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The King as Guarantor of Law Enforcement, According to a Legal Formula in the Monuments of Georgian Law

The article is devoted to analyzing one legal formula in the monuments of Georgian law, from which it is evident the king is the first and foremost guarantor of law enforcement in ancient Georgia. Disobeying his order is tantamount to a crime against the king. The latter is punished most severely in the feudal state. The authority of the king as an institution ensures the activities of civil servants.

Keywords: old Georgian law, king, catholicos, prince, queen, oath, guarantor

1. Introduction

In Georgian scientific literature, the king's functions are divided into the following main directions: 1. military, 2. legislative, 3. judicial, 4. administrative, 5. financial, 6. International, and 7. ecclesiastical.¹

Unlike modern times, in the feudal era, the king's military function was of prime importance. The King of Georgia held the role of supreme commander-in-chief, leading the most crucial structure in a patriarchal society – a military-aristocratic hierarchy composed of men capable of warfare.² This in no way detracted from the king's other functions, rather, their smooth operation depended greatly on the king's success and victories as a general.³

The purpose of this article is to discuss one such interesting side of the king's activity, which is partially understood in the functions mentioned above. Still, due to its special importance, it deserves attention, namely, the king as a guarantor of law enforcement.

2. Declaring the King as the Guarantor of Law Enforcement in Georgian Legal Documents

In the monuments of Georgian law, there is often a special wording that highlights this function of the king. In particular, in several cases, the king, at the end of the order or decision issued by him,

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¹ See the citation: Javakhishvili Iv., Works in 12 volumes, Vol. 7, vol., 1984, 162-177; Also, Surguladze, Iv. for the History of the State and Law of Georgia, The State Structure of Kartli in the Late Feudal Period, vol. 1, vol., 1952, 136-140; (In Georgian.)

² Note: The norm established in the society in the past, that the society has a leader, is echoed by modern legal concepts – the President of Georgia is the head of the state of Georgia, the guarantor of the country's unity and national independence, and the supreme commander of the Georgian Defense Forces. see Constitution of Georgia 24/08/1995, Article 49.1, 49.2 (in Georgian).

³ Note: this is what Vakhtang VI laments about in the 2nd article of his Book of Law – the kings of Georgia at times became so weak that only the name of the king remained, otherwise they held no real power, and their authority was completely discredited (in Georgian).

emphatically indicates that for non-compliance with his decree, subordinates (officials or ordinary citizens) will be punished in the same way as those who committed crimes directly against the king.⁴

For instance, in the Order on the Pirate-seeker (1590), Simon I separately warns the pirate-seekers not to exceed their powers and separately calls on the citizens to obey the pirate-seekers. Otherwise, he threatens both sides: "Alle that is ordained and governed by us shall be obeyed without blemish and whatsoever hath not been ordained by us shall not be surpassed, that no man suffereth injustice, otherwise, they shall wit that we will make them answer as though they have sinned against us. Each, if a man doth refuse to obey our commands as issued by a pirate-seeker or fail to disclose a matter, he shall answer as if he hath sinned against us."⁵

To properly comprehend this legal formula, it should be underscored that in ancient Georgian the word "sin" did not imply a sin of small importance (a misdemeanor in a moral and ethical content); rather, it was identical to the modern criminal law term – "crime."⁶ That is, with these words, the king refers to crimes committed against him, which were perceived as a crime committed against the state according to the ideas of that time (the forms of which are apostasy, treason, insulting the king, killing him or attempting to kill him, organizing a coup d'état, etc.) and the highest sanction – death provides for punishment (or, compared to the latter, light punishments: mutilation of the body, dismemberment, imprisonment or expulsion from the country and confiscation of property).⁷

So, the king threatens the addressee of his order with the highest punishment imposed for the most serious crime: that one will answer for their disobedience as severely as the person who goes directly against the king, the perpetrator of a crime against the state. And how serious and unimaginable the crime against the king was in the era of feudalism⁸ is obvious in "The Knight in the Panther's Skin," where it is voiced in the form of an extreme formula of an oath:

⁴ Note: it should be noted that as per the studied materials, according to the initial observation, the absolute majority of this formula, except for single cases, is related to the Bagrationi dynasty. The reason for this may be that, according to the legend, the Bagrationi were of divine origin, that is, they had a special role. However, the issue requires further research (in Georgian).

⁵ *Dolidze I.*, Monuments of Georgian Law, vol. 2, vol., 1965, 204 (in Georgian).

⁶ Note: The title of Beka-Agbugha's book of law, "The Book of All the Sins of Men" (in modern Georgian: "The Book of Every Crime Committed by Men"), is one example of this. see Citation: Javakhishvili Iv., Works in 12 volumes, Vol. 7, vol., 1984, 191 (in Georgian).

⁷ See citation: *Javakhishvili Iv.*, works in 12 volumes, Vol. 7, vol., 1984, 211-217; Also, Abashmadze, V., Types of State Crimes and Their Class Nature in Feudal Georgian Law, Journal, Bulletin of the Georgian Academy of Sciences, Series of History, Archeology, Ethnography and Art History, N2, 1986, 59-61 (in Georgian).

⁸ Note: For example, the Vakhtang's Book of Law, when determining the amount of the relative blood price for murder or other type of crime, i.e. the compensation to be paid to the injured party (or, in the case of murder, to be paid to the family of the slain), lists all social classes from the noble to the peasant (the blood price of a noble is 128 times higher than that of a peasant), says nothing about either the king, the prince, or the Catholicos, because it is implied that in case of murder of these three, the criminal will not be able to redeem himself by paying the blood price and they will be charged with the highest sanction. See Dolidze, I., Monuments of Georgian Law, vol. 1, vol., 1963, 489-490 (in Georgian).

