

UDC 941:329(479.25)

Պատմություն

Malik. TELUNTS

Lawyer, Doctor of History, Chief of the Chair of History and Law at Goris State University RA, Doctorate of Law at Yerevan State University .

JOSEPH EMIN'S LEGAL POLITICAL AND NATURAL LEGAL VIEWS. SOME STATE SOVEREIGNTY AND GOVERNMENTAL PROBLEMS IN EMIN'S LIBERATION POLITICAL PROGRAM

Մ.Թելունց

**ՀՈՎՍԵՓ ԷՄԻՆԻ ԻՐԱՎԱՔԱՂԱՔԱԿԱՆ ԵՎ
ԲՆԱԴԻՐԱՎԱԿԱՆ ՀԱՅԱՑՔՆԵՐԸ.
ԻՆՔՆԻՇԽԱՆՈՒԹՅԱՆ ԵՎ ԿԱՌԱՎԱՐՈՒԹՅԱՆ
ՁԵՎԵՐԻ ԽՆԴԻՐՆԵՐԸ ՀՈՎՍԵՓ ԷՄԻՆԻ ԱԶԳԱՅԻՆ-
ԱԶԱՏԱԳՐԱԿԱՆ ՔԱՂԱՔԱԿԱՆ ԾՐԱԳՐՈՒՄ**

Հորվածում քննվում են հայ ազգային-ազատագրական շարժման գործիչ, նշանավոր լուսավորիչ-դեմոկրատ Հովսեփ Էմինի իրավաքաղաքական հայացքները: Հովսեփ Էմինը (1726-1809թթ.) այն քաղաքական գործիչ մտածողներից էր, որոնք իրազեկ էին իրենց դարաշրջանի առաջադիմական գաղափարներին՝ տողորված այդ գաղափարներով: Հնդկաստանում ստանալով ընդհանուր անգլիական կրթություն, իսկ Լոնդոնում՝ ռազմական, սերտ կապեր հաստատելով ժամանակի անգլիացի նշանավոր մտածող Էդմոնդ Բյորքի հետ, նկատելիորեն կրելով նաև վերջինիս գաղափարական ազդեցությունը, ինչպես և Ելիզավետա Մոնտեցյուի նշանավոր ստիլում, այնպես էլ անմիջական ուսումնասիրությամբ իրազեկ դառնալով 17-18-րդ դարերի անգլիական և ֆրանսիական առաջադեմ մտածողների հայացքներին, անգլիական-եվրոպական ազատամիտ գաղափարներով ներշնչված՝ 50-ական թվականների վերջին և 60-ականների սկզբին գալիս է Անդրկովկաս ու Հայաստան՝ ձեռնամուխ լինելու ժողովրդի մոտ այդ ազատամիտ գաղափարները տարածելու և նրանց թուրք-պարսկական բռնակալությունների լուծը թողափելուն ուղղված պայքարի հանելու գործին: 1792թ. Լոնդոնում, 1918թ. Կալկաթայում անգլերեն լույս տեսած հուշեր-խորհրդածություններում արտահայտված են Էմինի

իրավաբանական՝ բնահրավական գաղափարները, մտքերը, որոնց էլ անդրադարձ է կատարվում սույն հոդվածում:

Բանալի բառեր՝ լուսավորիչ Հովսեփ Էմին, Հայաստանի պետական անկախության վերականգնում, Հայաստանի ազատագրումը թուրք-պարսկական լծից, Պետրոս Մեծ Ելիզավետա Պետրովնա, Եկատերինա Մեծ:

М.Телуңц

**ПОЛИТИКО - ПРАВОВЫЕ И ЕСТЕСТВЕННО-ПРАВОВЫЕ
ВЗГЛЯДЫ ИОСИФА ЭМИНА. ВОПРОСЫ СУВЕРЕНИТЕТА
И ФОРМЫ ПРАВЛЕНИЯ В ОСВОБОДИТЕЛЬНО-
ПОЛИТИЧЕСКОЙ ПРОГРАММЕ ИОСИФА ЭМИНА**

В статье обсуждаются политико - правовые и естественно-правовые взгляды известного - армянского политического деятеля, просветителя **Иосифа Эмина** (1726- 1809г.).

