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THE ROLE OF THE GEORGIAN CHURCH IN STATE LAWMAKING ACCORDING TO ANCIENT LEGAL MONUMENTS

Metropolitan Ananias Japaridze

Professor at the Georgian Technical University

Madona Leladze

Doctoral student in Theology and History of the Georgian Church, Faculty of Engineering Economics, Media Technologies, and Social Sciences, Georgian Technical University

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Abstract

In the 4th century, when King Mirian, through the efforts of Saint Nino, declared Georgia a Christian state, from that day forward, the Georgian Church assumed a special and leading role in state affairs. In addition to safeguarding the Christian faith of the nation, the Georgian Orthodox Church made substantial contributions to the country's education and science. According to ancient ecclesiastical legislative collections, the Georgian Church was engaged in a wide range of state activities. A notable example is the Church's invaluable contribution to the creation of ancient legal codes, developed in cooperation with the kings. These old laws, preserved in the form of decrees from ecclesiastical councils, provide insight into the Church's role in the state system of that era.

Keywords: Georgian Church, theology, Orthodox

In the IV century, when King Mirian declared Georgia a Christian kingdom through the efforts of Saint Nino, the Georgian Church assumed a primary and exceptional role in the life of the State. It shaped the spiritual, religious, and ethical norms of the nation. Its strength and influence were closely linked to the country's social and cultural development. As Ivane Javakhishvili notes in his work, the Church "was not merely a sacred ecclesiastical institution, but also possessed characteristics of a state body."²

The Georgian Orthodox Church, alongside protecting Christian faith, contributed significantly towards furthering progress of education and science in Georgia. From the IV century onwards, theological-philosophical and translation schools operated in Georgian monastic centers both within Georgia and abroad.³ As the scholar Korneli Kekelidze writes, "Monasteries created fertile ground for the development of literature and supported its growth. They were centers of cultural and literary activity."⁴ He adds that those who taught at these monasteries were not only theologians, but also philosophers who bridged religious thought with classical knowledge, and were well-versed in grammar, arithmetic, geometry, astronomy, music, jurisprudence, and medicine. He also notes that in those educational institutions (monasteries), the instruction was carried out by philosophers who understood the nature of God and religious belief. These philosophers, according to Korneli Kekelidze, were also theologians—meaning they were members of the clergy—who possessed not only theological expertise but were also highly educated in grammar, arithmetic, geometry, astronomy, music, jurisprudence, and medicine.⁵ It was precisely this broad and rigorous education of the clergy that formed the foundation for Georgia's social and cultural

development. Such a comprehensive intellectual formation among the clergy laid the foundation for Georgia's cultural and social progress.

According to ancient ecclesiastical legislative collections, the Christian Church of Georgia, beyond its educational mission, also engaged in significant state affairs. A key example is its invaluable contribution to legal codification in partnership with the monarchy, as reflected in the formation of several landmark legal texts: the "Writing of the Law Code" (ძეგლის წერა), a foundational legal compilation produced by the Ruis-Urbnisi Council (რუის-ურბნისის საეკლესიო კრება, 1103–1104), commonly rendered in English as "Compilation of the Statute", the "Enactment of the Code by King George" (ძეგლის დადგენა მეტოქის გიორგის მიერ), the "Council of Chulevi" including the Laws of Bagrat Kurapalates, Beka, and Aghbugha (ჭულევის საკანონმდებლო კრება, ბაგრატ კურაპალატის, ბექასა და აღბუღას კანონები), the "Penal Code" (მცნებები სასჯულო), the "Code of the Catholicoi" (სამართალი კათალიკოზთა), and the "Law of Vakhtang VI" (სამართალი ბატონიშვილი ვახტანგისა), among others. These legal monuments, preserved in the form of "ecclesiastical synods", primarily originated within the Church. They incorporated both canonical law and various branches of secular law—criminal, civil, administrative, and procedural law. They also prescribed rules for judicial appointments and responsibilities. Ancient legal texts also list offenses against the Church, such as blasphemy, violation of religious laws, and heresy—including the destruction of sacred sites or items, and denouncing the

² Javakhishvili, Ivane. *Collected Works in Twelve Volumes*. Vol. VI, p. 67. Tbilisi: Metsniereba Publishing, 1982.