"Upon it was written: "Here lies wondrous armor: chain helmet, habergeon, steel-cutting sword. If the Kadjis attack the Devis it will be a hard day. Whoever openes at any other time is a slayer of kings!"⁹

The legal formula "we will make them answer as though they have sinned against us" - was not limited to the legal framework set by one monarch. It is rather a feature in different kings in disparate periods, which is illustrated with the examples brought below: a) The Order of King Alexander II of Kakhis (1591): "Should anyone exploit, or demand a mark/insignia, you shall know, we will make you answer as though you have sinned against us;"¹⁰ b) The Order of Svimon II (1624) – "No man shall challenge, otherwise, you shall know, we will make you answer as though you have sinned against us;"¹¹ c) The Order of Teimuraz I (1630) – "Should a man dispute over the estate of this chapel, they shall know, we will make them answer as though they have sinned against us;"¹² d) The Order of King Rostom (1633) - "Should you men become disobedient, we will make you pay as though you have sinned against us, no man but yourself and your wife and your children will save you, you shall know, a solemn oath this is;"¹³ The Book of Mercy (1636) – "The men who will not hear and follow these words, shall know, you will pay as though you have sinned against us."¹⁴ The Book of Mercy (1650) -"One who disputes your land rights shall pay as though they have sinned against us."¹⁵ Ruling (1655) - "The one who does not obey our order and rule shall pay as though they have sinned against us."¹⁶ e) The Ruling of King Shahnavaz (Vakhtang V) (1666) - "The one who does not obey this order of ours will pay as though they have sinned against us."¹⁷ f) The Ruling of George XI (1679) – "The one who does not obey this order of ours will pay as though they have sinned against us."¹⁸ g) The Order of Erekle I (1688-1703) - "The one who disobeys, does not follow this order of ours, will pay as though they have sinned against us."¹⁹ h) The Order of the Lord of Kakhis Imam Kuli Khan (David II) (1703-1716) – "Or else you shall know this, should we find out, this seizure of ours, we will make them pay

⁹ Rustaveli, Shota, The Knight in the Panther's Skin, Tbilisi, 2022, 311 (in Georgian).

¹⁰ Dolidze, I., Monuments of Georgian Law, Appendix, Tbilisi, 2023, 70 (in Georgian).

¹¹ *Kartvelishvili, T., Baindurashvili, K, Gelashvili, I., Gogoladze, T., Shaorshadze, M, Jojua, T., Surguladze, M. (Ed.)*, Documentary Sources about the Kings of Kartli and Kakheti of the first half of the 17th century, Vol. 1, Tbilisi, 2019, 180 (in Georgian).

¹² Ibid, 247.

¹³ Kartvelishvili, T., Baindurashvili, K, Gelashvili, I., Gogoladze, T., Shaorshadze, M, Jojua, T., Surguladze, M. (Ed.), Documentary Sources about the Kings of Kartli and Kakheti of the first half of the 17th century, Vol. 2, Tbilisi, 2021, 57 (in Georgian).

¹⁴ Ibid, 126.

¹⁵ *Dolidze, I.,* Monuments of Georgian Law, Appendix, Tbilisi, 2023, 95 (in Georgian).

¹⁶ Kartvelishvili, T., Baindurashvili, K, Gelashvili, I., Gogoladze, T., Shaorshadze, M, Jojua, T., Surguladze, M. (Ed.), Documentary Sources about the Kings of Kartli and Kakheti of the first half of the 17th century, Vol. 2, Tbilisi, 2021, 422 (in Georgian).

¹⁷ Dolidze I., Monuments of Georgian Law, vol. 4, Tbilisi, 1972, 122 (in Georgian).

¹⁸ Ibid, 144.

¹⁹ *Dolidze I.*, Monuments of Georgian Law, vol. 2, Tbilisi, 1965, 234.

as though they have sinned against us;^{α^{20}} i) The Ruling of King Bakar (1717-1719) – "One who disobeys this order and rule, shall pay as though they have sinned against us;^{α^{21}} The Book of Inviolability (1719) – "They shall not take out a horse. Otherwise, we will make them pay as though they have sinned against us;^{α^{22}} j) The reports of Erekle II (1765, 1773, 1774, 1778, 1793, 1794) – "Should Arghutashvili sin against these men, we shall make him pay as though he sinned against us;^{α^{22}} "Have you given them the less than what was theirs for them being orphaned, we will make you pay as though they sinned against us;^{α^{22}} "Should they ruin it from now on, we will make them pay as though they sinned against us."²⁵ "Nobody shall have a matter with this. Otherwise, we will make you pay as though you have sinned against us"²⁶; "You shall give to this widow and an orphan now. Otherwise, we will make you pay as though you have sinned against us"²⁶; "You shall give to this widow and an orphan now. Otherwise, we will make you pay as though you have sinned against us"²⁶; "You shall give to this widow and an orphan now. Otherwise, we will make you pay as though you have sinned against us"²⁷; "From this day on, you shall not bother anyone. Otherwise we will make you pay as though you have sinned against us"²⁸; k) Report of George XII (1800) – "From this report, the one who becomes the reason of unrest, will pay as though they have sinned against us"²⁹; l) and finally, we have to distinguish the ruling of the Viceroy of King Vakhtang VI – "The one who oversteps this ruling, the King shall make them pay as if they have sinned to him"³⁰.

In the listed cases, a king appears as the guarantor of law enforcement. At the same time, the authority of a king strengthens the back of the state official, which, in addition to the mentioned example (about the pirate-seeker), is also clearly visible from the Vakhtang's Book of Law, in particular, Article 34 states: If a state official is killed or wounded, the "blood of the family" to be paid to the victim will be added to the "blood of the servant" (i.e., the price of blood is determined separately due to the position held); in addition, if "a servant or any other person who was killed while performing a duty assigned by the master, will add more to the liability whatever blood of the family and the servant is due, that shall suffice shall be decided whether the King is "upset."³¹, i.e., it depended on the King's reaction whether the "price for blood" would increase or not. Article 267 is similar: If a "servant and judge" sent by the master conducts a court hearing or other legal action and in the process, one of the disputing parties beats the other, breaks his head, or hits him with a stick, in addition to paying the prescribed fine for the aforementioned actions, the offender will be additionally punished for the crime – "That they have dared it to the judge representing the King. The case shall be decided as follows: the master, as they see fit, shall summon him and have him pay, and by this law the offender, whatever the family judge may be of, shall pay the blood equivalent of half a barley grain

²⁶ Ibid, 419.