Во второй половине XVIII века борьба за освобождение и восстановление государственной независимости Армении получила новый импульс. Под заметным влиянием, свободомыслием „Века Просвещения” - армянские деятели второй половины XVIII века выдвигали прогрессивные идеи о естественном равенстве всех людей, о необходимости устранения феодальных порядков, о правах и свободах человека и т.д. Вместе с этим, одновременно, армянские деятели предпринимали активные шаги направленные на освобождение Армении из-под турецко-персидского ига. Этому стремлению во многом способствовала, в качестве стимула, армяно-русские дружественные связи, которые стали более активными и тесными при Петре Великом, доброжелательная политика которого по отношению к армянскому народу и в целом к народам Закавказья; в частности, готовности России при возможности содействовать этим народам освободиться от невыносимого турецко-персидского ига. С вышеуказанной целью Эмин в 60-х годах 18-го века дважды побывал в России, в том числе в Москве и Санкт Петербурге и получил одобрение со стороны русского двора, лично императрицы Елизаветы Петровны, о которой он говорит с особой теплотой и признательностью, Екатерины Второй, канцлера Воронцова и др. Наряду с практической деятельностью в Армении, в России и в Грузии Эмин оставил и интересные политико-правовые, просветительское наследие о котором вкратце изложено в данной статье. Передовые мысли, взгляды Эмина: записки- размышления, были отражены в изданной отдельной книге на английском языке (Эмин получил английское образование в Индии и в Лондоне); в 1792г. в Лондоне и переизданной в 1918 году в Калькутте, под названием „Жизнь и приключения Иосифа Эмина”.

Ключевые слова: просветитель Иосиф Эмин, восстановление государственной независимости Армении, освобождение Армении из-под турецко-персидского ига, Петр Великий, Елизавета Петровна, Екатерина Великая.

The discussion above broaches the views of the forward-thinking democratic figure, Joseph Emin, whose contributions helped to bring about the Armenian national liberation movement. Joseph Emin's awareness of the progressive ideas being formed shed light on his efforts to help liberate Armenia. Emin used his experiences in India and England, his associations with luminary thinkers such as Edmond Byrce (Edmund Burke) and [Elizabeth Montague], his familiarity with French and English authors of 17C and 18C to bring to the

Transcaucasus liberal ideas, which would help the Armenian people (and others) defend themselves from the Turkish-Persian tyrannies. The ideas expressed in his memories, published in London in 1792, and in Calcutta in 1918, have been the central focus of this discussion.

Key words: *educator Joseph Emin, restoration of the state independence of Armenia, liberation of Armenia from the Turkish-Persian yoke, Peter the Great, Elizaveta Petrovna, Catherine the Great.*

A political luminary, Joseph Emin was one of Armenia's most outstanding thinkers. Through the dissemination of his legal and political beliefs, he has come to symbolize the most indissoluble parts of the Armenian liberation movement of the 18C.

The Eminyan family, which had previously migrated to Persia during the reign of Shah Abas (17C), escaped to India in order to avoid the despotic yoke prevalent in that nation at that time. In 1726, still a young man, Emin, who was born in Hamadan, traveled to Calcutta, India where his father had settled and worked as a trader.

After receiving his early education from the local English College, Emin, in opposition to his father's wishes, moved to England in the early fifties in order to receive a military education, which would help him contribute to the liberation of Armenia from Turkish and Persian control. Or, as he frames it, "to serve root and branch (fully) his people who were a flock of shepherdless lambs."¹

In England, he began to realize his political program for the liberation of Armenia. After finishing his military education at the Military Academy, he served in the Seven-Years War (1756-1763). Emin, attending Elizabeth Montague's educational club, formed contacts with many notable thinkers of this period such as Edmond Byorc (Edmund Burke) and others. He befriended progressive thinkers and studied their works, which had been inspired by the English parliamentary system.

