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## TRADITIONAL LAW IN GEORGIA

*Special Editor: Stéphane Voell*

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## Local Legal Conceptions in Svan Villages in the Lowlands

By Stéphane Voell, Marburg

### Abstract

Scholars have frequently discussed the role of traditional law in the highland regions of Georgia. This research project, which was financed by the German Volkswagen-Foundation, followed a different approach by examining traditional legal practices in Svan villages in lowland Kvemo Kartli. The Georgian–German research team found out that despite a strong administration and working law enforcement agencies, traditional law continues to be an important frame of reference for the Svans.

### Studying Traditional Law in Georgia

Since the 19<sup>th</sup> century, the Caucasus has been a hotspot for researchers working on traditional or customary law. Scholars explored local legal customs before, during, and even after the Soviet period. According to their work, blood feuds and clan structures with their charismatic elders constituted a crucial part of the region's heroic, isolated communities over which states supposedly had no control. The population of Georgian Svaneti, for example, earned a reputation during the Georgian national movement in the late Tsarist period as bearers of an undistorted pristine Georgian culture. But, beyond the exotic travel accounts or the literary reveries exalting the wild mountaineers, many important works detail the relevance of traditional law in the Caucasian highlands. These studies basically reconstruct the practice of traditional law in ancient times and rarely ask about its contemporary relevance.

Since 2004 President Mikhail Saakashvili has reorganized the Georgian administration and especially the legal system. Our Georgian–German research project sought to understand if in this new political environment the practice of traditional law continues. As many researchers have already studied traditional law in the Georgian highlands, we went a step further and asked if local legal conceptions are used in the lowlands, i.e. in villages of Svans who resettled to Kvemo Kartli in the last twenty years. The German Volkswagen-Foundation supported the research of Natia Jalabadze, Lavrenti Janiashvili, Elke Kamm and Stéphane Voell (2009–2011). The German researchers conducted fieldwork for 10 months and were mostly based in Tetrtskaro. The Georgian colleagues explored the Svan villages throughout the three years of the project with numerous short excursions. This issue of the Caucasus Analytical Digest presents some of our findings.

It the late 1980s powerful snow storms forced the resettlement of the Svans to various regions in Georgia. Avalanches destroyed villages in Svaneti and removed significant parts of the infrastructure. Many Svans in Upper and Lower Svaneti died during the storms and approximately 2,500 families had to be resettled in a

short period of time. The resettlement started in the last years of the Soviet era and was well organized at first. The Svan villages in Kvemo Kartli are today almost exclusively occupied by Svans and there are few representatives of other ethnic groups or Georgians. In the last ten years, new groups of migrants arrived from Svaneti and the Kodori Gorge, coming either for economic reasons or because they were expelled by Russian and Abkhazian soldiers from the Kodori Gorge during the war of August 2008. They settled mostly in villages left behind by Ossetians and Greeks, who left Georgia for economic reasons, but also in response to the nationalistic policy in Georgia, especially in the first years after independence.

### Svan Traditional Law

Before looking at the practice of traditional law, we have to ask what traditional law actually consists of. As in many other regions in the world, precisely defining traditional law in Georgia is difficult: it is interrelated to kinship, religion, local economies and local identity. In a narrow sense, Svan traditional law refers to specific procedures and institutions in relation to processes of conflict resolution. In a wider sense, traditional law is deeply intermingled with social life in general, or—to quote Clifford Geertz—is “part of a distinctive manner of imagining the real” (1983).

Svan traditional law has four important dimensions from the perspective of ideal types (for this reason I write in present tense, even if many aspects are no longer present). First, it has a social dimension. Social life in the village is interrelated to the segmented Svan clan structure. Important here are elders (*makvshi*) at all levels of social organization. Svans meet regularly in assemblies at the local or supra-local level, which ensures communication with the often distant and relatively inaccessible settlements. Second, Svan traditional law has an important process and performance component. Even if there are some precedents and some clear-cut rules, all conflicts have to be negotiated anew and judged by mediators (*morval*). The reconciliation or conflict resolution has to be performed in front of the community through an oath on an icon. Third is the religious dimen-

sion: Svans are Orthodox Christians and their religion is important for the practice of their traditional law. Important assemblies often take place during religious holidays and decisions made are generally sealed with an oath on the icon. Svan religious practice has important folk religious elements and the services are mainly headed by lay priests who often act as elders and mediators in legal cases. The fourth dimension of Svan traditional law is moral. Svan traditional law is guided but what I would call a “local sense of morality” (cf. Zigon 2008), which is informed by a sense of honor, mutual respect, faith and belief in the importance of the family.

### The Oath

Some aspects of traditional law might appear from time to time in Svan villages in Kvemo Kartli. One can witness, for example, the use of oaths on icons. If a Svan is accused of having stolen something or has allegedly committed another crime, he can be asked by his peers or mediators to vow on the icon of a saint in the presence of guarantors that he did not commit the act he was accused of. The suspect is then literally purified of the accusation. More often, however, oaths on icons mark the conclusion at the end of a process of reconciliation or when two or more individuals agree on an important decision. This kind of oath might be used, for example, if young men were fighting in the village and an elder had to reconcile them. In such cases, the elder lets the young men vow on an icon that they are reconciled and that they will avoid similar conflicts in the future. Our interviewees told us that such promises are mostly wishful thinking, but still the oath is used.

