you into everlasting dwellings."<sup>60</sup> He also said: "If you have not been faithful in unjust wealth, who will trust you with that which is true? And if you have not been faithful in that which is another's, who will give you that which is your own?"<sup>61</sup> Our Lord praised the prostitute who gave her property for His service, when she repented for her sins; moreover, the Lord did not drive away Zacheus, and deny him hope of being saved, when the latter said to Him: "If I have wronged any man [of anything] I will restore him four-fold. I will give half of my goods to the poor."<sup>62</sup>

As the book of the Apostles shows, the Apostles used to take the property of the faithful and give to each man according to his needs. And it is known that because the people [around the Apostles] were numerous and were not all believers, the Apostles did not accept their alms if there were among them any who had blemishes with regard to their property.<sup>63</sup> However, the disciples used to accept their alms as soon as they repented and became members of the faithful; they used to give the alms to the poor. And St. Gregory, the theologian, has said at the beginning of the homily delivered after his silence<sup>64</sup>: "If the thing to be given in alms is something which cannot be offered, it is a small thing."<sup>65</sup> If it is of small things, [the giver] makes it against [the command of] the upright [God]. We should not accept things originally acquired with injustice, and what is to be offered, if collected from anywhere,<sup>66</sup> shall not be accepted."<sup>67</sup>

59. At the end of your life.

60. Lk. 16, 9.

61. Lk. 16, 11-12.

62. Lk. 19, 8.

63. The Arabic text says that owing to the fact that those who used to bring goods were numerous and not converted yet, it was easy to find among them some who were suspected of unjust acquisition of wealth (3/177).

64. እጥጥረ ለርዕዮቱ: "after his silence," is translated as ተባሕትዎ ሲያዝን በጸላ ስላው ስተለየ በጸላ: "after he became a hermit; after he separated himself from other men," POEFNM 241-1, but see n. 67, below.

65. That is, if the things given in alms were stolen or taken by force ገንዘቡ የተሰረተ የተተገበረ ሆነ, the offering is not acceptable by God, POEFNM 241-1.

66. That is, obtained from an unknown source.

67. The above translation of the quotation from the homily of St. Gregory is partly based on Guidi's translation, (text/177). In the POEFNM 241-2 the passage is understood as follows: "If the man who gives alms is a sinner, his alms shall not be accepted. If he, after a sinful life, repents of his sins, it is not right to refuse his alms because of his previous deeds. And what one offers without repenting shall not be accepted." But none of these renditions corresponds to the original Greek text. In fact, Guidi says that the passage is found in St. Gregory Nazianzen's homily to Julians (a tax officer sent to Nazianzen). The homily was delivered by St. Gregory subsequent to his retirement and silence following the death of his father. According to the Greek text (Migne I, 1051 [367]), the above quoted passage reads: "No offering made to God is small or unacceptable, even if it is minimal and very inadequate" (1/178).



## CHAPTER XVII

### THE ONE IN CHARGE OF GOODS GIVEN IN ALMS, THE PROPERTY OF THE CHURCH, AND THE OFFERINGS MADE TO THE CHURCH: HOW THEY MUST BE GIVEN AND DISTRIBUTED, AND OTHER RELATED MATTERS.

This Chapter is divided into three parts.

**Part I.** That the bishop be responsible for all property of the church and use it to support himself and the priests and deacons who are poor:<sup>1</sup>

**RSTG 40.** We order that the bishop have power over the property of the church. If the honored souls of the people are entrusted to him, what are all the properties and wealth which are given to him to administer and with which he may, as he sees fit, feed the poor through the hands of the priests and deacons, fearing God and trembling? And also let them take [from the property] and give according to their need, to the brothers who are in need and to pilgrims who want to visit the bishop. **LUKAS.** The Apostles used to give of the things brought to them to everyone according to his need.<sup>2</sup> **RSTA 28.** The bishop shall take care of whatever is in the church and shall dispose [of it] as one under the surveillance of God does. He shall not make profit from it for himself only [to use it] for trading; nor shall he give the property of God to his own relatives, even if they are poor; nor shall he trade with the [property of the] church under the pretext of [helping] the clergy who are in need. **SAK 25.** If he does not abstain from doing these things,<sup>3</sup> and spends the property to feed himself and to [provide for] the expense of the people of his house, and does not show<sup>4</sup> the goods of the church to the priests and deacons, let him go out, together with the people of his family. The priest or deacon [who was with him] shall not go out and the bishop shall not go far from the church, lest on this account, the community of the faithful murmur against him. **24.** The goods of the church must be known<sup>5</sup> by priests and deacons known [to be of good reputation] as must the property of the bishop. If the bishop dies, neither his property nor that of the church, [which is to be set apart after] being recognized, shall be dissipated.

**ENQORA 14.** All the belongings of the Church of God, such as clothing, [golden or silver] objects, fields, vineyards, animals, and other similar things, shall be kept by people who fear God and are trustworthy. If any priest or other person dares sell any of these belongings he must retrieve what he sold from the one to whom he sold it; and similarly the one who has bought the thing and has it in his possession must give it back. If the property of the church is not given back to the church, the punishment of the seller and of the buyer shall be to restore

1. Arabic text: "... and the poor, through the hands of the priests and deacons" (2/178).
2. Acts 4, 35.
3. Arabic text: "If he does not observe this...." that is, the provision laid down in the twenty-fifth canon of SAK (2/179).
4. ማሳሰቢያ: "...and does not show...to..." is translated as ባይሰጥው: "if he does not give...to..." in the POEFNM 242-2.
5. More precisely: The goods of the church must be entrusted to, or must be kept by, priests, POEFNM 242-2.

double of what they took, according to the judgment of the bishop; the latter shall decide this matter as he deems proper, in the fear of God.

**BAS 86.** If somebody dies and bequeathes his property to the church, and if this property consists of gold, clothing, copper, or crops, the administrator designated by the bishop or the priest of the church<sup>6</sup> shall take it. But if it is an object which is subject to taxation or to tithe by the king, it shall not be accepted; the church must not be under the royal power.

**Part II. On the necessity of appointing administrators for the income and expenditures of the church and on the necessity of giving separate places for the sick and pilgrims and appointing assistants for them:**

**NIQYA 87.** A keeper and administrators shall be appointed for each church, to administer the expenditures and the income of the church. Each of the administrators shall be assigned specific duties relating to the office of keeping by those who appointed them to these duties in the uprightness of God.<sup>7</sup> None of them shall be like the wicked servant who hid the gold of his master, did not trade with it, and so did not gain either one or five.<sup>8</sup>

**75.** A separate dwelling place shall be reserved in every city for the pilgrims, the poor, and the sick, and the bishop shall choose a foreign monk of good character from a distant country and appoint him administrator of this place. The appointed monk shall not leave the city, but shall take a house for dwelling there, and shall prepare enough beds and blankets and other things which the sick and the poor need. If the church does not own much property, he shall, whenever it is necessary, collect food for the sick and the poor from the faithful, to the extent they can afford to give. Because of this [act of charity], many sins are forgiven; it is an offering made to God.

