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Protection of Human Dignity in Case of Insult Committed by Action in Ancient Georgian Law

Apart from human life and health, honor and dignity are among the important values. The violation of honor and dignity of a person can be committed by slander and insult. As for Insult, it can be committed by action, or be verbal. The subject of the research is the study of insults carried out by actions in ancient Georgian law, as actions that violate human dignity. The clarification of terms related to the mentioned issue allows for discovering what kind of actions were considered insults. In ancient Georgian Law, the term “swearing” was used to express verbal insult. As for insult committed by action, in addition to “insult”, the terms „shaming”, “disgrace”, and “dishonor” are used in the legal monuments. The fact of responsibility for insult is often confirmed by “dishonorable” punishment imposed by the legislator and used by the court. Determining “dishonorable” punishment as a sanction for beating or for some kind of health damage allows us to conclude that the mentioned actions were also considered insults in ancient Georgian law.

The types and forms of insults committed by action were various and therefore they can be conditionally divided into several groups. Actions that are directly aimed to humiliate a person's dignity, for example, cutting off the beard, tearing off, tying up, removing armor, beating. Insults committed during an attack, damage to health, as an action against the honor of a person, and actions against the honor of the family can be grouped separately. At the same time, in the monuments of the ancient Georgian law and in the court rulings, there are other cases of insult committed by action.

As punishment for an insult committed by action was mainly determined the blood price and “dishonorable” punishment. How important and valuable it is to protect the legal good, is reflected in the punishment imposed for committed action. In the old Georgian law, the sanctions established for insults committed by action were mostly equal to the punishments determined for damage to human life or serious damage to health.

Keywords: *Dignity, Honor, Insult, Shaming, Disgrace, Dishonor.*

1. Introduction

In ancient Georgian Law, the term “Insult” was used with a different meaning besides the violation of the dignity and honor of a person. Sources of Law confirm that violation of established rules and norms was considered as an insult.¹ On the other hand, in addition to “insult”, other terms are

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¹ In the Consecration of Myron (XIII century) it is indicated that the violation of the sentence established by the Archil king and approved by the Catholicos of Kartli, Mikael, was punished by expulsion from the

found in the monuments of law, for example, “shaming”, “disgrace”, “and “dishonor”² to express the action that harms the dignity and honor of a person. Derived from “dishonor”, the term “dishonorable” punishment will help us to represent instances of an insult committed by action. Punishment was imposed for dishonorable insults³, which was expressed in the payment of property compensation, and its amount, as well as the price of blood, depended on the social status of the person. The imposition of “dishonor” as a sanction by legislators and court decisions will allow us to consider a specific action as an act committed against honor.

Violation of human dignity can be committed verbally or by action. In ancient Georgian law, verbal insult was expressed by the term “swearing”, while “disgrace” meant insult committed by action (Article 17⁴ of the Law of Catholicos, Deed of Levan Dadiani (XVII century)⁵, “Vahanis Kvabta Gangeba” (XIII century).⁶

The purpose of the research is to show how much human dignity and honor were protected in ancient Georgian law, what kind of actions were perceived as insults committed by action, what kinds of punishments were used, and, accordingly, how severely the “dishonorable” treatment of a person was punished.

2. Actions Directed Against Human Dignity

According to the old Georgian law, it is established to punish such actions, which in addition to the honor and dignity of a person, also violate other legal goods. At the same time, some norms impose punishment directly for insults committed by action. Article 144 of the Bagrat Kurapat Law

church and cutting off a body part. *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. II, Secular Legislative Monuments (X-XIX Centuries), Tbilisi, 1965, 49 (in Georgian).

² Dishonor – I became dishonored. *Chubinashvili D.*, Georgian-Russian Dictionary, 2nd ed., Prepared for Printing and Preface Added by *Shanidze A.*, Tbilisi, 1984, 276 (in Georgian). Dishonorable, disgraceful – disrespectful, inappropriate, incompetent. Dishonorably, disgracefully – disrespectfully, unfairly. Dishonesty, disgrace-dishonor, defame. *Chubinashvili D.*, Georgian-Russian Dictionary, 2nd ed., Prepared for Printing and Preface Added by *Shanidze A.*, Tbilisi, 1984, 1264. Dishonored – honor is destroyed. Sulkh-Saba Orbeliani, Georgian Dictionary, II, Prepared According to the Autograph Lists, Researched and Attached a Dictionary of Definitions – *Abuladze I.*, Tbilisi, 1993, 165 (in Georgian).

³ “Dishonorable” punishment – dishonorable, a punishment for dishonor, that is, unforgivable itself. *Chubinashvili D.*, Georgian-Russian Dictionary, 2nd ed., Prepared for Printing and Preface Added by *Shanidze A.*, Tbilisi, 1984, 1124 (in Georgian).

⁴ Article 17 of the Law of Catholicos deals with insulting Catholicos and bishops. The legislator has specified both forms of insult. Verbal insult is referred to as “swearing”, and actual insult is referred to as “dishonor”. *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. I, Collection of Law Books of Vakhtang VI, 1963, 396 (in Georgian).

⁵ Deed of Levan Dadian (1611-1657). A monk's dishonesty or swearing was punished by paying a thousand “potinats”. The payment was made in favor of the monk. *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. II, Secular Legislative Monuments (X-XIX Centuries), 1965, 210 (in Georgian).