In addition to confirming reconciliations, the oath has another purpose: in one village in Kvemo Kartli, which is inhabited by Svans from Upper Svaneti and the Kodori Gorge who arrived in the last ten years, there were numerous infrastructure problems (the roads were in bad shape, the water pipes were leaking, the school was not usable etc.). The village, just recently abandoned by its former Greek population, received little attention from the regional government, at least in the first years after the arrival of the Svans. For this reason, the newcomers set up a commission of five to six men, to be selected each spring anew, whose tasks were to take responsibility for the major problems of the village and to be its spokespersons. The members of the commission vowed an oath on an icon in the church yard once they were selected to serve the village. But the commission is not a well-functioning institution, because the Svans from Upper Svaneti and Kodori distrust each other while some villagers disregard commission decisions. Many houses are owned as weekend dachas by Svans whose primary residence is in Tbilisi, and they

do not even know that the commission exists. Nevertheless, the commission is recreated every year, vows an oath on the icon in front of the church and some in the village say that one can compare this group of men to similar commissions in Svaneti: if the regional administration does not do its job, they have to take the things into their own hands.

### Morality

An important dimension of traditional law is, as noted above, a sense of morality and it is also one of the reasons why traditional law is still to be found among Svans. In 2009, for example, an accident occurred in the district town Tetritskaro. A Svan from one village killed in an automobile accident another Svan from another village in the center of the town. The accident, though tragic, was not unusual. The driver, with his three Svan friends, had just come back from a tour of the region. He was a little drunk, lost control of his car and ran over the victim, who was walking in the crosswalk. In the subsequent trial, the court sentenced the driver to five years in prison. At first glance, there is nothing special with this case and no traditional law is observable, but the conflict has a second layer. Soon after the accident, the family of the driver sent mediators to the family of the victim in the other village. But the mediators were not received. The victim's family was furious and apparently wanted to burn down the house of the driver's family. Fortunately they did not go that far, but they sent someone to the village of the driver and issued threats against the family of the culprit, trying to force them to leave their house and the region. The family temporarily left their home, and probably feared that some acts of revenge would take place. I talked to members of the extended family of the driver and asked how things would continue and if the driver's immediate relatives will come back to the village again. Some time will pass, was the answer, and there will be something like a reconciliation in the end. Of course, I was told, Svans today do not pay any compensation (*tsori*) like for blood feuds in old times, but the driver's family will probably arrange a gift for the victim's family, followed by a Georgian banquet (*supra*) and an oath on the icon.

This example shows that for the Svans traditional law has a moral component that state law does not have. This does not mean that Svans do not respect state law, but serious cases, which fortunately take place rarely, are followed by such local legal processes. These extra-court reconciliations in Kvemo Kartli are not organized procedures, but rather a series of events based on a common idea of morality. This means that if a specific crime occurs at the community level, it has to be treated there as well. If not, the case handled by the official legal

authorities might not fulfill local moral sensibilities. Local mediation processes led by elders from the villages, like the state court, identify the perpetrator and determine a fine or compensation to be paid. As already mentioned, the latter is today mainly a symbolic present. But the second important aspect of an out-of-court mediation is the bringing together of the parties in conflict in order to reconcile them. This reconciliation has to be enacted publicly, i.e. through the taking of an oath on an icon and often with a large banquet.

### Identity

Finally, traditional law is relevant for the identity of the Svans. The question for all researchers on our team was how to understand the fact that we recorded many narratives on traditional law, many descriptions of what would happen according to Svan regulations in dealing with specific types of conflict, such as theft or disputes over property relations. But when we asked for examples from Svans, even among policemen or lawyers, they mentioned only a small number of conflicts that they addressed with traditional procedures. If one understands these narratives of traditional law, i.e. anecdotes about old conflicts regulated with traditional law in Svaneti or even ideal type case descriptions of what would happen in a hypothetical case, as narrations detached from concrete social practice, the references to traditional law become something else: Svans are living in Kvemo Kartli in the most ethnically diverse region of Georgia. They are living in a neighborhood near Armenian, Azeri or Greek villages, not to mention Georgians who came from other regions to Kvemo Kartli (Adjara, Racha, Tusheti, etc.). Traditional law becomes a part

of identity and is an important part of what Brubaker and Cooper (2000) call “self-understanding” and “social location.” References to traditional law are not a look backwards into supposedly better ancient times. Identity is understood here as “situated subjectivity.” With reference to traditional law, the Svans lay out in specific ways how they think that they compare to their neighbors, in other words, they consider themselves as faithful, morally integrated, and guided by their own conception of law and order. Narratives of traditional law become in this context “one’s sense of who one is, one’s social location, and of how (given the first two) one is prepared to act” (Brubaker/Cooper 2000) even though they will not necessarily act in this way.

