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LIABILITY RELATED TO ANIMALS IN THE STATUTE OF THE LWÓW ARMENIAN COMMUNITY

Abstract

The pre-partition Kingdom of Poland was considered homeland by numerous minorities, including a group of Middle-Eastern immigrants – the Armenian diaspora. They brought with them their own laws, customs, faith and language, and after settling in a new place, in south-eastern Poland, they were able to interact with other residents and creatively transform and develop their legal system. The creation of the Lwów Armenian Statute was initiated by a dispute between the Lwów city authorities and members of the Armenian community in 1518. The content of the normative text of the Statute, however, predates its final redaction. In fact, it is a patchwork and complex normative act.

The most important of its sources was the oldest Armenian lawcode: the Datastanagirk of Mkhitar Gosh. His work integrated various legal concepts, most essential of which constituted the Mosaic law of the Pentateuch. Both Mkhitar Gosh and his unknown successors did not simply copy and join together parts of earlier normative acts, they rather processed, re-read, and up-dated norms. The discussed Statute contains legal solutions which adopted in an original way the legal thought of different sources and created own, innovative normative concepts. Among those we can find a variety of legal norms covering liability related to animals.

Key words: veterinary medicine, veterinary history, civil law, penal law, legal history

1. Introduction

The aim of this study is to analyse selected legal norms relating to animals and legal problems connected with animals in the Armenian Statute of Lwów, issued at the Sejm of Piotrków and approved by King Sigismund the Old in 1519.[1] As an auxiliary tool, legal norms of the preceding act, the Datastanagirk of Mkhitar Gosh, known also simply as the 'Lawcode', or the 'Book of Laws', are interpreted, discussed and presented.[2]

This statute is the law of Middle-East immigrants.[3] They brought with them their own laws, customs, faith and language, and after settling in a new place, in south-eastern Poland, they were able to interact with other residents and creatively transform and develop their legal system.

The creation of this Statute, according to its preface, was initiated by a dispute between the Lwów authorities and the members of the Armenian diaspora in 1518. An earlier Armenian-Tatar text was replaced by the official Latin version authorized by the King of Poland himself.[4] The act is probably a multi-author work, created from 1280s to 1460s, with slight additions in the years 1518–1519.[5]

To read, understand, and interpret the norms of the Statute properly, one should refer to its history, as well as to the goals set by its authors. This is especially true of Mkhitar Gosh, the creator of the Datastanagirk, the oldest Armenian private law code. The Datastanagirk is in some aspects closer to a legal treatise or a commentary than to modern codifications.[6] It cannot be compared even to any strictly considered legislation. The thought of Mkhitar Gosh during his 'legislatory' works was to show

1 Lat. *Statuta iuris Armenici*, Pol. Statut ormiański.

2 Critical editions of the Gosh's Lawcode: M. Gosh, *Datastanagirk (recension A)*, [in:] *Girk' Datastani*, ed. H. T'orosyan, Yerevan 1975; Idem, *Datastanagirk (recension B)*, [in:] *Datastanagirk' Hayoc'*, ed. V. Bastameanc', Yerevan 1880.

3 O. Balzer, *Statut ormiański w zatwierdzeniu Zygmunta I. z 1519 r.*, Lwów 1910, *passim*.

4 *Statuta iuris Armenici (Statut ormiański zatwierdzony przez Zygmunta I w 1519 r.)*, [in:] *Corpus Iuris Polonici, sect. 1, Privilegia, statuta, constitutiones, edicta, decreta, mandata Regnum Poloniae spectantia comprehendentis*, ed. O. Balzer, vol. 3, Kraków 1906, pp. 423–424.

5 Ibidem, pp. 416–419; O. Balzer, op. cit., pp. 215–267; S. Kutrzeba, *Datastanagirk Mechitara Gosza i Statut ormiański z 1519 roku*, Lwów 1909, passim.

6 R.W. Thomson, *The Lawcode [Datastanagirk'] of Mxit'ar Goš. Dutch Studies in Armenian Language and Literature 6*, Amsterdam–Atlanta 2000, pp. 11–58, 109–306, 355 ff.

the proper path of salvation, and to eradicate evil and sin, which had a significant impact on the sanctions present in the code.[7]

The opus of Gosh is based on the Biblical law, especially on the First, Second, Third and Fifth Books of Moses,[8] combined with the legacy of various origins, including the Roman law and the canon law, as well as the traditional Armenian law.[9] The reception of the Sacred Scripture was not simply repetition, but rather a tool of creative interpretation. A modern, at that time, point of view allowed for the creation of new standards or the abandonment of obsolete provisions in new conditions.[10] The work was created in ca. 1184 A.D., and initially it was not intended to be the universally binding law. After shortening and simplifying this elaborate work, it was used as an unofficial source of law, and finally as an official code – Smpat's Code.[11] It should be observed that there has never been any canonical version of the text of the Datastanagirk in use. Its evolution was multi-path, both divergent and convergent.

An example of such variations was the 'Lwów matrix'. Its unpreserved text did not correspond to any of the other known versions, and was the most independent and innovative development path.[12] On the basis of this 'matrix', along with the addition of normative clauses of foreign provenance and innovative modifications, the legal text in question was created.

2. Methods

The Latin normative text, accepted by King Sigismund the Old, preserved in the *Metrica Regni Poloniae*, and in the diploma issued for the Armenians of Lwów, was analyzed,

7 A. Dzikowski, *Umowy sprzedaży zwierząt w Statucie ormiańskim*, [in:] *Ochrona pszczół i pszczelnictwo w badaniach młodych naukowców*, eds E.M. Szymański, D. Dyrda, Zgorzelec 2016, p. 8; A. Dzikowski, *Animal de-fects in the Armenian law in the Crown of the Kingdom of Poland*," Polish Journal of Natural Sciences" 2020, no. 35(2), pp. 249–262.

8 All Biblical references according to: *Biblia Sacra Vulgatae Editionis Sixti V Pont. Max. iussu recognita et Clementis VIII auctoritate edita*, ed. Fr. Pustet, Regensburg–Rome 1914.

