

## Canon Law in Georgia in the Middle Ages

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I. Translated Canon Law Texts: Minor Canon Law (Mcire sjuliskanoni). – Extensive Canon Law (Didi Sjuliskanoni). – II. Original Canon Texts: Ruis-Urbnisi Code (Dzegliscera).

The Christian culture of Georgia was highly influenced by Byzantium Christianity. The Fathers of the Georgian church were translating religious literature mainly from Greek. In the Eastern Orthodox Church, the term Canon Law primarily signified the set of canon laws established at church councils. A significant number of such laws were included in Church law that functioned in ancient Georgia as well. The discovery of the first canon texts correlates with the formulation of the first Byzantium written church texts. The collection of these texts appeared in IX century. Already in 883 it had gained a well-defined form and the name *Nomocanon*. Unfortunately, the IV–X centuries left only a trace of the Georgian original and translated texts. In the IX century religious text *The life of Grigol Khanzteli* we can find a note that in the middle of the IX century in Javakheti<sup>1</sup> a church council addressed the issue of selecting a candidate for the position of Cathalicos and, connected to this issue, addressed cases of the violation of canon law.<sup>2</sup> Also, during the reign of Bagrat IV (1027–1072), the Ghrtili church council was held, about which we only have general information.<sup>3</sup> It is hard to imagine the history of the Georgian church without local councils. Local councils, in turn, are hard to imagine without certain laws. However, such documents have not reached us. The only exception is the Code from the Ruis-Urbnisi council (XII century). As for the translated texts, none of the canon laws in Georgia reached us before the X century.

### I. Translated Canon Law Texts

*Minor Canon Law.* The Canon Law in Georgia can first be found in the text of *Minor Canon Law (Mcire sjuliskanoni)* that was translated from Greek by Epptime the Hagiorite in the X century. The Georgian edition of Minor Canon Law (Mcire sjuliskanoni) was apparently completed by Epptime the Hagiorite before the year 1005.<sup>4</sup> Minor Canon Law (Mcire sjuliskanoni) is designed according to the following Byzantium church canon texts: 1. The Truly 692 council laws; 2. *Typicon* of Ioane the Monk; 3. *Typicon* by an unknown author; 4. Constantinople local council text from the year 843.

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<sup>1</sup> A province in the South-West Georgia.

<sup>2</sup> *Zveli Kartuli Agiografiuli Literaturis Zeglebi [Ancient Georgian Hagiographical Literature texts]*, V/1, Tbilisi 1964, p. 287–289.

<sup>3</sup> *Sakartvelos Samotke [Paradise of Georgia]*, ed. Michel SABININI, Tbilisi 1883, p. 615–621.

<sup>4</sup> *Mtsire Sjuliskanoni [Minor God's law]*, ed. Elene GUIUNASHVILI, Tbilisi 1972, p. 4.

These sources were presented by Ephtime in the renewed edition of the Georgian collection. Among other texts from various periods, the Ecumenical Council canons/laws of the VI century that significantly differ from the original texts occupy one of the key places in the collection. As it seems, Ephtime the Hagiorite designed a semi-original codex in which he included the active church laws of the period. Minor Canon Law (Mcire sjuliskanoni) was initially viewed as a guideline of the Georgian Church. Apparently, the collection was widely used in church life, to the extent that even *Extensive Canon Law* (*Didi Sjuliskanoni*), the translated text by Arsen Iqaltoeli, could not replace it.<sup>5</sup>

Minor Canon Law (Mcire sjuliskanoni) comprises four parts: **1.** *The rules and laws and canon law of the sixth Ecumenical Council*. In reality the fifth and sixth Ecumenical Councils canon laws were never received. That is why in the year 692, Justine the II called a council that was supposed to make-up for the divergences of the V and VI Ecumenical Councils in relation to church canon law. That is why the Ecumenical Council was titled “fifth-sixth”. During the time of Ephtime the Hagiorite, there already existed a tendency to call the 692 Truly local council an Ecumenical Council, identifying the latter with the council of the years 680–81.<sup>6</sup> **2.** *The law of the Sinned*. These laws are included in the collection as a work by the Patriarch of Constantinople (582–595). **3.** *The law of daily divergences* (or the laws of Basil the Great). Hans-George Beck refers to these laws as the third part of the pseudo Ioane Mmarkhveli laws that were supposed to be designed according to the laws of Basil the Great.<sup>7</sup> **4.** *Code of the Faith* (*Zegliswerai sarwmunoebisai*). This was approved in the year 843 by the local council of Constantinople. The council was called by the young Caesar Michael III of Byzantium (842–847) and his mother Theodora. The council announced anathema to iconoclasts and celebrated the final feast of icon-glorification. Ephtime the Hagiorite’s Georgian edition of canon laws is a purely Georgian phenomenon as neither the Byzantine nor Eastern Christian Church history has witnessed such a collection in the field of canon law.

