

Legal concepts in Grigor Tatevatsi's "Book of questions"

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<https://doi.org/10.52340/lac>

Grigor Tatevatsi does not have a separate work in this area, his questions are very interesting and varied. Grigor Tatevatsi was conservative in them. On the one hand, without going beyond the canonical definitions, he tried to explain the Grigor Tatevatsi's "Book of Questions". Summarizing the legal concepts found in Grigor approaches of his ancestors, on the other hand, based on the problems of his time, he interpreted them in a new way.

Key words – Rulebook, judgement book, right, law, investigation, rule, custom.

In 1964 was published "Armenian Law Book" [3], which brought together the generally recognized legal acts of medieval legal thought. This is a brief analysis of medieval legal thought, there is no reference to Grigor Tatevatsi (who lived in the 14th-15th centuries), because he did not create a separate work dedicated to legal regulations. However, there are so many legal questions and analyzes in his numerous works that if we bring them together, we will certainly have a unique work of the great thinker of the time comprehensively referring to the legal relations of the period. For example, in the Summer volume of "Book of Sermons", Tatevatsi writes: "And the one who gives an early and sloppy report... first he shows his light-mindedness and secondly, that he is a briber [2:222]".

As a rule, the researchers in the field of law mention several sources of Armenian legal thought: customary law, church rules, borrowed laws, national judgement books, bibliographic works. In the sense of sources, the legal concepts of Grigor Tatevatsi's "Book of Questions", as well as other works, are information extracted from bibliographic works. However, his questions are from customary law, from national judgement books and even more from church rules.

Legal concepts are found much more often in Grigor Tatevatsi's "Book of Questions" and Sermon Books. Let us say, for example, that the word "law" alone is used by the author more than three hundred times in the "Book of Questions" in the sense in which it is found in the Rulebook or Judgement Books, canonical documents and bibliography.

Comparing the 288 rules included in the fifty-seven chapters of the "Book of Armenian Rules" with the questions of Grigor Tatevatsi's "Book of Questions" (as well as the sermons of the Summer and Winter volumes of "The Book of Sermons"), as we said, Grigor Tatevatsi addressed many of them.

According to the author, the concepts of "law", "order", "rule", "right" are distinguished as follows: "The law and the order come from above" [1:277]: "And the right is the execution of the examination and its fair compensation [1:384]: "... the law is a rule and a limit for those who keep and do not keep it." [1:340]: "...the law is compulsory and the commandment is at will" [1:340].

The author distinguishes between natural, written and evangelical laws, the purpose of which, in his opinion, is human education.

In general, the legal questions in the "Book of Questions" are about the following main concepts: law, right, judgment, trial, kill, revenge, retribution, custom, repress, disobey, plunder, crime, punishment, penalty, confession, witness, testimony, blasphemy, sin, examine, acquit, repentance, retribution, kontakion, rule . order, will, fear, over tax (coercion), judge, justify, adoption, lawmaker, legislate, legislation.

The crime starts with the smallest, therefore, according to Tatevatsi, a person should be consistent in actions and behavior, the disruption of which eventually leads to a misdemeanor or a more serious sin. "And the forgivable sin is the smallest of us. because after the baptism of my child, first the forgiveness will come, and then the measure of death." [1:567]. «"... it is pride to trample and dishonor the true good. and then we slowly change our mood. and thus perhaps pride is a sin" [1:562]: «...Seventh, let the cause of the enemy be ours, that he changed to his fault by crossing the command line." [1:277]:

On the one hand, he admits that the laws have changed over time, but according to him, there is no doubt that the law establishes the truth. "The other line, because the law was changed according to the advice, but according to the thing it remained forever, because they were the example, but the truth remained." [1:369]:

It is quite interesting that the author's reference to the restrictive, binding, singular form of laws in the book "On the Ten Laws" is quite interesting. According to him, they are instructions for each person to regulate the relations among themselves by prohibiting, ordering, persuading; "Don't kill. don't lie don't steal do not bear false witness. do not wish. Soka is human and towards a friend and an enemy. Second, there are five commissions and five resignations. Third, it is five minor. and five negatives. Fourth, there are five commandments. and the five prohibitions" [1:340].

Tatevatsi is absolutely convinced that the society needs to have laws, a court, and investigators. Speaking about fatalism and making a reservation that if its supporters are right, the author writes that in that case there would be no tax: "no right to **judgment** and investigation and no political **law** and no proper **retribution** to the good and the bad, if the tax was a tyrannical act. ... honor and **punishment** were

on the floor and not on the person?" [1:12]: Let's notice that in these few lines, the author used at least seven legal concepts, which are quite close to the modern understanding of these concepts. law, judgement, investigation, law, retribution, repress, punishment.

Undoubtedly, in addition to being valuable source information, Tatevatsi's questions and analyzes are also very remarkable in terms of the testimony of a contemporary, to what extent this or that regulation of law was preserved in his days.

Comparing these concepts with the current RA Criminal Code, at least six articles of the Code reflect the author's definitions in one way or another. Tatevatsi talks about a fair judgment, coercion and appropriateness of punishment, which are presented in the main requirements of the relevant articles of the RA Criminal Code. The requirement of judicial fairness is governed by Articles 61, 336 and 352 ("just punishment", "unjust sentence"). the appropriateness of punishment under articles 48, 49, and coercion under article 45 ("It is not considered a crime to cause ... damage under the influence of coercion") [4].

Conclusion - Thus, bringing together the jurisprudential concepts found in the "Book of questions", we can state that although the author does not have a separate work on that field, his questions are very interesting and diverse. On the one hand, Tatevatsi was conservative in them and tried to explain the approaches of his ancestors without going beyond the canonical definitions, on the other hand, based on the problems of his time, he interpreted them in a new way.

References:

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Правовые понятия в «Книге вопрошений» Григора Татеваци

Резюме

Обобщая правовые понятия, встречающиеся в «Книге вопрошений» Григора Татеваци (14-15вв.), можно констатировать, что, хотя у автора нет отдельной работы в этой области, но его вопросы весьма интересны и разнообразны. Григор Татеваци был в них консервативен. С одной стороны, не выходя за рамки канонических определений, он пытался объяснить подходы предков, с другой стороны, исходя из проблем своего времени, интерпретировал их по-новому.

Ключевые слова: кодекс, судебная книга, закон, право, допрос, правило, обычай

სუსანა გრიგორიანი

ერევნის ლინგვისტიკის ინსტიტუტი

იურიდიული ცნებები გრიგორ ტატევაცის „კითხვათა წიგნში“

რეზიუმე

გრიგორ ტატევაცის (XIV-XV) „კითხვათა წიგნში“ არსებული იურიდიული ცნებების შეჯამებით შეგვიძლია განვაცხადოთ, რომ მართალია, ავტორს ცალკე ნაშრომი ამ მიმართულებით არ გააჩნია, მაგრამ მისი კითხვები მეტად საინტერესო და მრავალფეროვანია. გრიგორ ტატევაცის კონსერვატიული საკუთარი შეხედულებებით ცდილობდა განემართა წარსულში არსებული მიდგომები, მეორე მხრივ, პრობლემებიდან გამომდინარე, ახლებურად განემართა იურიდიული ცნებები

საკვანძო სიტყვები: კოდექსი, სამართლის წიგნი, კანონი, დაკითხვა, წესი, ჩვეულება.