**64.** The inhabitants of the country shall choose in every settlement a man who lives alone, apart from the people, and who is of good character. They shall allot to him a separate room, near the church or near the houses of the sick, for dwelling. The property of the sick shall be deposited with him. He shall have responsibility for the pilgrims and the sick, and shall supervise them. He shall visit also those Christians who are in prison, and shall do nothing except what they desire. [If they desire something], he shall seek it for them among the faithful, be they men or women.<sup>9</sup> If there is one who needs someone to stand as a guarantor for him, he himself shall stand as guarantor for him, or shall seek someone else to stand as guarantor. As for the prisoner who has committed a grave crime, if he cannot find a way to save and release him, he shall take care of him [and provide him with] food and clothing. If any of the faithful is unable to pay [a debt]<sup>10</sup> the man responsible for the pilgrims and the sick shall give him what is in his possession, if he cannot [find the means to pay the debt]<sup>11</sup> from others.

6. ብሉተ ፡ ከርሱተያን ፡ ገበየሁ ፡ "...the priest in charge of the administration of the property of the church," POEFNM 243-1.

7. Arabic text: "Every one shall be given a specific duty; everyone shall do what he is charged to do, and shall do it in conformity with..." (3/180).

8. Mt. 25, 14 ff.; Lk. 19, 20.

9. Arabic text: "He shall visit those in jail, and shall devote himself to the release of the Christians who deserve to be released; and if they are in need of something to eat..." (1/181).

10. POEFNM 224-3 inserts the word ዕዳ ፡ "debt," in the Amharic translation.

11. Also following the POEFNM interpretation, *ibid.*

80. If the people choose a distinguished man to be administrator for the sick and that man refuses what is required from him, he shall be prevented from associating with the community. No administrator shall be appointed over one [appointed before] until the death of the latter, or unless he commits a fault for which his degree must be shorn from him; [in this case] he shall be excommunicated.<sup>12</sup> The administration belongs to him [unless his fault is proved]. If he is weak, the bishop shall give him another administrator. BADAS 25. The bishop shall also deliver to the administrator the utensils for the use of the sick.

**Part III. The distribution of alms:**

This part is divided into three sections.

First. RSTA 50. All tithes go to the priests and to those who are responsible for alms.

The second is from the same canon, [that is, RSTA 50]: The first-fruits, that is, the first things, belong solely to the clergy and to those who are at the service of the clergy. 40. The bishop shall take the first-fruits and shall bless them, mentioning the name of the one who brought the first-fruits to him and say: "We thank Thee, O Lord, because Thou hast commanded the land to produce all the fruits on [the trees] to the joy and food of all men and animals; to Thee we offer the first-fruits that Thou hast given us to feed ourselves with." The following are the fruits that must be blessed: grapes, figs, pomegranates, olives, apples, peaches, and cherries. The following must not be blessed: sycamores, onions, garlic, melons,<sup>13</sup> gourds and other kinds of vegetables. People shall also offer roses but not other flowers; they shall eat everything that is edible and shall thank and glorify God.

Third. 61; DESQ 8. What is left over from the sacrifice [of the mass] and not offered [on the altar], shall be shared by the deacons according to the advice of the bishop or the priest. They shall give four parts to the bishop, three parts to the priests and two parts to the deacons; as for the others, such as the subdeacons the lectors, the singers, and the deaconesses, one part shall be given to each one of them. And this is good and acceptable before God, that is, that each one be honored according to his rank.

12. "If he has committed a fault, his degree shall be shorn from him," POEFNM 244-3.

13. Gloss: "pumpkin."

## CHAPTER XVIII TITHES, FIRST-FRUIT, VOWS AND CHARITABLE LEGACIES

This chapter is divided into two parts: the first deals with what remains yet to be said about tithes and first-fruits; the second, with vows and charitable legacies, which are considered public alms.

### Part I.

Regarding the first, Our Lord has said: TH 9. "You shall give every year the tithes of all your crops and seeds and of any fruit your land produces."<sup>1</sup> Our Lord also said in the Gospel: "Render to God the things that are God's, and to Caesar the things that are Caesar's."<sup>2</sup> He showed by this His reproach to the Pharisees for leaving justice, mercy and faith. He said to them: "You must do this and must not leave that undone."<sup>3</sup>

DESQ 7. He who is permanently employed in church service—priests, Levites and ministers of God—must take from the church everything he needs in accordance with what is written in the book of Numbers regarding priests. Indeed God said to Aaron: "Thou and thy sons and thy relatives will take the gifts which are given to God, for your priestly office; I have appointed you to take care of the offerings vowed to Me by the children of Israel; I gave them to thee and to thy children, as to thee, for happiness."<sup>4</sup> And a few lines later He said: "All the first of olive, wine, and corn, and whatsoever is offered to God, I have given them to thee; and all the first born of men and animals, and all the first ripe of the fruits and whatever is consecrated shall be thine, whatsoever is forbidden and whatsoever is permitted."<sup>5</sup> BADAS 35. Everyone shall send to the church the first-fruits of the land he has. All shall bring to the bishop the first of their vow<sup>6</sup> and of their wine press, the first of their oil, honey, milk, wool, and the first of the reward for their work. Similarly, [all shall bring] the first-fruits of their trees. The priest who receives them shall first thank God for them outside the curtain, while those who brought them stand up.

### [Part] II.

A vow, according to the law, is a pact made by man with his Creator, [binding himself] to fulfill works of perfection with respect to himself, his children, and his own property, to obtain from God—may He be praised!—[the fulfillment of] a good wish. Man may express it mentally or verbally, by communicating with God or in the presence of a witness nominated by himself. [He may promise] that he will fulfill the vow when he achieves his wish as he wished.<sup>7</sup> It may be made through the intercession of a martyr or a saint or without their intercession. We have already dealt with a vow made concerning one's property. One who makes a vow with respect to himself is like one who makes a vow of fasting or prayer or

1. Deut. 14, 22.

2. Mt. 22, 21; Mk. 12, 17; Lk. 20, 25.

3. Mt. 23, 23; Lk. 11, 42.

4. Num. 18, 8.

5. Num. 18, 12. ff.

6. Arabic text: "... the first-fruits of their harvest" (2/183).

7. Arabic text: "...if he obtains what he requests or as long as the thing he requested lasts" (1/184).

virginity or to become a monk, or to give up his sin. The vow is made to be rid of evil or to acquire goods—either goods figured as such, such as the things of the world, or veritable goods, such as the things of the world to come.

As for a vow made with respect to children, TG 23; MAG 108 [say: Regarding] a man who vows to God and the sanctuary a male or a female of his children the Lord has said: "If a man has made a vow, the price of the soul belongs to God, and the price of a male between twenty and sixty years of age shall be fifty shekels of silver, in the measure of the shekels of the sanctuary. The price of a woman shall be thirty shekels. If the age is between five and twenty years, the price of a male shall be twenty shekels and the price of a female shall be twelve shekels. If it is between one month and five years, the price of a male shall be five shekels of silver, and the price of a female shall be three shekels of silver. If the age is above sixty years the price of the male shall be fifteen shekels of silver and the price of the woman shall be ten shekels. If the person who made the vow is poor and cannot give this price, but made the vow in time of distress, he shall go to the bishop or to the priest, so that they may fix the amount, after giving consideration to his means."<sup>8</sup>

If the vow was made by a rich man who possesses flocks and all kinds of animals, and he intends to fulfill the vow by giving the equivalent price of what he vowed to give, the priest must fix the price of the [vowed] object with the fear of the Highest God. He shall not favor the church in his decision, because the Lord is rich, and enriches those who worship Him; He gives them gold, silver, flocks, land, and whatever is in it. Nor shall the priest incline towards the person who made the vow; neither shall he fear him nor despise him.<sup>9</sup> But all these estimates shall be made in accordance with the shekels of the sanctuary; one shekel is equal to twenty mites. All vows shall be measured in this manner.

