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### FROM THE HISTORY OF THE CUSTOMARY LAW (THE RULE OF *APPEALING BY MEANS OF AN OX*)

In some parts of Georgia (for instance in Swaneti) customary law is the institution functioning in parallel with the state law. In every community of the present day Swaneti controversy is discussed through mediators according to the legal norms originated from ancestors. Swanetian customary law reflects legal postulates of secular and clerical laws of the Georgian feudal epoch. It is an institution comprising several stages of developments. Originally it was nurtured by the common Georgian archaic usage law.

After strengthening the central power the laws laid by the state displaced the usage law. The state law to a certain degree is also a reflection of many customs and rites. At the subsequent weakening of the central power and of political partition remote regions began to recover the customary law. The rule of “appealing by means of an ox” belongs to the archaic period. This rule had also found its reflection in the medieval Georgian laws. We can trace it in the traditional every day life. This rule implies the guilty to come to the church showing repentance for his visible behavior and tying his oxen on about the church door. After appealing i.e. repentance the guilty person is freed from death penalty. The similar ritual is also found in Khevsureti. The rule of appealing by means of an ox is linked with the tradition of the privilege and “sanctity” of Churches and monasteries. It is commonly known that the churches enjoyed the rights of providing the shelter. In this sacred place everyone was inviolable, even the guilty. This rule was extremely strict. The article discusses how the Svanetian customary law has preserved the rule of “appealing by means of the ox” in its live form.