

On the Dating of ʿĪliyā al-Ġawharī's *Collectio canonica**

The famous *Collectio canonica* of ʿĪliyā al-Ġawharī is usually dated either to ca. 893¹, the year of the author's appointment as Metropolitan (*Muṣrān*) of Damascus², or to ca. 900³, although in both cases without any conclusive argument⁴. A neglected piece of chronological evidence is actually supplied by the text itself, whose second part includes two documents issued by John IV b. Abġārē (Sept. 8, 900-May 16, 905)⁵: the 'Responsio' to Abū ʿl-ʿAbbās b. Faḍl b. Sulaymān's 'Quaestio de jejunio, quod Ninivitarum appellat'⁶ and the 'Epistola canonica' directed to the Yemenite presbyter (*al-qiss*) Ḥasan b. Yūsuf⁷. Since the former was written in 903, *fi aḥad*

* This note was written while I held a Fellowship at Dumbarton Oaks (1983-84).

- 1 E. SACHAU, *Zur Ausbreitung d. Christentums in Asien* (Berlin, 1919: APAW Phil.-hist. Kl., I), p. 11 and note 2; C.F. SEYBOLD, in *ʿAḡab nāmāh. A Volume of Oriental Studies Presented to E.G. Brown*, ed. by T.W. Arnold & R.A. Nicholson (Cambridge, 1922), p. 414; U. MONNERET DE VILLARD, in *Rivista degli Studi Orientali* XVII, 1938, p. 314, note 2, on which, see my forthcoming contribution to the *Festschrift* for E. Bresciani (Pisa, 1984): "Yemen nestoriano".
- 2 ʿAmr b. Mattā & Ṣalībā b. Yūḥannā (ca. 1332), *Aḥbār faṭārikah kursī ʿl-mašriq*, ed. and tr. H. GISMONDI, *De Patriarchis Nestorianis Commentaria*, II. *Amri et Slibae textus* (Rome, 1896), p. 80. 16f. = *Versio Latina* (1897), p. 47. Cf. J.S. ASSEMANI, *Bibliotheca Orientalis*, II (Rome, 1721), p. 440 a, and III 1 (1725), p. 513 b; M. LE QUIEN, *Oriens Christianus* (Paris, 1740), II, coll. 1290 A-B, 1299 A; GRAF II, p. 132; S. JARGY, in *Dictionnaire de Droit Canonique* V 1 (1950), col. 249. See also below, note 9.
- 3 I. GUIDI, in *ZDMG* XLIII, 1889, p. 338; H. KAUFHOLD, *Syrische Texte zum islamischen Recht. Das dem nestorianischen Katholikos Johannes V. bar Abġārē zugeschriebene Rechtsbuch* (Munich, 1971: ABAW Phil.-hist. Kl., n.F. 74), p. 29; ID., *Die Rechtsammlung d. Gabriel v. Baṣra u. ihr Verhältnis zu den anderen juristischen Sammelwerken d. Nestorianer* (Berlin, 1976), p. 24.
- 4 No date is however suggested by ASSEMANI, III 1, pp. 513 b-514 a, GRAF, p. 133 (§ 2), and JARGY, col. 250 s.
- 5 Notwithstanding the statement of GRAF, p. 134 (§ 2; less explicite JARGY, col. 250), there is no ground for excluding from the *Collectio* the two works in question (which are also found in the Diyārbakr MS 157, karš., A.D. 1602: A. SCHER, *Notice sur les mss. syriaques et arabes conservés à L'Archevêché Chaldéen de Diarbékir*, Paris, 1908, p. 78 = *Journal Asiatique*, 10^e s., X, 1907, p. 427; see below, notes 6 and 7). On the contrary, they form an integral part of it, according to the *praxis* followed in this kind of literature; similarly, for instance, an Arab compendium of the 'Canones de principiis (*fi ʿl-uṣūl*)' and of the 'Praescriptiones (*Zuhhārīn*)' or 'C. ministerii altaris' (Syriac text and tr. in *Assemani*, III 1, pp. 238 b-249 a) of the same John IV was inserted, together with many other *Qawānīn*, in the *Fiqh an-Naṣrāniyyah* of Ibn aṭ-Tayyib († 1043), cod. Vat. Ar. 153 (14th c.), ff. 105^v-108^v, 108^v-109^v, ed. and tr. W. HOENERBACH-O. SPIES, I, *CSCO* 161, Ar. 16 (1956), pp. 210. 7-215. 9, 216. 1-218. 20 = *CSCO* 162, Ar. 17, pp. 202. 30-207. 29, 208. 1-211. 15. Cf. BAUMSTARK, pp. 235 and notes 6-7; GRAF, pp. 151f. (§§ 1-2), 174 (§ 12).
- 6 *Fī amr aṣ-sawm al-maʿrūf an-Niniwī*, cod. Vat. Ar. 157 (13th c., second half), ff. 83^v-84^v (= Vat. Ar. 635, 18th c., ff. 90^v-92^v; Diyārb. 157, II 1), ed. e tr. ASSEMANI, II, coll. 426 a-429 a. Cf. BAUMSTARK, p. 235 and notes 9-10; GRAF, p. 152 s. (§ 4).
- 7 *Kitāb ... ilā raḡul min ahl al-Yaman*, cod. Vat. Ar. 157, ff. 85^v-90^v (= Vat. Ar. 635, ff. 92^v-97^v; Diyārb. 157, II 2), partial ed. and tr. in ASSEMANI, III 1, pp. 249 a-254 b. Cf. GRAF, p. 153