The state administration and the police are from a legal point of view in full control of the situation in Kvemo Kartli. If you enter Kvemo Kartli, a Svan village, you are not walking into an autonomous enclave in which only Svan traditional law applies. Moreover, it is important to note that the Svans came from Upper and Lower Svaneti and the Kodori Gorge. In addition to Georgian, they speak different Svan dialects (if they still speak Svan at all), their region of origin had different histories and the practice of their local regulations was also very different. The Svans in Kvemo Kartli are a heterogeneous group. To sum up, if traditional law is conceived only from a narrow perspective, i.e. as part of concrete processes for conflict resolution, it is only rarely practiced among Svans in Kvemo Kartli. But if one has a more sweeping conception of traditional law, as being part of a large social imagination of how the world one lives in should be and what is considered important, then yes, traditional law is still present.

### *About the Author*

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## Traditional Law in Soviet Times

By Lavrenti Janiashvili, Tbilisi

### Abstract

In order to fully grasp the contemporary practice of traditional law, it is necessary to discuss its practice in Soviet times and earlier. Georgian scholars of history of law consider traditional law an important part of Georgian legal history that outlived all periods of foreign domination. During Soviet times, traditional law continued to be practiced in Svaneti, because so called “private crimes” were not brought to court by the involved parties. Additionally, traditional law had many intersections with the code of “thieves in law” and other “informal traditional practices.”

### A Historical Perspective

Our research project focused on the contemporary relevance of traditional law in Georgia. We selected as the main object of our study highlanders from Western Georgia (Svans) who had migrated to the lowlands (Kvemo Kartli) and who are subject to the influences of intensive economic, cultural and social-political processes in their new residence. In order to identify if today’s practice of traditional law should be seen as some “revitalization” of old traditions or the “creation” of a new post-Soviet tradition, we also had to analyze the interrelation of traditional and state legal systems from a historical perspective.

Traditional law has been a subject of interest among researchers for a long time. This is particularly the case for Georgia, where especially since the 19<sup>th</sup> century, Georgian scholars have described and highlighted traditions. “Tradition” for many Georgian scholars has always been associated with ethnic identity. This relationship between tradition and identity is well observed in the writings of the Georgian writer Ilia Chavchavadze, who underlined the connections of tradition with Georgian ethnicity. Highlanders, in particular, were believed to have conserved a pristine form of undistorted Georgianness. Having a genuine, discernible tradition meant in this sense to have also a distinct ethnic identity. Traditional law was seen in this context as a specific manifestation of Georgian tradition.

Before turning to the practice of traditional law in Soviet time, it is necessary to shortly refer to the history of Georgian law. Like ethnographers and historians, scholars of legal history carve out the role of tradition in the development of Georgian legal culture. In this logic Georgian traditional law is conceived to be one of the most important components of the Georgian legal culture throughout the centuries and is presented as a primary source for the study of the history of law. The general position is that a genuine traditional law had been the basis for the official legal frameworks in many various historical periods in Georgia. The idea behind these research projects appears to be that despite the

turbulent times and many different invaders or foreign rulers, a traditional core somehow remained vivid even in the legal domain.

The Law Book of Vakhtang VI has earned a special place in the history of Georgian legal thought. Under Vakhtang VI of Kartli (1675–1737), the legal code was revised and officially stayed in place following the introduction of the Tsarist Russian administration. This code of law was based to a large part on a compilation of already existing local legal procedures. After the establishment of the Russian Empire in Georgia, the new rulers tried to introduce Russian legislation in Georgia. But this proved to be quite difficult because the Law Book of Vakhtang VI continued to be widely used in court. The book was respected since its legal norms were not alien to the society; they even emerged out of it, which was not the case for Tsarist law. Georgian researchers think that besides the Law Book of Vakhtang VI, other legal monuments, like the Law Code of Beka and Aghbuga (14<sup>th</sup>–15<sup>th</sup> century) or the Law Code of King George (14<sup>th</sup> century), effectively used norms of traditional law from various parts of Georgia. The reverse situation also existed because some of the laws listed in the respective medieval books of laws became an integral part of traditional law.

After the Mongol domination, for example, the Georgian kingdom aimed at restructuring its traditional legal system in its provinces. This attempt to spread the law over the mountain population occurred in the 14<sup>th</sup> century during the reign of George V (called “The Brilliant”, 1286/1289–1346). An analysis of the Law Code of King George shows that the royal authorities introduced the local position of *khevisberi*, i.e. an administrative post inside of the feudal structure, whose occupant led the military troops in the region. But later, due to the weakening of the feudal authorities and the loss of administrative control of the East Georgian mountains, the *khevisberi* became something different. It changed its role from that of a state official into a spiritual leader of the community. In effect, this administrative post was locally incorporated and transformed into some-

thing else, an elder who besides religious celebrations was also important for implementing East Georgian traditional legal practice.

### The Soviet Era

Defining the necessary historical perspective on Svan traditional law was a challenging task for our project. Arranging interviews with contemporaries is becoming more and more difficult and the new generation seems to glorify the practice of traditional law from earlier times. The literature is sparse and the archive material not very rich. In studying Soviet legislation in regard to the practice of traditional law it became clear that traditional law was considered a real challenge to the full power of the state. The Soviet authorities severely punished those who used traditional law: capital punishment was introduced as a penalty for murders committed in carrying out a blood feud. The perpetrator had to be executed by firing squad (§104, Criminal Code of Soviet Georgia).