²⁰ *Kutsia K.,* Guilds in Georgian Cities in XVII-XVIII Centuries, Tbilisi, 1984, 198 (in Georgian).

²¹ Dolidze I., Monuments of Georgian Law, vol. 4, Tbilisi, 1972, 281 (in Georgian).

²² Ibid, Vol. 2, Tbilisi, 1965, 333.

²³ Ibid, Vol. 7, Tbilisi, 1981, 96.

²⁴ Ibid, 243.

²⁵ Ibid, 248.

²⁷ Ibid, Vol. 8, Tbilisi, 1985, 245.

²⁸ Ibid, 267.

²⁹ Ibid, 681.

³⁰ Ibid, Vol. 4, Tbilisi, 1972, 242.

³¹ Ibid, Vol. 1, Tbilisi, 1963, 490.

as a price for doing wrong to him."³² As we see, the monarch decides independently ("as they see fit") how the perpetrator shall be held responsible, whereas the law only provides for the sanction when the King does not thereof.

Iv. Surguladze correctly notes: "The civil servant was authorized to perform their functions. The population should have known that the civil servant's actions were not based on arbitrariness but on the decree of the supreme government, which had established its attitude towards the civil servant by law and protected him as a servant of the state."³³ The above is directly confirmed by the letter of mercy from Shahnavaz (Vakhtang V) to Vakhtang Orbelashvili (1676): "Whoever is subject to our government and ruler, whether for blood or any other complaint, may be tried and adjudicated by you. And whoever violates the law agreed upon with you, we will condemn and make them greatly regret, and you will also bring justice to your heart according to the rules for great blood, inform us, and adjudicate accordingly."³⁴ The letter of mercy from Teimuraz II to the city governor Givi Amilakhvari (1752) is of similar content, in which the king calls on all his subjects to obey the governor – "Otherwise we will be greatly offended by this, and so we have ordered to him, similar to the previous governor, that he will make you pay as well."³⁵

From these examples, it is clear that the official, in the performance of his functions, represents the king, and disobedience to him is tantamount to disobedience to the monarch. In his decrees, the king calls on everyone to obey the official as they would obey him. Otherwise, he will take measures himself.³⁶

As we have already seen, in addition to the phrase "we shall make him pay as though he sinned against us," – this legal formula is also found in other variations ("resentment," "condemnation," etc.). For greater clarity, several examples confirming this are given below: a) The document of King Constantine (presumably Mahmud-Quli-Khan – c.d.) (1711) declares "resentment" on the part of the king: "If you break this Gujar, if not, we will be offended;"³⁷ b) This phrase is found in many different variations in the protocols of Erekle II: "otherwise we will be offended"³⁸; "you shall know that we will be offended"³⁹; "we will be greatly offended"⁴⁰; "you shall know that we will be greatly

³² Ibid, 551.

³³ *Surguladze, Iv.,* for the History of the State and Law of Georgia, The State Structure of Kartli in the Late Feudal Period, Vol. 1, Tbilisi, 1952, 165 (In Georgian).

³⁴ Dolidze I., Monuments of Georgian Law, vol. 2, Tbilisi, 1965, 226-227 (In Georgian).

³⁵ Ibid, 402.

³⁶ Remark: It is clear that a ruler can castigate their own officials as well. This was clearly shown in the decree of Simon I (1590) about the pirate-seeker, which we have already discussed above. Here, we can refer to Article 206 of the law book of Vakhtang: Where the decision approved by the king does not turn out to be fair, the king shall take displeasure and the person who took it and brought it to the king for approval shall pay for it. I.e., here, too, the king decides how to punish the law-breaking official. see Dolidze I., Monuments of Georgian Law, vol. 1, vol., 1963, 533-534.

³⁷ *Zhordania T.*, Historical Documents of the Monasteries and Churches of Kartli-Kakheti, Poti, 1903, 47 (in Georgian).

³⁸ *Dolidze I.*, Monuments of Georgian Law, vol. 7, Tbilisi, 1981, 176.

³⁹ Ibid, 244.

⁴⁰ Ibid, vol. 8, Tbilisi, 1985, 146.

offended"⁴¹; "we will be greatly offended you shall know"⁴²; "otherwise we will be greatly offended"⁴³ ⁴⁴; "know that we will be greatly offended otherwise"⁴⁵; "otherwise we will be upset at them"⁴⁶; "otherwise we will be greatly upset at them" ^{47 48}; "otherwise know that we will be greatly upset"⁴⁹; "it will be upsetting for us"⁵⁰; "otherwise it will be upsetting for us"^{51 52}; "otherwise know that it will be upsetting for us"⁵³; "otherwise it will be greatly upsetting for us"⁵⁴; "you will greatly upset us"⁵⁵; "we will severely condemn you"⁵⁶; c) The protocols of George XII repeat the formulas in the decrees of his father: "It will be upsetting for us"⁵⁷; "It will be greatly upsetting for us"⁵⁸; "Otherwise, it will be a upsetting for us you shall know";⁵⁹ "otherwise, it will be a greatly upsetting for us, you shall know"⁶⁰; otherwise, we will be greatly upset at you, you shall know."⁶¹

In one of the decisions of Erekle II (1764), we read: "We will be greatly offended, and they shall get the punishment: the clergy according to the law of god and the laity according to the law. Every man should be careful about this."⁶²

Along with "resentment," we come across "one shall pay" in Erekle II's documents – "you shall know we will be greatly upset and also will make you pay;"⁶³ "you shall know we will be greatly upset and will make you pay;⁶⁴ "Otherwise it will be upsetting for us. Should anyone refer to us against you, we shall make your servants pay;"⁶⁵ In some cases, "offense" and "shall make one pay" are used together – "Should you ask for more, we shall make you pay for it. Treat these ones fairly, otherwise, if they complain to us again, know that we will be offended;"⁶⁶ In some cases, "offense" is mentioned with "ill-treatment" – "otherwise, it will be upsetting to us. …and we will ill-treat them and thus, will

⁵² Ibid, vol. 7, Tbilisi, 1981, 271, 382; Ibid, vol. 5, Tbilisi, 1974, 217.