TD 13; MAG 100. "If you have made any vow to the Lord, your God, you shall not neglect or be lazy in fulfilling it, lest you be accused of sin because of it, since God will require it from you. If you do not want to make a vow, you commit no sin, but what is gone out of your mouth, you shall do and fulfill it since you have made the vow to the Lord your God. Therefore, you must fulfill what you have promised with the word of your mouth."<sup>10</sup> TD. "If any man makes a vow or [binds himself] by an oath, and then makes himself the property of God,<sup>11</sup> he shall not go back upon his word and shall not let what is gone out of his mouth go to waste. If a woman has made a vow to God and has made herself a thing consecrated to God while still a girl staying in her father's house, and her father, aware of this act, has not changed it in any [respect], the vow made remains valid, and is binding upon her as well as the sacred thing promised by her. But if her father changes [the vow] and renders the word invalid the day he hears [about it], the vow made by her and what she has decided about herself has no effect; she is not bound before God, who will not call her to account for it; because her father has rendered her vow void, having power to do this upon her. If she has a husband, the question of the vow is his concern; if he wishes he shall annul it; if not, he shall confirm it. If her husband takes no heed, saying nothing the day he learns of it, every vow made is binding upon her. If her

8. Lev. 27, 1 ff.

9. POEFNM 250-1: "Nor shall he lighten his burden because of fear." Arabic text: "Nor shall he be unjust towards him" (1/185).

10. Deut. 23, 21 ff.

11. Arabic text: "... if he undertakes to do something for God" (2/185).

husband keeps silent the day he hears about the vow, and annuls it some time later, he commits a sin. As for the vow of a widow or a free woman, when they make a vow, binding themselves to do something, they have to fulfill it."<sup>12</sup>

The [discussion of the] charitable legacy is divided into six parts. The first deals with the creation of a charitable legacy; the second with the thing left as a charitable legacy; the third with the legator; the fourth with the legatee; the fifth with the person who is appointed administrator [of the legacy] and with the supervisor of the administrator; and the sixth with the execution of what is stipulated [concerning the legacy].

[i]. Legacies are of two [kinds]: donations and alms. The first consists in leaving [something] to one who is not poor at the time the legacy is made in his favor, such as a son, a relative or a friend. This is a donation with which one desires to bestow an advantage to the named persons, with the intention [of obtaining for himself] a good reputation in this world, and greater reward in the other.

The second, [alms.] is what is left for the poor; one may [leave them] to relatives or non-relatives. This is the matter<sup>13</sup> dealt with in this chapter. These are the alms that the donor leaves with the intention to benefit the poor of this world and to gain an everlasting benefit and reward [for himself] in the coming world. It is a laudable [form of] alms, which is considered advantageous [to the donor both] in his lifetime and at his death. And if, as the Apostle Paul said, the garments of sin follow a man, which means that the deeds of one who makes an evil law<sup>14</sup> remain after his death, how much more is it expedient in the justice of God, regarding good deeds, that there be a reward for good deeds, which also remain after the doer's passing and follow him?

[ii]. The thing left as a charitable legacy may be any immovable object that can yield a profit to the persons to whom it is left. It must not be [in coin] such as dinars or darahim.<sup>15</sup> And especially, it must not be anything but that which has permanent utility: it must be an immovable, such as buildings, fields, lands, and the like, as must be [the legacy to be] left to the church, according to what is said in the canons. Objects which yield no fruits, such as fields which are arid, or unfit to be worked, or useless to the occupant, or not transferable<sup>16</sup> [shall not be left as legacy]. So also, slaves, animals and bees [must not be left], since these are not durable things and the legatee may be deprived of them, if they are stolen, or if they flee, or the like. As they are not durable things, if one contemplates leaving any of these things as charitable legacy, it is better to sell them, and with their price buy something which is immovable and from which some profit may be obtained. If the legacy consists of slaves, flocks, and tools belonging to a farm, and their owner wishes to leave this farm, including everything on it, as a charitable legacy, it is good to leave the immovable as a legacy, [and the slaves,

12. Num. 30, 2 ff.

13. That is, charitable legacies.

14. "Who does evil deeds," POEFNM 252-2.

15. Arabic coins. Dinar (from the Greek *denarios*) is a gold coin, and darahim, (from the Greek, *drakme*) singular dirham, is a silver coin (5:186). The terms "dinar" as singular and "dinars" as plural, "dirham" as singular and "darahim" as plural are maintained throughout this translation.

16. ማይትከፍ ለፍልጋ, literally, "and is not transferable." More coherently the POEFNM 253-3 says: ሊፍርሲት የማይቻል: "not plowable." Arabic text: "[Things which do not meet all these requirements] (that is, durability, fertility and immobility), such as a desert which is infertile though it is durable and immovable..." (3:187).

animals and tools as alms] so that the legatee may become the owner of both the immovable things<sup>17</sup> and the alms and may dispose of the alms as he sees fit, by selling them or in another way.

iii. The legator must be one who is entitled to dispose of his property, pursuant to what is said in the Abtelisat, which treats in detail the chapter on donations and all provisions concerning legacy,<sup>18</sup> which are [in summary] as follows:

A man, when he makes a legacy, must have reached the right age, have [full] knowledge, and be a free man,<sup>19</sup> chosen,<sup>20</sup> peaceful in his deeds,<sup>21</sup> and of good character.

iv. The legatee must not be one of those who are openly out of God's precepts or out of faith, such as the idolaters, and, particularly, he must not be one of those who worship others than God.<sup>22</sup> [Nor must he be out of God's precepts] in his deeds, such as those who lie in wait for people, and those who commit the sin of sodomy.<sup>23</sup> If one abandons his apostasy, and another his evil-doing, and their conversion is known, they shall take what has been left for them in the legacy. The legacy must not be foolish or unknown<sup>24</sup> or something that is useless to the legatee.

[v.] The administrator to be appointed over the legacy by the legator shall be appointed during the lifetime of the latter or after his death.<sup>25</sup> If the legator himself wants to be the administrator of the legacy he makes, until his death, he is allowed to do this, provided that he fixes [the legacy] distinctly. If the legator has not appointed [an administrator], be it himself or someone else, the administration shall be entrusted to the legatee himself, provided that he is capable; otherwise, a judge shall appoint a person selected by himself and shall appoint a supervisor over the administrator. This supervisor over the administrator shall be the bishop at that time. And whether the one to whom the legacy is entrusted is the legator or someone else, the supervisor must dismiss the one to whom the administration of the legacy is entrusted if it is proved by witness that he is ruining it. If this fact is publicly known, the administrator shall be dismissed [and replaced by] one who is known for trustworthiness and capability. In the same manner as the [former] administrator, the newly appointed administrator shall not do anything on his own initiative, without consulting the supervisor; similarly, the supervisor shall not do anything without consulting the appointed [administrator]; they shall do so.

