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Legal Regulation of Interest in the Context of Private Autonomy According to Old Georgian Law

The article discusses the issue of the legal regulation of interest in Old Georgian law within the context of private autonomy. It examines what legal mechanisms were used to regulate the restriction of interest for the purpose of protecting the principles of justice and morality in the legal monuments of Old Georgian law. The article also analyzes the legislative challenges related to this process and its impact on defining the boundaries of private autonomy.

Keywords: *interest, restriction of interest, private autonomy, the role of justice in the regulation of interest, Old Georgian law.*

1. Introduction

Private autonomy is a fundamental principle of private law, yet its full realization is only possible within the framework of restrictions defined by a legal order grounded, at all times, in the principles of justice and morality.[1] In Old Georgian law, the regulation of interest was examined precisely in the context of private autonomy and from the perspective of the necessity of its limitation. The monuments of Georgian law – the Law of Vakhtang VI, the Law of Beka-Aghbugha, and the Law of George the Brilliant – regulate the issue of interest by taking into account economic necessity, justice, and moral values. These considerations affect the principle of private autonomy in different ways, altering its boundaries in accordance with the nature of these restrictions.

2. Private Autonomy and the Principle of Justice

Old Georgian law, which recognizes the principle of private autonomy, does not adhere to radical frameworks such as the absolute prohibition of interest. According to the Law of Vakhtang VI, the Law of Beka-Aghbugha, and the Laws of George the Brilliant, agreements on interest are permissible; however, the private autonomy of the parties to a loan contract is not entirely unrestricted in determining its amount. The interest agreed upon by the parties is lawful only up to the maximum limits established in these monuments of law. This limitation of private autonomy aims to uphold the idea of justice in the monuments of Old Georgian law. The significance of justice as the principal guiding criterion in the regulation of interest is clearly reflected in the introductory words preceding the provisions on interest in the Law of Vakhtang VI: *"How it is just to lend tetri, wine, or bread"*[2].

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1 *Zoidze B.*, Reception of European Private Law in Georgia, Tbilisi, 2005, 287 (in Georgian).

2 Monuments of Georgian Law, *Dolidze I.* (ed.), vol. I, Tbilisi, 1963, 513 (in Georgian).

The restriction of the parties' freedom of agreement through the establishment of maximum permissible interest rates in the monuments of Georgian law was a necessary legislative measure, without which the development of unfair practices would have been inevitable. Prior to the introduction of mandatory regulation on interest, in the absence of legislative limitations, Vakhtang VI drew attention to the presence of such unjust practices, writing in his book of law: *"Let me tell you of debt, for in Kartli, no proper inquiry had ever been made"*[3]. Following this introduction, he describes the prevailing practices under such unregulated and unexamined conditions, where loans were issued with drastically varying interest rates. This discrepancy is particularly evident in the case of loans issued in tetri: *"In recent times, a tumani has been lent for five abazi per month, four abazi, three abazi, ten shauri, two abazi, five shauri, one abazi, three shauri, two shauri – indeed, many different rates have occurred"*[4]. "Within the framework of an agreement on interest, under the conditions of the absolute freedom of contractual autonomy of the parties, one of the sources of injustice, in addition to agreeing on unreasonably large amounts of interest, was the practice of taking interest on interest, which contributed to the further increase of the amount of interest and, as a result, the spread of even more unjust practices. The existence of such practices is confirmed by Vakhtang VI in his book on law, where he writes about the taking of interest on any subject of debt: *"Thus, interest on interest also has been charged – for as many years as the payment had been delayed, an equivalent amount of interest was extracted"*[5].

Thus, the regulation of interest in the monuments of Old Georgian law, which was carried out by establishing the maximum permissible amount of interest, represented a form of limitation on private autonomy. However, this limitation served to prevent unjust practices and was justified on the basis of the principle of justice. In the context of limiting private autonomy, it is important to understand by what means and within what framework Georgian legislators restricted the freedom to determine interest. How the maximum permissible amounts of interest were defined, to what extent the agreement on interest was subject to strict limitations, and how the legislator intervened in the private autonomy of the parties – these questions can be answered through the study of the legal norms in the monuments of law regarding interest.

