

“Medieval Violence” and Legal Issues of Everyday Life in Cilician Armenia (Late Twelfth–Fourteenth Centuries)

▼ **ABSTRACT** In the lawcodes used in the Armenian state of Cilicia, there are numerous definitions of violence, which are important to be considered in the medieval context. These are in the codes of Mkhit'ar Gosh (c. 1120/30–1213) and Smbat the Constable (1208–1276). In particular, there are cases of violence defined in the matrimonial law and clauses regarding various aspects of everyday relations. What examples of violence can be found in the sources related to the history of Cilician Armenia, and how are these cases legally defined? How can these definitions reflect the multifaceted episodes of daily life in Cilician Armenia? These are the main questions discussed in this article.

▼ **KEYWORDS** Mediterranean trade, Cilician Armenia, medieval violence, episodes of everyday life, lawcode, Venice, Mkhit'ar Gosh, Smbat the Constable.

▼ **ISSUE** Volume 1 (December 2024), issue 2

1. Introduction

Since the end of the twelfth century, when the Armenian state of Cilicia was proclaimed as a kingdom, King Levon I the Great (ruled as Prince Levon II in 1187–1198 and as King Levon I in 1198–1219) concluded trade agreements with the Republics of Venice and Genoa, which were later joined by Pisa, Florence, the southern French cities of Montpellier and Marseille, as well as Catalonia and others. Cilician Armenia became an important arena of international geopolitical, economic relations and cultural flows. In Cilician cities, especially Ayas (in European sources mentioned as Laiazzo, Laias, etc.), Armenians lived side by side with the multi-ethnic population from Western European cities: Greeks, Syrians, Jews, Arabs and others (Langlois 1863; Lane 1973, 80).

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Cite this article: Zohrab Gevorgyan, “Medieval Violence” and Legal Issues of Everyday Life in Cilician Armenia (Late Twelfth–Fourteenth Centuries), *Matenadaran: Medieval and Early Modern Armenian Studies (MEMAS)*, 1.2 (December 2024), 107–122
<<https://dx.doi.org/10.1484/J.MEMAS.5.150239>>

DOI: 10.1484/J.MEMAS.5.150239

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The social changes and the development of cities in Cilicia inevitably led to the challenge of having new laws and codes for the state. There were at least two lawcodes used in Cilician Armenia from the end of the twelfth to the thirteenth centuries: the first was the *Lawcode* of Mkhit'ar Gosh (twelfth century; it was not intended especially for Cilician Armenia), and the second was written by Smbat the Constable (Gundstabl) in the mid-thirteenth century. The latter seems to be based on Mkhit'ar Gosh's *Lawcode*,¹ the *Assizes of Antioch*,² and the Byzantine law (see Smbat Gundstabl 1918, 6–7).

In the medieval Armenian society, the evolution of the *Armenian Canon Books*³ (eighth century) to the codes of Mkhit'ar Gosh and Smbat the Constable is an example of legal transformations from the dominance of Church law to relatively secular law. It is not about direct textual changes, but about transformations of legal culture between the times of creation of these codes. With the strengthening of the state system in Cilician Armenia, we can see a balancing process of religious or secular influences on laws, which does not mean that the codes of Mkhit'ar Gosh, Smbat the Constable and others were completely devoid of strong religiousness, but that it is simply a matter of certain proportion and combination of religious and secular laws (Mxit'ar Goš 2000, 12–16).

The entire legal and state management system in Cilician Armenia was built on the concept of internal and external syntheses. It was even reflected in the terminology of the names of state offices, officials, and various types of taxes and laws. For example, the offices in Cilician Armenia had names in Armenian, French, and other European languages: *mareschal* (մարաշախտ, *marajakht* in Armenian), *seneschal* (սենեսխալ, *seneskal* in Armenian), *constable* (գունդստաբլ, *gundstabl* in Armenian), *bailo* (բայլ, պայլ, *bayl*, *payl* in Armenian), *chancellor* (ջանցլեր, *jants'ler*), etc. (Bornazyan 1973, 61).

In modern historical science, the history of emotions and mentality, as well as the environmental history gain more importance. They make the study more vivid and multi-perspective, enabling deeper understanding of historical changes and the continuity between different times.

The study of the history of violence is special in terms of the following questions. What was called violence in different times and societies? How was violence formulated both at the level of personal perceptions and in legal documents? How have perceptions and legal definitions of violence changed over time? The history of violence becomes relevant in modern societies from the viewpoint of historical,

1 According to another opinion, Smbat did not rely on Mkhit'ar's lawcode, and the many similar laws in these two codes are a result of the fact that both authors used the Law of Moses (Smbat Sparapet 1958, XXII–XXIII).