During the first years of the establishment of the Soviet regime, the practice of traditional law in Svaneti was not sharply restricted. Many local conflicts (especially family disputes) were solved according to local legal traditions and people seldom addressed official authorities. The situation was different, however, when it came to incidents which fell under penal law. In these cases, the Soviet legal system tried to control the process entirely. A significant field of action, however, was left for traditional law despite the strict application of penal law, namely, the mediation of so-called “private crimes.” According to Soviet law in the 1920s, “any action or inaction threatening Soviet order or the rule of law established by the authorities of workers and peasants for the transitional period to Communist rule of order was considered a crime” (Erkomaishvili 1928). If a case did not fall under this act, it could have been considered a private affair even if theoretically speaking it fell under penal law. The state transferred the right to negotiate the problem to the offended party. Surguladze (1928) named numerous precedents which were labelled correspondingly as private crimes, treated without any interference from the state, because the offended party did not appeal to court. This practice with private crimes was justified by the courts’ case overload, but it helped to support the continuity of extra-court legal proceedings.

Traditional norms played a significant role in social relationships and everyday life in the Soviet period. They determined the rights and obligation of an individual towards his society. Despite the fact that law enforcement means for the traditional legal institutions were restricted, the attitude of the majority of society toward the violators of traditional norms remained negative.

The reasons why the Soviet system did not manage to impose fully its administrative, legal and ideological point of view—especially in the rural areas—was, according to Dragadze (1988), because the relations between Georgia and the Soviet Union were perceived as relations between two distinct nations. The Soviet Union always remained an alien concept. Dragadze writes that the Soviet Union was hostile to local traditions and wanted to transform radically the moral order. But this policy paradoxically incited the opposite. “Traditional culture” was used as a “means of counterstrategy.” Christophe (2003) states correspondingly that the socialist state did not manage to penetrate the rural society. Behind the façade of Soviet institutions, a “multitude of informal traditional practices” prevailed. In this context, we must note the continuous relevance of informal and clan-based networks in Soviet Georgia, which transgressed the usual Soviet Nomenklatura system (Mars/Altman 1983). A persistent traditional law, i.e. alternative moral frameworks and conceptions of order, were part of similar phenomena in various regions of Georgia. According to my informants, Svan traditional law in Soviet Georgia and in the 1990s had some intersections through the “thieves in law” institution in Georgia, i.e. criminal groups with a “law code” that originated from penal work camps in Russia. The “criminal romance” of this system especially attracted the youth.

### Implementation

The main places where Svan traditional law was enacted were community assemblies and courts of mediation. On these occasions the conflicts that used to occur were resolved. The community assembly was headed by a *makhvshi* (elder), which was elected by the participants in the assembly. One can distinguish here two forms of conflicts that were discussed during the assembly sessions: (1) conflicts against the interests of the community (e.g. betrayal of the community, disrespect for a religious icon, violation of the rules of exogamy etc.) and (2) conflicts against individuals, i.e. murder, wounding, offence of one’s honour or damaging one’s property. The assembly could, after having negotiated the cases, expel families from the village, order the burning of one’s house, order the expulsion of a family from the region, or even impose a sentence of capital punishment. The death penalty was particularly used for the “traitors” of the village or the community. The assembly did not report to anybody and had no responsibility to anyone. It was entitled to jointly discuss and settle internal and external issues (Nizharadze 1962).

Courts of mediation had a different function. They sought not only to identify the criminal and impose a punishment, but, most importantly, to reconcile the

parties. Mediators tried to convince the injured party to accept financial indemnification, so that the cycle of violence in society would end. The courts of mediation negotiated cases addressing property disputes (landed property, violation of agreements, etc.), murder, wounding, rape, beating, theft, etc.

After the strengthening the Soviet state's authority, judging severe crimes became the privilege of the official bodies. My field material shows, however, that conflicts of relatively less importance and everyday relationships continued to be regulated independently according to traditional norms. Relationships within one clan, brotherhood or family were settled by the traditional institutions, especially for disputes around land distribution and property, arguments between family members, etc.

#### *About the Author*

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## The Resurgence of Blood Feud in the Georgian Lowlands

By Natia Jalabadze, Tbilisi

### **Abstract**

This article discusses the problem of blood feud in the multi-ethnic region of Kvemo Kartli, where its resurgence is related to the migration of Svans since the 1980s. It seeks to explain the causes of preservation and sustainability of the custom among the Svan migrants. The results show that today blood feud practices are comparatively rare in the lowlands, while they remain alive in self-representations among Svans.