During the sixties, after trying alone to begin a movement against the Persian-Turkish dynasts, Emin recruited the Georgian King, Heracles II, and the priest of the St. Karabet monastery, Hovnan. Together, Emin hoped to create an Armenian or Armenian-Georgian independent united nation. Unfortunately, their efforts were in vain; before the end of the sixties, Emin had to leave Transcaucasus region, relocating to India. Not long thereafter, Emin passes away in Calcutta, August 9, 1809.²

Along with other thinkers of the period (such as Shahamiryan and Baphomiryan), Emin's basic beliefs were deistic: he believed that God creates everything and equally imparts to man the gifts of thought and intelligence and the ability to manifest honesty,

¹ See "The Life and Adventures of Joseph Emin" (p. 118). Original translation into English by **J. Khashmanyan**. Publishing House: Mshak, Beirut, 1958(in Armenian). About Emin's life and activity, see "Joseph Emin," **A. Fohannessyan**. Published at Yerevan State University, Yerevan, 1945. Republished in Yerevan, 1989(in Russian), **M. Telunts**, "Armenian National Liberation Movement and Legal/Political Thoughts in the Second Half of the XVIII Century." Published in Yerevan, 1995, Gitutyun (Science) of National Academy of Science (NAS) (Master's thesis). Yerevan, 2005, Library of the Institute of History(in Armenian).

² See "The Life and Adventures of Joseph Emin an Armenian" (p. 518). Printed and published by Baptist Mission Press, Lower Circular Road, Calcutta, 1918. Emin's memoirs were first published in London, 1792(in English).

[perfection], kindness, and [legality]—or, the ability to create one's own life with a social system, which, naturally, would include a system of law. [In addition, he believed that nature and God are unified entities.] Thus, in line with his deistic beliefs, Emin developed his opinions on the belief of the equality of all men.

The beliefs that humankind perceives injustice, violence, exploitation, oppression, and inequality were thought to derive from ages immemorial. In line with this thinking, persons creating such laws violated a human paradigm.

Thus, it can be deduced that natural rights of equality are fundamentally rational and human[e]. Some examples that exemplify this point take place in the second century (BCE) when masses of people revolted against the Egyptian state and took its "divine" Pharaoh hostage.¹ Similarly, revolts led by slaves in Rome (by Spartacus), the Mazdakians, the Pavlikyans, the Tondaks, in the Dark [?] and Middle Ages, and later, in more contemporary periods of the present age [?], acted out the resultant consequences of violating these human "rights." These social revolutions corroborate the abovementioned beliefs.

The concept of natural rights was rediscovered and reconsidered in the new outlook of the 17C and 18C. Thinkers such as John Locke (1632-1704), Charles Montesquieu (1689-1755), Voltaire (1694-1778), Rousseau (1712- 1773), Radishchev (1743-1802), and others produced ideological weapons against feudalism and in so doing paved the way for the following ages. These ideas were those that helped form the Age of the Enlightenment. These thinkers' writings made an indelible impression on the minds and actions of the most notable Armenian democrats of the 18C (e.g. Joseph Emin, Movses Baghramyan, Shohamir Shohamiryan, etc.). It should be noted that this ideology directed against feudalism influenced the meaning of the natural views of legality of the abovementioned Armenian liberation figures in one other significant way: it became a weapon through which the liberation of Armenia from foreign forces was achievable.

On his way to Echmiadzin in Western Armenia, Emin spoke to Armenian villagers who were controlled by both external and internal forces that bound them obediently to superstition and "holy fear." Emin maintained that God created men as equals and that all men must be directed by similar and proper laws of justice; he argued that no one should allow another to offend his dignity or enslave his person even if alliance was previously formed between them. In whole, Emin asserted that one must not tolerate either external or internal forms of subjugation and exploitation. In so doing, Emin attempted to excite the villagers to take arms against the foreign despots.²

Emin believed that [propaganda] is universal not only for modern citizens, but for all humanity. In ["About Freedom"], Emin chastises Armenian clergymen who preach to the population a sermon of blind obedience in wait for the Savior's arrival. Emin countered these views by using the Bible to illustrate the folly of the clergyman and pointing out that it states that men are created equally, with equally inalienable rights. In addition, Emin used Khorenatsi's text, "History of Armenians", to show that there were periods in history when Armenians were bound by no foreigners and, with their own state, were free and independent.³

¹ See **Strue V.**, "The History of the Ancient East" (pp. 165-169). *Gospolitizdat, Moscow, 1941* (in Russian).

