

Selected Writings by ‘Abdallah Qarā‘ī

(Chronological Order)

Preface

On the Meaning of the Rules

The Monastic Rule consists in a series of monastic regulations which encloses the evangelical perfection and relates to one Order consecrated by the holy ecclesiastics. And this organization is crucial to the monks' life as read in the letter to the Corinthians: "Let all that you do be done decently and in order." And as the philosopher said: Those who have not order will fall like leaves. And Saint Ephraim said: "Have thou a law, a comely law for thy household". In other words regulations stated in the Rule ensure the monks' safeguards, they lead to the Order's principles and they enclose the Order's principles and precepts.

The Order's principles are obedience, chastity and poverty which we commit ourselves to, through the eternal vow and promise to God, in virtue of the Rules, to advocate the Order's existence which reflects the state of perfection and the doctrine of perfection. For in the absence of an abiding commitment in virtue of the Rules, there is no state nor doctrine and in the absence of an abiding commitment to the presumption in virtue of the divine law, there is no state of marriage nor a doctrine of marriage as other scholars are taught. And this eternal commitment, namely vow, must be an oral vow according to the tradition since the beginning of the Order and till now. And this was mentioned by the pioneers, among whom Saint Ephraim, in the fourth hymn as he addresses the monk in these words: you challenged the devil and his troops, you approved Jesus Christ in the presence of many witnesses, so look at the one you approved and committed yourself to and do not underestimate him. And know that at that moment, angels noted your words, your promise and your subordination and hid them in heaven till the dreadful Judgment Day. On that Day, the angels would deliver your Book of Life and every idle word you have spoken before the judgment seat of the Lord, where angels gather, trembling with fear. At that moment, you will hear the thunderous voice of the judging Lord: I condemn you by your words. End of the Saint's speech. This explains the pertinence of the oral vow for the pertinence of the Order's principles and the duty of

learning the Rules.

Regarding the Order's precepts which are a series of duties, it is not compulsory but optional to be committed to through the abiding vow. In other words, in accordance with the Order's practices as it is the tradition in our Order to, simultaneously, vow obedience, chastity, poverty as well as the renouncement to become a Superior General. Judging the fourth vow, with regard to error and interdiction, is similar to judging the other three vows. However, as all other duties and regulations are not part of the vows, they are not, by any means, considered as sins though eating meat is a mortal sin, unless in case of illness. Forbidding meat in the Levant is an old tradition, a legacy from the eldest fathers as explained in the article concerning Meals, on the duty of eating meat. Except the above mentioned duties, no other infringement is considered as a sin but the sin resulting of the ineluctable natural law. Indeed, the instinct guides idleness to change the essentiality of duties into triviality and the disdain of the respectful into obligation. The Theologian Saint Thomas said in explaining the regulations of Saint Dominic: the monk who infringes his duties for he loathes them, commits a mortal sin. He who admits that, learn the Rules duly, mainly the duties in the Order's schedule, namely the duties of poverty, chastity and obedience.

Article 1: Concerning obedience

According to our Saint Fathers, obedience is the submission to the Superior general's desire outwardly and inwardly, as the scriptures of the Lord wherein He says: If you want to be perfect, go, sell your belongings and distribute it to the poor. Then take up your cross and follow me. Sell your belongings and give to the poor means live in poverty. Take up your cross means be pure. Follow me means be obedient. Thus, these three virtues constitute perfection, according to the Lord our God. And the first is obedience as the Lord says: I would rather have obedience than sacrifice. Saint Thomas the Theologian also said in explaining the monastic vows: the monk offers God his belongings through the vow of poverty, his body through the vow of purity, his whole self through the vow of obedience, namely his body, his will and his mind. Thus, obedience is the main and preeminent vow into the path towards perfection. Hence, three consequences:

First, obedience is the most perfect adoration and the most preeminent offer among the three vows.

Second, obedience is an obligation through both the vow and commandment; thus, the monk is sinful whenever he infringes the vow or the commandment.

Third, obedience is an entity enclosing the three types of obedience, namely the obedience of the body, the obedience of the will and the obedience of the mind.

Hence, the obedience of the body is to act in respect of the Superior General's wish. The obedience of will is to comply with the Superior's will. The obedience of the mind is to convince our reason of the Superior General's straight mind. And the real obedience is not each of these. However, the combination of these constitutes the real obedience that was defined above as the submission to the Superior's desire outwardly and inwardly, the outward submission being the obedience of the bodily actions and the inward submission being the obedience of the will and the obedience of the reason, which leads to say that the combination of all outward and inward obedience constitutes the real obedience, a whole entity divided through its qualities into three levels:

- **Level 1** is the submission to the Superior General's directions with weariness.
- **Level 2** is the submission to the Superior General's directions with little weariness.
- **Level 3** is the submission to the Superior General's directions with no weariness.

Let us consider each of these separately. First:

Level 1

It is **the submission to the Superior's directions with weariness**

The submission to the Superior's directions consists of four deeds: the first is to renounce the will, the second to hate it, the third to comply with the Superior's will and fourth to desire it.