⁶ Vahanis Kvabta Gangeba (1204-1234) Clause 2 of the monument talks about insulting and swearing of a younger monk in terms of honor or age by a monk, which would lead to the expulsion of the monk from the monastery. *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. III, Church Legislative Monuments (XI-XIX Centuries), Tbilisi, 1970, 142 (in Georgian).

can be considered as such: “cutting and tearing off of the beard was punished by paying two gershes⁷.”⁸ It seems that the cutting and tearing off of the beard was considered a more serious offense than the “minor wound”, as it was determined by double the amount of punishment imposed on “Gersh” for this form of insult.

K. Kekelia notes that in ancient Georgian, shaving the hair and beard symbolized putting a person in a disenfranchised, humiliated position. As an example, he cites the court ruling of 1770, according to which the court ordered payment of five grains of barley for cutting off a priest’s beard.⁹

Arresting a person was also considered as shaming. According to Article 18 of the Beka-Agbugha law, the oppression of a person, arresting a person accompanied by beating, tying, removing armor,¹⁰ and other things was punished by paying half of the blood price. This was a punishment directly imposed for insult. If at the same time, there was a wounding, the court should also have applied the sanction for wounding according to the severity of the wound.¹¹

The question arises if we can consider removing armor and other things as robbery in this case. According to Georgian customary law (particularly in Khevsureti) it was considered an insult to remove and tear out weapons during a fight.¹² The mentioned action would probably not be considered an offense against property even in the given norm. In this case, we rely on the fact that the legislator does not prescribe the payment of seven or any other heavier punishment for the mentioned action. He did not consider removing and tearing out armor and other things as actions that required independent legal assessment, unlike wounding. We cannot consider the obligation to return armor and other things as a punishment. The same applies to beating, for which was not prescribed an independent punishment. In case of wounding, blood price had to be paid additionally according to the evaluation of the wound. It is emphasized in the norm that the price of blood for wounding should not be included in half the price of blood prescribed for shaming, in other words, the severity of the wound should have been assessed separately.

There is a similar norm in the law book of Vakhtang Batonishvili (Article 61), particularly, if a man would have caught another person in his estate for a minor nuisance, oppressed him, tied him up, removed his armor, beat him, had to pay half of the blood and return the weapon. If, in addition to the

⁷ Gersh – a small wound. Sul Khan-Saba Orbeliani, *Georgian Dictionary*, I, Prepared According to the Autograph Lists, Researched and Attached a Dictionary of Definitions by *Abuladze I.*, Tbilisi, 1991, 157 (in Georgian).

⁸ *Dolidze Is. (Publisher of the Text)*, *Monuments of Georgian Law*, Vol. I, Collection of Law Books of Vakhtang VI, 1963, 468 (in Georgian).

⁹ See: *Kekelia M.*, *Offenses Against Human Life, Health, Honor and Dignity in Ancient Georgian Law*, Tbilisi, 2015, 217 (in Georgian); *Dolidze Is. (Publisher of the Text)*, *Monuments of Georgian Law*, Vol. IV, *Court Rulings (XVI-XVIII Century)*, Tbilisi, 1972, 600-601 (in Georgian).

¹⁰ Armor – a piece of armor, a weapon of war, or a chain worn on the body. *Chubinashvili D.*, *Georgian-Russian Dictionary*, 2nd ed., Prepared for Printing and Preface Added by *Shanidze A.*, Tbilisi, 1984, 4 (in Georgian).

¹¹ *Dolidze Is. (Publisher of the Text)*, *Monuments of Georgian Law*, Vol. I, Collection of Law Books of Vakhtang VI, Tbilisi, 1963, 431 (in Georgian).

¹² *Davitashvili G.*, *Types of Offenses in Georgian Customary Law*, Tbilisi, 2017, 535 (in Georgian).

listed actions, a person was wounded or killed at the same time, in addition to half-blood, the punishment for wounding or murder was also imposed on the offender.¹³

Bringing a defeated man home was considered a shame (Article 19 of Beka-Agbugha Law). For the said action, the criminal had to pay half of the blood price and return the weapon that was taken away. Similar to Article 18, Article 19 also provides an additional sanction in case of wounding.¹⁴ According to the law of Beka-Agbugha, insult in the mentioned form was considered a more serious crime than serious damage to health.¹⁵ In Vakhtang Batonishvili's law (Article 57)¹⁶ there is a similar norm to Article 19 of the Beka-Agbugha law.

By comparing the mentioned norms, it can be seen that the actions listed in the law of Beka-Agbugha and Vakhtang Batonishvili are perceived as a violation of a person's honor, for which the same punishment is imposed that was expressed in the payment of half the blood price.

Article 20 of Beka-Agbugha Law also talks about bringing a person home and „eating bread for shame”, for which “the true blood”¹⁷ should have been paid, which meant determining the price of fair blood. The indication that eating bread is done for shame indicates that the person's goal is to insult a person, based on which we can say that the committed action is a delict directed against human dignity.

