

THE TEACHER OF TEACHERS FROM THE HISTORY OF GEORGIAN LAW

**(This letter is dedicated to the 120th anniversary of the
birth of Professor Ivane Surguladze)**

A wise man once said that all grown-ups were once children, and truly, if a Georgian was always surrounded by parental love and the cordiality of friends and relatives in childhood and by the zest of the auditoriums in his alma mater in youth, he, in fact, should never express disappointment with the world. But it can't be helped that I have never stopped regretting, until now, not attending the lectures of the Teachers of Teachers, the grand masters of the history of Georgian law – the great *Ivane Javakhishvili*, *Aleksandre Vacheishvili* (1886-1964), *Ivane Surguladze* (1903-1983) and *Isidore Dolidze* (1915-1984). My only relief is that, due to my academic and educational activities, almost every day I visit their rich creative legacy and, thanks to them again, I have never left the complex labyrinths of the millennia-long history of the Georgian state empty-handed.

The creative legacy of Professor Ivane Surguladze, one of the founders of academic research in the history of Georgian law, is distinguished even among this magnificent constellation of Georgian scholars, due to the depth of his research, the originality of his viewpoints, and thematic diversity or extent. It is the 120th birth anniversary of this great scholar this year¹ and I would like to thank the editorial staff of the journal *Iustitia*, its founders, and all those who have made it possible to remember once again and pay tribute to the memory of this great patriot, to a worthy person who, despite many obstacles and under conditions of strict Soviet censorship, managed to succeed and set the most important goal for the school of young Georgian law historians, which was founded under his leadership, to study and exhibit the legal heritage of their own country at high academic level, instead of the ideals of Marxism-Leninism. As Prof. Vakhtang Abashmadze wrote: ‘although the academic disciplines of Kartvelology and law were founded by Ivane Javakhishvili, the *Chair of the History of State and Law* at Tbilisi State University acquired *Kartvelology* and a *legal nature* only after it was headed by Prof. I. Surguladze in 1947’².

No other result would be expected, considering that when Mr. Ivane Surguladze became a student of the Legal Section of the Social and Economic Faculty at Tbilisi

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1. Prof. *Ivane Surguladze* was born on 10 January 1903 in the village of Chanieti (Ozurgeti municipality) to the multi-child family of Iulon Surguladze and Atato Lomjaria. He was the youngest of 5 siblings (2 brothers and 3 sisters).
 2. *Vakhtang Abashmadze*. The Life and Work of Ivane Surguladze, the letter was enclosed as a foreword to the book of Prof. Ivane Surguladze published after his death: *From the History of Georgian Political Doctrines*, TSU Press, Tbilisi, 1986.6

State University in 1924, his guides to the wonderful world of scholarship were *Ivane Javakhishvili*, *Shalva Nutsubidze*, *Luarsab Andronikashvili*, *Giorgi Naneishvili* and *Irodion Surguladze*. Primarily, they were exactly the persons whose ‘fault’ was that this young man, immensely in love with his homeland, carried the sorrow caused by Georgia’s lost independence – as Prof. Mikheil Kekelia put it nicely – in his heart ‘wrapped up in embers’ until the end of his life³.

We consider that most of all, it was exactly his love for the homeland, and his striving for academic excellence, and generally for everything innovative that would irritate the Sovietised party leadership of Georgia. At the beginning, he was held in detention for several months. But when his former student informed him shortly after his release that they planned to send him back to prison, as his relatives and friends said (Mr. Ivane Surguladze himself avoided talking about Soviet repression), it can be said for sure that he was saved from death thanks to his forced separation from the homeland.

In the years 1936-1942, the young scholar lived and pursued his academic and educational activities in the Russian Federation, firstly in Leningrad (now St. Petersburg), at a branch of the All-Union Correspondence Legal Institute. In 1940, he defended his thesis for a Candidate Degree in Leningrad with a specialty in the History of State and Law⁴. Following that, he delivered lectures at the Legal Institute in Sverdlovsk (now Ekaterinburg) for several years. Only in 1942, after 6 years of separation, could Mr. Ivane Surguladze return to Georgia. In 1946, he succeeded in defending his thesis for a Doctor’s Degree on: *The State System of Kartli at the Turn of the 17th-18th Centuries*, while in 1947, he became Head of the Chair of the History of State and Law at Tbilisi State University, which he headed until his death, October 10, 1983.

At the end of the 1940s, some beneficial changes happened in the personal life of Mr. Ivane Surguladze, too. He married and started a beautiful Georgian family together with Mrs. Eter Tugushi. Nugzar Surguladze, now a prominent academic, Professor of the Law Department at Tbilisi State University, is their son. And Mr. Ivane Surguladze’s daughter, Ketevan Surguladze, has been pursuing academic and educational activities for decades at the Department of English Philology at the same University.