9 R.W. Thomson, op. cit., pp. 23–32, 40–42.

10 Ibidem, 32–35

11 J. Karst, *Sempadscher Kodex aus dem 13. Jahrhundert oder Mittelarmenisches Rechtbuch*, 2 vols, Straßburg 1905, passim.

12 O. Balzer, op. cit., pp. 113–5, 125–50, 155–202.

based on a critical edition in the *Corpus Iuris Polonici*[13]; additionally, the official Polish translations[14] were analyzed. The author used dogmatic, historical-legal, and comparative methods of analysis and legal interpretation of the text.

The article discusses examples of regulations referring to animals. Although the authors of the Statute did not leave any direct definition regarding the legal character of animals, they were undoubtfully treated as things, and therefore subject to the property law.[15] In the normative text under discussion, however, modern thoughts of animal protection and welfare are noticeable.

Legal regulations regarding the following facts and acts were subject to the test:

1. men being attacked by an animal; riders being thrown by a frightened animal;
2. men performing harmful acts to another person with the use of an animal, including contributing a direct and eventual intention of shedding of the rider by the animal, including purposeful actions, jokes and coercion for horse riding; contributing to the falling from saddles; unintentional manslaughter connected with hunting and trampling by carts out of control; cattle grazing on someone else's field;
3. various cases of mutual assault of animals, and their death or health detriment;
4. animal protection standards, describing: animals falling into a well; theft: for sale, for slaughter, by a keeper, by a shepherd; finding someone else's lost animal; raising animals; prohibition of beating animals: during a trip, and preventing eating-up fields.

All the aforementioned provisions of the Armenian Statute were analyzed in terms of: requirements imposed by the legislator on the care and custody of animals, and on the mutual human-animal relationships; conditions, manner, and nature of the responsibility of men, including animal owners, for their actions and for damage caused by animals. It has been taken into account that the characteristics and qualification of these provisions within the framework of the contemporary conceptual network and the relationship of another legal system is not fully accurate, exact, and steadfast.

13 *Statuta iuris Armenici*, op. cit., no. 215, pp. 427–462.
14 Ibidem, no. 215, pp. 401–538.
15 A. Dzikowski, op. cit., p. 6.

3. Damage to people caused by animals

3.1. Attack

Chapter 26 of the Statute concerned a bull attacking a man and injuring him with mortal effect. Chapters 31, 32, and 96 related to damage caused by horses, respectively: bodily health detriment, causing death, as well as the consequences of the horse-frightening.

Chapter 26 of the discussed Statute was a continuation of the Datastanagirk, chapters 65 and 221, and mostly repeated the wording of the Second Book of Moses.[16] Furthermore, Datastanagirk's chapter 221 explicitly mentioned that it was a repetition and extension of its chapter 65. Chapter 26 is much shorter and less-detailed than the original two paragraphs.

If the bull had (in the days preceding the attack) a noticeable tendency to hit or kick, then the Exodus, chapter twenty-one, verses twenty-nine to thirty-one, predicted stoning both the bull and its owner – unless he paid for his life. Datastanagirk, chapter 221 – apart butting oxen – mentioned some other examples: skittish and stubborn mules, biting and kicking horses.

Gosh stated the guilt and responsibility of the owner of the animal. Nevertheless, in the spirit of humanitarianism he left a ransom as the only option, and ordered killing a bull in a slaughter manner. In the Datastanagirk it was a ransom, but not the weregild in the sense that was given in the Western-European law. Weregild[17] was a restitution (money-penalty) paid by the perpetrator to the family of a victim, or to the owner (the aggrieved party), instead of the capital punishment or blood feud. This legal institution was based on the legal concepts of private penalty, private criminal liability and punishment, and was applied all along the Ancient, Medieval, and Early Modern Europe. In the then Polish law, it was a part of the composite punishments system. Its sustained usage was connected not only with the weakness of the state authorities, but also with the legal inequality of the estates of the realm, and noble

16 Chapter 21, verses 28 to 32.

17 Also named: wergeld, weregeld, wergild, man price, bloodwit, blood money, Lat. *poena capitis*, Germ. Wergeld, Pol. główszczyzna.

privileges.[18] According to chapter 117 of the Statute, the height of the man price was set at 365 złotys.[19]

The texts of Gosh, and norms of the Statute were guided by modern principles of humanity and limitation of animal suffering. The economic aspect cannot be overlooked either – according to Gosh, the bull's meat was not to be unfit for human consumption anymore, but animals should had been slaughtered in a manner enabling its sale and consumption.

According to the Datastanagirk, chapter 65, and chapter 26 of the Lwów Statute, the bull's owner was not responsible, neither in criminal terms (he is free from death penalty), nor according to the civil law: his 'punishment' was his material loss. According to the author, it can be assumed that this was an *ex lege* expropriation. It is worthy to notice, that this was combined with a charity activity, and with an expiatory trait.

Chapter 26 of the Statute, based on the Datastanagirk, chapter 221, stated that if the owner had known about the innate tendencies of an animal, e.g. a bull had always been habitually harmful, indomitable, and restive ("*semper indomitus et ferus*"), and the owner has been admonished by his neighbors to get rid of this animal (sell or dismiss), but these complaints have been ignored by him, he was guilty and had to pay the man price. His additional responsibility was to pay for the treatment and adequate medicines, and compensation: "*laeso ad solutionem damni et medicinarum*". If he had no knowledge, he was considered innocent and did not bear any punishment or other responsibility.

In relation to equids, treated as inedible and impure animals, the Datastanagirk, chapter 221 ordered the sale of a horse or s mule, warning the buyer that this animal killed a man, and provided that the new owner can temper such an animal. From the obtained funds, costs of the funeral were to be paid. This norm was not transferred to the tested act.

