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For the Legal Nature of Liming

The term “gaghma-gamoghma dakirva” (Liming one by one) is stated as a form of punishment in Catholicos Law article 22. Despite the various opinions on this form of punishment, the final picture has not been reconstructed. Reviewed sources allow us to conclude that administering the liming was similar to the stoning and meant stoning using stones, grit, and lime (limestone). Furthermore, the liming of criminals was not permitted together and had to be administered separately.

Keywords: *Catholicos Law, Death penalty, Stoning, Liming.*

Legal Nature of “Dakirva” (Liming)

The introduction and better exploration of each less-studied issue in the history of Georgian law is one of the significant and relevant current topics.

The purpose of this article is to explore the concept of the punishment “dakirva” in the history of Georgian law. This form of punishment only appears in one source of written law, Catholicos Law Article 22. Although the opinions on the subject somewhat coincide with each other, it still does not provide a complete picture. Within this work, existing opinions will be reconciled in order to better restore the full concept of liming.

The full content of Catholicos Law article 22 is formulated as follows:

“Whoever among noble men or peasants marries his sister-in-law will be cursed by God, All Saints, Seven Assemblies, and Holy Apostles. Both a man and a woman should be limed one by one and the performers should be blessed by us.”¹

The content of the article confirms that regardless of the rank (noble or peasant) one who marries a sister-in-law is cursed by God, All Saints, the Seven Assemblies², and Holy Apostles. In the Christian world, marrying a sister-in-law³ was considered the greatest sin⁴ called misalliance. Misalliance is observed in the introduction of the selection as one of the crimes that led to the creation of the Catholicos Law.⁵

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¹ The annals of Georgian Law, Vol. 1, The Collection of Law Books by Vakhtang VI, texts were published, research and dictionary were adhered by Prof. *I. Dolidze*, Tbilisi, 1963, 397 (in Georgian).

² It means the Seven Ecumenical Councils (in Georgian).

³ Levirate – marriage to a deceased brother's wife – was a common bond among a number of peoples. It is mentioned in the Bible. see Bible, Deuteronomy, chapter 25, 5-6; see Encyclopedic dictionary, *Brockhaus F.A., I. A. Effron I.A. (Publishers)*, St. Petersburg, 1896, vol. XVII (33), 436 (in Russian).

⁴ There is a second degree of kinship between the deceased brother's widow and brother-in-law, which precluded marriage between them (in Georgian).

⁵ See *Javakhishvili Iv.*, Works in Twelve Volumes, Volume VI, Chapter, 1982, 65 (in Georgian).

Isidore Dolidze believes that the Catholicos Law would gradually spread around Georgia, because the crimes (including misalliance) were also rampant in Eastern Georgia, and the punishments imposed for these crimes were used throughout the country.⁶

Illegitimate marriage (violation of kinship, a condition to prohibit marriage) and generally forbidden sexual intercourse were considered the most serious crimes. Georgian customary law provides clear ideas about it.⁷ G. Davitashvili also discusses the issue of responsibility for violating the principle of affinal kinship and draws an analogy with Article 22 of the Catholicos Law.⁸

Therefore, according to Christian legislation and customary law, marrying a sister-in-law was considered the most serious crime in Georgia. The fact that the death penalty could have been used as a punishment also indicates the gravity of the crime.

Isidore Dolidze has interpreted the term “dakirva” as “putting in limestone”.⁹ Variations of the Russian translation of this term are also interesting. Dimitri Bakradze translates “Dakirva” as “да залюю... известкою”(let me fill with lime)¹⁰ which means pouring liquid lime. The mentioned term is explained in the same way in the translation of Marina Garishvili: “Пусть и мужчина и женщина будут залиты известью”.¹¹ Thus, the term “Dakirva” is understood as a death penalty by pouring of the liquid lime.

Georgian scientists always assumed that “Dakirva” meant the death penalty. There have been various opinions expressed regarding this subject. Ivane Javakhishvili writes: “In the above-mentioned article, the punishment is very severe (“dakirva”), but we are talking about marrying a sister-in-law, which was considered equal to sexual deviation, and according to Georgian customs, it was harshly punished by stoning.”¹² Aleksandre Vacheishvili also suggests that the death penalty “in a special way “dakirva” was prescribed if someone married his sister-in-law”.¹³ In relation to the same issue, Giorgi Nadareishvili notes: “The legislative sources of the 16th-century mention “dakirva” as a type of death penalty”.¹⁴

Other legal sources do not provide information about this type of punishment but it is known that the death penalty was used for misalliance by Georgian customary law. The existence of such severe punishment is also explained by Iv. Javakhishvili: in particular, he believes that the death

⁶ The annals of Georgian Law, Vol. 1, The Collection of Law Books by Vakhtang VI, texts were published, research and dictionary were adhered by Prof. *I. Dolidze*, Tbilisi, 1963, 607 (in Georgian).