### **The Blood Feud in the Georgian Lowlands**

Georgians have long preserved the norms of their traditional legal system and its practices. Until now, the institution of blood feud (though considerably transformed) continues to be practiced in the highlands, especially in Svaneti and Khevsureti. Scientific studies of the problem, however, are based mainly on data from the

To conclude, it could be argued that although the communist government tried to enclose the whole Georgian population into one legal system and make Soviet legislation govern all spheres of life, traditional law continued to be practiced. Different legal systems, formal (official/state) and non-formal (traditional law, religious law, and thief's law) co-existed during the socialist period in Georgia. My research results allow me to say that the traditional legal system was especially functional among the Georgian highlanders (Svans) and one can even say that representatives from the Soviet government sometimes even acted as the main actors (judge or mediator) in traditional legal processes.

highlands. Researchers have never studied this institution in the lowlands, because of the established opinion that this practice can only be traced in the highlands and not outside of them. But blood feud was not only a phenomenon in Svaneti or Khevsureti; it was a part of life in Georgia's different lowland regions during different historical periods and even exists sometimes today.

We chose Kvemo Kartli as a useful area to study the custom of blood feud in the Georgian lowlands. This region is distinguished by its diverse ethnic and religious composition. Besides a small number of indigenous Georgians, its population consists of different ethnic groups—Azeris, Armenians, Greeks and others—and a migrated Georgian population from the country's various districts (Imereti, Lechkhumi, Svaneti, Khevsureti, Ratcha, and Adjara). During the last century, Georgian populations moved to Kvemo Kartli in several waves, mostly caused by ecological catastrophes and, more recently, by economic problems.

The diverse ethnic composition of Kvemo Kartli made it possible to research the situation in different ethnic groups and observe the rate and causes for the preservation or disappearance of the custom among them. I carried out my fieldwork in Kvemo Kartli's six municipalities: Tsalka, Tetrtskaro, Dmanisi, Bolnisi, Marneuli and Gardabani. The main focus was on the communities of the migrated Svans.

My fieldwork demonstrated that today blood feud in Kvemo Kartli is not practiced among non-Georgian groups, though the respondents assert that it was popular among Azeris in "old times." Among the various Georgian groups who migrated to the region, the Adjarians, Khevsurs and Svans practiced blood feud in their home districts. Blood feud cases are, however, not observed among Adjarian migrants in Kvemo Kartli. Neither is blood feud observed among indigenous Georgians. Though not frequent, its practices among the migrated Georgian groups is preserved among Svans and Khevsurs. Except for the Svans and Khevsurs, however, murder among or between the different groups is rarely followed by a retaliatory act inspired by blood feud ideology. Generally such cases of murder come under the jurisdiction of the defence and law enforcement agencies and are resolved through standard legal proceedings.

When they first arrived in Kvemo Kartli, there were bloody confrontations between Svans and locals—Azeris, Armenians, and non-Svan Georgians. Confrontations between Azeris and Svans occurred several times in different districts of the region. However, cases of murder involving Svan and non-Svan individuals, though they were followed by retaliation, did not escalate into blood feud. Historically and traditionally Svans have never practiced blood feud with different ethnic groups such as Azeris, Armenians, Greeks, etc. Hence, this custom does not define relations between the migrant Svans and the other ethnic groups in Kvemo Kartli.

### Feuds Among Svans

The study of the Kvemo Kartli region has shown that the more frequent cases of feud occur among Svans. Sto-

ries about blood feuds are present in every district populated by Svan migrants. As a rule, Svans practice feud only in relation with Svans. The change of the place of residence did not release the responsibility of blood revenge initiated in Svaneti between certain Svan families (clans) and it continued in Kvemo Kartli. Each Svan community, which resides compactly in the region, has its authorities (elders) who know the traditional norms concerning the blood feud. Bypassing the police, Svans try to settle the problem autonomously, according to what they call their "old tradition," with the aid of their authorities, who are involved in the process of reconciliation with the consent of the opposing sides. In case the offender is arrested, he is not freed from blood feud responsibilities; the imprisonment of the perpetrator is not a mitigating factor, it does not prevent the avengers from carrying out their intentions. Though the number of blood revenge cases has dropped considerably in the Svan communities of Kvemo Kartli, no one among the Svans will blame a man who seeks out his father's killer, even many years after the incident, and kills the descendant of the murderer.

Generally the Svan traditions are well known not only to the elderly people, but also to the younger generation of Svans, who are not brought up in Svaneti. The disposition of most of the Svan population toward the custom is surprisingly positive.

### Stages of Blood Feud

Traditionally, with Georgian highlanders, the system of blood feud was composed of several stages: the act of murder, the act of vengeance, and the act of reconciliation. Each of these stages consisted of different legal norms, norms of behaviour and restrictions which the representatives of both sides (the offender and the injured family) had to consider. There were some minor differences between them in different districts and communities.

For Svans, blood feud has been a customary norm of behaviour, which all male members were constrained to keep. The responsibility to maintain blood feud with Svans usually fell first of all on the closest male relative of the victim—the father, brother or son, but other members of the family (clan) could have taken the responsibility as well. The feud was directed against the culprit, but depending on the circumstances, the target could be his father, brother, son and then the other members of the clan, as it was not only a private problem of the culprit's and victim's families, but of the whole clan. Initially in Svaneti, no distinction was made between murder and manslaughter, accidental killing and purposeful killing were equally evaluated. The cases of blood feud were regulated according to the traditional legal



norms by mediators (*morval*), who mediated between the parties, made arrangements for their reconciliation, stated the penalties, organized fighting, and took care of other issues.