The first great success in his creative activities came several years after his return to the

3. Collection dedicated to the 90th anniversary of the birth and the 10th anniversary of the death of Prof. Iv. Surguladze: *Georgian Customary Law*, Book IV, Ed. *M. Kekelia*, Tbilisi, Publishing House Metsniereba, 1993. 3.

4. It is significant that the earliest academic publications of Prof. Iv. Surguladze we have found and that were published as early as in the 1920s are dedicated to the topical issues of only criminal law and criminal procedure (see 1. Regarding the New Project of the Criminal Procedure Code of the Russian Federation, magazine *Sabchota Samartali* (Soviet Justice), 1928. N: 6, 140-143; 2. Regarding the General Part of the New Criminal Code), magazine *Sabchota Samartali*, 1928. N: 11, 269-271, and 3. Regarding Individual Crime, magazine *Sabchota Samartali*, 1928. N: 18, 434-438); so no letters regarding the history of law. Consequently, we don’t exclude the fact that the so called ‘party justice’, or rather the learning of its cruelty and unfairness to his cost, later acquired decisive importance in Mr. Ivane Surguladze’s making a preference between the positive branches of law (same criminal law) and the history of law. It was obvious that under the Soviet regime, the millennia-long history of Georgia could offer to the young scholar far more opportunities and more creative freedom for study and research than any other branch of the positive law.

homeland. This was the fundamental study that Prof. Ivane Surguladze published in 1952 – For the History of the State and Law of Georgia. The work became a bibliographical rarity immediately after publication and even today, decades after it was published, it is the bible for readers interested in the history of law. The work begins with a vast and extremely interesting review of sources relating to the study of the history of Georgian law. It starts with Herodotus, who was called the ‘father of history’, then goes on with the great literary texts of Georgian hagiography, of medieval secular law and church law, and ends with the works of prominent or less famous Georgian and foreign academics of the 19th-20th centuries, considering the contributions each of them made to the development of the field and the mistakes they made during their academic studies. The work describes and characterizes, in a never-seen-before entirety, in terms of both volumetric and academic study, the central and local government institutions of the late feudal kingdom of Kartli (the king, council, king’s secretariat, law enforcement community, king’s guards, court, state officials of peculiar nature, administration of local officials of villages and towns), tens of civil service posts (positions), and finally, based on the study results, describes the specifics of life within the state system of feudal Georgia.

As we have already mentioned, this excellent book saw the light of day during the post-war period. Victory in World War Two changed much in the lives of Soviet people, too. A hope emerged that the bad practices of ‘informing and repression’ would be left behind for good. But, as became clear, it was only at first sight. In 1952, a long letter – Against the Historical Truth, was published in the all-Union newspaper ‘*Izvestija*’. In this letter, the monograph of Prof. Iv. Surguladze, which was much-lauded by us, was evaluated as an ‘incomplete and low-quality publication distorting the historical truth’. As for the scholar himself, the authors of the letter, S. Ivanov, P. Korkia and A. Antoshin, vehemently demanded that the ‘doors of the republican publishing houses were tightly shut⁵ for him because of his ‘disregard of Marxist methodology’ and the ‘idealization of the past of Georgia’ in his study of legal issues.

Sadly, Mr. Ivane Surguladze never was short of such ‘well-wishers’ until the end of his life. As Prof. Mikheil Kekelia sorrowfully noted – ‘his worthless compatriots would remind him with a threat, until his last days, of his allegedly “dubious past”⁶. They did not forgive the Georgian scholar until the end of his life the fact that, despite their repeated attempts, they were unsuccessful in persuading him to join the Communist Party. Irrespective of the above mentioned, the scholar, extremely in love with his country and people, never betrayed the choice he had once made and very productively kept on carrying out his academic and

5. Газ. „Известия“, 12 Августа, 1954. № 191 (11570). See the complete version of the mentioned letter, together with its Georgian translation by *Natia Sirdadze*, a master’s student of the TSU’s Legal Department, in the collection dedicated by Tinatin Tsereteli State and Law Institute to the memory of Prof. Ivane Surguladze – *Essays on the History of Law and Political Thought*, Book III, Ed. *G. Pheradze*, Tbilisi, 2015. Publishing House Meridiani. 733-740.

6. Collection dedicated to the 90th anniversary of the birth and the 10th anniversary of the death of Prof. Iv. Surguladze: *Georgian Customary Law*, Book IV, Ed. *M. Kekelia*, Tbilisi, Publishing House Metsniereba, 1993. 3.

educational activities until the end of his life. *Over 200 academic works* are a proof of the aforementioned (up to 20 of them are text-books and monographs), without which the branches of the science of law, like the History of the State and Law of Georgia, the History of Political Doctrines of Georgia, are just unimaginable⁷.