All this is demonstrated by what is said in the canons in the chapter on the administration of alms. The said canons read: If the honored souls of the people

17. Arabic text: "The best way is to leave an immovable as charitable legacy and to give away movable goods as alms, so that one may dispose of them by sale or in other ways which are deemed best" (4/187).
18. Arabic text: "...in the chapter on donations and wills" (4/187).
19. ግዑዝ: "free" is interpreted in POEFNM 254-1 as ራሱንግጽ፡፡ "independent, self-supporting."
20. ጥሩ: "chosen," means ደልዳላ: "serious, one who keeps his word" POEFNM 254-1.
21. Peaceful in his relations with others, POEFNM 254-1.
22. Arabic text: "...in short, one who worships gods other than the true God" (3/188).
23. ሕሊ፡ ጥሐው፡ ወሕሊ፡ ጥሐውርዎ፡ "those men who go one upon another," connotes ግብረ፡ ሰዶ፡ ጥግሠ፡ "those who commit the sin of sodomy," POEFNM 254-2.
24. ሥራው፡ ያልተወቀ፡ "something the use of which is not known," POEFNM 254-2.
25. The legator shall appoint the administrator during his lifetime and entrust to him the administration of the legacy, or he shall designate an administrator to succeed him after his death (6/188).

are entrusted to the bishop, what is all the wealth delivered to him for administration according to his command? They also say: Everything belonging to God's Church shall be kept by faithful men, who fear God. And [they say] other similar things.

[vi.] The stipulations regarding the execution [of the legacy] are ten in number.

First. The legacy shall not be taken away from the legatee until his death; nor shall anyone appointed administrator of the legacy leave his office until his death; nor shall [the administrator or supervisor] sell anything from the legacy; if anything is sold, the price shall be returned in accordance with what is laid down in the chapter on the administration of alms; the legacy must not be given away [to others], nor received [by others], nor given or taken as pledge, nor given in alms, nor disposed of, except in the proper manner.<sup>26</sup>

Second. The state of the legacy must, as said in the chapter of Abtelisat on giving alms, be such that it does not affect its purpose, which is, namely, getting constant benefit from it.

Third. If the legacy is made in favor of a person on a journey, and if it is later discovered that he died before the legacy in his favor was written, the legacy shall go to the church, provided that, in conformity with what is said about legacy and other things,<sup>27</sup> it be put to the use of the poor only.

If the [absent] legatee has a relative who is needy, it is right to give him something out of the legacy in proportion to his need; otherwise, it shall be given to the poor and the relatives of the legator shall have priority over the others. If there is no poor person among them, it shall be given to the poor only, and especially to the poorest persons. So also, if a legacy is made in favor of a person who is not entitled to have it, or if the legatee refuses to accept the legacy, it shall go to one who is entitled to receive it rather than to one who is not entitled to it.

If the legator has left [a part of the legacy] to one entitled to get it, and [another part] to one not so entitled, the first stipulation shall be fulfilled and the share of the one who is not entitled shall go to the church, as already provided. If both something that is allowed [by the law] and something which is prohibited are stipulated regarding the legacy, the former shall have effect and the latter shall be void.

If the execution of the legacy is fixed for a certain time, it shall be executed at that time, and what is stipulated shall take effect with respect to the one entitled to it thereafter. If the legatee is needy, he may take the profit from the legacy for his need [and take the legacy] when the legator dies.

Fourth. The legatee, by virtue of the fact that he takes possession of the legacy, must fulfill the order of the legator, whether the latter disposed of the profit obtained from the legacy or not, and whether the legatee agrees with the legacy or not.<sup>28</sup>

26. Arabic text: "unless it be with the greatest care" (3/189).

27. Gloss: "donation."

28. The POEFNM interpretation, 256-3, is followed here. The "order of the legator" to be fulfilled by the legatee may be, for instance, an obligation to follow him when he goes to war (በዘመን ጦርነት ላይ). For other interpretations, see (1/191). The Arabic text says: "If the legator has not given specific directions as to how the legacy is to be invested, one shall invest it in the most profitable way, regardless whether the legator has stipulated these conditions or not." *Ibid.*



Fifth. If some part of the legacy which yields fruits is destroyed, it must be repaired forthwith or at some later time.

Sixth. If a legator who left something for the poor is poor himself, he must be given what he needs for his subsistence from what is collected.

Seventh. If a man is the owner of a determinate portion of some property, he may make a legacy of it. If after this, his partner in the ownership of the property comes, the latter may take his share if the property [owned in common] can be divided.

Eighth. As Basil has said: "The legacy must not be something burdened with [a duty of] royal tribute."

Ninth. The legacy is not valid unless it is attested by witnesses. The words to be used are the words of the formula that runs: "I make, or vow, or leave, in charitable legacy, something, such as a house for pilgrims or a well." The witnesses whose testimony has effect in the document must be known everywhere for their goodness and intelligence, in accordance with what the Abtelisat says about the testator;<sup>29</sup> they shall be seven or five in number. If the legacy is made in a place where seven or five witnesses are not available, they shall be two or three, chosen from among the best people who live in that place.

Tenth. Neither the legatee nor others may hide the legacy, either entirely or partially, to use it later on. They shall fear what happened in similar circumstances to Ananias and his wife upon whom the death of [God's] wrath fell when they sold the field they had consecrated to God and agreed to hide half of the price, as the books of the Acts of the Apostles tell us.<sup>30</sup> They must also remember how God punished Achan, the son of Carmi; when he hid the objects taken from the men of Jericho, objects which Joshua, the son of Nun, had consecrated to the Lord, so that the punishment for this [guilt] passed over to his children and his beasts.<sup>31</sup>

29. በእንተ፡ ጽሑፈ፡ ትእዛዝ፡ "on the book of wills," is rendered, POEFNM 257-2, as የእዛዜን፡ ነገር፡ "about the testator." In the Arabic text: "in the chapter on wills" (3/191).

30. Acts. 5, 1 ff.

31. Jos. 7, 18 ff.

## CHAPTER XIX

### SUNDAYS, SATURDAYS, AND FEAST DAYS OF THE LORD, AND WHY THEY ARE CELEBRATED<sup>1</sup>

**DAQ 29.** Christians must not stop work on Saturday, as the Jews do, but as Christians they shall work on this day. If among the [Christian] people, some are found to behave as Jews, they will be driven away from the face of Christ. **NIQYA 20.** You shall not observe Saturday as a holiday, as the Jews do. **MAK.** There shall be no prostration on Sundays and on great feast days, for these are days of happiness; therefore, we must not work on Sundays or feast days. This chapter does not entail excommunication.

**MAK 50.** On Sunday, the judicial decisions of the authorities shall not be imposed on the faithful. And no suit or judgment shall take place; nor shall anyone<sup>2</sup> claim his property from another.<sup>3</sup> No member of the faithful shall demand payment of a loan or sue another<sup>4</sup> or do any similar thing. All shall go to church on that day. Each of the faithful shall come to church with purity and humility, and without any fear of the magistrate,<sup>5</sup> the creditor, the judge,<sup>6</sup> or any other such person. If a tax collector dares take tribute from those who go to church, he shall pay double.