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18 S. Kutrzeba, *Mężobójstwo w prawie polskiem XIV i XV wieku*, Kraków 1907, pp. 131–132; A. Pawiński, *O pojednaniu w zabójstwie: według dawnego prawa polskiego*, Warszawa 1884, p. 62; Z. Gloger, *Encyklopedja staropolska ilustrowana*, vol. 2, Warszawa 1901, p. 193.

19 Florins, ducats: 365 x about 3.5 g of gold.

A similar legal norm was prescribed in chapters 32, and 33 of the Statute, establishing the responsibility of the owners of skittish, habitually aggressive, indomitable, restive horses, which caused injuries or deaths in people, e.g. by biting or kicking. Chapter 96 *in fine*, contained the cases of killing a man by a frightened, scared horse were described.

In case of a kicking, slipping or buckling horse, in accordance with the chapter 32, the injured man was entitled to compensation and reimbursement of medical expenses. This regulation was based on the Datastanagirk, chapter seventy-one, treating not only horses, but also other draft animals such as mules and donkeys. In the event of a manslaughter, the 71st chapter of the Datastanagirk provided full compensation for the family of the deceased.

However, if the aggrieved party was warned by the owner about possibility of dangerous behaviour of the horse, the liability for compensation was reduced to one half, when the aggrieved Armenian did not provoke aggression on the horse's side, according to chapter 32 of the Statute. It should be interpreted that when the sufferer provoked, the owner of the animal was not liable.

According to the Datastanagirk, chapter 71, the same sanction met both the owner of the horse, who was not aware of its negative tendencies, as well as the one who had known, but (despite his attempts) accident was not prevented. In case of death and injury to the aggrieved, the responsible person (aware but non-securing) had to pay full compensation, and the owner, unaware and protective (even with unsatisfactory effect): half of the debt.

Interpreting further, it should be indicated that the Datastanagirk, chapter 71 paid more attention to the will of the horse's owner to perform the safety activities than to the effect of these attempts, while the Statute additionally took into account the behavior of the victim preceding the attack of aggression.

Moreover, the Datastanagirk, chapter 71 ordered that the vardapeds (judicial vicars, episcopal judiciary officials of the Armenian Church) should prescribe repentance, because the punishments provided by the Datastanagirk were autonomous from the church punishments for the sin.[20] There are no such regulations in the Statute

[20] R.W. Thomson, op. cit., p. 165, no. 633

of the Polish Armenians, in spite of the existence of such ecclesiastical office in the Armenian Diocese of Lwów.

The next norm contained in the discussed regulations of chapter 26 of the Statute is the subject-qualified case of a bull attacking men: attacking servants.[21] In this case, the Holy Scripture ordered payment of thirty double-saters (shekels) of silver, and stoning of the bull. Gosh processed this Biblical norm in a creative way and emphasized the inequality of the law of Christians (Armenians), and other denominations (Muslims). The diversity of legal consequences depending on nationality and religion was a common legislative practice at the time. As before, and in this case, Gosh recommended slaughter instead of stoning.

In addition, another norm in the text of Gosh can be found, which was only partially taken up by the creators of the Statute. It stated that if a bull has broken someone's leg or harmed him otherwise (but has not caused death), the owner's responsibility depended on his knowledge of the aggressive tendencies of the animal and whether he had ignored the warnings and admonishments.

The authors of the Statute only mentioned servants, without recalling the Exodus. The legal norm united, however, the sufferer (servant) with the consequences of bodily harm occurring in the Datastanagirk, chapter 65. In this case, there was also a differentiation of the consequences of the event: depending on the owner's intent (knowledge): if he had known, he should have paid his servants medical expenses and compensation; if not – he was not liable.

Chapter 33 of the Statute, and chapter 72 of the Datastanagirk, constituted *leges speciales* in relation to chapters – respectively – 32, and 71 of the mentioned legal acts. These paragraphs established a special legal regime for persons (servants, wife, and children) under the authority of the householder, named also the head of the family.

In relation to the liability of the owner, who (contrary to the admonishments of members of the local community) did not sell an animal the aggressiveness of which was commonly known, chapter 33 of the Statute, based on the Datastanagirk,

21 Based indirectly on the Exodus, chapter 21, verse 32 (via the Datastanagirk, chapter 65).

chapter 72, provided two models of conduct. They were a combination of canonical and civil liability with criminal penalties.

Gosh ordered the vardaped's court to determine the penance *ad casum*. The use of penance in the dimension corresponding to the partial intent of the animal's owner was foreseen. In the Datastanagirk it was a responsibility for semi-intentional/semi-unintentional act, that is, in which the perpetrator deliberately committed an action, the consequence of which he had predicted or could have predicted. It is only canonical liability before the vardapeds, neither civil nor criminal. In the Lwów Statute, semi-intentional/semi-unintentional acts were treated as intentional ones.

The Statute prescribed the ecclesiastical penance or, as a preferred option, the proper application of the norms of chapter 26, i.e. the payment of a monetary amount as compensation and damages for manslaughter. Chapter 26 clearly stated that, despite being responsible for the death of a man, the owner of the animal was not to be punished with death penalty.

Comparing to the Datastanagirk, chapter 72, chapter 33 of the Statute simplified the issue of church penance and repentance (*poenitentia et emenda*). It can be assessed as a try to leave it for the sake of secular regulations.

When the victim was a household member, a family member or a servant, and was warned of the animal's restiveness, no liability for damages on the part of the owner arose. He was, according to the chapter 33 of the Statute, and chapter 72 of the Datastanagirk, completely exculpated (*absque culpa*). It should be remembered that the provision of chapter 26 of the Statute was different: it involved the owner's lack of responsibility with his ignorance of the aggressive tendencies of the ox, and in the case of being aware of that, it prescribed the obligation to pay compensation and cover the costs of healing.