Let us consider first:

Act One – On the renunciation of will

Know that the renunciation of will is a divine teaching and postulate as the Lord says: For I have come down from heaven, not to do my own will, but the will of him who sent me. And this is the principle and the basis of every act of obedience and of each submission. And no submission or straight obedience would prevail beyond. And as plucking the weed and throwing it precede the sowing of wheat and all seeds, so does the renunciation of will precedes every act of obedience and each virtue; or else, obedience would perish like the wheat in the weed and would not grow into fruits.

Concerning this same significance, Saint John Climacus, also known as John of the Ladder (As-Sullamī)¹ stated: If you have really determined to obedience, then proceed with the foot of ready obedience and desert your will for, if it is lukewarmly that you fulfill the command, you would weaken the vow to the Lord Jesus Christ' call. He also said that he had heard the Abbott of the Monastery of Redemption say: the best is to expel the beginner from the monastery than to keep him do at his will. In other words, he who does not vow obedience on the basis of deserting his will is unable to fulfill his vow. If you vow obedience start not willing something and you would reach it. Do not hold on to your will although it proves right for though it is less virtuous to act against the will, it is more beneficial, as Peter benefited from washing his feet more than doing at his will and declining to wash them; the most obliging action.

Saint John Climacus drew attention to this significance, stating: he who relinquishes his desires fully, in intentions and actions he considers good, spiritual and gratifying to God, reaches his aim before any attempt. In other words, he would have achieved the best action. It was stated in the book “*Al-Bustān*” [*Bustan Al-Ruhbān*], by father Poemen, that his Superior General ordered him to go every Friday morning to a nearby fig tree, and eat some figs for he noticed that he yearned to fasting. Thus, he obliged him not to observe fast on Friday, the traditional Fast Day, to counter his will and teach him to begin with the virtue of acting against his desire.

Hence, we may also conclude that the monk who requests his Superior General's permission to follow his desires proceeds with ill-will, which Saint John Climacus drew attention to, as well, when he mentioned: some disciples hide their selves as soon as they feel that the Superior General would accept their demands promptly and request orders that fulfill their desires. Let them know that such attitude would lead them to failure at all levels, with no absolution in confession, for the real obedience is to give away trickery and personal will. This is the basis of any good deed, and the beginning of obedience and especially its first act.

Act Two – On the hatred of the will

As for the second act concerning obedience, namely the submission to the Superior General's directions, it is the hatred of the will. In other words, he who vows obedience is not just to merely desert his will. He must also desert it with hatred as if abnegating the sinfully

¹ [Saint John Climacus (525-606), also known as John of the Ladder (As-Sullamī), due to his famous book “Ladder of Divine Ascent” which is divided into thirty steps. As-Sullamī, one of the heads of the Eastern Church, is a Syrian hermit who lived in the Monastery of Saint Catherine.]

harmful. And this hatred is God the Lord's teaching as he, the Almighty says: "Whoever comes to me and doesn't hate everything he possesses, [father and mother, spouse and children, and brothers and sisters] -yes, even one's own life-, in other words his will, cannot be my disciple; hence, obedient. And as he saw Peter, his remarkable disciple doing at his will, he told him hatefully: Get away from me, you who practice evil.

This is a lesson for us to understand how repulsive doing his own will is, and to seek its hatred. For, he who does not hate his will, though he deserts it, could face the constant danger of returning to it, as God the Lord says: the one who is not against you is for you. In other words, that you do not hate, you love now or later. So if you hate it, you would definitely not approach it. Saint John Climacus (As-Sullamī) said: one of the monks who vowed obedience, once told me when speaking constructively about the meaning of obedience: remove your will as you remove a filthy garment of shame. These words prove that the monks' aim is for us to relinquish our will with hatred and not just as convened. These words were also expressed by the above mentioned Saint when addressing those who vowed obedience. He claimed: you should know that you have resolved to follow a short rough path with one and only meander called fulfilling one's will. He called it meander for us to hate it as nature hates meander instinctively and likes guidance. And so does the obeying nature, it hates the will and denies it. This is the second act in the submission to the Superior's desire.

Act Three – On fulfilling the Superior General's will

As for the third act, it is to fulfill the Superior General's will. It is as well the Lord our God's teaching and order as he says: For I have come down from heaven, not to do my own will, but the will of him who sent me, as explained in the second regulation of this chapter.

Act four – On the desire of completing the Superior General's will

As for the fourth act, it is the desire to complete the Superior General's will. It is as well the Lord our God's teaching and his divine ordinance as he says: My food is to do the will of him who sent me [and to finish his work]. In other words, the sincere obedient monk desires to fulfil his Superior General's will as nature desires Food. And this desire the Lord represents it in the metaphor of water when he says: that he gives the thirsty the water of life which means, according to the saint fathers, that he fulfills he who longs to virtue his desire and grace. Thus, as obedience is a virtue and a grace of God, it is not given to you if you do not desire it. A Saint said once: the sincere obedient monk predicts his Superior General's will and achieves it. Yearning so deeply to the completion of the obedience, he predicts his

Superior's will as if he acts before given the order, as stated in the book entitled "Al-Bustan" about Father Marc (Mourkos) who felt this desire and was loved by his Superior General, Father Silouan, more than the other brothers, for his considerable obedience. Hence, the monks felt jealous and started complaining about the Abbott. Some fathers heard the news and came to help them avoid an incident and abolish the corruption¹. Before talking to Father Silouan, he accompanied them to pay visits to the few brothers. He knocked at each one's door saying: O Brother, come and meet me. But no one came out as he ought to. And as he reached Mourkos's lodge he shouted nothing but: O Mourkos! And the obedient man hurried to meet him at once. The Elder sent him on a mission and turned to the fathers saying: O Dear Fathers, where have the other Brothers gone? Then, he came with them into Peter's lodge, and found him writing. As soon as he heard the Superior's voice he hurried to meet him without completing the letter he was writing. As the Fathers witnessed that, they affirmed to Father Silouan: he whom you love, we do love for God loves him.