Moreover, as Prof. Valerian Metreveli mentioned, it was Ivane Surguladze who laid the foundation for the *History of Political Doctrines of Georgia* as a teaching and scientific legal discipline⁸. Thanks exactly to his tireless work that, up to the present, hundreds of young lawyers annually gain knowledge within the walls of their alma mater from the century-old treasures of the Georgian nation, starting from the excellent monuments of Georgian hagiography of Iakob Tsurtaveli and Ioane Sabanisdze, and ending with the legal viewpoints of the political parties, established at the turn of the 19th-20th centuries, or their leaders, and of world-famous Georgian politicians⁹.

We would like to emphasize that the evaluations we have made in terms of the depth of research and academic bona fides equally relate to the works of Mr. Ivane Surguladze in the *History of Law* as well as in *Philosophy, Theory, Source Studies*, etc. Thus, for instance, we can name the following documents that he examined as monuments of academic research in Georgian source studies: Charters of the King of Opiza and the King of Kings Giorgi III; the Charter of the Duke of Ksani of 1470 for Largvisi Monastery; the Order of King Svimon of 1590 on *Mekobretmdzebneli* (robber hunter); the court verdict of 1620 on the case of *Grand Mouravi* and the Javakhishvili family; the legislation of Ioane Batonishvili (Bagrationi); the ‘Review’ of Davit Batonishvili (Bagrationi), etc. The following extremely interesting letters were prepared by the Georgian scholar for the Georgian Soviet Encyclopedia: about the institutes of Atabagi (governor of a province), Amirspasalari (commander-in-chief), Amilakhvari (head of horse stable), Amirejibi (head of royal doorkeepers), Gziri (village elder’s assistant), Veziri (vizier), and other very interesting state official institutes.

Without doubt, Mr. Ivane Surguladze’s huge work over the book – *The Monuments of Georgian Law* (1970) is worth appreciating separately. It is a monograph of nearly 1 000 pages, which may be considered one of the best works of the past century on the history of Georgian law. The work includes the academically ascertained texts of the two precious monuments of Georgian state law: the Regulations of the Royal Court and the

7. See the full list of the works of Prof. Ivane Surguladze in the collection dedicated by Tinatin Tsereteli State and Law Institute to the memory of Prof. Ivane Surguladze – *Essays on the History of Law and Political Thought*, Book III, Ed. G. Pheradze, Tbilisi, 2015. Publishing House Meridiani. 741-790.

8. V. Metreveli. Foreword to the text-book of Iv. Surguladze *Essays from the History of Political Doctrines of Georgia*. Tbilisi. 2001. 3.

9. We would like to tell the story of Mr. Ivane Surguladze’s son, Prof. Nugzar Surguladze, when, at the end of the 1970s, he came back home in the evening and saw the table, where Ivane Surguladze and the academicians *Akaki Shanidze* and *Shota Dzidziguri* were celebrating ‘with a glass of wine’ the joyful news received from ‘the centre’ about the subject introduced by Mr. Ivane Surguladze – the History of Political Doctrines of Georgia – being permitted for teaching at Tbilisi State University.



Dasturlamali, with studies, vocabularies, indices, and the Russian and German translations of the study results¹⁰.

We have mentioned foreign languages and it is impossible to avoid speaking about the merit of Prof. Ivane Surguladze in terms of ensuring that the monuments of the history and law of the state of Georgia were translated and published in foreign languages and that they were available to foreign readers. In the first place, we must underline the long monograph he published in 1968 in the Russian language – The History of the State and Law of Georgia. This was the book which made the rich past of Georgian statehood and the Georgian people available to millions of multinational Soviet readers. It is important that the book was translated into the Serbian language soon after publication and its full version was published in 1971 in *Belgrade* („Историю Државе и Права Грузије“). In 1972, Mr. Ivane Surguladze's letter, dedicated to Shota Rustaveli's political viewpoints¹¹, was printed in the Kartvelologic academic journal *Bedi Kartlisa*¹² in Paris in the German language. And in 1975, the same magazine published his another work, now in the French language, which was dedicated to the Charter of Giorgi III of 1170¹³. We must mention the German translation of the *Regulations of the Royal Court* by Prof. Iv. Surguladze, which was published in 1973 in Paris¹⁴. The same year, based on the Russian text by Ivane Surguladze, the Serbian translation of the *Regulations of the Royal Court* was issued in Belgrade, the capital city of Yugoslavia („Правилник Царевог Двора“). And in 1982, shortly before the death of the scholar, the magazine *Georgika* published Mr. Ivane Surguladze's letter – About the State System of the United Georgia (X-XV)¹⁵ in the German language. In 1993, at the 10th anniversary of the death of Mr. Ivane Surguladze, his daughter Ketevan Surguladze, based on the text he had established, published the English translation of The Regulations of the Royal Court with the foreword, glossary, notes and commentary¹⁶.