² See "Joseph Emin" (see above), pp. 156-157.

³ *Ibid.*

Relying upon his resources, Emin illustrated to the Armenian people his position. In so doing, he inspired many Armenians to believe that they, like their ancestors and other "enlightened" Europeans, must be allowed their freedoms of equality, [dignity], and the defense thereof.¹

Emin was well received. Of his experiences he wrote, "Wherever I went, I winnowed the seeds of true religion. I was inspired by the militant soul and wonderful enthusiasm I saw in the people I addressed."²

Emin's ideas ultimately moved out of the realms of theory and were realized. As a result, people took up arms and prepared for the liberation movement (as Emin had envisioned it). Even women were ready to fight for the cause of liberation.³

Unlike Hobbes, Locke, Montesquieu, Rousseau, and others,⁴ [Emin did not compartmentalize phases of societal development by phases affecting natural and positive laws, social and state.] Rather, he considered the role of the law to be the vehicle that measures justice and freedom, saying, "Each law directed against nature destroys cities and kingdoms, leaving a virginal desert, unsettled by people."⁵ In appreciation of the European [social positive laws], Emin notes in a letter to Heracles II, the Georgian King, "They [the Europeans] have such excellent laws that no one, no matter sick or poor, can become a victim of injustice."⁶ While the sentiment herein expressed may be hyperbolic, the overall meaning conveyed is clear: Emin believed so thoroughly in these principles that he was willing to request a nation's monarch to rethink the framework of legality.

In another [chapter] in which admiration for the English Parliamentary Monarchy is expressed, Emin writes, "I continue defending my true opinion about that famous republican nation whose extraordinary laws are not only a lantern that gives light to his owner, but also like a sun that spreads its sunlight over the whole universe (our understandings)."⁷

Separating himself from many other political figures involved with the Armenian liberation movement, Emin advocates for the emancipation of Armenia by Armenians alone. Excepting Georgia and the Georgian-Armenian brotherhood,⁸ Emin strove to create a microcosm of European government, which would felicitously flourish without becoming dependent on another nation for assistance. The independence of Armenian liberation must be achieved since, according to Emin, a nation's autonomy was unattainable if it relied upon other nations for support.⁹ It should be noted, therefore, that in the creation of Emin's

¹ *Ibid.* pp. 125-131, 155-158, 233-235.

² *Ibid.* p. 158.

³ *Ibid.* pp. 266-268. Also, see "Armenian National Liberation Movement...", M. Telunts, p. 14.

⁴ See Politizdat, Moscow, 1955, pp. 163-169, *Philosophical Works of John Locke*, Social- Economical Literature Press, Moscow, 1960, pp. 18-31 (in Russian). "On Public Agreement" (pp. 14-15), Jean-Jacques Rousseau, Zhukovski Press, 1907(in Russian).

⁵ "Joseph Emin," p. 409.

⁶ *Ibid.* p. 128. Also, "The Principle of a Legal State" and Armenian Legal Political Thought, the Second Half of the XVIII Century," Banber Yerevani Hamalsarani (messenger of the University of Yerevan), 1998, W 3/96, pp. 151-152(in Armenian).

⁷ "Joseph Emin," p. 23.

⁸ In regards the opinions expressed herein, see "Armenian National Liberation Movement" by M. Telunts (in conjunction with abovementioned Master's thesis at the Library of the Institute of History NAS and the National Library of NAS).