**DESQ 12.** Gather every day in the church, especially on Saturday and on the day of resurrection, Sunday. In fact, we see that the gentiles do not neglect to congregate on their feast days, but all are diligent on those days; so also, the community of the Jews, who undeservedly are called "Ayhud."<sup>7</sup> They work for six days and on the seventh day they gather in their temples; when they gather, they drop the work they were ordered to do. If the Jews are so diligent to hold their idle meetings, which are of no use to them, what will you reply to the Lord, you who neglect the Church? **27.** You must not talk about idle things, nor must you do useless things, especially on Sunday, when you must rejoice with spiritual cheerfulness, since David, the prophet, has said: "Serve ye the Lord with fear, and rejoice unto Him with trembling."<sup>8</sup>

**GLOSS** referring to the words of David, who said: "This is the day which the Lord has made; let us be glad and rejoice therein."<sup>9</sup>

**RSTA 67.** Servants shall work for five days, but on Sundays and Saturdays they shall go to church to be instructed in the service of God, because the Lord

1. Arabic text: "... and holy pilgrimages" (2/192).
2. Read ማን: "anyone" instead of አንዱ: "from him" POEFNM 258-3.
3. Arabic text: "... no one shall demand that taxes due to the king be paid" (4/192).
4. Arabic text "... by means of a lawsuit" (1/193).
5. That is, the magistrate who asks for judicial fees, POEFNM 259-1.
6. ፈጽላ: "judge," denotes here አኢስቆሶስ: "the bishop" who demands payment of tithes POEFNM 259-1.
7. አይሁድ: Jews, is interpreted as አግኝተ: "believers"; hence "... the Jews who undeservedly are called believers."
8. Ps. 2, 11.
9. Ps. 117, 27.

rested on Saturday when He finished the creation of the creatures and He rose from death on Sunday. DESQ 31. On all Saturdays, except the day of Fesh,<sup>10</sup> and on all Sundays, you shall receive the Eucharist between you<sup>11</sup> in the church and rejoice.

In the chapter on fasting it is said that no one shall fast on Sundays and Saturdays, except the Saturday on which Our Lord Jesus Christ was buried in the tomb. And at the Council of Nicaea, the 318 [Fathers], spoke properly and correctly, our Lord being with them in the truth of God,<sup>12</sup> about the feasts of Our Lord, [as found] in this book, so that the feasts of Our Lord may be observed and His miracles and praises may be glorified.

The feasts of Our Lord are the following: the feast of Christmas, the feast of Baptism, the feast of Palm, all the feasts of the Incarnation<sup>13</sup> brought to an end by the Resurrection of Our Lord from death, the feast of Ascension, the feast of Pentecost, that is, the day of the descent of the Holy Spirit, the Paraclete, as Our Lord had promised to His disciples, [and, finally,] the feast of Tabor, the day on which His face was transfigured, and his disciples knew the glory of His Divinity. These seven feasts are solemn according to the word dictated to the Council as found in the Didascalia.

The principal feast is Christmas. Some have said that the feast of Incarnation is the principal feast, but we do not agree that the Incarnation is the main feast of Our Lord<sup>14</sup> — praise be to God! The first of the feasts of Our Lord is the Annunciation made by God—may He be praised—through the mouth of the Angel Gabriel, who spoke to Our Lady the Virgin Mary, Mother of God, Our Redeemer, on the twenty-ninth day of Megabit.<sup>15</sup> DESQ 29. Observe, O brethren, the feast days, [the primary one of] which is the feast of Christmas. Celebrate Christmas on the twenty-fifth day of the ninth month of the Jews, which corresponds to the twenty-ninth day of the fourth month of the Egyptians. After this you shall celebrate the feast of Epiphany, which is the feast of Baptism. It shall be a solemn feast among you, because Our Lord began to manifest His Divinity when he was baptized in the River Jordan by John the Baptist. You shall celebrate it on the sixth day of the tenth month of the Jews, which corresponds to the eleventh day of the fifth month of the Egyptians. BAS 30. On Christmas and Baptism, mass shall be celebrated at midnight, not to avoid fasting, but in honor of the feast. GENER 11. The feast of Hosanna<sup>16</sup> shall be celebrated.

DESQ 30. You, my brethren, acquired by the precious blood which is the blood of Jesus Christ, must celebrate the feast of Easter with all care and great diligence, after the feast of the azymes.<sup>17</sup> Do not celebrate this feast, which is the commemo-

10. Passion Saturday?: POEFNM 250-1 says "Holy Saturday."

11. The reference is to priests, hence, "On all Saturdays ... you, O priests, shall receive the Eucharist by giving it to each other" (7/193).

12. Gloss: "by God's revelations."

13. These feasts are those celebrated during the Holy Week (4/194).

14. The above rendition follows the POEFNM 261-1 which uses ለግለሰብ: "Our Lord," instead of ለግለሰብ: "Our Lady." Guidi, taking the latter, translated as follows: "... and there is someone who said that the feast of Incarnation, *Annunciation*, is the beginning of the feasts, but we do not see ... that it is the main feast of *Jesus Christ*, but of *Our Lady*" (text/194).

15. Early March.

16. Palm Sunday.

17. Reading በዓለ ፍለት: "feast of azymes," instead of በዓለ ፍለት: "the eating of azymes," POEFNM 262-2. Azymes are unleavened bread, so that the reference is to the feast of Passover.

ration of the Passion of the Only [Begotten Son]<sup>18</sup> twice in a year, but only one time, for the One Who died for us one time. Beware of the Jewish feast at which azymes are eaten, and which takes place in Miazia.<sup>19</sup> And you shall not celebrate Easter until the twenty-first day of the month, so that it may not fall on the fourteenth day of the month, in a week other than that in which Fesh is celebrated.<sup>20</sup> Celebrate the feast of the Resurrection of Our Lord and Redeemer Jesus Christ only on a Sunday. You shall eat at cock-crow, otherwise in the morning, and be vigilant during that night: congregate in the church, and pray by reading the Psalms, Prophecies, and Law. After the baptism of the catechumens, you shall read the Gospel with fear and trembling, and shall deliver to the people speeches that are fit for their salvation. Offer the sacrifice which Our Lord has commanded you through us by saying: "Do this in remembrance of Me."<sup>21</sup> After this you shall break your fast with joy and cheerfulness, because Our Lord Jesus Christ has risen from the dead and is the guarantee of our resurrection. This shall be a permanent law for you until the end of the world and the coming of Our Lord.

After eight days celebrate for yourselves a great feast,<sup>22</sup> because on this day Our Lord appeared to me, Thomas, when I refused to believe in His resurrection, and showed me the sign of the nails and the sign of the spear, the wound on His heart. You shall count forty days from the first day of the week following Easter until the fifth Saturday, and then you shall celebrate the feast of the Ascension of Our Lord and Redeemer, the day on which He brought to perfection His teaching of all provisions [regarding Christian life], instituted the [Holy] Orders,<sup>23</sup> ascended to God, the Father Who sent Him, and sat at the right side of the Power. The tenth day after the feast of Ascension—and that day is the fiftieth day counting from the week of Easter—shall be, among you, a great feast, because on that day, at the third hour, Our Lord Jesus Christ sent to us the Paraclete, the Spirit of Truth, and we were full of His will and spoke in new languages as the Spirit was moving into us; we preached to the Jews and the gentiles that He was Christ God. After you finish celebrating the feast of Pentecost, you shall celebrate for another seven days to rejoice for God's gift which has been granted to us. But one who fasts on Sunday, which is the day of resurrection, is a sinner, and must be punished, as will be one who fasts during the feast of Pentecost, or who is sad on Our Lord's feast days, days in which we must rejoice with spiritual cheerfulness and not be sorrowful.