Let us reflect on how grand the completion of obedience is for the one who desires it. And this is the fourth and final act of obedience in the submission to the Superior's desire, in addition to the acts above mentioned, namely the desertion and hatred of the will, fulfilling and desiring the Superior General's will. These must be part of the deep nature of every monk who vows obedience, if he had chosen priesthood out of inner conviction. However, the beginner would face weariness through these acts, as mentioned by Saint John Climacus: the vows of will and bodily actions cause pain to the beginner due to the assignment to work that he bounds himself to. And this assignment confirms that the submission is not complete and it characterizes all who struggle at Level One of any virtue, mainly obedience, fulfilled in the name of martyrdom as it needs to assign the body, the will and the reason.

Saint John Climacus reflects on this stating: O obedient son, it would not be long before you reach the joyful rest if you try your utmost, through the principles of asceticism, to sacrifice yourself to the sufferings of humiliation. In others words, the beginner needs to try his utmost to face humiliation and the subsequent weariness. Thus, he needs to show patience in facing sorrow and its effects, namely boredom, callousness, slackness and else. And this weariness does not last; however, it changes and for this purpose it needs extreme endurance and considerable patience. For as long as you are ill-willed or lukewarm in fulfilling obedience and as long as you constrain yourself to achieve it, you are still undoubtedly a beginner, you

¹ [Corruption: dishonesty and confusion]

whom the harshness of obedience disappoints. And yet, if you fulfil the vow once and then neglect it, you are not a beginner but you are exceeding the limits of obedience. However, the beginner at Level One, is the one who never disobeys but assigns to achieve completion and try hard as that obedient servant tried to serve his ill master, as mentioned in the book “Al Bustan”. He was struggling against leaving and fleeing obedience. However, he did not abdicate but he kept struggling and endeavoring until God responded to his patience and healed his master and the scholar fulfilled his vow of obedience. Another scholar was struggling against leaving the weariness of obedience and he would tell his reason: you are a slave and you were sold so what are you capable of? And he kept struggling so earnestly that he won and rested, climbing from Level One and its weariness to Level Two.

Archbishop ‘Abdallah Qarā‘ī,

“Preface: On the meaning of Rule; Chapter one: Concerning Obedience, Level One, Submission to the Superior’s desire with weariness”, “*Al-Miṣbāḥ ar-Ruhbānī fī Sharḥ al Qanūn al-Lubnānī (The Monastic Lamp for the Explanation of the Lebanese Rule)* prefaced and published by Father jirjis Mūrānī, the Lebanese Aleppine priest, Beirut, Samya Press 1957, pages 5-15.

###

Article One Concerning the judge

- 1- The appointment of a judge is mandatory consistently with the requirements of the law and the tradition.
- 2- The first is consistently with the scriptures, the Torah (Bible): Appoint judges and officials for your tribes in all your towns the LORD your God is giving you. They are to judge the people with righteous judgment. They must not deny justice or show partiality. They are not to accept any bribes, for a bribe blinds the eyes of the wise and twists the words of the righteous.
- 3- The second is consistently with the civil consensus which is necessary in arrangements and it is not fully completed unless in virtue of a judge’s decision to administer justice between the parties, as stipulated by the law: the strong and the weak, the illiterate and the erudite.

- 4- Thus, the appointment of a judge is mandatory and we should mention hereby, the eleven conditions underlying his proper appointment and the rendering of his verdicts:
- 5- First: he should have reached adulthood for the reason to reach its completeness and for he is appointed to administer justice among notables, elders and others. And it is not appropriate for such people to produce before a judge who has not reached adulthood to administer justice on them or on their behalf.
- 6- Second: he should have the full intellect powers, both the natural functioning of the brain and the acquired faculties
- 7- Awareness of priorities is not sufficient when assigned a case. However, he should have the right discernment, proper astuteness, keen observance, and the ability to clarify any contentious and to resolve any complication, thanks to his intelligence,
- 8- For he judges before the wise and the evildoers. Thus, he should not show less mental perfection nor be less smart.
- 9- Third: he should not be an atheist or a charlatan but a Catholic worshipper, as recommended by the Prophet.
- 10- He should conduct himself with integrity, indispensable for judges and witnesses. In other words, he should be flawless, devoted to God and to his Sons, so as to have the capacity to judge among the uninformed persons and women, sustaining and enhancing public confidence and ensuring that his conduct is above any reproach.
- 11- Fifth: he should be a good listener and should exercise his judicial functions independently as he, who does not uphold personal independence cannot uphold judicial independence.
- 12- Sixth: he should be a good listener and a good observer so as to distinguish the rights from the wrongs
- 13- Seventh: he should have a proper language and should speak the language spoken by the majority in the community so as to communicate with them.
- 14- Eighth: he should not suffer of any contagious disease such as Leprosy or any other repugnant disease as he needs to be in presence of witnesses and is solicited by numerous parties.
- 15- He should be acquainted with the legal provisions, their fundamentals and subdivisions
- 16- Legal provisions are divided into four fundamentals: the First deals with the thorough acquaintance with the texts of the Holy Books, and the interpretations agreed upon so as to refer to their explicit and interpreted provisions