It was considered a more serious form of insult when, as a result of oppression, a man was tied with a rope, and “thin clothes” were wrapped around his head (Article 21 of the Beka-Agbugha Law).¹⁸ In this case, “all the blood” was imposed as a punishment. The legislator notes that no greater shame exists.¹⁹ This form of insult was equated with the death of a person, which can be seen in the prescribed punishment.²⁰

Some of the above-mentioned cases of shaming a person were also considered as insults by Georgian customary law.²¹

3. Insults Committed During the Attack

According to Georgian customary law (Svaneti, Khevsureti), it was considered a severe insult to enter someone else's house without permission for any reason, which represented an independent

¹³ *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. I, Collection of Law Books of Vakhtang VI, Tbilisi, 1963, 498 (in Georgian).

¹⁴ *Ibid*, 432.

¹⁵ *Ibid*, 428.

¹⁶ *Ibid*, 497.

¹⁷ *Ibid*, 432.

¹⁸ *Ibid*.

¹⁹ *Ibid*.

²⁰ According to N. Khizanashvili, the mentioned norm refers to insulting the elderly. *Khizanashvili N. (Urbneli)*, Selected Writings, Prepared for Printing, Biographical Materials, and Notes were Attached by *Dolidze Is.*, Tbilisi, 1982, 488 (in Georgian). M. Kekelia believed that Article 21 does not refer to a person's age, but to social seniority. *Kekelia M.*, Offenses Against Human Life, Health, Honor and Dignity in Ancient Georgian Law, Tbilisi, 2015, 214-215 (in Georgian).

²¹ *Davitashvili G.*, Types of Offenses in Georgian Customary Law, Tbilisi, 2017, 530, 535 (in Georgian).

offense. If another crime was committed while breaking into someone else's house, the person would have to be fined, both for breaking into the house and for another crime.²²

The ruling of Simon II includes many accusations of the parties in the criminal case. Among them is an accusation that can be classified as a real insult. The plaintiff complained that he was attacked at home, his family was robbed and ravaged, and his wife and children barely survived. He considers this as an unseemly act and “death”. The court notes that this was a great shame and unseemly action for the plaintiff, for which they had to pay fifty tumans (old Georgian money) as “Saukacuro”, which meant „dishonorable punishment”²³ and return what was taken from the house.²⁴

The ruling of Teimuraz II of 1743 also includes various types of punishable actions, including an attack at home. The court determined “for the top sitting and pulling down and embarrassing female child half of the blood of the respected man – six thousand tetris for this assault towards home.” Since the criminal would not be able to pay the blood price due to his low social status, the court imposes public shaming of the offender as a punitive measure.²⁵ G. Nadareishvili cites Article 13 of the Beka-Agbugha Law to compare the above-mentioned ruling, which also talks about „top sitting and shaming of mothers²⁶”; where the imposed punishment is also similar, half of the blood price, and in case of its non-payment, the application of public shaming as a punishment, which meant stripping the offender down to his panties, „pulling down for seven steps” and striking with the stick three times. Because this kind of punishment was very insulting to a person's dignity, at the queen's request, a criminal was sometimes exempted from this punishment.²⁷

In the criminal ruling of Rostom King of 1640, the plaintiff argued that his family was attacked to kill and shame him. He considered the assault of “Jalabi” (family)²⁸ and shame to be such a grave insult that he preferred death to such shame.²⁹

Article 35 of the Beka-Agbugha Law talks about the “dishonoring” of a nobleman. According to Khizanashvili N., “dishonoring” meant insulting by hand.³⁰ For the things taken, or for any other kind

²² Ibid, 531-532.

²³ *Chubinashvili D.*, Georgian-Russian Dictionary, 2nd ed., Prepared for Printing and Preface Added by *Shanidze A.*, Tbilisi, 1984, 1123 (in Georgian).

²⁴ *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. IV, Court Rulings (XVI-XVIII Centuries), Tbilisi, 1972, 58 (in Georgian).

²⁵ Ibid, 356.

²⁶ *Chubinashvili D.*, Georgian-Russian Dictionary, 2nd ed., Prepared for Printing and Preface Added by *Shanidze A.*, Tbilisi, 1984, 473 (in Georgian).

²⁷ Ibid. *Nadareishvili G.*, Protection of Human Honor and Dignity According to the Monuments of Georgian Feudal Law and Court Practice Materials, Journal of “Almanaxi”, 2000, № 14, 64-65 (in Georgian). *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. I, Collection of Law Books of Vakhtang, Tbilisi, 1963, 429-430 (in Georgian).

²⁸ Jalabi – Household, wife and children, family. *Chubinashvili D.*, Georgian-Russian Dictionary, 2nd ed., Prepared for Printing and Preface Added by *Shanidze A.*, Tbilisi, 1984, 1764 (in Georgian).

²⁹ *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. IV, Court Rulings (XVI-XVIII Centuries), Tbilisi, 1972, 82 (in Georgian).

³⁰ See *Khizanashvili N. (Urbneli)*, Selected Writings, Prepared for Printing, Biographical Materials and Notes were Attached to it by *Dolidze Is.*, Tbilisi, 1982, 466 (in Georgian).

of damage, they must fully compensate the lord, and they must also pay half of the blood price. Half of the blood price should be the fine imposed directly for the insult.³¹

Article 97 of the Beka-Agbugha Law imposes liability for several crimes: robbery, wounding, and dishonoring, which were committed during an attack on a merchant on the road. All three actions (robbery, wounding, and dishonoring) are legally assessed. The value of the property taken for robbery must have been paid twice. The judge should have applied the punishment determined for wounding and dishonoring.³² Based on Article 97 of the Beka-Agbugha Law Book, we can say that the indicated “dishonoring” did not include wounding at the same time. As for the punishment of “dishonoring”, the judge should have relied on the norms of the Beka-Agbugha law, where specific cases of insults are indicated. For example, Article 13 of the Beka-Agbugha law book talks about assault and shaming of family members, for which the criminal should have paid half of the blood price, or publicly humiliating punishment.³³

Vakhtang Batonishvili's law (Articles 51-56) also establishes a separate punishment for home invasion. Murder and wounding committed during an attack were punished more severely.