2 The *Assizes of Antioch* was a collection of laws used in the Principality of Antioch. It was probably compiled in the beginning of the thirteenth century. Smbat the Constable translated the *Assizes of Antioch* from Old French into Armenian in the mid-thirteenth century (Kurdian 1962, 134–37).

3 The *Armenian Canon Books* (*Կանոնագիրք հայոց, Kanonagirk' Hayots'*) was compiled by the Catholicos Yovhannēs Ōdznets'i (717–28) as the first formal collection of ecclesiastical canons of the Armenian Church (Hovhanessian 2016–2017, 74). For a diplomatic edition, see *Canon Books* 1964 and 1971. For recent scholarship, see Shirinian, Muradyan and Topchyan 2010 and Harutyunyan 2014.

traditional perceptions of violence on the one hand, and definitions of violence in the internal codes of states and international law on the other.

In the codes of Mkhitar Gosh and Smbat the Constable, there are many examples of definitions of violence that need to be considered in medieval context, because in different times, including the Middle Ages, perceptions and definitions of violence may be different compared to those of modern societies. Moreover, these perceptions and definitions may be radically different in different societies of the same time, depending on cultural, religious, legal, and other traditions.

The examples of legal definitions of violence in the lawcodes of Mkhitar Gosh and Smbat the Constable are particularly connected with the matrimonial law, which reflects various aspects of everyday relationship. There are direct and indirect definitions of both physical and psychological violence and their legal consequences. The main research questions of this article are:

1. What examples of violence are there in the sources related to the history of Cilician Armenia?
2. How these cases are legally defined?
3. How can these definitions reflect the social relations and everyday coexistence in Cilician Armenia?

The article also aims to draw a parallel between the state laws of Cilician Armenia on the one hand and the Byzantine law and codes used in the Crusader states on the other.

The general purpose of the study of violence in Cilician Armenia is to shed light on its perceptions at the state, public, and individual levels. No comprehensive research has been carried out on the history of violence in Cilician Armenia, especially from the viewpoint of comparing the legal traditions of other neighboring medieval states. In the notes of his fundamental study on Smbat the Constable's *Lawcode*, Josef Karst referred to the formulations of violence (Karst 1905, 123, 125, 129), but this issue still needs a multifaceted analysis in a new historical approach.

In the Eastern Mediterranean, the intense political relations eventually led to legal interactions as well. The novelty of this research is to present, through the lens of the history of violence, the context in which the combinations of internal and external legal traditions in Cilician Armenia came about. This research is also of importance from the perspective of studying the transformations of legal traditions in the Armenian environment during the absence of statehood in Cilicia after 1375. Moreover, it is directly related to the legal and cultural changes taking place in other surrounding environments.

The lawcodes of Mkhitar Gosh and Smbat the Constable, as well as the Genoese and Venetian notarial documents drawn up in Cilician Armenia, served as primary sources for this study.

2. Intentional and Unintentional Murder

In which laws of the mentioned codes can we see definitions of “violence”? From those examples, I have tried to pick out episodes of relations in which the word “violence” is directly mentioned, for instance, *between men and women, teachers and pupils, children, humans and animals, doctors and patients*, etc. There are also cases of violence *towards servants and workers, suicide*, etc. Such instances in the lawcodes make it possible to form a certain idea about the daily relations, possible disputes, and regulations in Cilician Armenia. The fact that those cases are included in the state codes is evidence of their importance in the governing system of Cilician Armenia.

During the thirteenth and fourteenth centuries, the cities in Cilician Armenia developed not only quantitatively but also in terms of ethnic, cultural, and religious diversity. In Ayas, Sis, Korikos, and other cities, the increase in population inevitably led to many challenges such as the necessity of new laws. Therefore, it was no coincidence that in the middle of the thirteenth century, Smbat the Constable compiled a new and updated code after the example of Mkhitar Gosh’s *Lawcode* and the *Assizes of Antioch* (cf. Mxit’ar Goš 2000, 15).

Let us look at the definitions of violence in the mentioned forms of relations — at first, the teacher-pupil relationship, which is addressed both by Mkhitar and Smbat. Mkhitar, defining voluntary and involuntary forms of murder, writes:

Or a *vardapet* may strike his pupil moderately for punishment, or a father his son, or a mother her daughter, or a mother-in-law the bride, or a brother his brothers, or a master his servant, or the mistress her maid, or somebody someone else, whence mortal harm is caused (Mxit’ar Goš 2000, 289).

This law is about “moderate” hitting of somebody by someone, e.g., the pupil by the teacher for the purpose of discipline, and if, as a result, the pupil dies, then it is considered a non-intentional murder. The same applies to others, and the key word here is “moderate”, because in the definitions of premeditated murder of the same law, Gosh lists cases of direct intent to kill.