3.2. Frightened animal

Chapter 96 of the Statute was based on chapters 232, and 63 of the Datastanagirk. It normed various situations in which a frightened horse (or other animal) shed the rider and caused his illness, injury or death. Chapter 96 *in fine* did not impose any sanction on the owner of the horse, which (not frightened by a man) had dropped someone

and led to his death. The reason for such a regulation was the specific, innate timidity of horses as a species. Such and similar accidents were to be assessed in a similar way to other norms of the Statute, judged by the law and justice, which partially corresponds to the legal concept of equity.

4. Damage caused to people by other people through animals

4.1. Intentional frightening of an animal

Continuing the considerations of chapter 96 of the Statute, it is necessary to distinguish a separate category of events in which the behavior of an animal leads to injury, illness, or death of a man, but the perpetrator and driving force of an incident is a third party. In addition, the chapter 97 should also be analyzed.

Intentional scaring of a horse with the intention of throwing off the rider (evaluated as *dolus directus*), as well as frightening for jokes (evaluated as *dolus eventualis*), resulted in the guilt of the one who frightened. When this event resulted in somebody's death, he was guilty of a manslaughter and should have paid the blood price; when the fall caused health disorder and bodily injury, he should have covered medical expenses and pay compensation. It should be noted that hurt of an animal for joke or during the game was regulated in the Datastanagirk, chapter 231 *in fine*.

The original norm of the chapter 232 of the Datastanagirk was more detailed than the norm of the Lwów Armenians. Apart from acting with direct or eventual intent, it also regulates additional premises: adult age of the perpetrator, and his bad intentions. It was necessary to carefully consider the voluntary motivation in each case (jokes were considered voluntary). Gosh also pointed out that children's deeds should be judged according to their age.

The Datastanagirk, chapter 232 ordered the proper application of the provisions of chapter 63: a court of blood (bloodwit) for causing death; covering the costs of treatment and recovery in case of health disorder. In addition, when a fall-related ailment was incurable, the perpetrator should have paid half of the amount of compensation for the loss of a body function.

Another specific feature that testifies that Gosh's work was a commentary, is the fact that he mentioned that acting for joke (with an eventual intention) should have been assessed on the same level as a direct intention, but he also stressed that customary law corrected this written standard. The custom stated that in such a case it was sufficient to pay compensation in the amount from one third to one half, and that in the case of failure to bring the case to court, the penance for sin should have been reduced (in the same dimension, i.e. from one third to one half).

In the Datastanagirk, chapter 232 *in fine*, a different solution can be found than in chapter 96 *in fine*: the tariff of fines and church penalties, and differentiating the legal consequences of scaring a horse for a trivial reason (for no apparent reason), depending on the nationality and religion: Muslims should have paid one half of the man price; Christian enemies, and other non-Armenians should have paid one quarter of this payment, and perform one half of the penance; Armenians were subject to the proper application of the chapters 173, and 233 of the Gosh's Lawcode (unintentional, involuntary manslaughter), and the payment should have always been as small as possible.

The circumstance excluding punishment was, according to the Datastanagirk, chapter 232, scaring of the horse during a journey, during a normal and moderate movement. The payment of compensation and the execution of penance by the perpetrator were then voluntary (dependent only on his will).

4.2. Coercion for horse riding

A different case is governed by chapters 100 of the Statute, and 236 of the Datastanagirk: the situation of compelling someone to get on an unsaddled, untamed horse, and the effect – death of a man. On the other hand, in the Datastanagirk, chapter 236 described: coercing, using violence to send someone with a task in the mountains, on a stubborn, skittish horse. The law charged the indirect perpetrator with blame, and imposed on him the obligation to pay the bloodwit. The influence of European laws on the departure from the original judgment of blood of intentional semi-voluntary/semi-involuntary manslaughter, the equalization of all victims, and the payment of the weregild is visible.

Other norms of the Statute regulated similar situations and determined the issues of guilt and liability in the event of: an accident resulting from the coercion of a servant

for horse riding by his master or by another master, or accidents affecting mercenaries, described in chapters 92, 93, and 94 respectively.

The other provision of the Datastanagirk had a similar meaning. On the example of a horse, chapter 245 regulated cases of injuries and deaths of both men and animals, in case of men using someone else's animal, and working under the control of the horse owner. If the horse owner had known that it was high-spirited, and he had no regard, or whether he sent the animal by force, and the rider (the temporary user of the animal) fell and died, the owner was responsible for the voluntary manslaughter. The owner of the horse was responsible for involuntary manslaughter if he exercised caution, did not force the animal, which was not high-spirited, and the dead man was not under the authority of the householder: neither a household member nor a servant, nor a mercenary. In the event of damage to health or incurable changes, and permanent ailments, the fault of the owner of the animal was assessed in accordance with the above criteria. His responsibility manifested itself in the need to cover the costs of treatment, maintenance, and food provision in the hospital until healing.

The Datastanagirk, chapter 245 also described the case when the victim contributed to the fall from the horse, to his death or damage to his body. These were cases when the vigilance was insufficient with such a quick-tempered steed, failure to exercise proper caution occurred. According to the author, the owner's responsibility should be considered in this situation for fault in the choice (*culpa in eligendo*) if he chose a young, and thus inexperienced, person to work. Whereas the chosen one was adult (presumed to be experienced, aware, and predictive of his actions), the owner was not responsible.

4.3. Unintentional manslaughter

Chapter 97 of the Statute (based on the Datastanagirk, chapter 233) contained an open catalogue of examples of situations that should be assessed as unintentional manslaughter. The Lwów Statute enumerated, e.g. a mistaken shooting on the hunt due to confusion between a man and a game, and horses that bolted. The provision of the Datastanagirk was more detailed, and the latter case is described as killing a man in a public square, horseback and with other animal carts, trampling and running the cart down.