4. Damage to Health as an Act Against Dignity

When discussing Article 18 of the Beka-Agbugha Law and Article 61 of the Vakhtan Batonishvili Law, it was mentioned that beating was considered an insult. The assumption was based on the fact that if there was wounding along with “dishonorable” actions, the judge should have determined the punishment according to the severity of the wounding. There was no separate punishment for beating, and the act was punished like any other kind of “dishonoring”. According to existing reports, the beating was perceived as an insult even by Georgian customary law.³⁴

In the book sent by Anton I to the ruler of Sagarejo (1786), he talks about a widow who was once beaten by his people, and her arm was broken, and her head was also broken while beating her the second time. Anton I demanded from the ruler to take from the offender the “dishonorable” punishment for the committed actions and give it to the widow.³⁵ As we mentioned above, the “dishonorable” punishment was imposed as a punishment for insults, and if we rely on the mentioned document, we can say that beating, bodily injury, in particular, breaking the hand, and breaking the head were considered actions against a person's dignity. The same information is provided by the ruling of 1770. One grain of barley is imposed as a fine for breaking the nose (one tuman and five minaltuns).³⁶

³¹ *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. III, Church Legislative Monuments (XI-XIX Centuries), Tbilisi, 1970, 437 (in Georgian).

³² *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. I, Collection of Law Books of Vakhtang, Tbilisi, 1963, 463 (in Georgian).

³³ *Ibid.*

³⁴ *Ibid, Davitashvili G.*, Types of Crimes in Georgian Customary Law, Tbilisi 2017, 382 (in Georgian).

³⁵ *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. III, Church Legislative Monuments (XI-XIX Centuries), Tbilisi, 1970, 966 (in Georgian).

³⁶ *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. IV, Court Rulings (XVI-XVIII Centuries), Tbilisi, 1972, 602 (in Georgian).

Two articles (Articles 109 and 126) refer to the issue of beating in Bagrat Kurapatat law.³⁷ Article 126 imposes responsibility only for beating, and Article 109 – for beating and breaking into the church. Article 126 imposed the payment of the half blood price for beating, but for the beating along with breaking into the church – the full blood price, which has been due to the fact that by the actions specified in Article 109, two objects were violated, by beating the human dignity, and by breaking into the church – the honor of the church. We must suppose that half of the full blood was imposed for beating and the other half for humiliating the honor of the Church.

K. Kekelia considered beating as a serious form of insult. As proof of this, he cites one of the complaints that has been submitted to Queen Darejan (1797), in which a man who has been beaten twice writes that he has “twice been murdered”.³⁸

G. Nadareishvili cites the ruling of 1782 as an example of beating as an insult. According to the ruling, both parties were peasants, and both parties insulted each other verbally, which is why the court did not impose punishment for swearing; However, the peasant hit the neighbor four times with his stick, because of which he had to invite the offended person to his house, host to him and apologize to him. Nadareishvili explains the application of the said sanction instead of material compensation with the fact that the peasants did not have the means to pay the fine.³⁹

The ruling of Teimuraz II of 1743 also proves that beating was considered an insult. According to the ruling, two servants beat the plaintiff's son, for which the court imposed the payment of “dishonorable” punishment. The said punishment meant handing over one of the servants with his wife and children, and his share of goods (except the estate) to the victim.⁴⁰ In ancient Georgian law, one of the types of punishment was to hand over the offender and his family to the injured party. As we have already mentioned, the “dishonorable” punishment represented material compensation, the amount of which depended on the social status of the person, like the price of blood. It seems that there is a contradiction between the imposition of a “dishonorable” punishment on the one hand by the court and the indication that the offender should have handed over his servants, wives, and children, and his property to the victim, on the other hand. Can we say that handing over is an alternative punishment for “dishonorable” punishment? Vakhtang Batonishvili's law book states that there were not “many Tetri” (money) in Kartli, and instead of money, the blood price could be paid with cattle, gold, a peasant, an estate, or other property (Articles 18-22).⁴¹ That it is used in this sense to give out the servant, his wife and children, and their property, is indicated by the fact that it is done for “dishonorable” punishment. In the ruling, the court discusses the episode of another crime, for which the criminal was ordered to pay the blood price, but indicates that the person has a low social status and may not be able to pay the blood price, for which a public shame should have been imposed as a

³⁷ *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. I, Collection of Law Books of Vakhtang, Tbilisi, 1963, 465, 467 (in Georgian).

³⁸ See *Kekelia M.*, Offenses Against Human Life, Health, Honor and Dignity in Ancient Georgian Law, Tbilisi, 2015, 203 (in Georgian).

³⁹ See *Nadareishvili G.*, Protection of Human Honor and Dignity According to the Monuments of Georgian Feudal Law and Court Practice Materials, Journal of “Almanaxi”, 2000, № 14, 64 (in Georgian).