In the law related to the same issue, Smbat the Constable clarifies in more detail that if during the lesson the teacher beats the student in such a way that the latter dies, then he is the same kind of murderer as others and should no longer have the right to be a clergyman. However, the teacher’s religious status and the fact that the student is beaten while being taught are considered mitigating circumstances. But, if the murderer is laic, for example, when a father beats his son to death, then he should suffer a severe punishment (Smbat Gundstabl 1918, 26; Smbat Sparapet 1958, 32). Another law in the codes of Mkhitar and Smbat refers to the cases when a son beats his parents (Mxit’ar Goš 2000, 159; Mkhitar Gosh 1975, 59).

Both Mkhitar’s and Smbat’s codes contain laws regarding children or teenagers hitting or hurting each other (Mxit’ar Goš 2000, 141–42; Smbat Sparapet 1958, 139–40). If a child commits the murder, the age of that child is important for determining the punishment. In the lawcode of Smbat, if the murder is committed by a child older than 12, the punishment is the same as in the case of an adult, while for children

under 12, only half of the punishment is given, and if the child is even younger, a fine is imposed (Smbat Sparapet 1958, 139–40). Gosh’s lawcode has almost the same content. He just indicates the child’s exact age (10 years) below which only a fine is imposed. He also adds the following to that law: “Although in other crimes the canons bid that below fifteen the sins of childhood are not be remembered, in the matter of blood we have reckoned the law to be thus” (Mxit’ar Goš 2000, 141). If children accidentally or intentionally hurt each other while playing and get fractures, then the injuring party should also pay the expenses required for treatment. In Gosh’s *Lawcode*, treatment costs are called “doctor’s fee”, while Smbat speaks of “medicine price” (Mxit’ar Goš 2000, 141–42; Smbat Gundstabl 1918, 68; Smbat Sparapet 1958, 140).

As stated in Smbat’s *Lawcode*, it had to be thoroughly investigated and found out whether the murder was intentional or not: Եւ զկամաւ սպանութիւններն աշխարհական պարոնայք զիտնան, և զակամայն եկեղեցին (“Laic princes should know the voluntary murders, and clergymen the involuntary” (Smbat Gundstabl 1918, 26).

What was the meaning of the verb զիտնան (*gitnan*), which literally means “to know”? Perhaps here it has a procedural meaning, i.e., the trials of intentional murders were part of the functions of laic noblemen, and unintentional were judged by clergymen. Since the supreme judge in Cilician Armenia was still a high ranking clergyman, it is possible that only the procedure of examining the intentional murder was trusted to laics before the trial. In any case, there is a clear legal distinction between laics and clergymen.

Most definitions of violence in the codes of Cilician Armenia referred to relations between women and men and the legal status of women. These are the matrimonial ties, infidelity, rape, kidnapping of women or other cases of violence in various situations.

3. Violence as Punishment for Rape, Adultery, Bestiality, and Sodomy

E.g., the following law of Mkhitar Gosh’s *Lawcode* is about punishment for rape: “... If someone find a young virgin who is not betrothed to a man, and by force sleeps with her, let the man who slept with her give the girl’s father fifty double-drams of silver, and let her be his wife; and he will not be authorized to divorce her all his lifetime” (Mxit’ar Goš 2000, 145). Thus, regardless of the form of punishment, rape was clearly defined as a crime.

Another law of Mkhitar Gosh’s *Lawcode* is about different forms of adultery: “Concerning statutes for adulterers and other malefactors”. It states that an adulterer, even if the adultery “is willingly and by the invitation of the woman, ... is worthy of death”. However, “in accordance with our Gospel let his blood be ransomed”. And although “other judges think it right to cut off the private parts of those men, ... the law commutes that canonical punishment for a payment” (Mxit’ar Goš 2000, 144).

Mkhit'ar Gosh refers to sodomy⁴ as well. In the law “Concerning the statutes for which reasons a wife may leave her husband”, it is written that when a wife discovers her husband’s evil passion for sodomy or bestiality, or his pollution with foreigners,⁵ let her be authorized to leave him” (Mxit'ar Goš 2000, 135). However, the perpetrator is given a chance to avoid punishment for a one-time act of sodomy and bestiality, which can be explained by the fact that he was married, and the goal might have been to keep the family together. But if the act was repeated, the wife had the right to leave her husband and take half of his property. Later (in Chapter 28), Mkhit'ar says that, in some judges’ opinion, an adulterer with a married woman deserves the same punishment (cutting of the private parts) as those who commit sodomy or bestiality.

A punishment for adultery is also defined in the *Lawcode* of Smbat. Here too, according to the law, it had to be found out who the seducer was, the woman or the man. If the woman, her nose was to be cut off as a punishment, and if the man, his penis (but not testicles). Bestiality is mentioned as well, and in that case both his penis and testicles were to be cut off (թէ ընդ անասուն բռնեն, կտրեն գերկութն զձուքն եւ զձեռն, եւ ապա յեկեղեցին տան որ քաւէ — “if they catch him with an animal, they should cut both his testicles and penis and give him to the church for penitence”; see Smbat Gundstabl 1918, 52–53; Smbat Sparapet 1958, 96).