*Extensive Canon Law*. Related to it are the key stages in the process of the formation of the written canon law in Byzantium, as well as the practical canon activity of the Christian church. This is the main code of conduct of the Church law, known as the 14 parts of the Nomocanon 883 year edition. The edition comprises highly important church and civil law texts. *Extensive Canon Law* (*Didi Sjuliskanoni*) is a translated text but it played a significant role in the process of developing the original church law. The 14-chaptered *Nomocanon*, the only Georgian translation that established itself in Georgian church literature as *Extensive Canon Law* (*Didi Sjuliskanoni*) can be considered the oldest translation among the key Canon codes of conduct that were translated from Greek into other languages.<sup>8</sup> Included in the Church law collection are the church law norms that were recognized from the pre-Christian period till the IX century. The concrete sources of the canon code of conduct can be divided into four main groups: **1.** *In the name of the messengers* (*MociqulTa sakhelit*), known as 85 church laws; this text is considered the first written text of the church law; **2.** Church council laws that comprise all church laws that were approved and received by all seven Ecumenical Councils during the period 325–787; **3.** Sets of laws of the local councils: 25 laws of the Ankviri council (the year

<sup>5</sup> *Ibidem*, p. 3.

<sup>6</sup> *Ibidem*, p. 3.

<sup>7</sup> Hans-Georg BECK, *Kirche und theologische Literatur im Byzantinischen Reich*, München 1959, p. 424.

<sup>8</sup> *Ibidem*, p. 12.

314), Noekesari council (314–325) and others. 4. Epistolary laws of significant church persons.<sup>9</sup>

A translation of *Readings of a nun that were explained and published by Peter the Patriarch Khartofilag* should have been made from Greek in the XII century. This text clarifies the various cases from the life of the parish.<sup>10</sup> The Epistle sent in the XV century by the Patriarch Michael of Antioch-Jerusalem in connection with the appointment of Ioakime Bedieli to the position of the Cathalicos of Abkhazia, the so-called *Testament of the Faith (Sasjuli mcneba)*, should be considered the canon text. K. Kekelidze, the Georgian scholar, believes that since the Epistle was addressed to a Georgian, it was most likely published in Georgia and, therefore, can be considered a Georgian church law text.<sup>11</sup> The text discusses illegal marriages, dishonesty, fasting, violation of the holidays, gaining illegal control over lands owned by the monastery and churches, moral responsibilities of the priests, murder, and obedience to the priestly and church laws. Ephtime the Hagiorite also translated the *Notions and understanding of the World Wiseman the Greek that were transmitted into Georgian by the great Ephtime* and apparently wrote the original canon-liturgical work that gives disciplinary clarifications on various issues. The work represents an answer to the questions sent to Ephtimr by Giorgi the Monk from Chqondidi.<sup>12</sup> Also preserved are several translated articles of canon nature by Giorgi the Hagiorite, namely *notions in relation to priests*,<sup>13</sup> *notions in relation to saint "Liturgy" priests, so that they perform services not twice but one time*.<sup>14</sup> In the biography of Giorgi the Hagiorite, it is pointed out that he translated *Epistles of Saint Kvrilesni and other Saint fathers about the excommunication of Nisto the Unfaithful*.<sup>15</sup> What is meant is part of the epistolary tradition created during the third Ecumenical Council. Giorgi's translation of it has not reached us, however.<sup>16</sup> Among the translated canon texts of the Middle Ages, no other texts have reached us while the rest of the translated work dates back to the late period (from XVIII century on).

## II. Original Canon Texts

*Ruis-Urbnisi Code*. The significant Georgian canon text is the 1104 Ruis-Urbnisi council resolution: *The Code (Dzegliscera)*. As early as in the sixties of the XI century, by the decree of the Georgian king Bagrat the IV (1027–1027), the positions of Archbishops were sold regularly. The king was more interested in the wealth of the candidates than their personal qualities. In such circumstances, the criteria demanded by the church law would be violated at every level of the church hierarchy. Georgia was

<sup>9</sup> Didi Rjuliskanoni [Great Law of God], ed. Enrico GABIDZASHVILI – Elene GUIUNASHVILI – Manana DOLAKIDZE – Gulnara NINUA, Tbilisi 1975.

<sup>10</sup> Korneli KEKELIDZE, *Zveli Kartuli Literaturis Istoria [Ancient Georgian Hagiographical Literature]*, V/1, Tbilisi 1960, p. 565–566.

<sup>11</sup> *Ibidem*, p. 568.

<sup>12</sup> *Kartuli Samartlis Zeglebi [The Texts of the Georgian Law]*, V/3, ed. Isidore DOLIDZE, Tbilisi 1970, p. 5–18.

<sup>13</sup> Didi Rjuliskanoni, p. 15.