⁴⁰ *Ibid.*, 64-65.

⁴¹ *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. I, Collection of Law Books of Vakhtang, Tbilisi, 1963, 486-487 (in Georgian).

punishment.⁴² When using an alternative sentence, the legislature or court indicates that the person cannot pay compensation and another type of punishment must be used.

In one of the rulings of the 16th century, regarding the punishment imposed in relation to insult, the court indicates that monetary compensation is not a “dishonorable” punishment, because the party did not have the means to pay the “dishonorable” punishment⁴³. In this case, the court orders the person to pay one thousand Tetris (money), therefore there is monetary compensation. Then the question arises, why didn't the court consider this compensation to be a “dishonorable” punishment? As mentioned earlier, “dishonorable” punishment depended on a person's social status. We can conclude that the committed insult deserved heavier punishment, but considering the person's material situation, the court could not set the amount of compensation corresponding to the person's honor and insult.

It was considered a severe form of beating if they abused a person to whom they had to show special respect. According to Article 65¹ of Vakhtan Batonishvili's law book, if a wife hit or injured her husband, she would have been punished with severe torturing and great suffering from the Catholicos.⁴⁴ It seems that such an action from the wife towards her husband was in the jurisdiction of the king and the Catholicos. The same can be said about causing suffering and disrespectful treatment to the wife by her husband (Article 64)⁴⁵, for which the king and the Catholicos would have tied up and scolded such a man.

For the parent's beating by the child, or for doing unseemly actions, or for doing some other wrongful act to the parent, the legislator points out that there is a violation of the tenth commandment. If the commission of such an act became known, the Catholicos and the king should have made him “reimburse”, and in other cases, the pastor had to impose a “Sakanono” (legal punishment⁴⁶ (Article 78¹, 79).⁴⁷

An aggravating circumstance was also the serf's disrespect towards his lord. According to Article 259 of Vakhtang Batonishvili's law, if a serf hit his lord with a stick, or beat him, he was punished by having his hand cut off, or he had to pay the price of his hand.⁴⁸

The disrespect committed by the wife towards the husband, or vice versa, the disrespect of the wife by the husband, the disrespect of the parent by the child, and the disrespect of the lord by the serf, went beyond the scope of “ordinary” insults. This is indicated by the punishments used. If in other

⁴² *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. II, Secular Legislative Monuments (X-XIX Centuries), Tbilisi, 1965, 355-356 (in Georgian).

⁴³ *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. IV, Court Rulings (XVI-XVIII Centuries), Tbilisi, 1972, 50 (in Georgian).

⁴⁴ *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. I, Collection of Law Books of Vakhtang, Tbilisi, 1963, 499 (in Georgian).

⁴⁵ *Ibid*, 498.

⁴⁶ Sakanono – The recompense of sin. Sul Khan-Saba Orbeliani, Georgian Dictionary, II, Prepared According to the Autograph Lists, Research, and Glossary Search Engine was Attached by *Abuladze I.*, Tbilisi, 1993, 32 (in Georgian).

⁴⁷ *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. I, Collection of Law Books of Vakhtang, Tbilisi, 1963, 501 (in Georgian).

⁴⁸ *Ibid*, 547.

cases of insult committed by action, the payment of material compensation was imposed in the form of a blood price, in these cases they used a symbolic measure of responsibility, great torment, suffering, tying up of the person, and ecclesiastical punishments were used. Unlike other types of insults, the said crimes were directly under the jurisdiction of the king and the Catholicos.

There are several articles in the “Dzeglis Dadeba” where payment of “Uarzagoba” was imposed for wounding. “Uarzagoba” was a material compensation and meant a punishment imposed for dishonor.⁴⁹ According to N. Khizanashvili, “Uarzagoba” was different from blood price and was a special penalty.⁵⁰

The second part of Article 32 of “Dzeglis Dadeba” imposes liability for a wounding that was visible, but the person “was not injured and the injury didn’t appear”, for which three “Uarzagoba” were to be paid.⁵¹ According to Article 38, one “Uarzagoba” was to be paid to a person for wounding, if the wound was not visible and no injury occurred. An additional sanction was also used in the named articles, the offender had to pay the costs of treatment. As can be seen from the cited norms, the visibility of the wound was a decisive factor in the evaluation of the injury.

According to Articles 39 and 40 of the “Dzeglis Dadeba”, the “Uarzagoba” was imposed for “breaking teeth”.⁵² G. Nadareishvili notes, that breaking teeth was perceived as an offense against the appearance and health of a human, the legislator perceived it as both bodily injury and a violation of human dignity and honor.⁵³

If we compare the named four articles with other articles of “Dzeglis Dadeba” (Articles 32-37), that deal with wounding and hurting others⁵⁴, it can be said that light forms of wounding can be considered offenses committed by action according to the imposed punishment, and wounding, which was accompanied by serious bodily injury, can be considered as crimes against health. In other monuments of ancient Georgian law, we don’t find cases of imposing a “dishonorable punishment” for wounding. According to Georgian customary law, murder, wounding, and mutilation, violating property, were considered insults.⁵⁵ Imposing a “dishonorable punishment” for wounding and minor damage to health in “Dzeglis Dadeba” and therefore, perception of these actions as insults could be caused by the fact that the named law book was created for Mtiuleti, where “Customs were used and the beginnings of the tribal structure were strong.”⁵⁶

⁴⁹ Chubinashvili D., Georgian-Russian Dictionary, 2nd ed., Prepared for Printing and Preface Added by Shanidze A., Tbilisi, 1984, 1235 (in Georgian).