In the Law of Vakhtang VI, the Law of Beka-Aghbugha, and the Laws of George the Brilliant, the legislators limit the contractual autonomy of the parties within the framework of agreeing on interest by establishing maximum permissible amounts. In all three legal monuments, the allowed amounts of interest are defined for the most common subject of loans and interest – tetri.

In the Law of Vakhtang VI (Article 116), the diverse practice of lending tetri in Kartli at that time is reflected, where the amount of interest for a loan of tumani ranged from a maximum of five abazai per month to a minimum of two shauri. After this, to align such practices with the principle of justice, the legislator defines the permissible amounts of interest for lending tetri in Article 125 as follows: *"If a man lends out tetri and does so out of greed, despising his soul, the interest on the tumani will be five shauri per month; if he values his soul a little, the interest will be one abazi; if he*

3 Ibid, 512.
4 Ibid.
5 Ibid.

values it more, the interest will be three shauri; and if he truly values his soul, the interest will be two shauri"[6]. According to this provision, the maximum permissible amount of interest, "tumani – two shauri per month" – which equals an annual 30%, was four times lower than the highest rate practiced at the time. This difference, on one hand, confirms the legislator's intention to substantially limit unjust practices; however, on the other hand, it cannot be regarded as an excessive restriction of private autonomy. The maximum interest rate established in this legal book is quite high and leaves sufficient freedom for the contracting parties to agree on an acceptable amount of interest within this framework – whether it is five shauri per month, an abazi, three shauri, or two shauri, as specified in Article 125.

Compared to the Law of Vakhtang VI, where the legislator mentions not only the maximum amount of interest but also options for smaller amounts, in the Laws of Bekha-Aghbuga and George the Brilliant, only the maximum allowable amounts of interest are set. In the Law of Bekha-Aghbuga, the upper limit of permissible interest is defined in Article 94: *"If a man lends money to another with interest, let the annual interest amount to two hundred per one thousand. And the same rate should apply to both smaller and larger amounts"*[7]. According to the norm, the maximum allowable annual interest rate is 20%. Compared to the Law of Vakhtang VI, with its lower permissible upper limit on interest, the Law of Bekha-Aghbuga more strictly restricts private autonomy. However, despite this, the established maximum interest rate cannot be considered an excessively harsh legal restriction.

In the Laws of George the Brilliant, where the regulation of interest is only applied to the debt of tetri, its maximum allowable amount is defined in the last, 46th article of this book of law: *"And if, for some reason, the lender is such an evil man as to take interest, regardless of how much time has passed, let two tetri be given on ten tetri, – regardless of how long the time has elapsed, more than this should not be given, and there is no justice in giving more"*[8]. According to the article, similar to the Law of Bekha-Aghbuga, in the Law of George the Brilliant, the maximum allowable interest rate is 20%. However, in this legal monument specifically designed for the people living in the mountainous regions of Eastern Georgia, the interest rate is determined according to a different principle – here, the 20% maximum limit is set as a fixed, unchanging rate, regardless of the duration of the loan. Due to this firmly established nature of the interest rate, compared to the legal books of Vakhtang VI and Bekha-Aghbuga, the Law of George the Brilliant more strictly limits private autonomy. Nevertheless, the maximum interest defined in this legal monument is not insignificant, and despite the strict regulation, it can still be justified on the grounds of ensuring justice at the time.

Beyond establishing the maximum permissible interest rates in cases of loans issued in tetri, the Georgian legal monuments introduce an additional mechanism for restricting contractual freedom – namely, the prohibition of interest upon interest – thereby creating an even more stringent normative framework for the regulation of interest. This prohibition is explicitly stipulated in the legal codices of Vakhtang VI and Beka-Aghbugha.

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6 Ibid, 513.
7 Ibid, 462.
8 Ibid, 421.

According to Article 125 of the Law of Vakhtang VI, interest on interest is permissible only in the case of a *"debt of nothing"*, meaning that it is unlawful in relation to any actual object of debt. The legislator's strict formulation –*"it shall not arise, nor be claimed, nor be granted"*[9] – unequivocally excludes the legality of interest on interest in all circumstances: the parties may not agree upon it ("*it shall not arise"*), such agreement does not give rise to a claim against the debtor ("*nor be claimed"*), and it may not be enforced by judicial means ("*nor be granted"*).