4.4. Grazing in someone else's field

Chapters 35, and 95 of the Statute relate to the law of gardens and fields, or more strictly speaking, animals eating-up fields. These norms are dependent on the Datastanagirk, chapters 76,[22] as well as 231. Conscious and intentional grazing of cattle on someone else's sown field or garden,[23] resulted, according to the Datastanagirk, in the need to return the feed from the perpetrator's own field, or to give his own field to grazing. In the Lwów variant of chapter thirty-five a significant and modern change can be observed: the perpetrator's responsibility consisted in the obligation to pay monetary compensation according to the value estimated by the 'good people' – reliable and experienced members of the Armenian community, considered as specialists.[24]

It should be noted that the problems of non-contractual use (and abusage) of other agricultural products was also described in chapters sixty-seven, and sixty-eight of the Statute. It was allowed to feed on other people's crops by tearing out or breaking grain up, or picking grapes, and – *per analogiam* – other fruits as well, but harvesting of grain and raising any fruit from the crop was strictly prohibited.

Norms of chapters ninety-five of the Statute, and 231 of the Datastanagirk, as referring to animal protection and the responsibility of the field owner for abuse of his right, will be presented in the further part of the work.

5. Damage caused to animals by other animals

5.1. Damage caused to animals by other herbivorous animals

Chapter twenty-eight of the discussed legal act describes damages caused by an animal to another creature (of another ownership), and such animal's death. The analyzed problems are also affected by chapters thirty-one, thirty-eight in fine, and 102 *in fine*.

22 Which fully repeated the passage of the Mosaic law of the Exodus, chapter 22, verse 5.
23 In the text of Mkhitar Gosh: a vineyard.
24 O. Balzer, op. cit., pp. 72–73.

Chapter twenty-eight was the abbreviation of the Datastanagirk's chapter sixty-six, and it is the entire reception of Biblical norms of the Exodus, chapter twenty-one, verses thirty-five and thirty-six. It referred only to the cases when an ox would have killed an ox, a bull would have killed a bull, and thus a specimen of similar size and strength.

Two legal norms can be derived from the discussed chapter:

1. referring to a sudden, unannounced attack, that is, the state in which the owner did not know and could not predict the behavior of the ox;
2. referring to the habitual aggressiveness, familiar to the owner, who was reprimanded but ignored these admonitions. Distinguishing of the legal situation is therefore based on the same rules as in the chapter 26.

In the first case, the animal-'perpetrator' should have been sold, and the obtained money – divided in half between the parties: the aggrieved, and the responsible one. Similarly, the carcass of the dead animal should have been divided in half. Chapter 28 of the Polish Armenian act differed from the norm of the Datastanagirk, chapter 66, according to which the responsible and the aggrieved owners should have jointly, in parts equal to the half of the price, acquired a new animal for the latter party, and also should have shared the carcass.

In the second case, if the bull displayed aggression, but the owner ignored the admonitions, according to both Gosh's and Lwów standards, the responsible person should have given the aggrieved a new bull as a compensation in nature, while as a loss compensation the responsible party may have taken the carcass. After the attack, the owner responsible *ex actio de pauperie* should have given the animal as compensation for the aggrieved, in accordance with chapter 28.

If the aggrieved received this habitually aggressive animal, it should have been sold to avoid the liability in the future. On the other hand, if he would have received another animal, this duty was obviously not introduced. But also in this case, the legislation of Polish Armenians sought to balance the property situation of members of the community, because the property of the killed art fell to the responsible party (after transferring the living animal to the aggrieved). Thus, a strong accentuation of loss compensation on the side of the perpetrator was evident, which weakened the compensation and recompensing value on the part of the aggrieved. This norm

resulted from the idea of the Armenian local community as an entity, all members of which should maintain a stable state of ownership.

Further regulation of this issue is chapter 102 *in fine* of the Statute on the law of shepherds. This chapter is based on the Datastanagirk, chapter 238 *in fine*. The latter is, however, a simple repetition of the standards of chapter 66 of the Gosh's Lawcode. If animals happened to kill themselves, e.g. during male fights for domination, or crushing themselves, then the matter was recognized according to the principles of equity, justice and justness.

Chapter 31 of the Statute, and its source – chapter 69 of the Datastanagirk, also referred to unpredictable and predictable attacks, with one fundamental difference: the imbalance of forces between animals, e.g. killing an animal belonging to another species or utility group, including the weaker (cow, horned cattle, or ram, and in Gosh's text, also 'unclean' beasts of burden, e.g. horses and donkeys) by a bull.

It should be noted that both the Datastanagirk, chapter 69, and the Lwów Statute, chapter 31, stated the owner of the aggressive animal liable, dependent on the tendencies displayed by the creature, on the response to the made complaints, and on the size of the dead animal. In case of the common knowledge about the animal's aggression, warnings and admonishments of the local society, and disregard of these facts by the owner, he should have paid the aggrieved party the entire value of the dead animal.

In case of an unpredictable attack, the authors of the Statute sought to compensate and balance losses – both on the side of the aggrieved, and of the liable owner of the aggressive calf or ox. According to chapter twenty-eight, the parties were to share (in equal parts) not only meat and by-products from the dead animal, but also a monetary amount obtained from the sale of the aggressive animal. Although the situation described in chapters thirty-one of the Statute, and sixty-nine of the Gosh's Lawcode, was analogous, the legal standards were different. In case of the death of a large cattle, such as an adult cow – both normative acts required the sale of both animals: aggressive one and the carcass, and dividing the obtained monetary amount into equal parts (one half) among the parties. The Statute also prescribed the payment of compensation in the amount of half the value of the killed animal of average size (adult, e.g. sheep).

The Lwów statutory concept for the case of the death of a small animal was different from the one presented in the chapter 69 of the Datastanagirk. This provision showed a difference in relation to the source text, which stated that dead smaller animals will be entirely provided to their owner. There was no liability in the Polish Armenian law for damages arising (it is, however, not clear whether it was a meager, or a young art under discussion). Apart from that, these norms are consistent with each other, and the differences can be attributed to an error or a lapse. The sanction, according to chapter thirty-one *in fine*, is the payment of compensation in the amount of the value of the killed creature.

Mutual relations of chapters twenty-eight, and thirty-one of the Statute, should be understood as meaning that the first one established legal norms referring to animals of the same type and strength, while the latter – regarding the damage caused by stronger animals to weaker, smaller ones.