10. Iv. Surguladze. The Monuments of Georgian Law, Tbilisi, Publishing House Sabchota Sakartvelo, 1970. It is important that the book contains the Georgian text of the Regulations of the Royal Court as well as its Russian translation by Ivane Surguladze and Ekvtime Takaishvili at various times and *independently of each other*. The said book was exactly the one Prof. Giorgi Nadareishvili wrote about with inspiration in 1972 that the significance of both translations of the Regulations of the Royal Court for the academic society interested in Georgian culture is just immeasurable (see the full version in magazine *Mnatobi*, 1972. N: 3. 192). As for the Dasturlamali, this time we will only emphasize the meaningful fact that the scholar, in order to ascertain the text, was guided by 15 *manuscripts* found at different times in the archives of Georgia and Leningrad.
11. I. Surguladze. „Über die politischen Anschauungen Schota Rustaveli“, „Bedi Kartlisa“, revue de kartvelologie, vol. XXIX-XXX, Paris, 1972, 344-347.
12. *Bedi Kartlisa* - the magazine was started in 1948 in Paris. It was being published in the Georgian language until 1958. Later it was decided to publish letters in the French, German and English languages. Since 1985, the magazine has been published under a new name („*Revue des Etudes Georgiennes et Caucasiennes*“). Kartvelologists from all over the world work for the magazine. Therefore, the significance of this foreign publication in the popularization of Georgian culture abroad is very high today as well.
13. I. Surguladze. „Un Dokument important de L'histoire du Droit ge'orgien: La charte du roi Georgie III (1170)“, „Bedi Kartlisa“, revue de kartvelologie, vol. XXXIII, Paris, 1975, 216-223.
14. I. Surguladze. „Die Hausordnung des Konigshofes“, „Bedi Kartlisa“, revue de kartvelologie, vol. XXXI, Paris, 1973, 225-245.
15. I. Surguladze. „Die Staatsordnung des vereinten feodallen georgiens (X-XVh.)“, „Georgica“, Heft N5, Jena-Tbilisi, 1982, 70-71.
16. The Regulations of the Royal Court – the Georgian and Russian texts, the English translation, the foreword, glossary, notes and commentaries have been made by K. Surguladze, Tbilisi University Press, Tbilisi, 1993;

We have to note with a sore heart that the bulk of the works (over 3 000 printed pages) the great scholar wrote on issues of the history of the state, civil or criminal law still remains unpublished as of today. We console ourselves that there are already activities in progress at the History of Law division of the Law Department of Tbilisi State University with the aim of publishing them, and hopefully this precious part of the creative legacy of the great scholar will also see the light of day soon.

In the end, we must separately emphasize and express appreciation for the contribution the great scholar made to the education and development of the Georgian legal community. *Fifteen theses* (5 of them for a doctor's degree) were prepared under his supervision and were successfully defended at Tbilisi State University, not to mention the *thousands of young people*, who became familiar with the rich world of homeland history within the walls of their alma mater over decades thanks to his lectures, seminars and text-books; with a world in which the pages from the history of Georgian law and Georgian political doctrines replace and supplement one another. Starting in the 6th century, with excellent pieces of eloquence from Aetetes, Fartadzi, and Colchian state prosecutors; with the Church Fathers from Opiza and Mijnadzor monasteries, who participated in the court proceedings held in the 11th century; with the records appropriate for the 'absolute monarchy' of a Georgian high-rank official of the 14th century about the state mechanism or very significant state official institutes, including about the functional load of the *unique institution of Teacher of Teachers*; with 17th-century Tbilisi separated from the European family, with Khosro Mirza's (King Rostom) palace attractive from outside, however distressed on the inside because of the intrigues and slaughter of Georgian patriots; with the King Erekle II, who was abandoned by the 'Imperatritsa' (Empress) of Russia, and defeated by Agha Mohammad Khan in 1795, together with the idea of the independence and unification of Georgia; with Iagor Chilashvili, the genius of state officialdom and the first Georgian supreme prosecutor in the 19th century, and finishing with Ilia Chavchavadze, who was assassinated at the beginning of the 20th century by the enemy for his love of the homeland. That is why we mentioned in the beginning of this letter the regret about not attending Mr. Ivane Surguladze's lectures, or what the three wise men were celebrating 'with a glass of wine' in the Surguladze family at the end of the 1970s, and why Professor Ivane Surguladze is the Teacher of Teachers of the Nation's invincible army that lead Georgia to its independence at the end of the 20th century.

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