⁵⁰ See Khizanashvili N. (*Urbneli*), Selected Writings, Prepared for Printing, Biographical Materials and Notes were Attached to it by Dolidze Is., Tbilisi, 1982, 331, 345 (in Georgian); Dolidze Is. (*Publisher of the Text*), Monuments of Georgian Law, Vol. I, Collection of Law Books of Vakhtang, Tbilisi, 1963, 415 (in Georgian).

⁵¹ Dolidze Is. (*Publisher of the Text*), Monuments of Georgian Law, Vol. I, Collection of Law Books of Vakhtang, Tbilisi, 1963, 416 (in Georgian).

⁵² Ibid, 417.

⁵³ Ibid, Nadareishvili G., Protection of Human Honor and Dignity According to the Monuments of Georgian Feudal Law and Court Practice Materials, Journal of “Almanaxi”, 2000, № 14, 62 (in Georgian).

⁵⁴ Dolidze Is. (*Publisher of the Text*), Monuments of Georgian Law, Vol. I, Collection of Law Books of Vakhtang, Tbilisi, 1963, 415 (in Georgian).

⁵⁵ Davitashvili G., Types of Offenses in Georgian Customary Law, Tbilisi, 2017, 524 (in Georgian).

⁵⁶ Ibid, Surguladze Iv., Sources of the History of Georgian Law, Tbilisi, 2000, 80 (in Georgian).

5. Actions Against the Dignity of the Family

Vakhtang Batonishvili's law (Article 42) lists ten grounds for exemption from liability. Three of these grounds did not impose punishment for the murder of a person by the husband. In one case, when the husband would have caught his wife during adultery and killed her; the second – when would have caught a man with his wife or child and killed him; the Third – when the serf would have caught his lord with his wife and killed him.⁵⁷ All three grounds are similar. The last ground is especially worth paying attention to. A serf, who is obliged to show special respect to his lord, is excused by the law from killing lord.⁵⁸ Since the dignity of the serf is more valuable than the life of the lord, this indicates that according to the old Georgian law, insulting a man in this way was one of the gravest crimes.

Cases of insults against family dignity can be conditionally divided into several types: insult caused by adultery, abandonment of the husband, abandonment of the wife, and abduction of the wife.

Compared to other cases of adultery, “flirting and seducing” with relatives or with a married woman living with his man in the same house was considered a more serious offense (Article 23 of the Beka-Agbugha Law).⁵⁹ A full blood price was paid to the woman's husband, and a public punishment was also imposed, which meant taking the offender out naked and with a rope tied around his neck.⁶⁰ One could redeem oneself from public punishment by paying a double blood price.⁶¹ Since the public punishment is equal to double the price of blood, the said action as a whole was assessed with the price of three blood.

In the case of adultery, the extent of punishment was influenced by whether the husband abandoned his wife or not (Article 26 of Beka Agbugha Law⁶², Article 41 of Beka Agbugha Law⁶³, Articles 71 and 86 of Vakhtang Batonishvili Law⁶⁴). In most cases, the full blood price payment is imposed in favor of the husband for such action.

⁵⁷ *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. I, Collection of Law Books of Vakhtang, Tbilisi, 1963, 493 (in Georgian).

⁵⁸ Article 259 of the Vakhtang Batonishvil Law is almost similar to the third circumstance mentioned above, although it prohibits the serf from killing the lord in this case. The mentioned norm contradicts Article 42 and this norm may represent a further addition. *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. I, Collection of Law Books of Vakhtang, Tbilisi, 1963, 547 (in Georgian).

⁵⁹ Flirting – desire, Sulkhan-Saba Orbeliani, Georgian Dictionary, I, Prepared According to the Autograph Lists, Research, and Glossary Search Engine was Attached by *Abuladze I.*, Tbilisi, 1991, 23 (in Georgian). Seducing – a bad name in the country, the name was broken. *Chubinashvili D.*, Georgian-Russian Dictionary, 2nd ed., Prepared for Printing and Preface Added by *Shanidze A.*, Tbilisi, 1984, 865 (in Georgian).

⁶⁰ *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. I, Collection of Law Books of Vakhtang, Tbilisi, 1963, 433 (in Georgian).

⁶¹ See *Kekelia M.*, Offenses Against Human Life, Health, Honor and Dignity in Ancient Georgian Law, Tbilisi, 2015, 214 (in Georgian).

⁶² *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. I, Collection of Law Books of Vakhtang, Tbilisi, 1963, 434 (in Georgian).

⁶³ *Ibid*, 440.

⁶⁴ *Ibid*, 500, 503.