³ Georgian Orthodox Church Library. *History of the Georgian Church*. Available at: <http://library.church.ge>

⁴ Kekelidze, Korneli & Baramidze, Akaki. *History of Ancient Georgian Literature*. Tbilisi: Tbilisi University Press, 1987, p. 35.

⁵ Ibid., p. 34.

faith. Punishment was determined by the “Great Canon of the Faith” (დიდი რჯულის კანონი).

In these legal monuments, the Catholicoi are mentioned as equals to the king. Their superiority among state officials is evident in the canon laws of the Council of Chulevi, particularly in the so-called “Laws of Bagrat Kurapalates, Beka, and Aghbugha,” which represent Georgia’s legal tradition from the IX–XIV centuries and were later incorporated into the legal code of Vakhtang VI. Articles 101, 102, and 103 state that a bishop, priest, or nun could not be punished—regardless of their offense—by the Atabeg. Ivane Javakhishvili writes that if this law had been authored by Atabeg Aghbugha or by the king of that time, it would not have granted the clergy such extraordinary privileges. Therefore, he concludes that these three articles must belong to a time when the clergy held dominant authority in Georgia—when ecclesiastical power stood above secular governance.⁶ Since the full text of the “Laws of Bagrat Kurapalates, Beka, and Aghbugha” has not survived, Javakhishvili suggests that these articles were likely extracted from a legal code originally composed for the entire kingdom and not solely for Samtskhe-Saatabago.⁷

Thus, the legislation placed both secular and ecclesiastical authorities on equal footing—meaning that the king and the Catholicos held equivalent authority in medieval Georgia. For example, the “Code of the Catholicos” strongly condemned opposition to episcopal authority by nobles, gentry, or peasants. Article 17 of that code declares: “Whoever opposes or insults the Catholicos or bishop, or unjustly defames a priest... shall be excommunicated.” In Vakhtang VI’s code, the Church is likewise described as omnipotent and inviolable: Article 25 states, “One rules over the body, the other over the soul.”⁸ This equality of powers helped enable clergy to contribute directly to royal lawmaking, where legislation was infused with high spiritual and moral values. For example, Bagrat Kurapalates’ legal code (IX century), later incorporated by Beka and Aghbugha into their own (XIII–XIV centuries), includes the following phrase: “The law was jointly developed before the kings by bishops, nobles, and wise men, created by divine providence.”⁹ This clearly refers to a working group composed of ecclesiastical and secular figures. It is evident that bishops, as part of the Church hierarchy, participated in developing these laws alongside nobles. Some articles pertained specifically to ecclesiastical matters.¹⁰ Some younger scholars argue that the “wise men” mentioned in the code were legal scholars—early jurists. According to this interpretation, Georgia already had trained legal experts in the IX century. Javakhishvili affirms that these “wise men” were what he calls “experts in state affairs”—that is, jurists knowledgeable in the practical application of law.

A jurist is a legal scholar who evaluates the extent to which a law responds to society’s needs and challenges. Based on this, we can reasonably infer that the “wise men” participating in the aforementioned law-making working groups, as mentioned in Bagrat Kurapalates’ code, were a circle of legally educated individuals who acquired knowledge in civilized countries of that period. Such education, from the early feudal era onward, was primarily received in Georgia by members of the clergy. As previously cited from Korneli Kekelidze’s work, the scholar explains that theologians were also philosophers who, in addition to their broad education, had a solid command of jurisprudence. Based on this, we may confidently infer that the “wise men” referred to in Bagrat Kurapalates’ code were in fact a distinct circle of legally educated clergy who took part in the legislative process. For instance, the introductory section of the XIV-century Council of Chulevi also refers to clerical lawmakers: “I, Atabeg-Amirspasalar Aghbugha, informed the honorable bishops and my uncles, the fathers of Safara, and the bishops and monks from Tao, Shavsheti, and Klarjeti—those entrusted to God and the Holy Mother of God.”¹¹ In modern terms, this means that Atabeg Aghbugha convened bishops from the region of Samtskhe, especially from Tao, Shavsheti, and Klarjeti. Special importance was placed on the clergy of Atsquri and Safara, along with other invited clerics. From the secular side, heads of governmental households and local senior officials were also in attendance.¹² Another notable example is the 16th-century Church Council, whose rulings are known in Georgian legal history as the “Code of the Catholicos.” In response to widespread criminal unrest in the country, this code was compiled solely by ecclesiastical authorities. The “Code of the Catholicos” had legal force and was binding for Georgian society at the time.