- ⁵⁵ Ibid, 305.
- ⁵⁶ Ibid, vol. 7, Tbilisi, 1981, 313. ⁵⁷ Ibid, vol. 8, Tbilisi, 1985, 570
- ⁵⁷ Ibid, vol. 8, Tbilisi, 1985, 579.
- ⁵⁸ Ibid, 465; 585; ⁵⁹ Ibid, 407
- ⁵⁹ Ibid, 497. ⁶⁰ Ibid, 577
- ⁶⁰ Ibid, 577.
- ⁶¹ Ibid, 514.
- ⁶² Ibid, vol. 2, Tbilisi, 1965, 416.
- ⁶³ Ibid, vol. 7, Tbilisi, 1981, 669.
 ⁶⁴ Ibid, 659
- ⁶⁴ Ibid, 659.

⁶⁶ Ibid, vol. 7, Tbilisi, 1981, 246.

⁴¹ Ibid, vol. 7, Tbilisi, 1981, 304, 408, 675; Also, Ibid, vol. 8, Tbilisi., 1985, 286.

⁴² Ibid, vol. 7, Tbilisi, 1981, 410.

⁴³ Ibid, vol. 7, Tbilisi, 1981, 332; Ibid, vol. 8, Tbilisi, 1985, 202.

⁴⁴ Ibid, vol. 7, Tbilisi, 1981, 120.

⁴⁵ Ibid, vol. 8, Tbilisi, 1985, 369. ⁴⁶ Ibid, vol. 7, Tbilisi, 1981, 170

⁴⁶ Ibid, vol. 7, Tbilisi, 1981, 170.

⁴⁷ Ibid, 224, 736, 820. ⁴⁸ Ibid, vol. 8. Thiligi 1

⁴⁸ Ibid, vol. 8, Tbilisi, 1985, 135.

⁴⁹ Ibid, vol. 7, Tbilisi, 1981, 704.

⁵⁰ Ibid, vol. 8, Tbilisi, 1985, 259.

⁵¹ Ibid, vol. 7, Tbilisi, 1981, 398, 771; Ibid, vol. 8, Tbilisi, 1985, 196.

⁵³ Ibid, vol. 8, Tbilisi, 1985, 296.

⁵⁴ Ibid, 163; 408.

⁶⁵ Ibid, vol. 8, Tbilisi, 1985, 408. ⁶⁶ Ibid, vol. 7, Tbilisi, 1981, 246

take what's necessary;"⁶⁷ Also, with the "resentment" we can come across "cutting the ties" – "you shall know, should you not bring it, we will be greatly offended and cut all ties."⁶⁸

The given examples show that the formula "we will be upset/offended" is identical to the "we shall make you pay as if you have sinned to us" formula. It implies not only insulting the king as a person (which is automatically inferred) but rather going against the king as an institution, as the highest governing body (the king is not only a physical person, but rather with his functions accumulate all the spheres of the high-level governance). The perfect illustration of this is a ruling of Erekle II – "Bezhan shall not bother this widow and orphans so unfairly, or else the law shall trouble him;"⁶⁹ The same is declared in the report of George XII (1798) – "How could they rip the ruling apart, did not they know that the law would trouble them?"⁷⁰

In the orders and reports of Erekle II, we frequently encounter "one shall pay" and "hold responsible" (independently and together): "Nothing shall go wrong or else you will be held responsible. ...you shall manage this matter, hence bad will be on you as well as you will have our gratitude for good;"⁷¹ "If you have changed the borders, you shall greatly be held responsible;"⁷² "They will be held responsible by us and will be made to pay;"⁷³ We have another combination: "We shall make them pay as if they have sinned to us and will hold responsible."⁷⁴

In one of the reports of Erekle II (1796), we see the "we will not allow this to go unaddressed" formulation – "We will not allow going against our rules unaddressed, we will hold them liable and make them pay."⁷⁵ Even stricter is another report (1776) – "They shall leave that man alone, shall not make him endure more, or else they shall know, I will make them pay as though they have killed a man... They shall know we will greatly ill-treat them and will take the fine amount back."⁷⁶

It must be noted that one of the documents (1800) addresses this type of report as the "Reports of the Wrath of the King" – "Julios from Urbnisi was claiming, Panteleimon the Monk has reported me to the Master and… brought me the report of his wrath, …the report declared a great wrath."⁷⁷

Another strict formulation is "paying as for the blood of the King," i.e., punishing for the crime equated to killing the King, spilling his blood, which is formulated in article 222 of Vakhtang VI Law Book. Also this can be found in the Law of Alexander V in the case of Giorgi Orjonikidze (1720-1752) – "None of our serfs should deal with him. Whoever obeys our word and order shall not overpass this. Otherwise, I will make you pay for my blood."⁷⁸

⁶⁷ Ibid, vol. 8, Tbilisi, 1985, 196.

⁶⁸ Ibid, vol. 7, Tbilisi, 1981, 209.

⁶⁹ Ibid, vol. 5, Tbilisi, 1974, 645.

⁷⁰ Ibid, vol. 8, Tbilisi, 1985, 500.

⁷¹ Ibid, vol. 2, Tbilisi, 1965, 417.

⁷² Ibid, vol. 7, Tbilisi, 1981, 85.

⁷³ Ibid, vol. 2, Tbilisi, 1965, 418.

⁷⁴ Ibid, vol. 5, Tbilisi, 1974, 511.

⁷⁵ Ibid, vol. 8, Tbilisi, 1985, 384.

⁷⁶ Ibid, vol. 7, Tbilisi, 1981, 358.

⁷⁷ Ibid, vol. 6, Tbilisi, 1977, 183.

⁷⁸ Ibid, vol. 4, Tbilisi, 1972, 417.