A similarly strict prohibition on interest on interest is found in the Law of Beka-Aghbugha. Specifically, Article 94 contains the provision: *"Let not usury be taken upon usury"*[10] – where the word "*usury"* ("*vakhshi"*) is used in the sense of interest[11]. According to this norm, the taking of interest on interest with respect to a *tetri* loan is deemed legally impermissible.

In addition to the prohibition of interest on interest, the Law Books of Vakhtang VI and of Beka-Aghbugha also envisage another mechanism for the restriction of interest – one that concerns the correlation between the amount of the loaned *tetri* and the permissible maximum amount of interest. Specifically, according to these legal texts, the amount of interest must not exceed the amount of the principal. This prohibition is articulated in Article 125 of the Law of Vakhtang VI as follows: *"When one [unit of interest] exceeds two [units of the principal], no further interest shall accrue"*[12]. A parallel provision appears in Article 94 of the Law of Beka-Aghbugha: *"Let the sum increase only up to the principal, regardless of the time elapsed"*[13].

Thus, in the Law Books of Vakhtang VI and of Beka-Aghbugha, private autonomy is further restricted through the prohibition of interest on interest and the inadmissibility of charging interest in excess of the principal. These mechanisms aim to prevent the accumulation of unjust amounts of interest and, accordingly, to ensure the effectiveness of the restriction established in the form of maximum interest thresholds.

Without the prohibition of interest on interest, even despite the inadmissibility of exceeding the permitted limit, the amount of interest could nevertheless increase unjustifiably – especially in the case of loans issued for an extended period. At the same time, the imposition of a maximum allowable interest rate alone could not preclude the accumulation of interest in excess of the principal, which would likewise be unjustified. Accordingly, in the Law Books of Vakhtang VI and Beka-Aghbugha, these additional restrictions on private autonomy are legally justified and necessary to ensure the attainment of the overarching goal of interest regulation already established therein. In contrast to these legal monuments, in the Law Code of George the Brilliant, the imposition of such additional restrictions was unnecessary, as the interest rate is fixed in the form of a strictly defined maximum amount – thereby precluding, even without further limitations, the possibility of interest accumulating beyond the prescribed threshold.

Ultimately, the monuments of old Georgian law recognize agreements on interest as permissible, but to prevent unjust practices, they limit private autonomy by establishing maximum

9 Ibid, 513.
10 Ibid, 462.
11 *Javakhishvili Iv.*, *Collected Works in Twelve Volumes,* Vol. VII, Tbilisi, 1984, 326 (in Georgian).
12 Monuments of Georgian Law, *Dolidze I.* (ed.), vol. I, Tbilisi, 1963, 513 (in Georgian).
13 Ibid, 462.

interest thresholds. In the legal monuments of Vakhtang VI, Beka-Aghbugha, and George the Brilliant, the determination of the maximum allowable amounts of interest represented an effective and justified means of limiting private autonomy for the time. In the laws of Vakhtang VI and Beka-Aghbugha, interest on interest is likewise prohibited for the same purpose. The aforementioned restrictions on contractual autonomy related to interest found in Georgian legal texts served a common goal – the pursuit and safeguarding of justice.

3. Private Autonomy and Moral Values

In the monuments of old Georgian law, the Georgian lawmakers' preference for private autonomy is evidenced by their choice to limit interest rather than prohibit it altogether – a position that stood at odds with the prevailing moral values of the time, which viewed the taking of interest in a negative light. Nevertheless, moral and ethical attitudes toward interest, shaped by Christian values, are reflected in all three legal monuments.

In the Law Book of Vakhtang VI, the taking of excessive interest is perceived as a morally unacceptable act, being contrary to Christian values. This attitude is reflected in both the provisions describing the practice of taking interest and those determining the permissible rates of interest. The legislator regards the taking of an unjustifiably large amount of interest in the case of loans involving various objects not only as unjust, but also as an act against God. Such a practice is described as *"violence and injustice"*, *"offensive to God"*and *"a transgression of the Gospel"*. In the Law Book, the taking of interest is not merely an economic and legal matter – the amount of interest determines the spiritual condition of the one who takes it, as clearly shown in Article 125: *"If a man lends out tetri, and does so out of greed, despising his soul, the interest on the tumani will be five shauri per month; if he values his soul a little, the interest will be one abazi; if he values it more, the interest will be three shauri; and if he truly values his soul, the interest will be two shauri"*[14]. Similarly, the taking of high interest within the permissible limits is regarded as a rejection of God's will, as evidenced by the provision in Article 126, which governs the lending of bread at interest: *"Bread is justly lent at ten to twelve, but if a man acts unrighteously, ten to fifteen is acceptable, but this should not be granted beyond that"*[15]. The same approach is reflected in Article 129, which regulates the repayment of interest in the form of bread for a debt given in tetri: *"If someone lends tetri for bread, one and a half kodis of bread per year is sufficient as interest; and if the lender prefers bread to his soul, two kodis are sufficient; but if he does not stop and further despises his soul, he may take three kodis"*[16]. Thus, although the Law of Vakhtang VI considers the taking of interest permissible within a defined limit, it still recognizes moral boundaries even in cases where this permitted threshold is not exceeded. Crossing these moral lines is regarded as an act of defiance against God. Ultimately, Vakhtang VI