- 17- The Second deals with the thorough acquaintance with the Councils' holy statements as they might lead to the acquaintance with the provisions
- 18- The Third deals with the acquaintance with the consensual conclusions and differences of the Rules and the teachings of the scholarly Saint Fathers so as to maintain the most appropriate sections and the closest to their consensual conclusions.
- 19- The Fourth deals with the acquaintance with the standard applied to make knowledgeable the concealed sub-divisions to be added to the written fundamentals agreed upon, so as to know the provisions regarding minor incidents.
- 20- Thus, if he is acquainted with these four fundamentals he becomes a scholar in the relevant provisions and their jurisprudence in accordance with the reason and tradition and he has the capacity to formulate advisory opinions and judgments and to plebiscite opinions and judge in relevance.
- 21- Tenth: He should accept the position of judge and should be accepted by the majority of the parties at least.
- 22- Eleventh: a written investiture assigning and accrediting him as a judge should be delivered.
- 23- Then, that should be revealed and spread as without it, the parties are not committed to listen to him and consent to his judgments.
- 24- In addition to these conditions, his judgment must be implemented on the basis of seven jurisdictions:
- 25- The First being the arbitration of the conflicts and the resolution of disputes either through agreement by consent or by enforcement
- 26- The Second being the restitution of their rights to the beneficiaries if confirmed by approval or evidence.
- 27- The Third being the declaration of the incapacity¹ of an impaired person, arising from a legal minority or mental illness or prodigality so as to protect the beneficiaries' assets from unreasonable loss or to revise the provisions applied to them by reason.
- 28- The Fourth being the examination of the statutes of properties to preserve the principal, distinguish the divisions, collect their profits and apply them to due payments. And where the trustee is competent, he is retained, otherwise he is assigned a guardian.
- 29- The same jurisdiction applies to what is appointed to custodians

¹ Incapacity: the definite prohibition. In law, the prohibition of the legally minor, the fragile and the mentally ill.

- 30- Then to orphans and those legally incapacitated.
- 31- The Fifth being the implementation of wills in accordance with the instructions of the deceased, with regard of what is legally approved or not prohibited. Where a trustee is competent he is retained, otherwise he is assigned a guardian.
- 32- The Sixth being the appointment of a competent successor if the business is demanding. And the successor has no authority to appoint another successor unless delegated to do.
- 33- The Seventh being the inspection of his witnesses and custodians, the rehabilitation of his subordinates, the selection and acknowledgement of his successors, yet, definitely qualified and trustworthy, and their replacement in case of unproficiency and treason.
- 34- In case his mandate is specific to one action without the others, he should examine none other than what he was invested with. As for he who was invested with marriages without the assets or with part of the territory without the other parts, he is not to exceed his actions unless mandated to do.
- 35- He should act in compliance with the Scriptures: “You shall not be partial in judgment. You shall hear the small and the great alike”. Thus, he should observe equity as scriptures incite us to: “You shall not favour the rich nor pity the poor for he shall have judgment without mercy.”
- 36- He should be informed about the punishments for all various sins for him to prevent injustice to any party, thus, sparing the wrath of God.
- 37- Fear the gift as a substitute for bribery, the scriptures state. Thus, he should not accept any gift from any one throughout his mandate.
- 38- He should recommend his successors, subordinates and priors to fear God and to seek recourse to jurisprudence in claiming for the rights. And he should order his assistants to show compassion for enemies.
- 39- It is inappropriate and prohibited for a judge, throughout his mandate, to commit to any pledge or to conduct any association or any other similar act, not himself nor through a known agent.
- 40- He should not act ex-parte for any party unless when the parties are separated.
- 41- Any unjust judgment is a hypocrisy or a fault and should result in awarding damages to the aggrieved party or the first judgment should be repealed and he should pass another judgment on the basis of impartiality.
- 42- Then, he should examine the cases of prisoners and casted away and release those to be released and keep those who should not be freed, either for the satisfaction of