An interesting variation of "paying for blood" is mentioned in the ruling of Erekle I (1692) – "Whoever from one of ours – kings, bishops or nobles will have the desire to breach unity, …they shall pay to God first, they shall be deemed as a "khain" (traitor) and "namakbyaram" (ungrateful) to the Khan and hence, we shall make them pay for the blood of his family."⁷⁹ To understand this part, we shall know that "khain" means "traitor" in Persian and "namakbyaram" – means "ungrateful" (literally meaning the "one who rejects an invitation to the feast").⁸⁰ As we understand from the document, Nazar-Ali-Khan adopted this decree together with Alexander IV of Imereti. Even more, we even have a remark of the addressees of the order of the king: "We, bishops and nobles, will follow the order of the Kings. Should we break it, the wrath of God and the Khan and the King be upon us"⁸¹ – however, we are not going to extend on the use of such formulations by the citizens, as it belongs in the relevant part of this work.

In one of the books of Solomon II, we encounter "paying for the insult" (1806) – "And should anyone dare this, we shall make them pay as though they insulted us."⁸²

"Betrayal" is mentioned in the "Trades Rules" of Solomon II (1808) – "Whoever sells the goods for price more than set above, shall pay as a traitor to the King and the country, and shall pay the fine of 100 Marchili."⁸³

We encounter another version of "betrayal" (მუხანათობა/"mukhanatoba"): The report of Erekle II (1772) – "You must know, should you not trust him to us, we will be greatly offended. God forbid that you commit such betrayal, we will fail this, should this man not be trusted to us."⁸⁴ What results the betrayal of the King brings is obvious in Arza (plea) to Queen Darejan (1791). In Arza, the author compares the actions of the defendant to the punishment expedition of the sovereign: They treated us the way King would treat the traitors – "As the one who betrays your army would pay, Kherkheulidzes made us pay the same way."⁸⁵ This phrase directly echoes Article 177 of the Book of Law of Vakhtang, where we learn that "The King can send his army in his domain for ravaging or stab a man"⁸⁶. It has to be mentioned that if, during the performance of this duty, the King's servant would be met with resistance or be killed, then the price of the servant would increase, and if the servant killed a rebel, then they would not bear any consequences.

Article 220 of the same monument also sets forth a similar punishing measure, which entails "dispossession" (i.e., "proscription") as a punishment for treason, i.e., exiling from the country and confiscation of all possessions.⁸⁷ In one of the decrees of Erekle II (1768), we read: "Since he died in our disloyalty, his share of the estate... must be given to us... So that such a crime against the king and

⁷⁹ Ibid, 159.

⁸⁰ Note: We would like to thank Mr. Tornike Paniashvili for providing this information.

⁸¹ Dolidze, I., Monuments of Georgian Law, Vol. 4, Tbilisi, 1972, 160 (in Georgian).

⁸² Ibid, annex, Tbilisi, 2023, 279.

⁸³ Ibid, vol. 8, Tbilisi, 1985, 941.

⁸⁴ Ibid, vol. 7, Tbilisi, 1981, 209.

⁸⁵ Ibid, vol. 8, Tbilisi, 1985, 440.

⁸⁶ Ibid, vol. 1, Tbilisi, 1963, 525.

⁸⁷ Vacheishvili A., Essays from the History of Georgian Law, Vol. I, Tbilisi, 1946, 119 (in Georgian).

the country may not be punished while being dead, it is the rule that after death, the share of the estate must be punished. ... He has taken our share of the traitor."⁸⁸

Finally, it must be said that although the monarch's wrath could have resulted in both the severest punishment and exile and confiscation of property, we should not forget that the king could not have the right to absolutely everything either – he could not go against the norms of natural law and the principles generally recognized in the society of that time.⁸⁹

3. The Resonance of The Legal Formula of The King as The Guarantor of The Implementation of Law in the Documents of Other Officials and Citizens

The formulas contained in the decrees of kings also found resonance in the legal documents of their subjects, whether they were Catholicos, bishops, princes, queens, officials, or ordinary citizens. Let us discuss case by case:

3.1. Highest Clerical Hierarchs

Article 14 of the Code of Catholicos (1543-1549) states: "The King shall punish the opposition to a bishop or an archbishop as though it was sinned against him."⁹⁰ We read in Article 16 what the consequences of sinning against the king will be: "Whoever is found to have betrayed his master, the king, or a nobleman, or anyone else, ... shall be put to death."⁹¹ As we can see, according to the monument, the king is the guarantor of the execution of justice, which is seen in Article 15: a bishop who opposes the Catholicos, whom the Catholicos punishes (excommunicates from the liturgy), must be "excommunicated from the seat" by the king."⁹²

The above is also confirmed by the promise given by Teimuraz I to Archbishop Zebede Alaverdeli (1612): "Whoever from your parish, a commoner or noble, you shall investigate according to the Holy Law, here we will deem all price paid, we will stand by you, as is befitting of kings of righteous believers: unless you grant them forgiveness, we will not interfere, you shall get the price which is just and enough,"⁹³ On the other hand, we have a document of the opposite content, where the Catolicos is referring to the King's authority – in the order of Anton I (1749) we read: "Should you not obey, we will put the King's wrath on you and we will make you pay spiritually."⁹⁴

⁸⁸ *Dolidze I.*, Monuments of Georgian Law, Vol. 4, Tbilisi, 1972, 559 (In Georgian.)

⁸⁹ Note: A good example of this is Article 218 of Vakhtang's Book of Law, which regulates the issues of burying the deceased: "If a person forcibly buries a dead person in a grave, which causes the interests of the owner of land where grave is , he shall pay a third price of the land owner's blood price, as even the sovereign can't order to remove the grave with anger. And if the burier himself exhumes his own dead, the owner of the land where the grave was, can not take enything, it is enough to exhume him without honor." Here it is clear that the king also obeys the rules recognized in society, and even he avoids the exhumation of a deceased person, even if illegally, in someone else's land, but already buried. See *Dolidze I.*, Monuments of Georgian Law, Vol. 1, Tbilisi, 1963, 538 (in Georgian).

⁹⁰ Dolidze I., Monuments of Georgian Law, Vol. 1, Tbilisi, 1963, 538 (in Georgian).

⁹¹ Ibid.

⁹² Ibid.

⁹³ Ibid, vol. 2, Tbilisi, 1965, 211.

⁹⁴ Ibid, vol. 3, Tbilisi, 1970, 809.