<sup>14</sup> *Ibidem*, p. 248.

<sup>15</sup> *Zveli Kartuli Agiografiuli Literaturis Zeglebi [Ancient Georgian Hagiographical Literature Texts]*, V/2, Tbilisi 1967, p. 147.

<sup>16</sup> Didi Rjuliskanoni, p. 15.

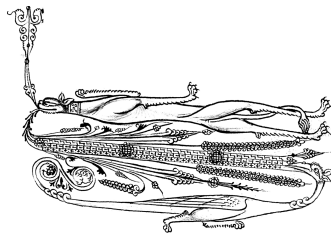
attacked by Turk-Seljuks in the XI century. Naturally, in a country devastated politically, economically and morally, every branch of the church institution was destroyed, especially because the conquerors were Muslims. Added to the existing problems was the tendency of individual feudal lords to attempt to gain independence from the unified state. The „separated“ feudal lords would then, on their territories, appoint to positions of the church hierarchy candidates who would protect their interests, thus violating the church law.

In 1089, David the Builder (1089–1125) became the King of Georgia and began to actively unite and reform the country. Among the internal problems, the poor state of the Church was one of the main issues. The time had come to call the special council. The reasons for calling the church council were the following : the need to reconstruct church life, elevating it to the level that would enable the Church to become the force capable of supporting the country ideologically; the need to strengthen the authority of the Church; the need to eradicate corrupt behavior practiced by individuals who had become part of the institution accidentally; the need to prevent feudal lords from intervening in church affairs; and, lastly, the need to make the church part of the state's interests. The council of the year 1104 was called by David the Builder and chaired by the Cathalikos Patriarch Ioane. One cannot consider this council as ordinary and local since it was a very special case. The council was supposed to address the issue of attributing spiritual honors and re-establishing the defunct Church law: at that time, the rules regulating the appointment of religious persons had been lost, Church property was wasted and the monastery had become a place for trading goods, etc. The text comprises four parts: **1.** Introduction, comprising a short historical overview of the birth and spread of Christianity; apart from discussing the general theological and dogmatic issues, the text represents the author's view on the history of early Christianity in Georgia. **2.** The main part of the text: the canons. **3.** A Eulogy dedicated to David the Builder. **4.** Definition of Faith.

As *Code (Dzegliscera)*, the council ruled the following: **I.** Individuals who did not deserve spiritual honors would be excommunicated. The council selected persons to replace the excommunicated individuals – persons whose age and activity deserved such an honor. In this section, no mention is made of the ages of the persons involved. Supposedly, young individuals were given priestly honors illegally. – **II.** The rule of ordination of the priests was established. The age was determined: 35 years for the Bishop, 30 years for the priests, 25 for the Deacon and 8 for the book-readers. – **III.** The council banned the tradition of elevating religious persons on the very same day of appointment from one degree to the second or even third. The council considered that it was crucial to pass every stage, thus gaining sufficient experience in the process of moving up the hierarchical ladder of the Church. – **IV.** The inclination of Church persons towards corruption and bribes was clearly pointed out in one of the articles of the statement that discusses measures against such shameful activity. – **V.** Irrespective of the reasons, the usage of church goods was prohibited. Any person violating this law would be punished. – **VI.** It was prohibited to conduct baptism and marriage ceremonies outside of the Church. – **VII.** It was prohibited to give blessings for the marriage of children. If parents made the decision to marry their children, they were allowed to conduct a minor ritual resembling the engagement, but marriage was allowed only after the children reached a certain age. A woman was eligible for marriage after reaching the age of 12. – **VIII.** Cathalikos and Bishops were deemed responsible for selecting educated vicars, so that the latter could fully preserve each and every Christian rule. – **IX.** The council condemned the abundance of priests in monasteries. The council ruled that there should

only be one priest for every monastery. Only large monasteries could have two priests.  
– **X.** It was prohibited to hold markets in the monasteries.<sup>17</sup>

The next articles of the canon text refer to the internal regulation of church activity. A separate article describes the matrimonial law. In the case of this rule being violated, the law implied the punishment of the church officials. The special article of Code (Zegliswera) bans violations of the moral code of conduct. Such violations were rather widespread in both secular and church circles. Among the original canon law texts, one should underline Ephtime the Hagiorite's canon-liturgical work. The work provides clarification on various disciplinary issues. It is written in response to the question of Giorgi Chqondideli who communicated it to Ephtime from Chqondidi.<sup>18</sup> Thus, Georgia in the Middle Ages is rich in both translated and original canon literature.



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<sup>17</sup> *Sakartvelos Istoria [History of Georgia]*, ed. Nodar SHOSHIASHVILI, Tbilisi 2006, p. 375–379.

<sup>18</sup> *Kartuli samartlis Zeglebi*, V/3, p. 5–18.