- judgment or for evidence. In other words, no one is enjoined except when the satisfaction of judgment or the provision of evidence are delayed or for refusal.
- 43- He who claims he has been wronged and in the absence of the second party to stand for a new trial, the latter is sent a written summon to court if he is close and if late he should be released on bail.
- 44- He should not administer justice on the basis of one of the parties' statement
- 45- If any evidence on a party's financial insolvency, he should release him on bail until he becomes solvable and restitutes his debt.
- 46- Then, he should order his subordinates not to favour anyone regarding permission to appear before him, nor to give advantage to one party and not another, nor to the last and not the first.
- 47- He should be a person of dignity and humility.
- 48- He should not administer justice if in a state which could distort his opinion such as disturbing anger and fear, excessive worry and joy, unhealthy hunger and thirst, soaring illness, drowsiness, harmful weariness, inebriety even if mild, boredom of the multitude of cases.
- 49- He should not retire unless during rest periods and for serious matters.
- 50- He should, in presence of the parties, start with the first comer, and should not put forward the previous for more than one proceeding before him, though, having due regard to urgent matters such as travel or illness.
- 51- He should carry out his duties with equal consideration for both parties with regard to their reception, accommodation, meeting, hearing, speaking with them, and with respect to equal decision making on them or on their behalf.
- 52- He should not favour any of the parties, nor should he impart him an argument or dispute him, nor does he produce any protest though one is strong and the other weak, or one is honourable and the other dishonest, in order for the honorable not to covet his inequity and the weak not to lose hope of his justice.
- 53- He should not defer the judgment if the parties quarrel, provided a conclusive excuse.
- 54- He should disqualify himself when he, himself, his parents, grandparents, children, siblings or wife are constituted a party in the conflict. with another party.
- 55- He may preside a case in which family members are the parties.
- 56- He may preside a case involving family members with another party, upon both parties' consent. Or he may disqualify himself and appoint his representative to replace him.

- 57- He should not act as a witness in a case involving family members and should administer justice on one adversary and on his behalf.
- 58- He should not act as a witness against an adversary for the grounds of judgments are evident and the grounds of the testimony are concealed.
- 59- Where he returns a verdict at the end of the case, and he should preside a similar case, the sentence should meet the present discretion even if his verdict contradicts a legal precedent.
- 60- He should not reverse his decision or others' decisions provided they contradict an explicit text of law, or a legal interpretation or a law combining both or provided observing a conclusive or an almost conclusive standard.
- 61- For the revision of the rights is better than indulging to the wrongs.
- 62- He should pass free and independent judgments on the basis of the declarations in the judges council. Check p8 approval
- 63- Or in relevance to the evidence if conclusive or to oath if necessary.
- 64- The judge should not sit on a case where he has personal knowledge of relevant information and on ex parte basis, provided where convinced of the parties' grievance.
- 65- In such case he may delay a trial or find a fair outcome in order to save the aggrieved party to ensure that his conduct is above any reproach.
- 66- He should, in case he fails to fulfil this obligation, sit on the case and pass a sentence on the innocent except death penalty for there is no revocation of death.
- 67- He should not conduct hearings of conflicts and trials on Sundays for he should consecrate to work for God and goodness.
- 68- He does not authorize any party to give his slave the power of a proxy for the free man and the slave is not equal in dignity.

Section A: Concerning the Oath

- 1- "For people swear by something greater than themselves, and for them a confirming oath ends every dispute", said the Prophet to the Hebrews.
- 2- However, where Lord said in the Law on virtue "But I tell you, don't take an oath at all", he meant in public speeches and not in trials.
- 3- Resolving disputes on the basis of oath is inevitable though a person would better not make an oath if he can redeem his oath by giving away money or else, for nothing more than God's glory and generosity.

- 4- Where the clergyman swears falsely by the name of God, he is disciplined by the Bishop and the layman is disciplined by the governor.
- 5- Where two parties are bound by a transaction, a company or a promise and where they draw a contract vouching for their commitment by faith, if any retracts, he is penalized by the judge and bound to fulfil the terms of the contract for the benefit of the second party.
- 6- The oath may be with regard to the past as in: I swear I did not or I swear I did or I swear I do not owe you or I swear you owe me.
- 7- Or it may be with regard to the future or a likeness: I swear I do not, I swear I would.
- 8- Parties ought to understand that where the oath with regard to the past by which they knowingly attested to the truth of the statement, which means where the conscience dictates the words, it should be then redeemed by reconciliation where possible, or else the public official authorized to administer the oath is guilty where he has personal knowledge of the inequity.
- 9- Where the words are against conscience or in case of doubt, the person who takes the oath must assume full responsibility where he has personal knowledge of it.
- 10- Where the oath is with regard to the future, its obligations must be assumed if it is righteous.
- 11- Where perjury is proved the oath is cancelled.
- 12- Taking an oath is swearing by God and no difference is to be stated between God and Jesus for Jesus Christ is the embodiment of God.
- 13- Anyone may have recourse to the fear of God through the qualities stated in the Holy Books. For instance, I swear by Almighty God, the all-knowing, he who judges with justice.
- 14- It is forbidden to swear by a name, a quality, a capital which is not applied to God, the capital being his scriptures, cross, temple and saints.
- 15- The person who takes the oath ought to be sane and mature.