⁹ "Joseph Emin," (pp. 182-193). Compare with "Life and Adventures," pp. 173-174.

liberation program, no foreigners appear excepting Israel Ori, Movses Sarafyan, and a very few other figures. In fact, Emin was the first and possibly the only Armenian politician after the resuscitation of the liberation movement who sought out independence for the Armenian and Georgian peoples by dint of internal initiative, organization, and employment of military forces.¹

The realization, therefore, of state autonomy must be the result of a liberation movement.² Accordingly, both the independence and autonomy are based only on the evaluation of efforts in the vein of Europe or Russia, but also on free-thinking views in line with those of the Enlightenment. This had to be achieved without neglecting to acknowledge the roots of Armenian liberalist thinking.³

In line with his proclivities for the English constitution and parliamentary monarchy, Emin and other progressive figures found a model that exhibited greater progressiveness than those systems that preserved despotic, absolute monarchies such as Turkey and Iran.⁴ This attitude was becoming increasingly commonplace among the most progressive thinkers of the 19C (e.g. Voltaire, Montesquieu, Helvesius, et al.).

[“Indeed, she [England] is happier than her neighbors,”⁵ Helvesius writes, “I have praised the English in my works very much; I shall not stop praising them until our ways of governance are better than theirs.”]⁶

Voltaire not only praised the English system of state, but idealized it. “The English,” he wrote, “who managed to limit the king's power in resistance to him, established through great effort a prudent government: one in which he is granted power in cases where he can do good and one in which his hands are bound where can cause harm. The privileged classes are magnificent: without the use of vassals or vileness, they can participate in governmental affairs without revolting.”⁷

Montesquieu was especially given to the English system of government. In particular, he praised at length the distribution of power.⁸

This system of limited government involvement possessed a double character: it revolved around progressive thinking, but it also [perpetuated the justification beyond Persian-Turkish despotic system.] This factor is central for Emin, Baghrmryan, and Shahamiryan. Beyond this, England was the only country to undergo significant social change during the 17/18C. The depth of such changes helped usher in the beginning of new system of [capitalistic bourgeois-democratic organization] affecting social, economic, and legislative aspects of civilization. The opinions arising were so overwhelmingly positive that any drawbacks, acknowledged in later periods, were entirely overlooked.

¹ Also, see the mentioned studies.

² For further reading, see “On Foreign Political Orientation” by Joseph Emin and **Telunts M. Banber Yerevani Hamalsarani**, W 3/81, Yerevan, 1993, pp. 100-110 (in Armenian).

³ For an example, see **Arevshatyan S.**, “Movses Khorenatsi and the National Autocracy.” *Historical Philological Journal*, 1990, W3 (in Armenian), **M. Telunts**, “The Legal Political Views of Movses Khorenatsi,” and “Some Questions of Jurisprudence,” 2002, W1-2 (in Armenian).

⁴ For more details, see **Telunts M.**, “Armenian National Liberation Movement,” pp. 66-83.

⁵ Helvesius, Works, Book 2, “Thought” (p. 624). Moscow, 1974 (in Russian).

⁶ Ibid. p. 629.

⁷ “Anthology of World Philosophy,” Book 2, Thought, Moscow, 1969 (in Russian).

⁸ See mentioned works of Montesquieu, pp. 177, 280-300 (in Russian).

As most progressive thinkers of the periods, Emin concentrated his energies on the improvement of education, [enlightenment], and science, seeing the inevitable evils that arise from a deficient education system.

Emin addressed Heracles II, saying, "You must know, my lord, anything not based on science [knowledge], no matter how powerful and high it may be, will prove itself a figure made of sand."¹ Elsewhere, Emin makes a similar point to the Georgian King by pointing out that European development results from its advancements in the force of wisdom, art, and education, rather than that of their arms.² In line with this reasoning, Emin advised the King to take steps most practical such as the creation of schools for young men aged sixteen and military service for those aged sixteen to twenty.³

Emin's progressive views influenced those of other avant-garde figures of Indian origin. Moveses Baghramyan and Shahamiryan expressed similar views in their works (see *Vorogayt* and *Vorogayt Parats*).

In sum, Emin's universal views of constitutional law, equality, intolerance of despotism, and the limitation of a absolute monarchy brought views from the England that were before entirely unheard of to Armenia.

Հոդվածը տպագրության է երաշխավորել խմբագրական
խորհրդի անդամ, պ.գ.դ. Վ.Մ.Ավանեսյանը:

¹ "Joseph Emin," p. 130.

² *Ibid.* pp. 127-128.

³ *Ibid.* p. 234.