For crimes of sexual nature, castration or other types of severe punishments were widespread in both the Roman and Byzantine laws, as well as in the Crusader states of the East and in Western Europe. In particular, “the canons of Nablus resemble Byzantine legal issuances, and suggest the direct or indirect influence of the *Ecloga* ...⁶ on some of the punishments. This influence may have come via the local Greek Christian population. Castration as punishment appears in the *Ecloga*, though not specifically for the offenses for which the Nablus canons prescribe it. The punishment for adulteresses in Nablus — having the nose cut off — resembles that in the *Ecloga*, where the same punishment was applied to men as well for various offenses” (Karras 2020, cf. Kedar 1999, 313–14).

It is noteworthy that castration, amputation of nose or another part of the body for committing adultery are included in both Mkhit'ar's and Smbat's codes (see Mxit'ar Goš 2000, 144 and Smbat Sparapet 1958, 96), just as the canons of Nablus also provided castration or other maiming for other sexual crimes, in particular those across religious lines, for example, canons 12–13: “If a man is proved to have knowingly lain with a Saracen woman, let his penis be cut off, and let her nose be cut off. If a man

4 See Mxit'ar Goš 2000, 135, 144. The corresponding word in the Old Armenian text is արնուագիտություն (Mkhit'ar Gosh 1975, 40, 46, 101). Here it clearly means sexual intercourse between two men. Thomson notes that sodomy and bestiality (անասնագիտություն/անասնապղծություն) are often correlated. Most likely, the *Book of Canons* by St Basil the Great, where different kinds of sexual relations were interconnected (see Carden 2004, 134–36), was also a basis for Mkhit'ar Gosh.

5 i.e. Muslims.

6 The *Ecloga* (from Greek ἐκλογή, “selection”) is a compilation of Byzantine law issued in 726 or 741 by the Emperor Leo III the Isaurian (Freshfield 1926, X; Humphreys 2014, 2). The canons of Nablus were the twenty-five canons of the council that Patriarch Warmund of Jerusalem and King Baldwin II of Jerusalem convened in Nablus on 16 January, 1120. It constitutes the only extant body of Latin ecclesiastical legislation promulgated in the First Latin Kingdom of Jerusalem (1099–1187) (see Kedar 1999, 310).

rapes his own Saracen woman, let her be enslaved to the fisc, and let his testicles be cut off" (Karras 2020, 973). Mkhit'ar, too, clearly specifies the case of adultery with foreigners.

Benjamin Z. Kedar compares the laws of Nablus and the *Ecloga*, which condemn homosexuality; in both cases the punishment is severe, but different. In the case of Nablus, both sides, active and passive, are condemned to be burned, and in the case of the *Ecloga*, "Both active and passive partners to a lascivious act should be punished with the sword. The passive partner, if under the age of twelve, should be spared" (Kedar 1999, 314).

Also, a brief law of Smbat's code refers to the cases when a man wore woman's clothing and a woman wore man's clothing. Of course, this law did not directly refer to homosexuality, and the punishment was only damnation (Smbat Gundstabl 1918, 56; Smbat Sparapet 1958, 106; Karst 1905, 132).

4. Interactions and Borrowings between Medieval Codes

Benjamin Z. Kedar has briefly analysed the issue of interactions and borrowings between the Armenian codes, *Assizes of Antioch*, canons of Nablus, and Byzantine law, but he has not come to a conclusion as to whether these forms of punishment were transferred to the Crusader states from Byzantine law through Armenian laws or it was Smbat the Constable who borrowed them directly from the *Assizes of Antioch* when translating it. In this regard, it is necessary to quote that part of Kedar's analysis, because his point of view is persuasive.⁷

This is also true regarding, for instance, the laws on dowry. It is difficult to decide which lawcode could have more influence on the other, or to what extent the primary source was significant. Smbat the Constable translated the *Assizes of Antioch* from Old French into Armenian. The Armenian translation is the only version that exists today, since the original is lost (La Porta 2020, 183–84). Two types of women's property are mentioned in the Armenian translation: *tuayr* (տուայր) and *proyk* /*proyg* (պոյկ/