### Changes Over Time

But, over the course of time, the norms and rules have changed. Though the Soviet regime failed to eradicate the custom, it transformed the system, but not in essential ways. The changes in the system in the homeland were directly reflected in the system of the lowland Svans. For example, the circle of those responsible for blood feud has narrowed down from male clan members to the close male relatives of the culprit. In this regard, in the lowlands one may hear a kind of discontent among some Svans (though they are not against the blood feud tradition) following the killing of a culprit's guiltless relative. If the offended party has no close male relatives, who usually are responsible for carrying out the killing, the blood feud will be stopped. Retaliation is not being carried out with increasing frequency. In most cases, reconciliation has become the best way out; money, paid to the offended family, has replaced compensation for blood by cattle and land. The traditional pompous ceremony of the reconciliation process of old times no longer takes place. Some situations, such as the burning of a house of a culprit or accidental murder, that traditionally were not considered to be mitigating factors, now are taken into consideration by *morval* when mediating cases. In Kvemo Kartli, the trial for disputes between Svans generally takes place locally in Svan communities with the aid of *morval*, but the problem could also be settled in Svaneti, depending on the situation and the demands of the mediators or elders.

The survival of blood feud practices among the migrated Svans results from their new circumstances. In Kvemo Kartli, Svans now live in the neighbourhood of ethnic minority groups (Azeris, Armenians, Greeks, etc.) which have preserved their ethnicity, self-awareness,

self-name, mother tongue, religion and cultural traditions. Svans now find themselves in the midst of alien ethnic and cultural groups, some of whom practice different religions. All these conditions increased the Svan's inclination to establish their place among these groups and firmly define their ethnic identity. This focus on preserving the Svan identity facilitated the preservation of traditional practices of everyday life and traditional behavioural stereotypes. The necessity to survive in alien surroundings activated the group's self-defence mechanisms. The fact that the Svan population in Kvemo Kartli mostly lives in compact and isolated settlements promoted their consolidation.

One of the reasons for the preservation of this custom and its ideology among the lowland Svans might be the family and kinship ties which are still an important source of authority. Almost all Svans residing in Kvemo Kartli have retained close ties to their home region. Some of them have relatives there, some have built new houses or repaired old ones, and some have even started businesses, so they remain in contact with the traditional Svan environment. The ties the Kvemo Kartli migrants have preserved with their home region help preserve the system and ideology of blood feud. The preservation of this institution until recent times is an important element of the self-preservation of the group. This situation caused a relative reduction in the number of blood feud cases, on the one hand, and the survival of the blood feud custom among the lowland Svans, on the other.

This research has demonstrated that the migration of Svans to Kvemo Kartli since the 1980s made it possible to revitalize the custom of blood feud, which had been lost among the rest of the region's population. However, it is also evident that new cases of blood feud are becoming comparatively rare in the Svan communities. Today the ideology of blood feud among the lowland Svans is more vital than the practice itself.

#### *About the Author*

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## The Pride of Being Kidnapped: Women's Views on Bride Kidnapping in Tetrtskaro, Georgia

By Elke Kamm, Marburg

### Abstract

Bride kidnapping was considered by Georgian ethnographers to be an alternative form of marriage in earlier times, when men were not able or willing to pay the high bride price. The capture of a bride was one alternative way to marry a woman and gain social status without going into debt. Nevertheless, society saw bride capture as a violation of existing traditional marriage rules that was punishable by traditional law. Since Soviet times, bride kidnapping has been forbidden by law; nowadays bride kidnappings do occur, but rarely in comparison to earlier times.

### Historical Traditions

Bride kidnapping has to be divided into planned (voluntary) kidnapping and forced (involuntary) kidnapping. In my interviews, I found that both forms still occur in Tetrtskaro (Kvemo Kartli). This article deals with the reasons for bride kidnapping and the question "Why does bride kidnapping still happen in times of legal justice?" The research was conducted in the region of Kvemo Kartli and its surrounding villages from July 2009 until August 2009 and from March 2010 until November 2010. I recorded approximately 65 interviews among mostly women aged between 14 and 90. The research question deals with the strategies of bride kidnapping and where socially gendered conceptions of honor and shame are involved. These perceptions about social norms influence men and women in their activities, as they do in the case of bride kidnapping.

Tetrtskaro belongs to the region of Kvemo Kartli and is considered a multi-ethnic town, 35 km south of the capital of Tbilisi, where Armenians, Azeri, Russians and Georgians live. Before the collapse of the Soviet Union, Greeks and Azeri were the majority of inhabitants in this region. After the independence of Georgia in 1991, most of the Greek and Armenian population migrated to Greece or to Russia. The abandoned houses were occupied by Georgians from the mountainous regions of Racha and Svaneti, who had to leave their homes due to economic and ecological reasons in post-Soviet Georgia.