RSTA 27. Do not work during the week of the Passion, nor during the following week which is [a great] feast: during the first because Our Lord was crucified, and during the second because He rose from death. Do not work on the feast day of Pentecost, because the decrees of God were fulfilled on that day. Again, do not work on the feast day of Pentecost, because the Holy Ghost, who descended upon those who believed in Christ, was manifested on that day. Do not work on Christmas, because on that day the grace [of God] was given to men. Do not work on the feast of Baptism, because Christ revealed His Divinity on that day and because

18. Arabic text: "... of one passion only" (3/195).

19. Mid-April. The Arabic text says: "spring time" (4/195).

20. The rendition of the above passage follows in part the POEFNM 262-3, which comments that Easter shall not be celebrated during the first two weeks of the month, but between the fifteenth and twenty-first days of the month.

21. Lk. 22, 19.

22. As found in POEFNM 263-2, which reads ግብ፡ ለክብር፡ በዓለ፡ ዓቢያ፡ "celebrate a great feast."

23. POEFNM 264-1 says: ከሊቀ፡ ሕዝብነት፡ ጀምሮ፡ እስከ፡ ግንባር፡ ማገዝነት፡ ያለውን፡ ግንባር፡ "from the rank of the patriarch down to that of the doorkeeper."

the Father witnessed His baptism<sup>24</sup> and the Holy Ghost descended upon Him in the likeness of a dove, revealing to those who were present that Christ is truly God and the Son of God. Do not work on the feast day of the Apostles, because they taught you to know Christ and made you worthy to share the gifts of the Holy Ghost. And in the chapter on alms it is said that on feast days you must not appear naked<sup>25</sup> before the Lord your God.

The section on pilgrimages to venerated Jerusalem, home of the Highest God, follows this. MAK 121. Anyone among you who has the opportunity to pray in the sanctuary of the City of God, where the holy steps are found, shall not hesitate to go for any reason which might prevent him [from going], unless he is prevented by force. [One must be eager] to visit the place in which Christ, Our Lord, suffered the pains in His body and to see the place of His resurrection and to gain benediction from those divine steps. One who is unable [to go there] shall send, according to his means, offerings to furnish the sanctuary and to support those who dwell there, be they gold or silver, clothing or books accepted [as canonical by the Church] or the like. The sanctuary [of Jerusalem] shall have a share in all estates [left] by members of the faithful, who must look upon it as one of their heirs, for this is a commendable deed before God. [Whoever does this] will have grace in the Holy City of God, [and whatever he shall grant] will be a chosen and acceptable offering to God, the Father, the Son and the Holy Ghost.

24. Mt. 3, 17.

25. Empty-handed.

## CHAPTER XX

## MARTYRS, CONFESSORS AND APOSTATES

**DESQ 27.** Martyrs shall be honored among you, as the blessed James, bishop of Jerusalem, and St. Stephen, our companion and deacon, were honored among us. Martyrs are those who were blessed by God and whose eminence is not attainable. **25.** You shall not neglect a Christian brought to trial by the wicked for the sake of the name of Our Lord, for the true faith, and for the love of God. And you shall send him what he needs: something out of what you gained with your true toil<sup>1</sup> and with the sweat of your brow, so that he may find strength through it; and something to give as a reward to the soldiers who watch him, so that they may be good to him. He is a saintly martyr, brother of Christ, son of the Highest, and dwelling of the Holy Ghost, witness to Christ's Passion, companion in the example of His Glory. Therefore, O faithful, let you also serve the saintly [martyrs] within your treasures and your toils. If any member of the faithful among you has nothing of his own to give, he shall fast for the saintly [martyrs] and shall set aside for their use half of his food. But he who is in comfort and wealth shall feed them from his comfort and wealth. And whoever gives of his own to free them from fetters shall be blessed and called a friend of Christ. Those about whom Christ said: "Whosoever shall confess Me before men, I will also confess him before My Father Who is in Heaven,"<sup>2</sup> are martyrs. If you will be their companions in their tribulation, this shall be considered as a testimony on your part because of your diligence.

If any of those who help the martyrs is punished, he is blessed, because he is companion of martyrs and is like Christ in His Passion. Christ also suffered many blows from the priests, and we went out from their presence rejoicing, because we were worthy to suffer for the sake of Christ, Our Redeemer. You also shall rejoice when you meet such suffering because you will be blessed on the day of judgment. Those who are exiled on account of their faith, and flee from city to city, according to the order of Our Lord, you shall accept and make rest. Supply their needs and honor them as martyrs. You shall be glad when you receive them, because the Lord Christ has said: "Blessed are ye, when men shall persecute you for My sake: be glad and rejoice, for your reward is [very] great in heaven. So they persecuted the prophets [that were] before you." "If they have persecuted Me, they will also persecute you." "And when they drive you away from this city, flee to another." He said also: "Tribulations and afflictions shall befall you in this world; they will deliver you up in councils and will bring you before kings and governors for My sake for a testimony. He that shall persevere to the end shall be saved."

1. እምንተኛው ፡ ስበለንን ፡ “with your true toil,” is interpreted as በእውነት ፡ ካገኛችሁ ፡ ገንዘባችሁ ፡ “from your property gained honestly,” POEFNM 266-2.
2. Mt. 10, 32.
3. Mt. 5, 11-12.
4. Jn. 15, 20.
5. Mt. 10, 23.
6. Mt. 24, 9, 13; 10, 17.



But he who will deny his soul [by saying] that he is not of Christ, and who loves his soul more than the Lord, shall not meet mercy, because he has preferred to be a friend of men and an enemy of God, instead of the Blessed Kingdom, he has preferred to have everlasting fire. And the Lord has said with regard to him: "He that shall deny Me before men and substitute for My name another's, I will also deny him and substitute [for his name another's] before My Heavenly Father."<sup>7</sup> He also said to us, His disciples: "He that loves his father, his mother or his son and daughter more than Me is not worthy of Me; and he who does not take the cross of his death and who follows Me not, is not worthy of Me. He who loves his soul, let him lose it; and he who loses his soul for My sake shall find it. What profit is it to a man if he gains the whole world and suffers the loss of his soul? Or what exchange shall a man give for the ransom of his soul?"<sup>8</sup> He also said: "Do not fear those who would kill your body and are unable to kill your soul, but rather fear those who can destroy both soul and body in hell."<sup>9</sup>

We must pray constantly, not enter into temptation; if we are chosen to be martyrs, we must stay firm with confidence, confessing the honored name which is the name of Our Redeemer, and must not deny it. When they persecute us, we shall not love this world and its honors, or the glory of men. We must not accept vain glory from princes as the Jews, who could not believe, did; for they loved the glory of men more than the glory of God. Let us confess [the faith] so that we may save ourselves and fortify others, so that we will not be the cause of perdition to others and so that we may not reach [eternal] punishment because of this [perdition]. Let us not deliver ourselves to afflictions, because Our Lord has said: "The spirit is willing, but the flesh is weak."<sup>10</sup> If we are persecuted, let us not deny our faith for fear [of pain, which lasts] for a short time. If someone denies his hope, Who is Christ, the Son of God, and fears this death which is for but a short time — if he, indeed, tomorrow falls into a serious illness with no remedy and will be out of this life, absent from this world and in the other life — he shall stay forever in the exterior darkness, where there is weeping and gnashing of teeth. And that one [who suffers martyrdom and] who is not baptized, let him not be sad, because the pain that he suffers for Christ shall be for him a chosen baptism, since he dies with Our Lord at the moment he accepts [death] like that of Christ. RSTA 32. He must not be double-hearted, because if they [want to] kill him and he is killed, he is saved, since he was baptized only in his blood.