7 "Though conceivable, these possibilities seem rather far-fetched, lacking as they do documentary support. An Armenian influence is somewhat more likely. The Armenian law compiled by Smbat (Sempad) the Constable (1208–1276) imposes on adulterers virtually the same punishments as the canons of Nablus – that is, death or at least castration for the man and rhinotomy for the woman, a combination that, as I have shown, does not appear in the Byzantine codes. There is evidence that these punishments were in fact inflicted: Burchard of Mount Sion, who traveled in Little Armenia in the 1280s, reports that he witnessed there the rhinotomy of a priest's adulterous wife and the castration of the man with whom she had been apprehended. The chronological sequence allows one to assume that Smbat, who translated into Armenian the Frankish Assises d'Antioche, copied the adulterers' punishments from the canons of Nablus. But it is also possible that the canons as well as Smbat betray the influence of some unidentified variant of Byzantine law. Still another possibility is that such a variant first influenced the Armenians and then, through Armenian mediation, the Franks: let us remember that King Baldwin II, one of the conveners of the Council of Nablus, ruled the largely Armenian Edessa from 1100 to 1118 and there married an Armenian princess, and that his predecessor, Baldwin of Boulogne, punished the leaders of an Edessan conspiracy by cutting off feet, hands, noses, ears, tongues, and lips, as well as by castration and exile, that is, the gamut of punishments characteristic of the *Ecloga* and its derivatives" (Kedar 1999, 320–21).

սրոյի, see *Assises d'Antioche* 1876, 21, 47, 49, 55). The latter means “dowry” and is a loanword from Greek (προίξ, προίκα in Modern Greek). The term was probably taken from Byzantine law. The Latin equivalents of “dowry” (*dos*, *docium*, *dotale*) can be found in the documents of Genoese notarial agents, drawn up in the Cilician Armenian city of Ayas during the second half of the thirteenth century (Balletto 1989, A. No. 14, B. No. 25). Since the Old French version has not survived, it is hard to say what word for “dowry” was written there, which Smbat the Constable translated and later used in his *Lawcode* (Smbat Gundstabl 1918, 50, 57; Smbat Sparapet 1958, XXVI; Karst 1905, 140). Either it was in Old French, or the Greek word was used, which Smbat simply transliterated into Armenian.

Julius Kirshner has demonstrated that *dos*, the Roman term for dowry, had reappeared in the Italian legal language of the twelfth century and gradually ousted the German *Morgengabe*, a substantial gift given to the bride in the morning after the consummation of the marriage (see Kirshner 2015, 265) — the groom’s marriage present to the bride. According to Kirshner, the “victory” of the Roman tradition of the *dos* institute as a dowry over the German *Morgengabe* had enormous consequences for social relations and economic activities, as well as for the disposition and devolution of property (Kirshner 2015, 131). The existence of *Morgengabe* shows that, according to the custom existing in Western Europe until the twelfth century, the bridegroom gave a gift to the bride instead of receiving a dowry (Kirshner 2015, 131, 265).

With regard to the changes of terms for dowry in different laws, it is interesting that in his Armenian translation (late twelfth century) of the Syro-Roman *Code*, the Armenian writer, scholar, philosopher, state and church figure Nersēs Lambronats’i used the terms *proyg* (= *dos*) and *tuayr* (= *donatio*) (see Sukiasyan 1978, 289).

The document quoted below shows that these terms circulated in the daily life of Cilician Armenia. The passage is from the will of a Genoese man named Januino de Domo. It was drawn up in Ayas on September 27, 1277 and contains details about the division of matrimonial property with Januino’s wife Alice: “Item volo, iubeo et ordino quod Alixia, uxor mea [h]abeat et habere debeat omnia iura et rationes suas, de quibus fit mencio in instrumento dotali in litteris armenis. Reliquorum bonorum meorum, mobilium et immobilium, mihi heredem instituo Anfelixiam, filiam [m]eam”. In this will, Januino instructs the notary agent to fix that his wife Alice has all the rights to her own dowry and property (Alice’s Armenian identity is revealed by the fact that her dowry document was written in Armenian: *in litteris armenis*). Then he appoints their daughter Anfelixia as the main heir to all his movable and immovable property (Balletto 1989, A. N 25). It can be assumed that the *instrumentum dotale* (“dowry document”) of the Armenian woman comes from the Roman law, and in the Armenian original of the document, the term *proyk*/*proyg* (already found in the codes of Smbat and Gosh) would probably have been used.

In the preface to his translation of the *Assises of Antioch*, Smbat writes that “The text was presented by the reposed-in-Christ Sir Mencil the Constable to his son Sir Simon, who, because of my desire for the assizes, presented it to me, and I worked and translated them into the Armenian language ... because our nation followed the assizes by custom, and the Armenian court was ruled by it...” (Kurdian 1962, 135).

In fact, especially by the end of the twelfth century, the close ties between Cilician Armenia and the Principality of Antioch were noticeable not only in the relations of political elites, but also from the legal point of view. From Smbat the Constable's words that "our nation followed the assizes by custom, and the Armenian court was ruled by it", we can assume an intense relationship between the two states during the previous decades. Whatever the case, those connections ended when in 1268 the Mamluks conquered the Principality of Antioch.