[14] Ibid, 513.

[15] Ibid, 514.

[16] Ibid. A "kodi" (Georgian: კოდი) was a customary Georgian unit of measurement, primarily used to quantify bread, but also occasionally applied to barley and millet in legal and economic transactions.

presents the complete renunciation of interest as the most virtuous path: *"The best of all is that no interest be taken at all"*[17].

The moral and religious stance reflected in the interest-related provisions of the Law of Beka-Aghbugha is particularly evident in Article 93, which sets the maximum permissible interest for loans of bread: *"If a man borrows bread from another and, due to hardship, the lender demands excessive interest, this must not be allowed – three for two is sufficient. If, even after a council meeting, more is taken, it shall be returned. No written sign shall justify it – it shall be of no use. For such greed is written as sin by the holy teachers of the law"*[18]. The article establishes that in the case of a bread loan, the maximum permissible interest must be "three for two." If the lender exceeded this threshold, they were obligated to "return the excess," that is, to give back the undue interest. However, the most significant aspect of the norm lies in the religious and moral judgment it conveys regarding the collection of excessive interest — the legislator explicitly notes that such greed was "written as sin by the holy men, the teachers of the law." An analogous attitude toward the taking of excessive interest is reflected in Article 94, which, alongside setting a maximum permissible interest rate for loans given in tetri, also prohibits pledging large plots of land as security for debts of minor value: *"Likewise, one shall not pledge large land for a small amount of goods"*[19]. Such an act is equated with the taking of excessive interest – *"for this will be great usury"* – which is described as *"provoking God's wrath"*. Thus, in the Law of Beka-Aghbugha, the negative attitude toward interest stems from Christian principles. The negative judgments reflected in his provisions concern the exceeding of the permissible maximum interest and, consequently, the legally unjustifiable accumulation of interest.

Article 46 of the Law of George the Brilliant clearly expresses a moral condemnation of taking interest. The article opens with an explicit declaration that interest is considered religiously improper: *"Interest is not ordained in the religious doctrines of the Georgians, nor is it prescribed in the doctrines of others. Interest is unlawful"*[20]. The legislator refers not only to the religious law of the Georgians – by which Christianity is meant – but also to that of "others," presumably referring to Jewish and Islamic traditions[21], thereby emphasizing the universal religious unacceptability of taking interest. The negative attitude toward the taking of interest is also evident in the article's reference to the lender as an "evil man": *"And if, for some reason, the lender is such an evil man as to take interest…"*[22]. Here, the term *"evil"*, as a characteristic of the person taking interest, is not a legal judgment, but rather an expression of moral disapproval toward the behavior of the lender.[23] At the end of the article, much like Vakhtang VI, George the Brilliant considers complete renunciation of

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17 Ibid, 513.

18 Ibid, 461-462.

19 Ibid, 462.

20 Ibid, 420.

21 *Pkhvovelishvili N., Omiaze G., Gvenetadze D., Dalakishvili G.,* Cheshmartishvili *L., Kutubidze M., Koberidze Z., The Law Code of George the Brilliant – Commentaries*, *Davitashvili G., Zhvania N.* (eds.), 2018, 260 (in Georgian).

22 Monuments of Georgian Law, *Dolidze I.* (ed.), vol. I, Tbilisi, 1963, 421.

23 *Pkhvovelishvili N., Omiaze G., Gvenetadze D., Dalakishvili G.,* Cheshmartishvili *L., Kutubidze M., Koberidze Z., The Law Code of George the Brilliant – Commentaries*, *Davitashvili G., Zhvania N.* (eds.), 2018, 259.

interest as the most morally acceptable course of action: *"And if, indeed, the man is not evil, then even this much should not be taken"*[24].