ENQORA 3. If a man flees because of his faith and because of the laws of his faith, for fear of the wicked; and if he leaves his faith, constrained by force and if after this he shows his sincere repentance for what he was before, with all his heart and mind, with pure humility and by following the law;<sup>11</sup> then he shall not be prevented from receiving the Eucharist, or participating on [the service of] mass if he is a clergyman, because he has not done it voluntarily. If he was a simple layman, he may enter the service of the church and become a priest if he was involved in no scandalous facts other than that [of his fleeing]. If he has persevered in doing well, he shall be faithful in prayer. 5. He who has denied his faith out of fear, before being struck and deprived of his property, and who was not firm

7. Mt. 10, 33.

8. Mt. 10, 37-38; 16, 25-26.

9. Mt. 10, 28.

10. Mt. 26, 41.

11. Arabic text: "and by openly professing the religion he earlier denied" (2/201).

in his faith shall stay in penance for many days when he returns to us. If he is converted wholeheartedly and asks for the Eucharist, he shall be given it. If he falls sick and is about to die, he shall be allowed to receive the Eucharist, and shall return to do penance if he recovers. 7. The persons of this category shall be received after they have done penance for a long time, and shall be treated like the [other] faithful, because our law is a law of compassion and mercy. 8. Whoever not only denied [the faith] for himself, but also caused another to deny it and to become an apostate, shall do a greater penance.

**RSTG 21.** Commemorations shall be held for all those who shed their blood for the faith of Our Lord Jesus Christ and suffered martyrdom. **BAS 33.** The place in which the martyrs' bodies rest shall be under the jurisdiction of the Church, one and universal. It is not the Church that is glorified because of the bones of the martyrs, but rather the martyrs who receive glory from the Church. The glory, in fact, belongs to the Church, as the Holy Ghost said with respect to the same Church, one and universal, built by Our Fathers, the Saintly Apostles. **NIQYA.** The martyrs' bones shall be placed in the church and monasteries, so that they may heal the sick and benefit the infirm, and those who are in need of aid and medicine. Those who blaspheme the bones of these pure martyrs and desecrate them are punished by God with miracles performed through these bones. It is from these bones that the healing of the sick and of those who are sick in soul and body, and that expulsion of devils are obtained.

**GENER 20.** He who despises those who gather during the feasts of the martyrs is one who is full of pride, and must be excommunicated. **DESQ 38.** The faithful must not neglect the martyrs of Christ and go to the place of the martyrs of heretics. The Apostle Paul has written what our spiritual struggle for the sake of Christ must be, and has said in his letter to the Romans: 12. "What shall separate us from the love of Christ? Perhaps tribulation, fetters, exile, famine, nakedness, quarrel, sword? As it is written: For Thy sake, we are put to death every day; we are like slaughtered sheep;<sup>12</sup> all this tribulation we overcome for the sake of the One Who has loved us. I am certain that nothing shall divide us; neither death nor life, neither angels nor principalities, neither present things nor things to come, neither might nor height nor depth nor any other creature that is underneath, shall be able to separate me from the love of God [which is] in Our Lord Jesus Christ."<sup>13</sup> And the Apostle was true to his words stated in his second epistle to the Corinthians 11: he bore and suffered for Christ's sake fetters and blows, imprisonment and exile with fear, labor, exhaustion, vigilance, hunger, thirst, nakedness, cold and all similar things when others were at the point of throwing him to the beasts.<sup>14</sup> At the end he persevered, shed his blood, and received the crown of martyrdom in the city of Rome. And many Apostles were martyrs and bore witness, as is evidenced by their stories which are read on their feast days. Let us beseech God that He may give us union, and help us in everything. To Him be praise and thanksgiving in the world without end. Amen.

12. Ps. 43, 22.

13. Rom. 8, 35 ff.

14. Cor. 11, 23 ff.



## CHAPTER XXI THE SICK<sup>1</sup>

This chapter is divided into two parts:

The first deals with what must be done for the sick. Apostle James has said in his letter: "If any man is sick, let him call the priests of the church and let them pray over him, anointing him with oil in the name of Our Lord, Jesus Christ. The prayer with faith shall save the sick man; the Lord shall raise him up and if he has sins they shall be forgiven."<sup>2</sup> And the Gospel testifies how the Apostles anointed and healed the sick, when Our Lord sent them into the cities, two by two, at the beginning of [their] preaching. At the beginning of the Apostles' preaching,<sup>3</sup> the evil spirit that refused to leave the man it had rendered lunatic was brought before the Lord, so that He would cure the man. The Lord said: "This kind [of spirit] is cast out only by fasting and prayer."<sup>4</sup> The prophet David also said in the book of Psalms: "Blessed is he that understands the needy and the poor. The Lord will help him on his bed [of sorrow]; He shall turn his sickness [into health] when he is on the bed of his sorrow."<sup>5</sup> The book of the Kings says that the Lord reproached the one who sent to consult the god of Farun regarding his sickness, and made him die at that same moment.<sup>6</sup>

The second deals with what the faithful must do to serve the sick. Our Lord has said: "I was sick and you visited Me."<sup>7</sup> And He also said: "Amen, I say to you, whatever you will do to one of these My least brethren, you will do it to Me."<sup>8</sup> He praised the person who did it and declared him heir of the Heavenly Kingdom, and scolded the one who did not do so and sent him away with a severe punishment. In connection with this, He told the parable of the Samaritan who took care of the person who was wounded and lay on the road.<sup>9</sup> The Apostles have said: DESQ. "The sick who are overcome by sickness and cannot go to church shall be visited every day by those who know them." BSTA 42. The deacons also shall inform the bishop about the sick, so that he may visit them. The conclusion of this treatise is found in the chapter on alms.

1. Gloss: "what others must do for the sick and what the latter must do for themselves."
2. Jas. 5, 14-15.
3. በጥንተ፡ገብር፡ "at the beginning of their work," means በጥንተ፡ሰብከተ፡ "at the beginning of the Apostles' preaching," POEFNM 272-3.
4. Mt. 17, 20; Mk. 9, 28.
5. Ps. 40, 1 ff.
6. Cf. IV Kgs. 1, 2 ff., where it is reported that Ochozias sent someone to consult Beelzebub the god of Accaron. In punishment of this, Elias predicted his death. ፋፋን፡ "Farun," and in the POEFNM 272-3, ላፍርን፡ "Afron," seem to be bad renditions of Accaron.
7. Mt. 25, 36.
8. Mt. 25, 40.
9. Lk. 10, 30 ff.