5. Venetian, Genoese and Other Merchant Communities in the Legal Environment of Cilician Armenia

Venetian, Genoese, and other communities were established in Cilician Armenia in the same way as in other places of the Mediterranean: the Byzantine Empire, the islands Cyprus, Crete, Rhodes and elsewhere. During the thirteenth and fourteenth centuries, Venice and Genoa signed many treaties with the kings of Cilician Armenia, which allowed their merchants to have preferential conditions for setting up commercial communities in Cilician cities. They received areas for construction of churches, consulates, shops, baths, markets, residential houses, and other buildings. According to Genoese notary documents drawn up in Ayas, the number of trade representatives mentioned there had increased considerably: 340 in 1274, 213 in 1277, 220 in 1279, and in a certain period it amounted to 684. Most of them were from Genoa and other Ligurian cities (see Otten-Froux 1988, 152; Racine 1992, 190). More than 102 were members of Genoese noble families, whose names are scattered in various sources related to Cilician Armenia. Among them were Grimaldi, Tartaro, de Nigro, Doria, Lercari, Panzano, Guisulfo, Picamilio, Lomelini, Pinello, Turro, Rubeus, Usodimare, de Mari, de Murta, Cicada, Pelavichino, Spinola, Bestanio, Squarciafico, and others (see Balletto 1989, 185, 189, 192, 197, 199, 200, 383, 396, 401, 407–08, 411–14, 416, 420–21; Balletto 1986, 43, and Otten-Froux 1988, 152–53). In addition to the names of merchants, many other persons of different professions are mentioned in the Genoese notarial documents drawn up in Ayas during three years (1274, 1277, and 1279): twenty notaries (*notarius*), two secretaries (*cancellarius*), two scribes (*scriba*), seven commercial intermediaries (*censarius*), four bankers (*bancherius*), seven teachers of grammar (*magister, doctor gramatice*), two physicians (*magister medicus*), three pharmacists (*speciarius*), five barbers (*barberius*), three shipwrights (*calafato*), one candlemaker (*candelarius*), two blacksmiths (*ferrarius*), eight carpenters (*magister axie*), one master of knives and swords (*custurerius*), two thread spinners (*filatrix*), three cloth merchants (*draperius*), five furriers (*pelliparius*), six tailors (*sartor, taliator*), one wool shearer (*accimator*), one shoemaker (*calegarius*), one baker (*panerius*), eleven shopkeepers (*tabernarius*), one crossbowman (*balistarius*) etc. (Balletto 1989, 173, 176–77, 179–83, 189, 192–93, 198–99, 398, 401, 405–06, 412, 414–15, 419–20).

In a society with such a multi-ethnic and multi-cultural population, along with intense cultural, economic, and political flows, there would also be interactions between

legal traditions of different origins. A very interesting example of the implementation of laws in the daily life of Cilician Armenia is the Genoese notary document from Ayas dated March 31, 1279. It is a non-marital cohabitation contract signed between Jacobus Porco, a Genoese resident of that city, and a local woman named Cerasia. The fact that the document referred to a Genoese resident of Ayas and a local woman already implies that the law had to correspond to the legal regulations of both Cilician Armenia and the Genoese community. According to this notarial document, which contains the punishment of amputation, Cerasia promised to live with Porco in his house as a good wife (*tanquam bona femina*), to be satisfied with the food, clothes, and shoes given to her and to do housework. In his turn, Porco was obliged to take care of Cerasia's various needs and pay her an amount of 400 Armenian new drams.⁸ The noteworthy part of the contract is that if Cerasia suddenly dared to have physical contact with another man, she would be severely punished: her nose, hand, or leg would be cut off (... et, si forte in aliquo de predictis contrafacere, volo et exnunc tibi licenciam plenariam do et concedo quod possis mihi nassum incidere, sive manum vel pedem ad voluntatem tuam) (Balletto 1989, B. N 108, 117; Epstein 2004, 411–12). In fact, this punishment fully corresponds to those applied in the above-mentioned laws of the codes in Cilician Armenia and the Crusader states.

Smbat the Constable, who was the brother of King Hethum I (reigned 1226–1269) and the military minister of the state, compiled his *Lawcode* at a moment when the population from Western European cities was rapidly increasing in the cities of Cilician Armenia. Over time, the country rapidly became more multinational and cosmopolitan, and the new society naturally required changes in the state laws. Certainly, Smbat compiled the new code by combining different laws that would be as general as possible for the various ethnic communities, especially because the codes that Smbat probably used (the assizes of Antioch and Jerusalem, Byzantine law, etc.) also had a lot in common (Kedar 1999, 315). In the notarial documents from Ayas of the years 1274, 1277, and 1279, the native towns of the 80 persons are also mentioned: Rapallo, Noli, Savona, Chiavari, Voltri, Portofino, Recco, Ventimiglia, Varazze, Albaro, Arenzano, etc., which are located in Italy along the coasts of the Ligurian Sea and the Gulf of Genoa (Balletto 1989, A. N 12, 15, 39, 44, 48, 62, 64, 66–68, 77, 89, 84, 91–93, 97. B. N 30, 34, 38–39, 42, 46, 54, 58–59, 63–64, 66, 69, 71, 76, 79, 88, 108, 117, 121, 124, 128).