Section B: Summary of the trial process

- 1- The defendant is the one against whom recovery is sought.
- 2- The case is not acceptable unless the plaintiff is liable for his allegations and the defendant is liable for what is alleged.
- 3- Where the two litigants attend the trial, the judge may request to hear the plaintiff's testimony without interruption. Once the plaintiff has finished, the defendant follows

- 4- Where one of the litigants interrupts the other or shows animosity or a lack of courtesy, the judge should stop him. If he reiterates such behavior, he is warned sternly and forbidden any intervention if exacerbated.
- 5- Where the allegation is not clear, the plaintiff ought to present a written claim.
- 6- The judge should refuse to sit on the case in the absence of qualitative and quantitative information unequivocally stated. That is to declare for instance that one of the opponents owes the other fifty Egyptian dinars.
- 7- Where the allegation is clear, the judge should tell the defendant: speak up. If he admits the allegation, the judge tells the plaintiff that the judgment is affirmed and the satisfaction of judgment is ordered upon demand.
- 8- Where the defendant objects, the judge should ask the plaintiff: can you produce any evidence?
- 9- Where the answer is negative, the defendant should testify under oath upon the plaintiff's request of oath.
- 10- If he refuses to take the oath and requires it from the plaintiff, the latter's oath is owed.
- 11- If the plaintiff refuses, they are dismissed.
- 12- Where one of the parties swears after his refusal, his oath is declined unless approved by the second party.
- 13- Or provided he comes before another court and does not refuse to take oath.
- 14- Where a party claims he can produce an evidence and requires his opponent's oath before producing it, the oath is waived.
- 15- Where, following inadequacy, the plaintiff declares: I can produce an oral evidence
- 16- Hence, where the quantum of evidence is less than proof beyond a reasonable doubt, the judge would require a burden of additional proof
- 17- Where evidence is not competent, he should get information about the status and the relevancy of the testimony, on an ex parte basis, as Daniel proceeded with the two elder witnesses in Saousana's.
- 18- Where there is agreement, the judge, on an ex parte basis, warns them they may be charged with perjury on immediate and longer term.

- 19- Where they maintain their testimony, and doubt persists, he should inform the defendant that the witnesses' testimonies are admissible and that he is allowed to produce proofs of defamation¹.
- 20- Where the proofs of defamation are produced, concerning the quantum of evidence or even all but one, the first evidence is inadmissible or else, he should produce the reason of action.
- 21- Where the defendant does not approve nor object², the judge demands an answer saying: you should answer or else you should make an oath or produce the cause of action.
- 22- Where the defendant states: I can produce an evidence that he has no reason of action, he is given a delay of few days to produce it. The plaintiff should wait until the probative value is produced. Where the delay is long he should make an oath or prove right.
- 23- Where the evidences produced by both parties are contradictory, the most credible evidence is admissible.
- 24- The less credible evidence is undoubtedly false, and where the judge returns the verdict on the basis of the first evidence, the second testimony is not heard for the first meets the standard of reasonable doubt, unless it does not create a belief in the mind of the judge, then the second is more likely to be credible. Sitting on a case in presence of evidence is similar to sitting on a case with the absence of evidence.

Bishop 'Abdallah Qarā'ī,

“Chapter one: Concerning the judge”, *Summary of the Law or The Juridic Journal and Personal Status of Christians in Lebanon during the Shihabi Era*, compiled by Bishop 'Abdallah Qarā'ī, foreworded and edited by the Lebanese Aleppine Father Būlus Sa'd, Beirut, Catholic Press, 1959, pages 29 – 38. Expressions stated between brackets in the text are the foreword's - editor's and those stated between in the main text and the footnotes were added by us. However, the editor and writer of the foreword mentioned that the two other footnotes are the writer's.

###

¹ Defamation, hereby, is two types: the witness false statement and his inequity (footnote by Bishop Qarā'ī)

² The defendant must approve, object or remain silent (hand-written by the Bishop)

[Extracts from] *Qarā'ī's Memoirs*

Visit to Lebanon

Bishop 'Abdallah Qarā'ī wrote these memoirs soon after his ordination and we cannot state the definite date for a villain hand tore the last pages that stated that date as regards the tradition of the times.

I, 'Abdallah, the modest priest among the Abbots, Bishop of Beirut, the Lebanese priest of Aleppine origins, was overwhelmed by the longing to the monastic life as soon as I reached manhood. My father, Michā'īl, disapproved for fear of my ignorance about people's nature and estrangement. I lived tormented, sometimes seeking earthly distraction to forget the monastic life and some other times seeking pleasure in studying books and reading until I turned twenty-one.

Many knew about my longing to the monastic life, among which the deacon Gabriel Ḥawwā who was four years older. He once took me aside and confessed to me that he wished to live a monastic life as well. We promised to each other that we would walk to Mount Lebanon to become monks after discussing our intentions with our parents. His father Tūmā granted him permission.

As for my father, he accepted provided I visit Holy Jerusalem first and then pass by Mount Lebanon as a mere passer-by. He claimed: "If you like the place there, you may settle or else come back home as a voyager who has returned from a trip".

My father's intention was to avoid people calling me apostate if they saw me engage to the monastic life and then renounce to it. I followed his advice and informed deacon Gabriel of it. We consented on him preceding me to Mount Lebanon where we would meet after my visit to Holy Jerusalem. Upon that appointment, deacon Gabriel headed to Mount Lebanon on October 1st, A.D., 1693.