5.2. Damage caused to animals by predators

Chapter 38 *in fine* of the Lwów statutory act described the case of eating or mutilation of an animal in custody (in storage) by a wolf or a bear.[25] The title of chapter 38 of the Statute mentioned only *iumenta*, but listed horses, oxen and other cattle.[26] The analogous chapter seventy-nine of the Datastanagirk listed donkeys, oxen, bovine animals, sheep and all other species. The Polish Armenian law prescribed the evasion of the custodian of any liability for unfortunate accidents within the scope of *vis maior*, if he exculpated himself by showing the owner of the animal the place of incident. Differently in the Datastanagirk, chapter seventy-nine: showing the animal cadaver.

During editing of the official version of the Statute, it was noted *expressis verbis* that the norm of chapter thirty-eight of this act was intended to be applied not only between Armenians, but also in the relations between Armenians and 'Christians' – members of other Christian denominations, what was equal to people of other than Armenian nationality, e.g. Poles – Roman Catholics.[27]

25 This section was based on the Datastanagirk, chapter 79, which fully recodes the Scripture: Exodus, chapter 22, verses 10 to 13.

26 In the Polish official translation, however, not 'beasts of burden', but 'cattle'.

27 It should be noted that the discussed Statute predated ecclesiastical union of the Lwów Armenian diocese with the Roman Church, 1630, as well as the full Polonization of the Polish

5.3. Legal norms not adopted in the Lwów Statute

It should be noted that in the Datastanagirk there are several legal norms not adopted by the authors of the Polish Armenian act, e.g. chapter seventy, which regarded the killing of other draft animals, such as horses, donkeys or mules (by choking, asphyxiation, trampling, kicking, or other damage). This paragraph, however, ordered to apply its provisions to all animal species. In the case under consideration, the responsibility of the owner of the animal-'perpetrator' depended on his knowledge of aggression, and the lack of security measures, and covered compensation of the value of a dead animal, or – in the case of ignorance – one half of this sum.

6. Damage caused to animals by humans and legislation on animal protection

6.1. Hole in the ground

Animal protection regulations constitute one of the currently developing areas of legal studies and are perceived as a *novum*. However, they were present in the medieval codifications: in the text of Gosh and in the Statute of Lwów. For the people of those days, the premise was the protection of animals, which were not only material goods, but above all, living creatures, and the work of God.

Chapter 29 of the discussed Statute concerned the situation of an animal falling into an unprotected hole in the ground, including an uncracked, dug, or hollowed well,[28] and the death of this animal. The owner of the well (landlord) should pay the aggrieved owner of the dead animal compensation equal to the value of the animal. He can however take its skin himself. Differently in the Datastanagirk: the entire carcass.

The basis of liability of the owner of the well (i.e. owner of the land on which the well is located) was a violation of precautionary principles by not securing the place. Such a case can be defined in modern law as a violation of the rules of health and safety at work.

Armenian community, cf. T. Krzyżowski, *Archidiecezja lwowska obrządku ormiańskokatolickiego w latach 1902–1938*, Kraków 2020.

28 In Gosh's text: an opened cistern, which in the Statute was changed to a well, due to the different nature of the area.

It should be noted that in this chapter of the Lwów act only the *iumenta* – beasts of burden – were mentioned, and thus a rational, though timid, extension of the scope of normalization to all species of animals, which was made by Gosh in his chapter 67, by extending the scope contained in the quoted passage of the Second Book of Moses, chapter 21, verses 33 and 34, was not accepted.

6.2. Theft

Norm of the seventy-third chapter of the Datastanagirk: on the theft of the animal, and its subsequent sale or slaughter, was not adopted by the authors of the Lwów act. According to the Datastanagirk, this is a staged crime: if the stolen animal is alive and healthy, then the thief should pay damages worth twice the value of the item; if, however, the animal was slaughtered, or is no longer in the thief's possession (e.g. is sold or transferred to a receiver of the stolen goods, etc.), for the theft of one ox he should pay five times its value, and for one sheep – four times. Mkhitar Gosh humanely omitted the Biblical order of the Exodus, chapter twenty-two, verses: one, three-b, and four, to sell the perpetrator into slavery for debts.

For the theft of animals by a custodian (keeper), one of the norms of chapter thirty-eight, modelled on the seventy-ninth chapter of the Gosh's Lawcode, should be applied. The law ordered the perpetrator to pay compensation for the value of the stolen animal.

It is worth noting, that the responsibility of the custodian (chapters thirty-eight of the Statute, and seventy-nine of the Datastanagirk) – apart from the previously described cases of theft by the custodian himself, and killing the animal by wild beasts, was not extended to cases when he was diligent (did not cause the event), but not secured the animal against injury, death or theft by the powerful enemies: "*per potentem manum ablata*". The evidence used to serve as the basis for the exculpation of the custodian was the personal oath.[29] The sanction was the sin of perjury.

Theft is also described in the chapter 102 on the law of shepherds, based on the Datastanagirk, chapter 238, and having its roots in the Exodus, chapter 22, verse 4.

[29] The so-called *iuramentum corporale*. Cf. A. Moniuszko, *Iuramentum corporale praestitit. Przyczynek do badań nad przysięgą dowodową w koronnym procesie ziemskim u schyłku XVI stulecia*, „Socium. Al'manah social'noi istorii" 2009, no. 9, pp. 361–372.

The shepherd should pay compensation in the full amount of the animal's value if he has stolen it, or has contributed to the theft. Gosh assessed such a case in a different way, depending on the will of the shepherd. If the theft would have been uninfluenced by his will, the shepherd should not bear guilt or liability. If he did had stolen the item by himself, or the crime had occurred because of his *dolus eventualis*,[30] he should have paid the full compensation.