Such a tight connection of the King with the church jurisdiction is not arbitrary and is described in the Life of Grigol Khandzteli. The legal monument The Law of Bagrat Kurapalati sets forth that "The second kind is the Bishop, and he is the one approving the law of the Christians."⁹⁵ The content of Articles 24, 25, 33, 79, 82, 96, and 151 of the Vakhtang's Book of Law is similar. They consider the king and the Catholicos in the same legal position. Therefore, it is natural that the formulas found in the kings' documents are also repeated in the documents of the highest church hierarchs. Moreover, high church positions were not infrequently held by royal family members. These are the phrases used in the legal documents of the three Bagrationi Catholicos: a) Domenti IV - "Should a man wear them out without any basis or our permission, we will make you pay as if you have sinned against us and ruined Svetitskhoveli, yes, we will be upset."96 "Or else you should know, yes, we will get offended, and we will make you pay for it."97 "Whoever ruins this, we shall make them pay as though they have sinned against us;"98 "We will be greatly offended and will treat you ill, you shall know"99; b) Anton I - "Whoever goes against it and intentionally do not obey, you shall know, we will be greatly offended, we will make you pay with the work as per the spiritual law;"¹⁰⁰ "Whoever bothers him without any grounds, we will get greatly offended;"101 "Or else, we will make you pay as though you have sinned against us;"¹⁰² c) Anton II – "We will be greatly offended and you will be ruthlessly judged under the spiritual law;"¹⁰³ "Should you not follow this, we will be greatly offended."¹⁰⁴

It is noteworthy that the formula of Domenti IV ("We will judge them as the destroyer of Svetitskhoveli") is identical to the phrase found in a donation book from 1804 – which belongs to Eptvimi Genateli (Eristav-Shervashidze): "May they be judged as though they have sinned against our Gelati, from myself and the Genateli after me."¹⁰⁵

3.2. Princes (Batonishvilis)

The documents of Princes also contain a legal formula worth discussing, for example, a) Archil Batonishvili's ruling (1760) – "You shall give corvée to your servant man from your country. Otherwise, we will take it as an offense;"¹⁰⁶ b) Vakhtang Batonishvili's reports (1786, 1790, 1792, 1801.) – "You must know, we will be greatly offended, and we will make you pay through ill-treatment;"¹⁰⁷ "Or else, we will be greatly offended, you and them as well will be made to pay;"¹⁰⁸

⁹⁹ Ibid, 265.

⁹⁵ Ibid, vol. 1, Tbilisi, 1963, 464.

⁹⁶ Ibid, vol. 3, Tbilisi, 1970, 758.

⁹⁷ Ibid, 750.

⁹⁸ Ibid, vol. 4, Tbilisi, 1972, 219.

¹⁰⁰ Ibid, vol. 3, Tbilisi, 1970, 825.

¹⁰¹ Ibid, vol. 7, Tbilisi, 1981, 508.

¹⁰² Ibid, vol. 3, Tbilisi, 1970, 890.

¹⁰³ Ibid, 1003.

¹⁰⁴ Ibid, 1020.

¹⁰⁵ Ibid, 1094.

¹⁰⁶ Ibid, vol. 4, Tbilisi, 1972, 476.

¹⁰⁷ Ibid, vol. 7, Tbilisi, 1981, 694.

¹⁰⁸ Ibid, vol. 8, Tbilisi, 1985, 72.

"Nobody shall sin. Otherwise, we will make you pay as though you have sinned against us;"¹⁰⁹ "Or else, it will be upsetting to me;"¹¹⁰ Vakhtang Batonishvili's ruling (1792) – "Who sins first, we will be greatly offended;"¹¹¹ c) Giorgi Batonishvili's reports (1793, 1780) – "Should anyone bother or trouble you, yes, we will investigate your troubles;"¹¹² "Immediately give it to them, or else we will be greatly offended;"¹¹³ On the latter, we see Erekle II's resolution: "Otherwise, we will be greatly offended. ... Otherwise, you will not be able to answer us;"¹¹⁴ d) Levan Batonishvili's report (1780) – "Let them be, or else we will be offended."¹¹⁵

In the decree of Vakhtang Batonishvili (1793), a strict phrase is voiced: "Whoever is obedient to us will abide by this decree. And if anyone opposes us, we will hold him accountable for his blood, you know."¹¹⁶ With this document, Prince Vakhtang regulates the issues of the safe movement of traders and the rent for the transportation of trade goods and also limits the capriciousness of officials and local feudal lords. A similar order from 1795, which has survived in the form of a copy and is likely to belong to Erekle II (or one of his sons), is of similar content: "Our order is, Aragvi officials, then Kaluashvili Bagdasara is going to Russia on his business and he has confirmation from us. Do not prevent him from leaving and see him safely on the roads, and let no one take offense at this."¹¹⁷ Alexander Batonishvili's Book of Mercy is similar (1793) – "This book of mercy has been granted to you by us, Alexander Batonishvili, to you – Iko Abashvili. So that you may go around our country and no one may offend you. And whoever obeys our orders shall not offend this man. Otherwise, they will be greatly offended and even hold you accountable, as he has shown utter diligence in our cause."¹¹⁸ In general, documents related to ensuring the safety of movement deserve a separate study, and we will not dwell on them at this time.

Finally, a very important monument for the research topic is the Decree of Vakhtang and Levan Batonishvili on the Lands of the Plains and Mountains (1782), which is distinguished by the abundance of interesting formulations for us: "We will ill-treat them" (Articles 1, 11, 12); "We will hold them accountable as though they have sinned against us. ... we will ill-treat them" (Article 2); "We will hold them accountable as a traitor and will make them pay greatly" (Article 3); "We will hold them accountable as a traitor. ...We will hold you accountable and as though you have sinned against us and you shall pay as a traitor" (Article 7); "We will be greatly offended" (Article 13); "We will hold them accountable as a traitor" (Article 14); "We shall make them pay equally to the traitor"

¹⁰⁹ Ibid, 180.

¹¹⁰ Ibid, 710.

¹¹¹ Ibid, vol. 5, Tbilisi, 1974, 587.