Bride kidnapping was considered the least favorable possibility to get married in earlier times and according to Georgian ethnographers, it was not considered a "traditional way of marriage." Capturing a bride, however, was daily practice before Soviet times. Voluntary captures as well as involuntary captures were practiced for a variety of reasons, for example unhappy engagements or to avoid problems within the families.

The traditional ritual of marriage was very expensive and the preparations or gifts for the family and the bride could ruin the groom financially. Therefore bride

kidnapping was also one way to escape from high costs. Such reasons are still relevant: explanations of "saving money" were given to me when I asked for the reasons for bride kidnapping nowadays. Although there is no longer a bride price, which has to be given to the bride and her family, the traditional wedding ceremony includes gifts to the family and a banquet for up to 500 people, especially in the countryside. The costs are tremendous.

The kidnapping of a bride was seen as a violation of existing traditional marriage rules and had little respect from the head of the family. Therefore, it was considered a shame for the whole family that had to be reconciled either with money, cattle or with reconciliation in front of a religious icon. The contempt of the ritual could cause conflict and even blood feuds among the participants. The ritual of reconciliation was therefore performed to restore order within society.

### Contemporary Practices

The social perceptions of gendered social behavior and gendered moral norms contribute to bride kidnapping. While women are expected to be bashful and modest, men are supposed to act bravely and assertively. These social conceptions contribute to the fact that bride kidnapping still exists in the society of Tetrtskaro. Women, who were involuntary kidnapped, did in most of the cases not return back home to their families. They faced fear of social degradation, especially when the kidnapper or others spread rumors about the kidnapping and the loss of the bride's virginity, which is considered a woman's honor. If her virginity is put in question, there is no way to prove her integrity. This is an enormous social pressure for the girl and her family. Therefore the kidnapped young woman will generally agree to the marriage to keep up her individual honor, but also for the reason of maintaining the honor of her family, i.e. the integrity of its reputation and its social status.

Nevertheless involuntary bride kidnapping is still considered an acceptable way to marry, in addition to a

love match, arranged marriage and elopement, if there is no violence (e.g. rape) involved. Involuntary bride kidnappings take place rarely, but when they do happen, they are seen as a peccadillo and seldom as a criminal act, which makes it difficult to get information about cases and makes it difficult for the kidnapped girl to report the case to the police and return home without fear of facing a life stigmatized by social disgrace.

Forced bride kidnapping is one possibility for a man to force a girl into marriage. The kidnapping follows in most cases along a typical pattern: The kidnapper will gather his friends and they prepare a plan together. They hire a car or a taxi and stake out the places, where the girl stays. On the day of the planned kidnapping, they will drive the car to the place where they are sure to meet the girl. She will be dragged into the car and the kidnapper's friends will hold her seated while she cries and struggles. With squealing tires, the kidnappers bring the girl to a distant relative's or friend's house, preferably in another city or village. They will confiscate the girl's mobile phone so that she will be unable to contact her family or friends. If the girl's parents have an idea where to find her and get in touch with the kidnapper, the latter might tell the parents under what condition he would return the girl. Yet, as a rule, he will force the parents to agree to their daughter's marriage with him.

Officially bride kidnapping is forbidden by law. It is considered a crime in the contemporary code of law as was also the case under Soviet rule. In the Criminal Code of the Soviet Republic of Georgia (1960), a specific article was dedicated to it: "Kidnapping for the purpose of marriage" (§134), the kidnappers were sentenced with a prison sentence of at least three years. Since 2004, bride kidnapping is punished with prison sentences from two to ten years (Criminal Code of Georgia, §143) and falls under "illegal deprivation of liberty." Although non-governmental organizations, such as Amnesty International and the World Organization against Torture, pleaded to introduce specific laws for bride kidnapping, the Georgian legislature did not pass an explicit legal regulation against bride kidnapping.

#### *About the Author*

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In Tetrtskaro, the police registered eight kidnappings in 2009, but there was not a single trial at court. All of the eight reported incidents were finally withdrawn by the victim's family to avoid social stigmatization and disgrace. Suliko, a 23-year-old male, mentioned that victims of involuntary kidnapping do not report the case to the police, not just because of fears of public disgrace but also to avoid prison sentences. There is a high pressure put on the kidnapped girl and her family to marry the kidnapper. Suliko mentioned in the interview that his female friend Lika married her kidnapper, because the kidnapper begged her not to go to the police. If she makes a report he would go to prison and lose his social reputation. The kidnapper persuaded her to marry him and save him and his friends, who took part in the kidnapping, from punishment. Although she did like her kidnapper, she was not in love with him and not interested in marrying at that moment. Nevertheless she agreed to the marriage to avoid conflicts concerning her and her family's reputation.

Social disgrace, loss of reputation and the fear of rumors concerning the girl's physical integrity provide social pressure. Virginity is seen as the basis for marriage and once a girl has been kidnapped, there will rarely be a way to marry someone else.

Bride kidnapping is not just an "illegal deprivation of liberty," but also a predetermined deed by the kidnapper, who is aware of his action and the consequences. His action is well planned and he feels himself safe in a society where bride kidnapping is still considered a minor offense and seldom dealt with at court. Within the norms of the socially expected behavior for women, men take into account that the social norms will force the girl to marry him. They know about the social circumstances of rumors and the loss of a woman's reputation and its outcome.