6.3. Finding of an animal

Rationes legis of the provision of chapter sixty-three of the discussed legal act were: strengthening the social ties of the Armenian community, and animal protection. The norm was modelled on the Datastanagirk, chapter 114, and on the Book of Deuteronomy, chapter 22, verses 1 to 3. The law required that if an animal (or any other item) was found, and it belonged to the person known to the finder and residing nearby, it ought to have been immediately returned. On the other hand, if an animal belonging to an unknown owner was found, it was necessary to take it and keep it until its rightful owner was found. The animal itself should always be returned, and not, for example, the monetary equivalent of its value.

It is evident that in case of finding a movable item, there was no ownership acquisition: neither by occupation, nor by perception, nor by usucaption. The owner should have borne the burden of proof of his legal title to the item – as he derived legal consequences from his claims.

The Statute added to this norm an important order for the finder: the fact that he has found something should be notified to the municipal or castle office, and announced to his neighbors. This very provision is repeated twice in chapter sixty-three. This is one of the very few examples of the administrative activity of the authorities, as well as an example of breaking the norms of the Lwów Statute beyond the narrow framework of the Armenian nation, as the aforementioned offices were independent of the Armenian community and its administrative and judicial self-government. Moreover, the provisions of the Statute granted the finder with the right to demand

30 Manifested through negligence and laziness, while he should have realized the possibility of losing the creature.

reimbursement of expenses (*reformatio impensarium*) incurred to keep the animal. Such a claim was explicitly excluded by the Datastanagirk.

6.4. Road assistance

Another norm of animal protection and humanitarian character is chapter 64 of the Lwów legal act. According to it, everybody should help his travel companions,[31] and their animals.[32] In this point, the authors of the Statute changed provisions of the Datastanagirk, chapter 115, ordering raising all kinds of animals that have fallen.[33]

In case of leaving people and animals without help and assistance, the sanction prescribed by chapter sixty-four, was criminal court responsibility, according to the principles of law and justice: "*secundum iustitiam et ius punire*". The Lwów text, on the other hand, ignored the provision of the Datastanagirk, chapter 115, on the lack of a claim for payment, and on criminal liability for pettifoggers and litigants who – contrary to the law – would raise claims for payment, demanding remuneration for the provided road assistance.

6.5. Prohibition of animal beating

Ratio legis of chapter 102 of the Statute on the law of shepherds, was not only to ensure the economic interest of the herd owner, or to regulate the responsibility of shepherds for improper performance of professional duties,[34] but also to ensure the proper conditions for animal welfare. This norm was based on the Datastanagirk, chapter 238, derived from the Scripture.[35]

The basis for shepherd's responsibility was the obligation of herd custody, resulting from the nature of the contract of renting for grazing herds. Bad guarding, or lack of attention resulting in animal's death, arose liability and necessity of compensation in full value of the animal.

31 E.g. trapping a wagon in the mud.
32 In case of, e.g. sickness or lameness of a horse, falling in and trapping in a bridge hole.
33 Based on the Deuteronomy, chapter 22, verse 4.
34 Such as: lack of diligence, insufficient guarding, absence, etc.
35 Exodus, chapter 22, verses 4 and 13.

If it had been impossible for the shepherd to deal with the case conditions, he could have exculpated himself by bringing the herd's owner to the place of the event to reveal the circumstances. A difference can be observed, comparing the statutory text with the Datastanagirk, chapter 238, which in case of a *casus mixtus*, ordered compensation in amount of one half of the value of the dead animal, and allowed to bring any witness for exculpation.

If health damages or animal death occurred as a result of being hit by a stick or a stone, or being pressed with wood by the shepherd, then – in accordance with chapter 102, he should have paid full compensation. The Statute accepted therefore, unlike the text of the Datastanagirk, an uniform sanction in all cases of guilt and negligence, probably under the influence of the Saxon Mirror.[36] This standard was supposed to protect not only the property, but also act preventively on the shepherds, so that they would not vent their frustration or anger on the innocent animals entrusted to their care.

Chapter 44 of the Statute described the responsibility for beating and striking someone else's animal, and causing the death of it. In the event of an unintentional act, the perpetrator had ought to pay the value of the killed art. It was different than in the original norm of the Datastanagirk, chapter 89, which prescribed giving back another art, completely repeating the Mosaic norm.[37] The introduction of such an innovation in the Statute testifies to the influence of Western-European legal systems putting a pecuniary restitution over a natural one.[38] In the case of intentional killing, and therefore deliberate, unfriendly, malicious and hateful action ("*occiderit ex inimicitia*"), statutory norms entrusted the court with the question of civil and criminal liability, based on the claim contained in the pleading.

Similar behavior, in relation to the eating-up-fields prevention, was prohibited in chapters 95 of the Lwów Statute, and 231 of the Gosh's Datastanagirk. The landlord had the right to take such *pecora aut iumenta* to his cowshed. According to principles of humanitarianism and animal protection, however, it was strictly prohibited to beat (*verberare*, *laedere*) or – by reasoning *a minore ad maius* – to kill such vermin animals.

36 E. von Repgow, *Sachsenspiegel*, [in:] *Der Sachsenspiegel, Landrecht und Lehnrecht, nach dem Oldenburger Codex picturatus von 1336*, ed. A. Lübben, Amsterdam 1970, chapters 2.48 and 2.54.

37 Leviticus, chapter 24, verse 18.

38 E. von Repgow, op. cit., chapter 3.48.

The landowner was responsible for the abuse of his right to prevent losses in his fields, and hence – to having been incompatible with the principles of social co-existence, and animal welfare. His behavior, manifested in beating and striking animals, can be classified as animal cruelty with a lynching effect on animals. This liability was as follows: for killing – he had to pay compensation of the full value of the animal; for other damages (causing blindness or lameness, both persistent and transient, horn breaking, tail cutting; this was probably an open catalog, as indicated by the presence of other cases in the Datastanagirk, chapter 231, such as permanent lameness, tooth extraction, rib fracture), compensation value should be one quarter of the animal's value for each of the aforementioned damages (each calculated separately).