¹¹² Ibid, vol. 8, Tbilisi, 1985, 241.

¹¹³ Ibid, vol. 7, Tbilisi, 1981, 468.

¹¹⁴ Ibid, 469.

¹¹⁵ Ibid, 471.

¹¹⁶ Ibid, vol. 8, Tbilisi, 1985, 923.

¹¹⁷ National Archives of Georgia, Historical Central Archive, Fund 1450, Vol. 1, Vol. 14, Doc. N85 (in Georgian).

¹¹⁸ *Gamrekeli V.*, Eastern Georgia's Intra-Caucasian Political and Trade Relations, Documents and Materials, Section 2, Tbilisi, 1991, 136-137.

(Article 16); "Whoever overpasses this order, those men shall know: we will hold them accountable similar to a murderer – with death and exile" (epilogue).¹¹⁹

3.3. The Queen

Naturally, this legal formula is also found in the documents of the king's co-regent. The queen, as a rule, threatens her subjects herself, but sometimes she also appeals to the authority of her husband.

Examples of the first are: a) Queen Mary's decree (second half of the 17th century) – "Whatever is lost or hidden by someone, you servants will be asked to pay back, you shall know;"¹²⁰ b) Queen Rusudan's letter to the Catholicos Doment on the prohibition of the slave trade (1712) – "Now we have such a covenant before you: wherever in the principality, or our domain and estate, a slave-buyer appears and either sells someone or brings someone for sell as a slave, you shall take the person away from them and put your wrath and investigate, question yourself and shall not allow anyone to do such business. We will not be offended by it but rather facilitate it. And whoever goes against you and does not obey you, we will hold them accountable and will be greatly offended."¹²¹ c) Queen Darejan's report (1785, 1786) – "We will be greatly offended by this;"¹²² "Those who do not obey this with your proper actions, we will be offended."¹²³

A classic example of the second is Queen Darejan's report (1797) – "Let them be, do not bother them anymore. Otherwise, the master will be offended by you; everyone should know this. Why do you disobey the master's order?"¹²⁴

3.4. Various Officials and Citizens

The documents of officials and ordinary citizens offer us many variations of this formula:

In one of the decrees of the officials of King Rostom (1653), we read: "Whoever violates this condition and book, the sovereign shall hold them accountable as though they have sinned to him;"¹²⁵ Similar phrases are found in the decrees of the officials of King Shahnavaz (1667, 1674): "Whoever violates this judgment, the sovereign shall hold them accountable as though they have sinned to him and shall impose a fine of twelve Tumans to pay to the master;"¹²⁶ "Whoever violates this in any way, the sovereign shall hold them accountable as though they have sinned to him."¹²⁷

In one of the Books of Decisions (1666) it is said: "To put an end to this, we give God Himself and all His saints, the Svetitskhoveli – a promise, should we, in front of kings and lords, be found

¹¹⁹ Dolidze I., Monuments of Georgian Law, vol. 2, Tbilisi, 1965, 450-454 (in Georgian).

¹²⁰ Ibid, vol. 6, Tbilisi, 1977, 682.

¹²¹ Ibid, vol. 2, Tbilisi, 1965, 332.

¹²² Ibid, vol. 7, Tbilisi, 1981, 651.

¹²³ Ibid, vol. 2, Tbilisi, 1965, 501.

¹²⁴ Ibid, vol. 8, Tbilisi, 1985, 406.

¹²⁵ Ibid, vol. 4, Tbilisi, 1972, 95.

¹²⁶ Ibid, 124.

¹²⁷ Ibid, 134.

wrong, we shall be held accountable with like the breaking of the cross-icons of Georgia... and King Shahnavaz shall hold us accountable as though we have shot arrows at his sons."¹²⁸

The same content is found in one of the cases in the Book of Decisions during the same period (1672, 1674): "If I have wronged you in this, may the sovereign of Georgia, and my lord's son Giorgi, and my lord, shall hold me accountable as though I am a murderer and a sinner;"¹²⁹ "The sovereign of Georgia shall hold me accountable as though I have sinned against him, should I not do it as necessary; and Prince George and all the lords united and my lord as well."¹³⁰ These are two mutually exclusive oaths that the parties to the agreement take before each other. The sovereign refers to Vakhtang V, and the prince refers to George XI.

There is an interesting formulation in the Book of Devotion (1711) attached to the Book of Mercy of Imam-Quli-Khan: "If either we or someone behind us, or someone from Bodbe, i.e., Rustavi, breaks this book and opposes Alaverdeli in this matter, let him be accused of blasphemy against God and be punished by the authorities for descerating the cemetery of the kings."¹³¹

In the settlement book approved by Solomon I (1752-1770), we read: "If this seal is broken, the master shall hold on accountable for treason;"¹³² We also have another settlement book (1769-1776) "If I am guilty of this, may the sovereign and all his subordinates ask me for the betraying my king and killing his son Alexander, and also killing our prince, our Catholicos;"¹³³ Here, Catholicos – means Solomon I's elder brother, Joseph, and Alexander – the son of Solomon.

The mention of other individuals alongside the king as guarantors of justice is also found elsewhere. In one document (1721-1732), it is written: "If you accuse me of this, may King Alexander shall hold me responsible as though I have sinned against him, and may Zurab Abashidze hold you responsible for the price of his assassination;"¹³⁴ In another document (1722), we read: "May I be a sinner against God and a traitor to your throne, a bloodsucker of Prince Teimuraz, and a sinner against Queen Anna."¹³⁵

In the Book of the Oath of Allegiance of Mamia Gurieli and Others to Solomon I (1771), it is stated: "If we are not loyal to you with a pure heart...first let that sovereign judge us for treason against the all-merciful sovereign, and then let us be judged by your wrath for the price of your death."¹³⁶

We have several pleas, where authors use various variations: a) plea with the protocol of Erekle II (1780, 1783, 1788) – "We shall hold you responsible as though you have sinned against us."¹³⁷ "May they hold us accountable as though we went against you and may they take fines from us and

¹²⁸ Ibid, vol. 8, Tbilisi, 1985, 846.