There were many marriages of local women with Venetian and Genoese merchants living in Cilicia. This is evidenced by their wills drawn up in Ayas. The Genoese and the Venetians even ordered that in case of death they should be buried in the cemeteries adjacent to the Venetian (St Mark) or Genoese (St Lorenzo) churches of Ayas (see *Felice de Merlis* 1973, 52–67; Balletto 1989, B. N 102, 119, 124). In other words, most of them settled permanently in Ayas and had special residence statuses as in other communities of the Mediterranean and the Black Sea: *habitatores*

⁸ The Armenian new dram was minted during the reign of Levon II (1269–1289) and was one of the most used monetary units in the international trade. It was a silver coin weighing 2.9 grams (Alishan 1885, 385).

and *burgenses*.⁹ The commercial privilege of 1288 granted to the Genoese by King Levon II proves that the state laws of Cilician Armenia were combined with the legal regulations applied in the Genoese or Venetian communities. This agreement stated that if a Genoese resident of Cilician Armenia died without heirs, his property would pass to the Genoese consulate in Ayas except for the part he had received from his wife¹⁰ or Armenian authorities, which was to be returned to the Cilician state (Langlois 1863, 158).

6. Matrimonial and Other Issues of Everyday Life

Here are some examples of legal definitions of violence in laws. Particularly, in Mkhit'ar Gosh's *Lawcode*, the word "violence" (*brnut'iwn*) is literally present in a number of laws related to various issues (Mkhit'ar Gosh 1975, 85, 89–90, 100, 121, 352, 385). One of the laws on marriage concerns the cases when a husband, continually quarrelling with his wife, insults, strikes, beats, hurts, or mutilates her¹¹ (Mxit'ar Goš 2000, 137–38; Mkhit'ar Gosh 1975, 42). This law defines the rights of not only the woman but also her children, if the stepfather had accepted them from the beginning of their marriage. Furthermore, if the woman complained, this law opened a court case, and the husband had to pay a double fine to the wife's family for maiming her. If the insults and beatings continued, the woman could leave her husband. The law does not state that the wife could leave him only through divorce, but she had the right to depart even without the processing of divorce, because it required time during which the woman's life could be in danger.

The definitions of violence in the codes also concern various cases of economic and daily relations. For instance, the law in the code of Mkhit'ar Gosh regarding the mortgage of a house or any other property states: "It does not permit you to enter and take a pledge lest there occur some force, but [it should be done] willingly. The thing taken, furthermore, shall not be from his necessary belongings" (Mxit'ar Goš 2000, 199). In the old Armenian text, the equivalent of "force" is the same *brnut'iwn*. (Mkhit'ar Gosh 1975, 352). This law is related to such a case when a person owes a debt, something is pledged, and the debtor is poor — the creditor has no right to

⁹ For more details on these civil statutes in the overseas commercial communities, see Thiriet 1959, 269 and Otten-Froux 1981, 375–77.

¹⁰ In the Genoese or Venetian notarial documents (*Felice de Merlis* 1973 and Balletto 1989), there is no mention of women who had come to Cilician Armenia from Genoa, Venice or other places of the Western European Mediterranean.

¹¹ "If a man, filled with demonic passion, continually dishonors his wife with insults, if there are step-children and for that reason he is mad, let the judgment be as follows. If at the beginning he accepted them, he is obliged to endure them; but if not, let him send them back to his wife's family. But if he acts because of his foul character, breaks [a bone] or mutilates her, let the sentence be the same as for the outsiders, to pay the fine due the wife's [family]; and let it be double — for they should reckon them not as concubines but as their own flesh — and that, when they repent. But if they remain in the same obstinacy and there is a fear that perchance by striking her he may kill her, after much admonition and remonstrance let her depart" (Mxit'ar Goš 2000, 137–38, cf. Mkhit'ar Gosh 1975, 42).

enter the debtor's house and forcibly take the pledged goods, if the goods are for basic needs.

Especially from the second half of the thirteenth century, as a result of the rapid development of international and internal trade in Cilician Armenia, such laws of a social-economic nature became more and more in demand. The development of commercial relations changed the forms of material property, which became more diverse both quantitatively and qualitatively. In Cilician cities, the number of economically active population from Western Europe and other places increased, which required detailed forms of laws that would regulate as many different situations and disputes as possible.

