

# MEANING MOVEMENTS OF LEGAL CONCEPTS (NARROWING, EXPANSION OR INDIVIDUAL APPLICATION) IN THE WORKS OF GRIGOR TATEVATSI

**Susanna Grigoryan**

**Institute of Language of the RA National Academy of Sciences**

**Yerevan, Armenia**

**e-mail: [susanna7494@gmail.com](mailto:susanna7494@gmail.com)**

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*Some legal concepts, as evidenced by the early grabar (ancient Armenian), later appeared with shifts in meaning, narrowing or expanding, often also moving away from the original meaning, as we have in the case of the word "ojit" ("dowry"), which originally meant a gift brought by the bridegroom to the bride, and later he became an inheritance from his father's house, brought by the bride. We fixed the author's new use of the word GITHWORN (githwor, Guilty), since the grabar (ancient Armenian) dictionaries do not testify, and Grachya Acharyan in "Armenian root dictionary" mentions only the use of Grigor Tatevatsi in the ". According to the author, the word "apaharzan" is a legal concept that has lost its force in its time.*

**Key words** – Judgement book, legal act, order, inheritance law, mandatory-prohibitive orders, dowry (ojit), share of paternal property (bajinq).

Grigor Tatevatsi's works and analyzes in addition to being valuable source information, 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.

In the article, we tried to analyze the applications some of legal concepts in the works of Grigor Tatevatsi the differences in semantic applications compared to the Old armenian (grabar) word forms, the narrowing and expansion of the word meaning. We have tried to pay special attention to those idioms, which in this or that dialect appeared by narrowing or expanding the meaning of the word, or have original author's usage.

We have examined the word «օճիւս» (ojit) "dowry" from customary law (here, in the sense of inheritance law).

One of the famous armenologists of the time, Nicholas Adontz, in his work "Armenia **in the age of Justinian**"[4: 208], examined in detail the problem of state, legal regulation of marital

relations in medieval Armenia and made interesting remarks, particularly regarding customary law. Referring to the short stories published by Justinian "On the Inheritance Law of Armenians", one of which declares that Armenian women are deprived of inheritance rights, he writes: "The presence of the word «**օժիտ**» (**ojit**) "**dowry**" in grabar (Old armenian) in the sense of the **bride's share** makes Justinian's claims that Armenian women married without **dowry** extremely doubtful. The mentioned word belongs to non-Aryan elements of the Armenian language, that's why its antiquity is beyond doubt"[4: 216]. Then in the footnote, he adds fleetingly: "It is possible that the word «**օժիտ**» (**ojit**. "**dowry**") is also used in Armenian in the sense of the gift that the groom gives to the bride, as in Assyrian [4: 217] "

Adontz's not so convincing conclusion is confirmed by the following testimony of Grigor Tatevatsi. In the "Summer volume of "Book of Sermons" he writes: "Three things should be given to the bride. i.e. share, dowry and gifts: (բաժինք, օժիտք և պարզևք - bajinq. ojit. pargevq): the share was given for wedding expenses by father, the dowry was given by the groom, and the gifts were given by the relatives" [2: 203]. So the dowry (օժիտ, ojit) was given by the groom, from the bride's father's house was called a share, which was inferior in volume and weight to the dowry, because it was intended to cover the wedding expenses, then all three gifts were presented to the bride, i.e. the future housewife. In any case, it is beyond doubt that in the 14-th and 15-th centuries, when Grigor Tatevatsi lived, the dowry continued to exist as a gift given by the groom to the bride. In the Bible [3:... ] we find this word used in this sense several times.

Thus, by combining the facts, we can talk about the word "ojit" ("dowry") as a native armenian word. It was originally called the gift that the groom gave to the bride. It was probably much more weighty than the share given by the girl's father, because firstly, the share was given to cover the wedding expenses and secondly. Later, when the «**օժիտ**» (ojit) "dowry" by the groom had already stopped, it took the place of "the share" as a name, almost pushing the latter out of use. In modern Armenian, բաժինք "bazhink" in its original meaning, that is, in terms of the income given by the girl's father, has been preserved in the Karabakh-Goris dialect in the forms "pezhink, pazhink" (պէժինք, պաժինք) [5: ...].