¹²⁹ Ibid, vol. 6, Tbilisi, 1977, 596.

¹³⁰ Ibid, vol. 4, Tbilisi, 1972, 135.

¹³¹ Ibid, vol. 2, Tbilisi, 1965, 332; Also, Ibid, vol. 3, Tbilisi, 1970, 667.

¹³² Ibid, vol. 6, Tbilisi, 1977, 641.

¹³³ Ibid, 642.

¹³⁴ Ibid, vol. 8, Tbilisi, 1985, 889.

¹³⁵ Zhordania T., Historical Documents of the Monasteries and Churches of Kartli-Kakheti, Poti, 1903, 82 (in Georgian).

¹³⁶ Dolidze I., Monuments of Georgian Law, vol. 2, Tbilisi, 1965, 423 (in Georgian).

¹³⁷ Ibid, vol. 7, Tbilisi, 1981, 489.

bring it to your treasuries;"¹³⁸ "May I be found as your traitor, absent from your feast, with the mercy of your kingdom may I be cursed;" ¹³⁹ b) pleas with the protocols of Queen Darejan (1778, 1789) – "May I be a traitor to you;" ¹⁴⁰ "May I be found as a traitor to my king;"¹⁴¹ c) plea in a protocol of George XII (1798) – "I beg you, for the longitude of your life, grant us a strong decree… and whoever goes against your order, may they be held responsible as though they have sinned against you. Intimidate them this way so that they give us what we deserve."¹⁴²

In one of the letters to the Queen (1782), the petitioner asks the Queen to intercede with the King and protect her family from slander: "This terrible one has spread the word accusing us of being traitors to the throne and the country. ... We beg you, make peace with the King, ... give us a sign of justice so that my children and grandchildren in Kartli and Kakheti shall not bear the name of traitors."¹⁴³

In some versions, other persons are mentioned instead of the king, for example, in one decree (1692), it is written: "The Catholicos and Amilakhvari shall hold them accountable as though they sinned against them."¹⁴⁴ In another document (1729) – "if I fail in this, I will be guilty of a crime before the Vizier.¹⁴⁵ In a promissory note from the first half of the 18th century, we read: "I, Rekhel Goniar, have taken from you, Papua, seven and a half Marchili ... If I offend you about this, may I be a sinner against Amilakhvari."¹⁴⁶

Grigol Dadiani's book to Solomon II (1792) contains a double formula in which, on the one hand, the author threatens his serfs. On the other hand, he affirms his loyalty to the king: "Should these serfs of mine not do it as necessary and not be diligent, may I hold them accountable as though they have betrayed me and cut them off from my serfdom. Should I be found wrong and stand on their side and violate this letter, may God make me pay all the price for this injustice, and may I not be worthy of your love."¹⁴⁷

Finally, it should be noted that we have many cases related to the given topic that do not directly contain the formulas discussed but are still indirectly related to the subject of the study, so we will not discuss them in detail here. These are: a) Pleas (1766, 1775, 1778, 1783, 1796), where the author avoids the king's wrath: "My king, may you not put your wrath on us and not take away all we got;"¹⁴⁸ "I was intimidated to offend you, however, when I found these witnesses, this is why I am bothering you;"¹⁴⁹ "Please set me free from your wrath, I have no blame;"¹⁵⁰ "I have no powers to

- ¹⁴⁷ Dolidze I., Monuments of Georgian Law, vol. 2, Tbilisi, 1965, 528 (in Georgian).
- ¹⁴⁸ Ibid, vol. 7, Tbilisi, 1981, 112.

¹³⁸ Ibid, 583.

¹³⁹ Ibid, 769.

¹⁴⁰ Ibid, 419.

¹⁴¹ Ibid, 808.

¹⁴² Ibid, vol. 8, Tbilisi, 1985, 485. ¹⁴³ Ibid, vol. 7, Tbilisi, 1081, 546

¹⁴³ Ibid, vol. 7, Tbilisi, 1981, 546. ¹⁴⁴ Ibid, vol. 4, Tbilisi, 1972, 161

¹⁴⁴ Ibid, vol. 4, Tbilisi, 1972, 161.

¹⁴⁵ Ibid, Vol. 8, Tbilisi, 1985, 887.

¹⁴⁶ Berdzenishvili N., Materials for the Economic History of Georgia, Book 2, Tbilisi, 1953, 34 (in Georgian).

¹⁴⁹ Ibid, vol. 4, Tbilisi, 1972, 677.

¹⁵⁰ Ibid, vol. 7, Tbilisi, 1981, 400.

offend you;"¹⁵¹ "We are abstaining to offend your majesty or the God;"¹⁵² b) the set of documents, where a feudal – e.g. Dadiani,¹⁵³ Gurieli¹⁵⁴ (XVII), or bishops¹⁵⁵ (XV-XVI) pledge the highest hierarch of the church that they will support his decisions.

4. Conclusion

Thus, the analysis of Georgian historical documents provides a basis for separately identifying a legal formula that directly declares the function of the King of Georgia as a guarantor of the implementation of the law.

This legal formula is found in various decrees of kings and is resonantly reflected in the legal documents of other officials and citizens. It clearly shows one of the interesting aspects of Georgian legal culture and provides us with important information about the legal concepts of that time.

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¹⁵¹ Ibid, 579.

¹⁵² Ibid, vol. 8, Tbilisi, 1985, 379.

¹⁵³ Ibid, vol. 2, Tbilisi, 1965, 223; Also, Ibid, vol. 6, Tbilisi, 1977, 678.

¹⁵⁴ Ibid, vol. 2, Tbilisi, 1965, 225-226.

¹⁵⁵ Ibid, vol. 3, Tbilisi, 1970, 184, 185, 197, 219, 239, 252, 269, 344.

- Dolidze I., Monuments of Georgian Law, Vol. 8, Tbilisi, 1985, 72, 135, 146, 163, 180, 196, 202, 241, 245, 259, 267, 286, 296, 305, 369, 379, 384, 406, 408, 440, 465, 485, 497, 500, 514, 577, 579, 585, 681, 710, 846, 887, 889, 923, 941 (In Georgian.)
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