7. Restrictions in the Acts of Violence in the Laws Concerning Disabilities and Poor Health

In the codes of Mkhitar Gosh and Smbat the Constable, definitions of violence and legal regulations are related to different cases of public relations. Both authors have a noticeable tendency to refer to various situations of public life. In one of the laws, where the word "violence" is used, Mkhitar mentions cases when a person with mental problems commits suicide. The law clearly states that since relatives often lie, saying that the deceased person was mentally retarded, it should be examined carefully whether the suicide was committed due to a mental problem or by violence:

... It is necessary for the cleric to investigate whether he was truly insane and did this; because often a relative of the afflicted one, wishing to arrange that a liturgy be offered for him, lies, saying that he was not of sound mind, so that they may offer the liturgy. So it is necessary to investigate lest perchance he did this by human violence or in some other way (Mxit'ar Goš 2000, 221).

How could that "medieval investigation" be carried out? If the case had to be examined, it would require special officials or "detectives", who would interrogate the parties thoroughly and disclose the whole case. This would also imply a certain medical involvement in the process, which would ultimately reveal whether the person who committed suicide really had mental problems or not.

Another law of Mkhitar's *Lawcode* strictly condemned the collection of taxes, clothing, food, and drink from hospitals (infirmaries) by force. The law apparently applied to government officials who might have acted by abuse of authority:

Some persons exercise authority over poor-houses and forcibly demand taxes ... and food and drink, and they set their own officials over them, and oppress them with service and labor, and they torment without scruple the miserable brothers, to whom it was rather more necessary to bring cures and for all Christians to bind their wounds.

Such persons, according to Mkhitar, "who do not practice mercy", deserve "to be judged by merciless judgment" (Mxit'ar Goš 2000, 254).

Thomson has translated the word *unqwpwling* (*tkaranots'*) of the old Armenian text as "poor-house", but the word *tkar* also means "sick, disabled" both in old and modern Armenian. In the *NBHL*, *tkaranots'* is first of all explained as "hospital" ("place for sick people"). Thomson argues that if the word meant hospital, "the ill could hardly perform labour" there. However, it is clear from the context that the ill were rather taken care of than performed any labour in those houses. Besides that, the *NBHL*, as Thomson himself states, notes the usage of the word *tkaranots'* only here, while in the *Armenian Canon Books* we read the more usual *hiwandanots'* ("hospital") in our passage as well. Moreover, there is direct evidence of the existence of a hospital in Cilician Armenia. In particular, in the territory of the capital city Sis, a lapidary inscription was found in 1833. It refers to a medieval hospital founded in 1241 by Queen Zabel (Isabella, Queen of Armenia in 1226–1252) (see Alishan 1885, 223).

8. Conclusions

In conclusion, the following may be highlighted:

- a. The word "violence" occurs in many laws of the codes used in Cilician Armenia, which relate to various cases of everyday life, social and matrimonial relations, etc. Legally calling different actions as "violence" and describing the character of those actions, Mkhit'ar Gosh and Smbat the Constable in fact defined medieval perceptions of violence in Cilician Armenia in the twelfth–thirteenth centuries. Particularly, Mkhit'ar specified as violence not only the beating but also the dishonoring and insulting of a woman (Mxit'ar Goš 2000, 137–38). According to the examples, there can be two types of violence, physical and psychological. The existence of various forms of violence and the legal punishment aimed at their prevention defined in the codes indicates the tendency to settle major and minor social conflicts in the society of Cilician Armenia. Those legal regulations became especially relevant from the second half of the thirteenth century, when the population of the Cilician cities increased, and they became multi-ethnic, multi-cultural, and multi-confessional environments.
- b. The definitions of violence in the codes of Mkhit'ar and Smbat, on the one hand, and the real everyday cases mentioned in the notarial acts drawn up in the city of Ayas on the other hand, give a certain idea of how the state laws were adapted to the society of Cilician Armenia. The examples of marital and non-marital contracts between Italians and the local women show that there was a combination of the state laws of Cilician Armenia and those applied in the Genoese and Venetian communities. That combination was most likely due to the close interactions between the Cilician codes, the *Assizes of Antioch*, and the Byzantine and other laws. In this regard, Smbat the Constable's translation of the *Assizes of Antioch* can be regarded as a precedent.
- c. The formulations of violence and punishments in the Armenian codes, the canons of Nablus, and the *Ecloga* are sometimes almost identical, which witnesses to not only mutual interactions and influences between them but also to direct or

indirect existence of a common legal environment. It is difficult to state how the codes of different states interacted, and in this respect, the following questions need to be addressed: did Byzantine law influence the codes applied in the Crusader states through the mediation of Cilician Armenia or vice versa? Which codes had a more significant influence: the codes used in the Crusader states or those of Cilician Armenia? Otherwise, we can assume that the legal borrowings and interactions between these states occurred in parallel with the development of their political relations.

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