‘ašar min Qāmūn at-tānī ‘die undecima Januarii’⁸, the composition of the whole *Collectio* must be placed after this precise terminus, which could also shed some light on ʿĪliyā’s otherwise unknown biography⁹. It was clearly the first product of the renewed interest in canon law that seems characteristic of John IV’s patriarchate¹⁰.

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Nochmals zur Datierung der Kanonessammlung des Elias von Damaskus

Eine genauere Datierung der Kanonessammlung, wie sie Fiaccadori in seinem vorstehenden Beitrag versucht, stößt schon deshalb auf Schwierigkeiten, weil wir über den Urheber des Werkes, d.h. den Übersetzer aus dem Syrischen, nichts Sicheres wissen. Er wird am Beginn »Elias, Metropolit von Damaskus« genannt (fol. 2^v der Hs. Vat. Arab. 157; am Anfang des zweiten Teils, fol. 54^v, ist der Name Elias wohl nachträglich eingefügt). Soweit ich sehe, schreibt keine andere syrische oder arabische Quelle einem Metropoliten Elias von Damaskus eine Rechtssammlung zu.

Die Gleichsetzung mit Elias ibn ʿUbaid, der nach der Patriarchengeschichte des ʿAmr zunächst nestorianischer Bischof von Jerusalem war und im Jahre 893 n.Chr. Metropolit von Damaskus wurde, geht vermutlich auf J.S. Assemani¹ zurück. Dieser Elias war zwar schriftstellerisch tätig², doch

(§ 5); strangely enough, referring to the Diyārbakr MS only (above, note 5), he also lists “Ein Brief des Patr. Johannes, dessen Sekretär Ibn at-Taiyib war, an den Priester Ḥasan ibn Yūsuf mit Beantwortung von Fragen über die Pflichten der Kleriker” (p. 176, § 15). Apart from the irrelevance of such an entry among the ‘kanonistische Werke’ of Ibn at-T., it should at least be noted that the latter was secretary to John VI (Yūḥannān b. Nāzūk, 1012-22), as Graf himself correctly points out, *ibid.*, p. 160 (for the Patriarch’s supposed dates: E. TISSERANT, in *DThC* XI 1, 1932, col. 262 = *Recueil Card. E. T. “Ab Oriente et Occidente”*, Louvain, s.d. [1955], p. 272). See my “Yemen nestoriano”, notes 39-40.

8 ASSEMANI, II, p. 426 a-b; cf. III 1, p. 249 a, note 1.

9 See: GRAF, p. 132, JARGY, col. 248 ff., and especially G. LEVI DELLA VIDA, in *Mélanges E. Tisserant*, II (Vatican City, 1964: Studi e Testi, 232), p. 346 f.; but the name al-Bannā ‘the Bricklayer’ given by Ibn al-Muqaffa’, *Kitāb at-tānī* (A.D. 955), ed. and tr. L. LEROY, in *PO* VI 4 (1911), p. [88] 552. 5 (“al-Banā”), should not be corrected to ʿĪliyā as Levi della Vida claims (p. 347, note 6), since it is more likely a *nabaz* or a pun of Sāwīrus on the original *nisbah* al-Ġawharī ‘the Jeweler’.

10 See: BAUMSTARK, p. 235; GRAF, p. 151 f., corrected by KAUFHOLD, *Syrische Texte*, p. 28 and note 6.

1 Bibliotheca Orientalis, Band III,1, Rom 1725, 513. Die Meinung Assemanis wurde weitgehend übernommen, vgl. unter anderem G.E. Khayyat, *Syri orientales*, Rom 1870, 125; I. Guidi, *Ostsyrische Bischöfe*, in: ZDMG 43, 1889, 388 f.; O. Braun, *Das Buch der Synhados*,