Fornication was punished more lightly. According to the ruling of 1763, if fornication was committed with the consent of a widow, the man had to pay half of the blood price. Compensation indicated in the ruling corresponds to the half-blood price of a peasant according to Vakhtang Batonishvili Law (Six Tumans).⁶⁵ The widow's penalty (“dishonorable” punishment) was paid for the boy born from the woman's first husband. As evidenced by the ruling, it was possible for the judges to mitigate the punishment, which in this case was expressed in the reduction of the compensation.⁶⁶

K. Kekelia considered abandonment of the husband as an insult committed to husband. Among the monuments of Georgian law, he cites Article 32 of the Beka Agbugha Law and Article 74 of the Vakhtang Batonishvili Law Book.⁶⁷ Mentioned articles are similar. The lawmaker focuses on the woman's shameless act and the entire blood price should have been paid in favor of her husband.⁶⁸ Even though there is a long time gap between the law of Beka-Agbugha and the law of Vakhtang Batonishvili, the perception in relation to the indicated action in the society did not seem to have changed, and the legislator's evaluation of the action is the same because the form and extent of the punishment are similar. Insulting the dignity of the husband in the mentioned form is equalized to the price of human life by blood price.

A husband's abandonment of his wife is valued at half the price of blood. It is implied that the husband abandons his wife without reason (Dzeglis Dadeba, Articles 21 and 25 and 25⁶⁹, Article 29⁷⁰ of Beka Agbugha law), but according to Articles 72 and 73⁷¹ of Vakhtang Batonishvili's law book, abandonment of a wife was punished in the same way as an abandonment of a husband. The husband had to pay the full blood price. In Article 72, there is an additional reference to the return of a woman's dowry.

Regarding the abandonment of the wife, we should pay attention to Article 23 of the Catholicos Law.⁷² If the husband left his wife without reason, he should have been expelled from the church and punished with death. The authenticity of the mentioned norm is doubted because of the punishment imposed for abandonment of the wife and also by the fact that the named norm is written at the end of the legal monument, after the signatures.

Abduction of the wife was an insult to the husband's dignity, which was also a severe form of insult. The abduction of a wife can be conventionally divided into two types: the abduction of a wife with the woman's consent and without the woman's consent.

⁶⁵ Ibid, 489.

⁶⁶ *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. IV, Court Rulings (XVI-XVIII Centuries), Tbilisi, 1972, 489-490 (in Georgian).

⁶⁷ See *Kekelia M.*, Offenses Against Human Life, Health, Honor and Dignity in Ancient Georgian Law, Tbilisi, 2015, 216 (in Georgian).

⁶⁸ *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. I, Collection of Law Books of Vakhtang, Tbilisi, 1963, 500 (in Georgian).

⁶⁹ Ibid, 411.

⁷⁰ Ibid, 435.

⁷¹ Ibid, 500.

⁷² Ibid, 397.

Article 47 of Beka Agbugha law and Article 85 of Vakhtang Batonishvili's law book are similar. In both cases, the wife is abducted by force, for which they had to pay double the amount of the blood price to the husband.

Since the abduction of the wife did not happen by the woman's will, a separate punishment is imposed for assault, the amount of which should have been determined according to the “special rule for assault”.⁷³ The compensation for assault is specified in the Article 85 of the Vakhtang Batonishvili Law Book, which was the price of one whole blood.⁷⁴ The issue of returning stolen items and dowry is mentioned.

Article 46 of the Beka-Agbugha law book and Article 84 of the Vakhtang Batonishvili law are also similar.⁷⁵ Both refer to the abduction of a wife, which was carried out with the woman's consent. The mentioned action was also punished by paying a double blood price. The issue of dowry was regulated by them. Comparing the discussed articles of the mentioned legal monuments, it can be seen that the abduction of the wife whether by force or by woman's will, was punished in the same way, they were distinguished by the punishment imposed for assault.

The last part of Article 86 of Vakhtang Batonishvili's law refers to the abduction of a wife, for which the woman's abductor had to pay whole blood to her husband.⁷⁶ Although there is no indication in the norm that abduction takes place with the consent of a woman, but the said circumstance must be assumed, and the basis of this assumption is the circumstance that the abduction is preceded by the fact of adultery.

There are several other articles in the monuments of law, which also refer to the abduction of a woman, and the action mentioned in these norms was punished by paying the full blood price. In contrast to other similar norms, Article 165 of the Beka Agbugha law imposed an ecclesiastical punishment in addition to the blood price, the offender should have been “cursed, damned and anathematized in the name of God”.⁷⁷

Article 23 of Dzeglis Dadeba talks about the abduction of a crowned wife.⁷⁸ Half of the blood price stipulated by the named norm is a relatively light punishment for kidnapping a woman. A mitigating circumstance is likely to be the following indication – “did not cohabitare”. Perhaps the norm considered the abduction of a wife when this action did not result in the cohabitation of a man and a woman.

It was a mild form of insult when the engaged woman was abducted. According to article 24 of Dzeglis Dadeba, for the abduction of a wife, who had exchanged crosses⁷⁹, one-sixth of the blood

⁷³ Ibid, 442.

⁷⁴ *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. I, Collection of Law Books of Vakhtang, Tbilisi, 1963, 502, 503 (in Georgian).

⁷⁵ Ibid, 503.

⁷⁶ Ibid.

⁷⁷ Ibid, 471.

⁷⁸ Ibid, 412. The crowned wife means a legal wife when the couple is married by the rule of the church. *Khizanashvili N. (Urbneli)*, Selected Writings, Prepared for Printing, Biographical Materials, and Notes were Attached to it by *Dolidze Is.*, Tbilisi, 1982, 335 (in Georgian).