Perceptions of gendered social and moral norms within the society of Tetrtskaro are considered stronger than the judicial authority. Therefore bride kidnapping is to a certain extent still viable.

## CHRONICLE

## From 10 to 21 September 2012

10 September 2012	The Russian Foreign Ministry says in a statement in reaction to NATO Secretary General Anders Fogh Rasmussen's remarks in Tbilisi that Georgia may join the alliance in the future that NATO "has failed to learn the lessons" of the war of August 2008
13 September 2012	The European Parliament passes a resolution saying that the decision of Azerbaijan to pardon an Azerbaijani officer who had killed an Armenian officer in Hungary eight years ago "could contribute to further escalation of the tensions" between the two South Caucasus countries
13 September 2012	The EU Monitoring Mission in Georgia (EUMM) extends its mandate for one more year, saying that the mission has made "a vital contribution to security and stability" on the ground
16 September 2012	The Collective Treaty Security Organization (CSTO) launches large-scale military exercises in Armenia
16 September 2012	Senior representatives of the opposition and ruling party in Georgia, including Georgian President Mikheil Saakashvili, attend the opening ceremony of the controversially rebuilt medieval Bagrati Cathedral in Georgia's second largest city of Kutaisi
17 September 2012	The Foreign Ministers of five EU countries—Bulgaria, the Czech Republic, Latvia, Lithuania and Romania—visit Georgia and meet with senior representatives of the ruling party and the opposition to highlight the importance of the upcoming parliamentary elections in Georgia
17 September 2012	The Foreign Minister of the breakaway region of Abkhazia Vyacheslav Chirikba says that the existing format of the international Geneva talks needs to be changed as it does not promote effective decision-making
17 September 2012	More than 140 people are taken to hospital after inhaling smoke during a fire at a shopping centre in the Azerbaijani capital of Baku
18 September 2012	A series of videos emerge in Georgia showing images of the beating and raping of prisoners in prison number 8 in Tbilisi
18 September 2012	The Azerbaijani authorities launch a probe into a fire that has killed at least two people with two others severely injured at an industrial plant in Azerbaijan's city of Sumqayit
19 September 2012	The Georgian minister in charge of the prison system Khatuna Kalmakhelidze resigns after the appearance of video footage depicting prisoners' abuse in a Tbilisi prison
19 September 2012	A protest rally calls for the resignation of several senior governmental officials in Tbilisi after the emergence of videos showing prisoners' abuse in a Tbilisi prison
19 September 2012	Secretary of the Georgian National Security Council Giga Bokeria says that the authorities made "a grave mistake" by failing to assess the signals coming from the Public Defender on "systemic problems" in Georgia's prisons
20 September 2012	Georgian Public Defender Giorgi Tugushi is appointed as the new minister in charge of the prison system
20 September 2012	Thousands of protesters, mostly students, take to the streets of Tbilisi in the second day of protests against prisoners' abuse and demand more accountability for senior government officials
20 September 2012	Georgian Interior Minister Bacho Akhalaia, who had served as head of the Penitentiary Department of the Ministry of Justice of Georgia in 2005–2008, resigns amid protests against prison abuse
21 September 2012	The EU Monitoring Mission in Georgia (EUMM) says it observes a "build-up of Russian Federation armed personnel along the South Ossetian Administrative Boundary Line"
21 September 2012	The Georgian Foreign Ministry says in a statement that the Russian military build-up on the administrative borders with the breakaway regions of Abkhazia and South Ossetia "increases the risk of dangerous provocation."

Compiled by Lili Di Pippo

For the full chronicle since 2009 see [www.laender-analysen.de/cad](http://www.laender-analysen.de/cad)

**ABOUT THE CAUCASUS ANALYTICAL DIGEST**

Editors: Lili Di Puppo, Iris Kempe, Matthias Neumann, Robert Orttung, Nana Papiashvili, Jeronim Perović, Heiko Pleines

The Caucasus Analytical Digest (CAD) is a monthly internet publication jointly produced by the Caucasus Research Resource Centers (<http://www.crrccenters.org/>), the Research Centre for East European Studies at the University of Bremen ([www.forschungsstelle.uni-bremen.de](http://www.forschungsstelle.uni-bremen.de)), the Institute for European, Russian and Eurasian Studies of the George Washington University ([www.gwu.edu/~ieresgwu](http://www.gwu.edu/~ieresgwu)), the Resource Security Institute in Washington, DC ([resourcesecurityinstitute.org/](http://resourcesecurityinstitute.org/)) and the Center for Security Studies (CSS) at ETH Zurich ([www.css.ethz.ch](http://www.css.ethz.ch)) with support from the German Association for East European Studies (DGO). The Caucasus Analytical Digest analyzes the political, economic, and social situation in the three South Caucasus states of Armenia, Azerbaijan and Georgia within the context of international and security dimensions of this region's development. CAD is supported by a grant from Robert Bosch Stiftung (<http://www.bosch-stiftung.de>).

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