## CHAPTER XXII

### THE DEAD<sup>1</sup>

DESQ 34. In the church you shall gather without laziness to read the Holy Books and say psalms for those who are asleep, such as the martyrs and former saints,<sup>2</sup> and for your brethren who are asleep and were believers in Our Lord. Offer for them in your church the prayer of sacrifice—which is His holy body and His precious blood—to the King of Heaven. [Offer it] to say farewell to the one who sleeps. Pray for the one who is asleep by walking before his bier and saying psalms. If he was faithful to Christ, the prophet David has said: “Precious before the Lord is the death of His saints.”<sup>3</sup> He also said: “Turn, O my soul, unto thy rest, for the Lord has been bountiful to thee.”<sup>4</sup>

Those who believed in the Lord do not die, as was said by the Lord to the Sadducees.<sup>5</sup> Therefore, the bones of those who are living in the Lord are not despised or defiled, because the prophet Eliseus, after his death, made the dead man killed by the Syrian soldiers rise; when the body of the dead man touched the bones of Eliseus, he came back to life and rose.<sup>6</sup> This happened because the body of Eliseus was saintly and pure. Joseph, the wise, also embraced the body of Jacob his father on the bed after he died.<sup>7</sup> Similarly, Moses and Joshua brought with them the body of Joseph, and it was not considered as a sin on their part.<sup>8</sup>

We also, O bishops and laymen, must take care of the body of the one who is dead; you must not believe that you will be contaminated by so doing, nor shall you therefore despise their bones. It is said in the canons written for the kings: when a woman dies in childbirth or dies shortly after giving birth to a child, she shall be bathed and wrapped in other clothes, not used during her childbirth, and prayers must be said over her body in church, because death has purified her. The dead body must be bathed before being wrapped; this is not an invention,<sup>9</sup> for the book of the Acts of the Apostles says that Tabitha, the disciple whom Peter made rise up, was bathed after her death.<sup>10</sup> Thus, if it were a wrong thing, the faithful would not have done it in the time of the Disciples, and [we know] that they did not forbid them to do so. Moreover, the dead are dirty because of the traces of their sickness, and it is for that reason that they should not be brought into the church before they are bathed.

1. Gloss: “what people must do for the dead.”

2. ቅዱሳን፣ ቀዳማዊያን፣ “former [saints],” may be read as ቅዱሳን፣ ገዳማዊያን፣ “the saintly monks,” POEFNM 273-3.

3. Ps. 115, 15.

4. Ps. 114, 7.

5. Mt. 22, 23 ff.

6. IV Kgs. 13, 21.

7. Gen. 50, 1.

8. Ex. 13, 19.

9. A better rendering of this passage is found in POEFNM version, 275-1, which says: “To bathe the dead body before it is wrapped up is not an invention, but is commanded by the Holy Book” (በዐጽሐፍ፣ የታዘዘ፣ ነው)፤ the Arabic text says: “It is good but not necessary [to wrap up] ...” (3/206).

10. Acts 9, 36.

If the dead person is a priest, he shall be placed before the altar of God [in the sanctuary]; if he is a layman he shall be placed under the altar.<sup>11</sup> Then the archpriest shall offer incense with prayer to God in thanksgiving. After him, the ministers shall read selected passages from the psalms, passages dealing with the hope of true resurrection—a resurrection about which we have no doubt—and passages dealing with the confession [of sin] acceptable [to God]. After this, the archpriest shall go forward and pray over him. At the end of the prayer he shall kiss him, saying: "Farewell!" and after him, all those present shall kiss him. Then the archpriest shall pour oil over him and recite over him the appropriate prayer; then his body shall be placed in an honored place near the pure bodies of those who were his equals in rank.

**RSTA 70.** On the third day, you shall commemorate those who sleep with psalms and prayers, because of the One Who rose on the third day. On the seventh day, you shall commemorate the living and the dead; do it also at the end of the month as the ancients did.<sup>12</sup> Thus indeed the people wept for Moses. You shall also commemorate them at the end of the year, like the ancients' commemorations, and give to the poor from the wealth of the deceased so that it may serve as a commemoration of him. If you are invited on that day, you shall eat with moderation and in the fear of God. **BAS 31.** Sacrifice [of mass] must be offered in the Church, which is one and universal, for those who died, on the third, the seventh and the fourteenth day after their death. **PET.** And [also] on the ninth and twelfth days, and also on the fortieth day and after two months. And what is established in our Church is to offer sacrifice on the day of burial, after one month, at the end of six months, and after one year. In particular, sacrifice shall be offered for forty days from the day of burial, if it is possible, and [alms] must be given to the poor. He who does more than this will have for himself and the deceased a greater reward, according to the care he took; there shall be happiness for the deceased.

**NIQYA 69.** If a bishop dies, the archpriest and the archdeacon shall walk before his bier, as sons walk before the bier of their parents. And if the archpriest or the archdeacon dies, the bishop shall walk before his bier, as a father walks before the bier of his children: at their funerals he shall read prayers as the [spiritual] teachers and the good spiritual fathers must do. All the flock shall be present at their funerals, because they were called the fathers of all: on the day of their death offerings shall be sent<sup>13</sup> to all churches or monasteries near that place, so that the latter may commemorate them. Failure to do this does not entail excommunication.

**RSTA 47.** One shall not feel annoyed at burying the dead, but shall give compensation to the gravediggers: the latter shall keep that place carefully. The bishop shall supply their need from what is offered to the church.

**TASALONQE 11.** We must not be sorry for those who are asleep, as are people who have no hope.<sup>14</sup> **QORONTOS 7,** for the sorrow that is for God's sake yields to us the penance of life,<sup>15</sup> but the sorrow that is for the world earns

11. That is, out of the sanctuary, in the place where the songs are chanted, POEFNM 275-2.

12. POEFNM 275-3, ለሰራሊል ፡ ያደርጉ ፡ እንደነበረ ፡ "as the Israelites used to do." It is an allusion to the contents of Deut. 34, 8 (1/207).

13. Arabic text "... and their death shall be announced" (1/208).

14. 1 Thess 4, 12.

15. Or, a better rendering, according to POEFNM 278-1, is ስለ ፡ እግዚአብሔር ፡ ብለው ፡ የጊዮ ዝነት ፡ ገዘን ፡ ፍጹሟው ፡ ሕይወት ፡ ነው ፡ "The sorrow that is for God's sake has for its final object [everlasting] life."

death.<sup>16</sup> BAS 55, MAG 90. As for the priest, if one of his relatives dies, he shall not feel sorry for him, as other people do, nor shall he tear his clothing nor weep endlessly nor uproot his hair; but thinking [of the everlasting life], he shall thank God and be patient in his tribulation, like Job, the just.

• • • • •

End of the first part. Thanksgiving and honor to God. We implore from Him help and health. Glory to God, world without end, Amen, Amen.

16. II Cor. 7, 10.