⁷⁹ The woman with exchanged crosses is not yet a wife, she is only engaged. See Ibid.

price was to be paid.⁸⁰ In this case, there is no indication whether this happened with the woman's consent or not.

Most of the mentioned norms impose liability for actions against the honor of the husband, as evidenced by the payment of the blood price in favor of the husband.

6. Other Cases of Insult Committed by the Action

In addition to the examples of insults committed by the actions listed above, there are other cases of violation of human dignity in legal monuments and court decisions. For example, the kidnapping of a maid (Article 24 of the Beka-Agbugha Law⁸¹) was perceived as an insult to the owner.⁸²

Violation of graves⁸³, insulting the judge⁸⁴, a “cattle drive”⁸⁵, disposal of found items⁸⁶, perjury in court⁸⁷, appropriation of property (Alexander V verdict on stealing captives,⁸⁸ 1592 blood verdict of Simon I for stealing a horse or a yoke⁸⁹), sale of men (book of donations to Bichvinti by Catholicos Grigol Lortkipanidze, 1712).⁹⁰ For all the listed actions, a “dishonorable” punishment was imposed as a punishment.

Article 152 of Vakhtang Batonishvili's law states that stealing a horse, clothes, or armor during a war is a great shame. The criminal must give seven times the amount of the stolen things to the owner and pay half of the blood.⁹¹ One act violates property rights and human dignity. In this case, a fine of seven times the value of the items is imposed for violation of property rights, and half of the price of blood for embarrassment. The different actions in the list and their one common feature – the imposition of a “dishonorable” punishment for these actions, indicates that in all these cases there was a violation of human dignity.

⁸⁰ *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. I, Collection of Law Books of Vakhtang, Tbilisi, 1963, 412 (in Georgian).

⁸¹ *Ibid*, 433.

⁸² *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. IV, Court Rulings (XVI-XVIII Centuries), Tbilisi, 1972, 227-228 (in Georgian).

⁸³ *Ibid*, 302-303. *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. II, Secular Legislative Monuments (X-XIX Centuries), Tbilisi, 1965, 434 (in Georgian).

⁸⁴ *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. I, Collection of Law Books of Vakhtang, Tbilisi, 1963, 551 (in Georgian).

⁸⁵ *Ibid*, 468.

⁸⁶ *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. IV, Court Rulings (XVI-XVIII Centuries), Tbilisi, 1972, 270-271 (in Georgian).

⁸⁷ *Ibid*, 545-546.

⁸⁸ *Ibid*, 415-416.

⁸⁹ *Ibid*, 302-303. *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. II, Secular Legislative Monuments (X-XIX Centuries), Tbilisi, 1965, 206 (in Georgian).

⁹⁰ *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. III, Church Legislative Monuments (XI-XIX Centuries), Tbilisi, 1970, 669 (in Georgian).

⁹¹ *Dolidze Is. (Publisher of the Text)*, Monuments of Georgian Law, Vol. I, Collection of Law Books of Vakhtang, Tbilisi, 1963, 519 (in Georgian).

7. Conclusion

A person's surname, “name”, and land were the circumstances that determined a person's honor in ancient Georgian law. When deciding the question of punishment for actions against honor and dignity, the listed circumstances were taken into account, but the honor of the peasant might have been as more valuable than the honor of the lord during an insult. This is reflected in the list of grounds for exemption from liability in Vakhtang Batonishvili's law.

The insult committed by the action could be of various types. Conventionally, it is possible to divide cases of an insult into several types. Actions that are directly aimed to humiliate a person's dignity, for example, cutting off the beard, tearing off, tying up, removing armor, oppression. This kind of insult was mainly punished by paying half the blood price, which was equivalent to serious damage to health. There are also such actions that insult the dignity, for which the entire blood price had to be paid by the offender, in this case insulting a person was equal to the blood price imposed for a person's life.

An attack accompanied by committing “unforgiveness” was considered a disgrace to a person, and it was also considered an insult to humiliate the family. The insult committed during the attack was estimated at half the price of blood according to the existing norms. If the attack resulted in wounding or murder, the punishment was determined separately for these actions.

Actions against family dignity, namely adultery, abandonment of the husband, abandonment of the wife, and abduction of the wife were considered more serious forms of insult. In most cases of insults committed in this form, payment of the entire blood price was imposed, and for some actions, double the blood price had to be paid in favor of the person offended. Most of the mentioned cases of insults violated the dignity of the husband.

In comparison to the listed cases against human dignity, health damage was punished more lightly, which was perceived as an insult in the old Georgian law. Four cases of beating and wounding/injury are considered in this category. Based on the review of the norms and court rulings in the law books, it can be said that in ancient Georgian law, the beating was considered an act against human dignity. As a punishment for this kind of insult, the offender paid a “dishonorable” punishment in favor of the offended person. As we have already mentioned, “dishonorable” punishment was a punishment imposed for dishonorable insults. As for wounding/injury, we find payment of “dishonorable” punishment for these actions only in the Dzeglis Dadeba, which also in light forms of wounding/injury, when the wound was not visible. In the monuments of law, and in the court decisions, there are also individual cases, for which also the payment of “dishonorable” punishment was imposed, and therefore these actions were also evaluated as insults.

As can be seen, in the monuments of ancient Georgian law, great attention is paid to the protection of human dignity. This is evidenced by the abundance of legal norms that determine the responsibility of persons for various types of insults committed by actions.

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