In another case, talking about the divorce, (սպահարզան, apaharzan) in the chapter "What Was the Writing of Divorce?" (սպահարզան. apaharzan) in "Book of Questions", the author

the author gives a historical explanation, because in his opinion the divorce was caused by certain circumstances.

Asks a question: «why did the Mosaic Law allow divorce», but the New Law did not? The answer is related to another question asked later: «how should the marriage be performed?» "The idea here is that the bride and groom should see and like each other by heart and will before the marriage, and then get married" [1: 610]. Here, in fact, we have the predominance of a pre-made choice, which presumably, according to the author, would not lead to divorce, and according to Tatevatsi, the Mosaic Law was to prevent murder: "Moses gave the right for the spouses to give each other a divorce letter. And this was because of their cruelty; so that there should be no murder" [1: 400]. as according to that logic, if the principle of own will was not kept from the beginning, then forcing an incompatible couple to live together would probably lead to the above-mentioned crime under certain circumstances.

In other words, according to the author, the word "unmarried" (apaharzan) is a no longer valid legal concept.

He ordered six cities to be sheltered and given to priests: three in the land of Canaan, three beyond the Jordan. And 42 from other surrounding areas, making 48. So that those committing involuntary manslaughter may be freed while the priest is alive. And when the priest dies, they should go to their places... And still the Georgian nation keeps this, because the sinner is freed by entering the church [1: 392]. (translaid by Susanna Grigoryan)

We have a new word GITHWORN («githwor». Guilty), because the Old armenian dictionaries do not testify, and the only dictionary, Hrachya Acharyan's "Armenian Root Dictionary", only testifies to the author's use of Grigor Tatevatsi. Acharyan refers to the word under the article «Գայթ» GAYT, referring to Grigor Tatevatsi and the Amaran volume of "Book of Sermons " and "Book of Questions ", that is, there is no doubt that the only source of this word is Grigor Tatevatsi.

The testimony is interesting to the extent that it refers to one of the circumstances of the crime in the Middle Ages. it refers to the formed city-shelters, where the apparent criminal (in this case, the unwitting criminal) was able to avoid responsibility, and as Tatevatsi testifies, in Georgian reality, that function was performed by the church.

A city of refuges mentioned in the Bible, so that those who committed an involuntary murder, sheltering inside city, could avoid punishment; According to the author, the church performed this function at least in the 14th century in Georgia.

Cities of refuge, mentioned in the Bible, so that those who committed an involuntary murder, sheltering inside the city, could escape punishment; According to the author, (that is, at least as early as the 14th century) in Georgia, the church performed this function.

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**Сусанна Григорян**

### **Смысловые движения правовых понятий (сужение, расширение или индивидуальное применение) в трудах Григора Татеваци**

#### **Резюме**

Так, некоторые юридические понятия, о чем свидетельствует ранний грабар (древноармянский), в дальнейшем появлялись со сдвигами в значении, сужаясь или расширяясь, нередко также отдаляясь от первоначального значения, как это мы имеем в случае со словом "ojit" («приданое»), которое первоначально означало подарок приносимый женихом невесте, а впоследствии ставший из отцовского дома уделом, приносимым невестой.

Мы зафиксировали новое авторское употребление слова GITHWORN (githwor, виновный), поскольку грабарские (древноармянские), словари не свидетельствуют, а Грачья Ачарян в «Армянском корневом словаре» упоминает только употребление Григора Татеваци. По мнению Григора Татеваци, слово "araparzan" является в его время утратившим силу юридическим понятием.

**Ключевые слова-** Судебная книга, правовой акт, порядок, право наследствия, обязательные-запретительные указания, приданное (ожит), доля из собственности отцовского дома (бажинк').

**Рецензент :** профессор Бела Хабеишвили