Thus, in all three legal texts, the negative attitude towards the taking of interest, as reflected in the Christian tradition, stands in opposition to the decision to permit interest within defined limits, in accordance with the principle of private autonomy. However, the legislations expressing the morally negative stance toward interest are merely advisory in nature in these legal monuments. Through such assessments, the lawmakers aim to influence the moral perceptions of lenders and encourage them to lend with as little interest as possible. Thus, the issue of the legal permissibility of interest in the legal monuments is resolved based on the criterion of justice, in accordance with the limitation, rather than the exclusion, of private autonomy, which aligns with minimal moral requirements. More ethically and morally demanded by the lawmakers, beyond the legally established limits, represents the ideal standard of conduct – what would be *"best of all, "* and what is most appropriate for one who *"is not an evil man"* (i.e., fully renouncing interest) – is considered in the legal monuments as an advisory, non-binding directive, whereby compliance with it might be a matter of private conscience rather than law.

4. Exceptions to the Principle of Private Autonomy

According to the principle of private autonomy, a legally concluded agreement between parties is binding and must be honored. This principle was also recognized in the legal monuments of Old Georgian law, particularly in cases involving agreements on interest – provided that the agreed-upon terms remained within the legally permissible limits. An explicit affirmation of this appears in the Law Book of Vakhtang VI. Specifically, Article 131 states that in the event of a dispute arising from a loan agreement, the debtor is obligated to *"repay the interest as it has been written"*[25]. This principle was regarded as operative even without such explicit articulation in other legal texts as well – namely, in the Law of Beka-Aghbugha and the Law Code of George the Brilliant. However, unlike the Law of Beka-Aghbugha and the Law Code of George the Brilliant, the Law of Vakhtang, in the same Article 131, links the debtor's obligation to certain preconditions. Specifically, the obligation to pay interest applies to the debtor only *"if he has [the means], or has strength and a path to earn [it]"*[26]. Thus, the debtor's material capacity, or physical ability along with the opportunity to acquire property, serve as additional preconditions for imposing the obligation to pay interest. These requirements represent a certain deviation from the principle of private autonomy, since in its classical understanding, this principle treats the agreement between the parties as a sufficient basis for obliging the debtor to fulfill their duty accordingly. Article 131 of Vakhtang's Law, however, allows for the softening of this principle and the introduction of an exception, thereby enabling a mechanism for the protection of the debtor.

Articles 132–134 of Vakhtang VI's Law Book also provide for several exceptional cases in which the principle of private autonomy is set aside in favor of protecting the debtor and their family.

[24] Monuments of Georgian Law, *Dolidze I.* (ed.), vol. I, Tbilisi, 1963, 421.
[25] Ibid, 514.
[26] Ibid.

These provisions clarify under what conditions and in what form the obligation to pay interest could be modified.

The first provision of these norms, Article 132, addresses a debtor who has fallen into a severe financial crisis and aims to alleviate the economic burden on them: *"If a man becomes impoverished and can no longer repay the debt, and falls into even greater distress, – the principal amount of the debt will also be reduced. And if there is even a little that he can pay, he must give it, and the interest will be waived"*[27]. According to this provision, if the debtor's financial situation has significantly worsened, it provides grounds for full exemption from the obligation to pay interest, as mentioned in the norm as *"the waiver of interest".* Moreover, if the debtor's financial situation worsens further, and he *"falls into even greater distress"*, the norm also allows for the reduction of the principal amount of the debt. Thus, Article 132 provides the most radical deviation from the principle of private autonomy – due to severe socio-economic conditions, the debtor is not only freed from the obligation to pay interest, but may also be partially relieved from the obligation to repay the principal debt. This relaxation of the principle of private autonomy can be justified on the grounds of the principle of social justice.

