

**Michel Chiha's trust:
Language triangle and the rule of law**

Chibli Mallat

Theme

"Toute la vie libanaise repose sur la confiance et la confiance s'analyse en un vocabulaire aux visages divers : confiance veut dire liberté (au sens des libertés légitimes) ; elle veut dire tolérance ; elle veut dire sécurité surtout. Elle veut dire modération des lois et respect de la légalité ensemble"

«المجتمع اللبناني بمجمله مبني على الثقة، وهذه الثقة تأتي بتفسيرات مختلفة: الثقة تعني الحرية (بالمعنى التشريعي)، وتعني التسامح، لكنها على وجه الخصوص تعني الشعور بالأمان عبر تطبيق القوانين القضائية واحترام حكم القانون في شكل عام»

"The entirety of Lebanese society is founded on trust and that trust comes with a variety of interpretations: trust means freedom (in the legislative sense), it means tolerance, but most particularly, it means feeling secure through the application of judicious laws and a respect for the rule of law in general".

Le Jour, 7 juin 1952

Le Chemin de l'Ordre

Our theme is trust.

I'd like to share two tricks drawn from Michel Chiha's genius, which might help for the rest of your life. I say trick in jest, but I mean a serious intellectual investment, you will see why.

First trick: put to use the language triangle. Few people know that Michel Chiha published a daily newspaper in English. You are, today, his true heirs, listening seamlessly to kudos for your work, and encouragements on your way forward, in three languages. Polygottism may be one of Lebanon's greatest achievements: to continue and perfect literary competence in Arabic, English and French. I don't know of any other country in the world which is so trilingual. Between Arabic, French and English as the natural literary worlds of a Lebanon true to Michel Chiha's legacy, there is a sense of fulfilment of which our short ceremony today provides a telling sample. Keep it up, the world which the Lebanese language triangle opens up has no shores, and no sunset. In the Lebanese language triangle is far more power, and a power far more enduring than in any of the greatest empires that history has known the sun to set on. Through its linguistic triangle in Chiha's style, Lebanon is the greater empire than all defunct great empires. Our little country radiates more with the worlds of its three enmeshed cultures than many a philosophy of world domination and imperialism have ever durably sustained.

Now here comes the other trick, the rule of law trick. Let's look at our assignment, which is trust. For Michel Chiha the citizen and public figure, "trust means freedom, it means tolerance, but most particularly, it means feeling secure within a society governed by the rule of law."

Trust = freedom = tolerance = security = rule of law

Now the original French: *Confiance = liberté = tolérance = sécurité.*

So far so good, but Chiha has more, Trust = *modération des lois = légalité.*

... Elle [la confiance] veut dire *modération des lois et respect de la légalité ensemble.*

This is all very legal, and the investment is Chiha's political philosophy conveyed in law. Remember, Chiha wrote our constitution, with its original text in French, followed seamlessly by a text in Arabic, you can see him at work in the beautiful book that this Foundation published in 2001. The Chiha constitution, born in 1926, will soon be a hundred years old. I don't even know when the next Middle Eastern constitution that remains operational to date was enacted. This makes Chiha, arguably, the greatest constitutional lawyer of the 20th century Middle East.

To the lawyer's mind, trust is not only confidence one has in a friend, or in his family, or in his teacher, or in Chiha's message, in Lebanese society. Trust is a rich legal vehicle for important operations, and it will be most helpful for those of you who will be lawyers and financiers, for trusts are key to perpetuate estates and develop charities in the Anglo-saxon world, as they are key to so-called 'securities'.

But trust in English law also finds its origins, some scholars say, in the Arab *waqf* of the schools established in Andalusia and Morocco. Let's apply our first trick here: *waqf* is also *habs*, in North Africa especially: *habs*, plural *hubus*. *Thiqa*, in turn, is a wonderful rendering in Arabic of confidence, but if I were a classical Arab lawyer, the proper translation would be *amana*. The trustee is the *amin*. *Amin* is a person of trust, of confidence. And if we reflect on the French word. confidence, etymologically con-fidence, /con/ for with, /fidence/ as in *fidenza* in Italian, *fidencia* in Spanish, all rooted in *fideus*, *fidei*, trustee, confidence. *Fidere*, *fido* is the verb in Latin, meaning I believe. And *fide* as in *bona fide*, means also faith, French *foi*. In Arabic it's *iman*, same root as *amin*, *amen* *amenin* the liturgy, and *amn* as security. Back to the security for Chiha, 'sécurité surtout', security that comes with the rule of law. So you see, if you think rule of law, human rights, in the way Chiha the great Lebanese constitutionalist induces us to think when he talks of trust, your investment is secure.

Let us project this small set of words into a constellation of the Chiha world of trust:

Faith, confidence, trust, *thiqa*, *amana*, *iman*, *waqf*, *habs*, rule of law, moderation, legality, *amin/amen,amn*, security, tolerance...

Linguistic triangle, rule of law, you will go a long way by investing in Michel Chiha's two profound tricks.

Talk at Chiha Foundation's youth occasion, Beirut, 12 May 2018