⁷ See *Davitashvili G.*, Types of Crimes in Georgian Customary Law, Tbilisi, 2017, 547-557.

⁸ *Ibid*, 557.

⁹ The annals of Georgian Law, Vol. 1, The Collection of Law Books by Vakhtang VI, texts were published, research and dictionary were adhered by Prof. *I. Dolidze*, Tbilisi, 1963, 758 (in Georgian).

¹⁰ *Bakradze D. Z. (ed.)*, Collection of laws of Georgian king Vakhtang VI, editor, Tbilisi, 1887, 133 (in Russian).

¹¹ *Davitashvili G. (ed.)*, *Garishvili M. (trans.)*, Law of Catholicos, This translation was made within the framework of the university grant in 2017. The mentioned translation was not published and was provided in the form of a manuscript (electronic version) by *M. Garishvili*.

¹² See *Javakhishvili Iv.*, Works in Twelve Volumes, Vol. VI, Chapter, Tbilisi, 1982, 65 (in Georgian).

¹³ *Vacheishvili Al.*, Essays from the History of Georgian Law, Vol. I, Tbilisi, 1946, 109 (in Georgian).

¹⁴ *Nadareishvili G.*, Private and Public Punishments in Feudal Georgia, „Almanac of Young Lawyers of Georgia,” No. 14, October 2000, 122 (in Georgian).

penalty for marrying a sister-in-law should be the influence of “folkways, mores and entitlement mindset”.¹⁵

Thus, it is impossible to elucidate the issue presented in this paper without considering the information highlighted by Georgian customary law. Speaking about Illegitimate marriage, Giorgi Davitashvili notes that one of the forms of punishment was the death penalty, in the form of stoning.¹⁶ In another work, he also confirms that the death penalty was used “for crimes committed for moral purposes”¹⁷ (for example, illegal sexual crimes, illegal marriages).” He writes: “According to the Catholicos law article 22, stoning (“dakirva”) is provided for marrying a sister-in-law.”¹⁸ As stated by the Georgian customary law, “stoning” is also expressed by the terms “piercing”, “chakirva” and “amokirva”.¹⁹ Moreover, the terms “stoning”, “chakirva” and “amokirva” meant ignominious punishments executed by throwing stones, without death result.²⁰

Therefore, “dakirva” as a punishment was enforced similarly to the stoning and it meant stoning using stones, grit, and lime (limestone). In the absence of proper sources, we can only assume the specific form of the lime application.

In order to create a complete idea of “dakirva” as a punishment, it is also necessary to correctly understand the term “gaghma-gamoghma”. From this point of view, it is interesting what place was chosen for the execution of the stoning. Giorgi Davitashvili notes that “according to the scientific literature and ethnographic annals, such places are: crossroads (“gzata shesakari”, “ ’otkhi gzis shua”), a center of a village and a bridge cove.”²¹ Choosing such places had an essential preventive principle because everyone could see the stoned person and refrain from committing a crime out of fear.²² However, this still does not make it possible to clarify what “gaghma-gamoghma” meant. According to customary law, “when stoning occurred because of sexual intercourse, the guilty man and woman might be stoned “gaghma-gamoghma” (on two sides of the road).²³ The example allows us to conclude that the term “gaghma-gamoghma” meant stoning a man and a woman separately. According to the Christian tradition, a husband and a wife are buried together, if it is possible. Having been punished for illegal marriage, stoned people were not buried and they were left at the place of stoning.”²⁴ So, the place of stoning was also their graves.

overall it can be concluded that the crime specified in the Catholicos Law Article 22 – marrying a sister-in-law – was the most serious crime against morality in Georgia for which the death penalty was imposed. Execution of the punishment was carried out with stoning and involved stoning with

¹⁵ See *Javakhishvili Iv.*, Works in Twelve Volumes, Volume VI, Chapter, Tbilisi, 1982, 65 (in Georgian).

¹⁶ See *Davitashvili G.*, Types of crimes in Georgian Customary Law, Tbilisi, 2017, 547-557 (in Georgian)

¹⁷ See, *Ibid*, 187 (in Georgian).

¹⁸ *Ibid*, 191.

¹⁹ *Ibid*.

²⁰ *Ibid*, 338-339.

²¹ *Ibid*, 196.

²² *Ibid*.

²³ *Davitashvili G.*, Crime and Punishment in Georgian Customary Law, Tbilisi, 2022, 197. See Citation: Zoidze O., Materials on customary law of Adjara, ethnographic notebook, 1991, 37-38 (in Georgian).

²⁴ *Davitashvili G.*, Crime and Punishment in Georgian Customary Law, Tbilisi, 2022, 197 (in Georgian).

stones, grit, and lime (limestone). In addition, the perpetrators must not have been executed together – but separately.

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11. *Javakhishvili Iv.*, Works in Twelve Volumes, Volume VI, Chapter, 1982, 65 (in Georgian).