Later, during Lent fasting in 1694, I left Aleppo with the visitors of Holy Jerusalem, accompanied by Joseph El Bitn¹ who guessed my intention and my promise to deacon Gabriel. He loved the monastic life, thus, he also visited Holy Jerusalem and we sailed back

¹ One of the three founders who died with another monk when a big rock dropped on them, in the Monastery of Saint Anthony at Quzḥayyā.

together to Mount Lebanon. We met our brother Gabriel in the village of Zghartā, near Tripoli, on Holy Thursday. We went up together to The Monastery of Our Lady of Qannubīn where we payed our respects to Patriarch Stephen Duwayhī¹ and were provided a place to live for some time and we visited most of the community. Archbishop Gabriel (Al-Blūzānī), Bishop of Aleppo came then to The Monastery of Qannubīn.

In Ṭāmīsh

He sent me to visit his Monastery of Our Lady of Ṭāmīsh in Kisirwān. I was accompanied by brother Joseph and the Bishop's deacon, named Joseph, who later embraced the ascetic life with us, as mentioned hereafter. We resided in the Monastery of Ṭāmīsh for nearly three months, till the end of summer. There existed a community of nine monks with the Bishop on one side and a group of nuns on the other side. They remained subject to the system of Organization established for the other priests in the region for they did not take the monastic vow but they wore the monastic robe on the day convened by the highest authority in the monastery, with a short prayer told by the monk while dressing them in the hooded habit.[...] Brother Joseph and I were willing to live in the Monastery, after seeking the advice of Brother Gabriel who lived in the Monastery of Qannubīn, provided the Bishop orders the nuns' living on separate premises for, though we chose the monastic life with monks, we did not choose to reside with nuns. [...] He did not consent pretending that excluding the nuns would affect the monastery.

Persecution of His Beatitude the Patriarch

As we noticed that the Bishop's purpose contradicted ours, we renounced to the monastic life in Ṭāmīsh and I returned alone to Brother Gabriel in the Monastery of Qannubīn whereas Brother Joseph stayed in Ṭāmīsh awaiting my correspondence. And at the end of that year 1694, people feared the governors. Hence, Patriarch Stephen left Qannubīn to travel in the districts of Batrūn and Jbeil, touring the villages and collecting money for the Patriarchate. He asked us to join and serve him as deacons. Our aim was to visit the monasteries in the districts of Ṭāmīsh and Jbeil and determine the most appropriate to take up residence. It was in the early 1695.

The governors of Kisirwān were the Elders of the Khāzins, in that year. By the end of winter, His Beatitude the Patriarch was overwhelmed with fear of the pashas in Tripoli, thus he

¹ Patriarch Stephen ad-Duwayhī, man of erudition in his century, wished to establish a Maronite Order to introduce reform at various levels.

vanished from sight. Brother Gabriel and I returned to the Monastery of Qannubīn and resided there till early summer.

Saint Moura Monastery

His Beatitude the Patriarch paid us a visit and blessed our ambition to spend the last days of summer in the Monastery of Saint Sarkīs Rās An-Nahr, in the village of 'Ihdin. We sent after Brother Joseph in Ṭāmīsh. And during the whole summer, we relentlessly examined the possibilities and searched for a place to settle in and measures to take. In September, we decided by mutual agreement, and following the advice of Bishop Jirjis (Yammine), Bishop of 'Ihdin, to take up residence in Saint Moura Monastery in 'Ihdin. That summer, Brother Gabriel's parents, who proceeded from the Holy Jerusalem, paid us a visit and solicited His Beatitude the Patriarch to ordain their son, Brother Gabriel, a priest to rejoice in him before they departed. He, then, accepted their request. As soon as he was ordained priest, Brother Gabriel asked for my blessing, which I gave and expressed my pleasure to make him my confessor rather than the other priests in the villages.

Thereupon, he was ordained priest in 'Ihdin by His Beatitude the Patriarch. First, he ordained us both evangelical deacons and the following day, he ordained him alone priest without bestowing the monastic robe, respecting the commoners' tradition. When we set our minds on living in Saint Moura Monastery, as mentioned above, we prepared to build it as the monastery was almost entirely in ruin. The only resident was a lonely aged monk, named Antonios, who was not ordained priest, and who joined our project later. Construction and renovation works lasted two months and were on the expense of priest Gabriel and deacon Joseph El-Bitn. As for me, I was penniless.

The Return to Qannubīn

By October, people feared the community of the Ḥammādī Church. Hence, we left the monastery and headed down to the Monastery of Qannubīn to spend winter. His Beatitude the Patriarch bestowed the hooded monastic habit on us, which we obeyed, and he dressed the three of us, namely Priest Gabriel, Brother Joseph and myself the priest, on October 10 of the above mentioned year. We did not make vows according to the tradition nowadays. He just put the hoods on our heads after a short prayer as it is the tradition within the community of the district. Thereafter, we met alone, discussed the election of a Superior and we elected Priest Gabriel as Superior General. Our stay was not long and His Beatitude the Patriarch headed to the district of Kesrouan for fear of the Pashas in Tripoli. As for us, we headed

down to Tripoli in the early 1696 and rented a house in the Jesuit Monastery to spend the winter.

The Titling of the Monastery of Mar Elisha, in Bsharrī

In early summer we went up to our Saint Moura Monastery and completed the necessary constructions. And that summer, the three of us established ourselves as parties and signed an instrument, sealed by the above mentioned Bishop Jirjis, stipulating that in case one of us separated from his brothers, he would not claim for any amount of money. Then, we deliberated over the conditions of the Monastery, the heavy rain and the snow that abounded and concluded that the best for us was to find another warm dwelling to spend winter time while the inhabitants of Bsharrī were urging us to consider their Monastery Mar Elisha in the Holy Valley. Thus, the Superior General and I, headed towards it and took formal property rights for it, in agreement with the villagers.