The exemption from the obligation to pay interest on the grounds of the debtor's severe socio-economic condition is also confirmed in legal practice. One such case is reflected in a documentdated November 22, 1785[28], in which Lelulashvili petitions King Erekle II for relief from the obligation to pay interest. The debtor's request is justified both by physical incapacity – *"I no longer have one of my hands"* – and by the difficult financial situation of his family – *"I am burdened with small children and ten mouths to feed", "I am broken down, I can't do anything anymore".* The king's ruling – *"This man is wounded by the enemy and clearly impoverished. Whoever is his creditor, be content with the principal amount"* – clearly demonstrates that in legal practice, the debtor's extreme destitution was considered sufficient grounds for exemption from the obligation to pay interest. Another decision made by King Erekle II in a similar case is reflected in a document dated 23 June 1791[29], in which the debtor states: *"I have no remedy except for your mercy".* In his ruling, King Erekle II concludes: *"You know well that many such cases have occurred, and this one too is a debtor who cannot repay his debt, and therefore his creditors should forgive the interest and be satisfied with the principal".* These words clearly show that such instances of interest forgiveness were common in judicial practice. The decisions made by the adjudicator served to balance the interests of both parties – the principal amount of the debt still had to be paid, while the impoverished debtor was to be released from the obligation to pay interest.

The following article, Article 133 of the Law Code of Vakhtang VI, established to protect the interests of the debtor, addresses not only the debtor but also the responsibility of his family – his wife and minor children – and includes provisions for the mitigation of the debt. The norm considers two cases. In the first case, the borrower is a man who has gone missing, and responsibility for the debt falls on his family – his wife and minor children: *"If a man goes missing and has small children, and*

[27] Ibid, 515.
[28] Monuments of Georgian Law, *Dolidze I.* (ed.), vol. VII, Tbilisi, 1981, 669-670 (in Georgian).
[29] Monuments of Georgian Law, *Dolidze I.* (ed.), vol. VIII, Tbilisi, 1985, 105-106.

if the wife has any means, let her pay with due consideration for her means. And if not, the creditor shall wait until the man returns. If he has died, the creditor shall wait for the orphans to come of age – until they reach fourteen or fifteen years old. If he returns alive, he must answer [for the debt] himself"[30]. According to the norm, the immediate demand for payment of the debt is prohibited, as the absence of the man from the family typically exacerbated the family's economic situation. Therefore, the creditor may only demand repayment based on the family's financial capacity, and the debt may be *"paid with due consideration for the wife's means"*. If such capacity does not exist, the obligation is temporarily deferred until the man's return, with a *"waiting period"* until then. Additionally, the norm stipulates that in the case of the debtor's death, the payment of the debt is postponed until the children reach the age of economic responsibility, typically around fourteen or fifteen years old. The second part of the article also addresses a similar situation, in which the debtor is absent and responsibility falls on his wife and children: *"But if the man is elsewhere, and his wife and children have anything here, and if the creditor has another creditor who is demanding repayment, and he has no other means, then the woman and her children shall repay according to their means. And if they have nothing, they should not be pursued"*[31]. Here, too, the principle is upheld that the obligation of the debtor's wife and children to repay the debt must be determined based on their financial means, and they are required to repay only *"according to their ability"*. However, in this case, an additional circumstance must be considered: the creditor himself may be under the obligation to repay a debt. Consequently, the norm considers the creditor's financial condition as a decisive factor. If the creditor is himself indebted to someone else and the debtor's wife and children have some means, then the repayment may be demanded from them in accordance with their ability. But if they have no means, the creditor is required not to impose any additional financial pressure on them.

Based on the foregoing, Article 133 of the *Law Code of Vakhtang VI* provides that not only the borrower himself but also his family members could bear responsibility for repaying the debt, depending on their financial means. Although the article does not explicitly mention interest, the debt relief mechanisms it envisions should also apply to interest-bearing loans. In such cases, these mechanisms would primarily affect the obligation to pay interest. Here too, the deviation from the principle of private autonomy – through *"payment with due consideration", "recovery according to ability",* and *the deferral of obligations* – serves to protect the economic condition of the family and is justified by public-law objectives rooted in social justice and the protection of family welfare.