The Church’s legislative involvement is further exemplified in the legal compendium of Vakhtang VI, which the king ordered to be compiled by the renowned scholar, Catholicos-Patriarch Domenti IV, as well as Archbishop Grigol, other metropolitans, bishops, and clergy.¹³ These clerics consulted legal codes from foreign traditions and presented them to the royal court, where they were reviewed together with the king in an advisory council and ultimately approved.

Historically, Georgia maintained a tradition in which ecclesiastical and civil legal systems were intertwined over the centuries. Church-related issues and canon law were viewed as integral to state law. For example, the Ruis-Urbnisi Council addressed matters that were religious, legal, historical, and political in nature. It dealt with rules concerning the clergy, the moral conduct of the laity, marriage, and religious rites—all of which were regarded as state-level concerns.

⁶ Javakhishvili, Ivane. *Collected Works in Twelve Volumes*. Vol. VI, p. 88. Tbilisi: Metsniereba Publishing, 1982.

⁷ *Ibid.*, pp. 88–89.

⁸ Metropolitan Anania Japaridze. *Collection of Georgian Ecclesiastical Canons*. Tbilisi: Sakartvelos Matsne Publishing, 2017, p. 227.

⁹ *Ibid.*, p. 222.

¹⁰ *Ibid.*, p. 221.

¹¹ Georgian National Academy of Sciences. *Georgian Encyclopedia*, edited by the Abashidze Scientific Editorial Board. Available at: <https://georgianencyclopedia.com>

¹² Metropolitan Ananias Japaridze. *Collection of Georgian Ecclesiastical Canons*. Tbilisi: Sakartvelos Matsne Publishing, 2017, p. 180.

¹³ *Ibid.*, p. 217.

Today, Georgia's legislative body is the Parliament, consisting of 150 deputies. A legal committee is responsible for drafting bills, which are then presented at parliamentary sessions and, if adopted by majority vote, enacted into law. Medieval Georgia's royal court—the darabazi—played a similar legislative role.

According to Ivane Javakhishvili, the darabazi was the highest organ of government in its time. It was composed of a "Council of Four Clerics": The Catholicos-Patriarch of All Georgia, the Catholicos of Abkhazia, the Chqondideli-Mtsignobartukhutsesi (chief scribe and chancellor), and the chief confessor. These four senior church leaders had exceptional authority within the royal council. All of this is recorded in the "Regulations of the Royal Court," which describes the structure of the Georgian monarchy and the duties of its officials. These high-ranking clerics, much like the legal committee of a modern parliament, would present draft legislation to the darabazi, where it would be deliberated alongside state representatives and approved if deemed acceptable.

The governing legal Council was composed of the highest ecclesiastical hierarchy, while the darabazi was made up of influential figures from both the Church and the state. Its members, known as darbaiselebi—that is, "deputies"—included abbots of monasteries, viziers serving under the chief scribe, provincial governors (Eristavi), and legal scholars described as "experts in state affairs." This hierarchical assembly held the authority to create binding law. The proceedings of the council were overseen by the king, who issued directives on how it should be conducted.¹⁴

To draw a clearer comparison, one could liken the darabazi to a modern legislative body (parliament) and the ecclesiastical lawmakers to today's parliamentary legal committee composed of deputies.

The above examples represent just a small part of a vast historical record, but they are enough to demonstrate that the ancient Georgian legal tradition—preserved in the resolutions of Church councils—offers a clear picture of the Church's role within the state system of that time.

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