The Superior General asked some of the priests, who had come to be ordained with us, to join us in the new monastery, among which our brother the deacon Joseph (El Betn) whom he nominated Superior (Assistant in the first level) in the absence of the Superior General, for the latter ruled upon the Monastery of Mar Ilīsha and I was designated at the head of Saint Mūrā Monastery.

The Mission of Teaching

That summer, the inhabitants of 'Ihdin solicited us to teach their children how to read and as the state of the monastery had improved, the Superior General gave me the responsibility to introduce monastic life to them. And by the Cross Day Feast, I was ordained priest and His Beatitude Bishop Jirjis laid hands on me to confer the gift of The Holy Spirit upon me. By winter, as the inhabitants of 'Ihdin headed to Zghartā as usual, the Superior General ordered me to accompany them and teach the children in Saint Joseph School which was being built. Priests went down to spend winter in the Monastery of Mar Elisha and the Superior General entrusted Mart Moura Monastery to the safekeeping of priest Anṭunyōs Ash-Shaykh till the early spring of 1697 when he headed up to Saint Mūrā monastery Moura and so did I. I spent the whole summer teaching the children in the monastery.

The Gathering of the Rules

During that period of time, the priority of the Superior General as well as the priests' was to gather the rules and select the most relevant books by Oriental and Occidental authors. The

number of priests increased, some bestowed the hooded monastic habit by the Superior General without any vows as was the Maronite tradition, and other beginners. The Superior General wished to bestow the beginners the hooded monastic habit, just as the European priests, and in case they fail their priesthood they would be refused the hooded habit and sent back to their nonconforming life. However, his Beatitude the Patriarch condemned it, and bestowed the hooded monastic habit as irrevocable once worn. During that year, twenty-two articles of regulations were drawn up into Rules and it was stipulated that all Superior Generals would be appointed for three years at the end of which the General Chapter would be held to change or retain them.

Regarding the young Superior General, the decision of revoking them or retaining them would be the responsibility of the Abbots who were called Assistants, though the title Abbott was preferred later. These four Abbots are designated, changed and retained by the General Chapter similarly to the Superior General. And they have the authority to revoke or retain the young Superior General and contribute with the Superior General to the organization of the Order and to crucial issues. It was also stipulated that the General Chapter would be held on the tenth day of October, in commemoration of the establishment of the Order.

We complied with these measures and arrangements during summer and winter. And in the winter of that year, the Superior General discharged me from my mission of teaching and I went down with the Brothers to the Monastery of Mar Iīsha.

The First General Chapter

Early in 1698, and by spring time, I headed back with some of the brothers, to stay in the Monastery of Mart Moura till the end of summer. And on October, 10 the first General Chapter was held to revoke or retain the Superior General. His name was drawn and thus, was re-appointed Superior General. Four Abbots were also designated and at the end of the Chapter, they met and appointed me Superior General of the Monastery of Mar Elisha and priest Gabriel Farhat Superior General of the Monastery of Mart Moura.

An Attempt to Consecrate the Rules

[The Superior General Father Ḥawwā] advised us to seek the consecration of the Rules by His Beatitude the Patriarch and establish it as the text of vows, [...], which we worked upon and headed to Qannubīn to meet His Beatitude the Patriarch, and ask for his blessings through the consecration of the Rules, which he did [...]. He wrote the following statement in the consecration instrument: “We do not exempt our children the monks from the rules of

Saint Anthony”. Hence, we apologized for declining the consecration, as rules attributed to Saint Anthony were numerous and diverse and the majority was related to anchorites and not to the communities of monks living in monasteries. [...] We implored His Beatitude the Patriarch to delete this statement. However, he refused. And when we insisted, he became furious, repealed the instrument of consecration and ordered its destruction. We receded to our monastery sorrowful.

The Patriarchal Consecration of the Rules

A few days later, [Father Ḥawwā] set his mind to pay me a visit and said: ”Let us try, dear father, to seek His Beatitude the Patriarch for his seal of approval on the new Rules [...]”. I agreed with Priest Gabriel and accompanied him, at once, to the Monastery of Qannubīn and solicited the Patriarch to consecrate the Rules [...]. However, he did not. And we went back to our monastery, deceived.

We did return to him [...] and we infinitely drove back-and-forth until we got confused and sorrow overwhelmed me [...]. One day, I took the text of the Rules, reviewed it and abridged it, solely, to fifteen articles [...] Then I walked to His Beatitude the Patriarch [...] with two of my brothers and got the consecration sealed with the Apostolic seal. It was June 19, of that year¹ [1700]. Thereupon, we came back home delighted and we strived to make the vows according to these Rules, as is the tradition within all the Orders.

¹ These Rules were consecrated as well by Patriarch Ya‘qūb ‘Awwād soon after his ordination. It was also renewed on November, 23, 1725 following the addition of three articles concerning humility, brotherly love and patience, increasing the number of articles in the Rules to eighteen articles.