The following article, Article 134 of Vakhtang VI's Law, establishes a special rule regarding the payment of interest, aimed at protecting widows and their minor children: *"If a woman is widowed and has small orphans, and the creditor demands repayment of the debt, the debt shall not be collected until the orphans come of age. And if the widow and the orphans have any means, and the creditor himself is under pressure from another creditor, let him recover whatever is reasonably possible from them, but he must not aggravate their situation by demanding interest"*[32]. This article reiterates the mechanisms of debt relief introduced in Article 133, but here, particular attention is paid

30 Monuments of Georgian Law, *Dolidze I.* (ed.), vol. I, Tbilisi, 1963, 515.
31 Ibid.
32 Ibid.

to the issue of interest. According to the rule, the financial capacity of the widow and her children must be assessed before any obligation is enforced. If they lack sufficient means, they are fully exempt from the duty to pay interest. At the same time, if the creditor himself is under financial obligation to another creditor, the law allows him to collect a portion of the debt from the widow's household, provided it does not exceed their means. Still, the creditor is expressly prohibited from worsening their situation by demanding interest. Thus, this provision confirms that when the need to protect widows and orphans arises, the principle of private autonomy yields to the demands of social justice. This approach was significant not only during the time of Vakhtang VI, but also in later periods. This is evidenced by a decree issued by Davit Dadiani in 1845 to the judge of the district (*mdivanbegi*)[33], in which Article 134 of Vakhtang VI's Law is cited as the legal basis for resolving a debt-related case involving a widow and orphans[34]. This fact demonstrates that the interest in ensuring the social protection of widows and orphans had become firmly rooted in the Georgian legal tradition and was recognized at the level of legislative regulation. Thus, this provision of Vakhtang VI's Law not only reflected a socially just approach at the time, but also served as a legal guarantee for the protection of widows and orphans in subsequent periods.

The mitigation of debt repayment obligations, as established in Articles 133-134 of the Law of Vakhtang VI, is further confirmed by actual legal practice. A number of case documents exist in which requests submitted by debtors or their family members for the postponement of debt repayment were granted. For example, in one such document, it is noted that the debtor was unable to repay the debt *"until his son returned",* as a result of which the creditor was instructed to postpone the claim.[35] In other cases, a woman requests the deferral of repayment until *"her husband and children return",* which was likewise granted.[36] A similar situation is described in another petition, where the petitioner asks to delay repayment until an orphan comes of age – an appeal that, according to the attached record, was also granted: *"Those to whom this debt is owed must wait. When the orphan is able to pay, then you may collect"*.[37] Notably, none of these documents explicitly state that the debts were issued with interest; however, it cannot be ruled out that they may have concerned interest-bearing loans. What matters is that these records clearly confirm the existence of a practice of alleviating the burden of debt repayment – based on a principle that required creditors to take into account the social and economic condition of the debtor and their family.

Thus, the norms of Vakhtang VI's Law and the corresponding legal practice demonstrate that the principle of private autonomy was not regarded as absolutely inviolable—exceptions could be made in the form of alleviating the obligation to repay debt and interest, justified by the prevailing social and public-law objectives of the time.

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33 See, Monuments of Georgian Law, *Dolidze I.* (ed.), vol. VIII, Tbilisi, 1985, 766-768 (in Georgian).

34 Although Article 134 of Vakhtang VI's Law is quoted in the decree with a slight inaccuracy — instead of the original phrasing *"[the creditor] must not aggravate [their] situation with interest"*, the decree uses *"[the widow and orphans] must not be aggravated with interest"* — this variation does not constitute a substantive legal alteration. In both cases, the provision serves the same essential purpose: to prohibit the imposition of interest on widows and orphans, so as to prevent them from falling into financial hardship.

35 Monuments of Georgian Law, *Dolidze I.* (ed.), vol. VIII, Tbilisi, 1985, 97 (in Georgian).

36 Ibid, 606.

37 Monuments of Georgian Law, *Dolidze I.* (ed.), vol. VII, Tbilisi, 1981, 259-260 (in Georgian).

5. Conclusion

The monuments of ancient Georgian law – particularly the Law of Vakhtang VI, the Law of Beka-Aghbugha, and the Law of George the Brilliant – approach the regulation of interest not merely as an economic necessity, but as a matter grounded in the principles of justice and morality. Private autonomy, though a foundational principle of private law, is not regarded in these legal texts as absolute. Rather, its scope is shaped by limitations imposed in accordance with the public interest. Through various forms of interest regulation, the Law of Vakhtang VI, the Law of Beka-Aghbugha, and the Law of George the Brilliant demonstrate that the exercise of private autonomy consistently occurred within boundaries set to harmonize contractual liberty with the imperatives of justice and the moral fabric of society.

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