According to the 231st chapter of the Datastanagirk, to the mentioned responsibility compensation of one half of the animal's value in case of involuntary killing of an animal should had been added. The involuntary killing of an animal was a situation when the owner of the field had wanted to chase an animal, and not to kill it, however he caused its death, e.g. due to stress. A similar assessment of intentions should be carried out when assessing strokes and blows; unintentional and curable ones resulted in the obligation to pay compensation, and cover medical costs, while incurable: to fully compensate animal's value or, in the case of edible animals, the perpetrator's loss compensation was the meat from the carcass.

An additional circumstance exacerbating the perpetrator's liability was, according to the Datastanagirk, chapter 231 *in fine*, the action for a joke, or while having fun. It seems that this standard was applicable not only in case of eating-up-fields prohibition, but in all cases. Compensation for animal injuries should had then been increased (from one quarter of value), and for causing the death of the animal, the perpetrator-*ioculator* should had paid the full value of the given art.

7. Similar provisions of the Datastanagirk not adopted in the Lwów Statute

Based on the analysis of the above provision, it should be noted that the scope of provisions of the analyzed kind in the Lwów legal act is much more modest than in the text of Mkhitar Gosh.

An example is the norm of the Datastanagirk, chapter 238, which was not adopted in chapter 102 of the Lwów regulation.[39] It provided, i.a. that the attack of wild beasts on shepherds should have been considered in the context of occupational risk, and *vis maior*.[40] Another norm omitted in the Polish Armenian statutory act was the prohibition of killing people and animals by priests.[41] According to the canon law, such an act precluded the clergyman from exercising functions of priesthood.[42] Gosh did not quite agree with this statement, and recommended vardapeds (and thus: ecclesiastical, not temporal jurisdiction) recognizing *ad casum*. He agreed that even though a priest cannot kill animals even in self-defense, it is acceptable in the defense of third parties.

A norm of a particularly ecological, humanitarian nature, and aiming directly at the protection of the natural environment was contained in 117th chapter of the Datastanagirk, according to which the bird nests were protected. This law regulated what to do if one finds bird nests, eggs or chicks that have fallen to the ground. The bird-mother shall go free, and the chicks and eggs should be taken, not for consumption, but to breed them. Unfortunately, it has not been conceived by the authors of the Statute. According to the author, this norm aimed to ensure the survival and reproduction of birds. Moreover, the penalties for non-compliance with these orders were dependent on the average life-expectancy of a particular bird species, and the reduction in breeding of the species.

The Datastanagirk, chapter 245, regulated not only the danger to human health and life, discussed above, but also the damage to the health of animals sent to work under the temporary control of a third party (controlled by the animal's owner). This was a general rule, presented on the example of horses. Chapter 245 *in fine* of the Gosh's Lawcode stated that if a rider did hurt someone else's animal, e.g. broke its limb or lead to its death, his liability depended on the following conditions: normal[43] riding, being under the control of the animal's owner, and carrying out his orders. If he rode a horse in a normal way, and carried out orders – he was not liable.[44] However, if he was galloping, or did not comply with instructions given to him, or he chose

39 This provision referred to the 62nd chapter of the Datastanagirk, and the Exodus, chapter 21, verses 22 and 23.
40 R.W. Thomson, op. cit., p. 223, no. 1023.
41 Datastanagirk, chapter 170.
42 Resulting from interpretation of the Deuteronomy, chapter 20, verses 6 and 7.
43 Walk, on ordinary terrain, and at the right time of day and year.
44 O. Balzer, op. cit., pp. 113–114, 189.

a difficult terrain: liability arose, the extent of which was dependent partly on the rider's intent, and partly on the extent of the damage. Cases of intentional acts, as well as unintentional ones, resulting in large damages like serious health deficiency or animal death, resulted in the necessity to pay compensation in the full animal's value. Unintentional deeds, resulting in a slight damage to health, resulted in partial compensation. It should be reasoned that the partial compensation should have been proportional to the value reduction as a result of damage. This provision also indicated the need to be watchful for animal's temperament, and not to force it to work under a foreign or lay person, or in new circumstances unknown to the horse. This reveals a good knowledge of the horse's behavior in the medieval Armenia.

Another norm of the Datastanagirk, which cannot be found in the Lwów edition, is the 169th chapter of the Gosh's Lawcode, criminalizing zoophilia, and establishing it as a condition for the annulment of marriage. The absence of the principles concerning zoophilia in the Lwów edition requires further research, it cannot, however, be ruled out that this *passus* was already absent in an unknown source variant of the Lwów text. In the current state of research, it is not possible to determine with certainty the reason for the absence of this norm in the Polish -Armenian code. The Mosaic norm on bestiality was the source of many laws in Europe at that time. These were, however, mostly purely criminal norms – and not, as in Gosh's Lawcode, both criminal and civil legal norms.

Sui generis animal protection was also regulated by the Datastanagirk, chapter 248: on the demon possession of animals as a warning to their sinful owners. Such owners should, for the salvation of their souls, but also for healing of their animals, submit themselves to penance, exorcisms and three-year fasting.

8. Conclusions

It has been found that in the analyzed legal code various elements of substantive civil and criminal law, as well as procedural law, are mixed.

The study revealed that lawmakers of the Polish Armenian diaspora shortened and simplified the words of Mkhitar Gosh, and of the Scripture. In some paragraphs, radically different legal solutions have been adopted, combining in an original way

the legal thought of different sources and creating their own, innovative normative concepts. They were immigrants who, preserving their own traditions, customs and laws, appreciated and incorporated into their legal order the achievements of contemporary European legal culture. Moreover, within the 'Lwów matrix', the Syro-Roman law was merged with the Lawcode of Mkhitar. These sources could have been included in one volume, and as a result, could have been treated as components of one codification.

Differences in relation to the Datastanagirk were revealed, which can be divided into quantitative and qualitative. Partial impoverishment of the Lwów text regarding the number of norms, the scope of matters regulated by them, as well as the quantitative content of individual chapters, can be found in several reasons, including the variability of the Datastanagirk's textual versions: this code had no canonical text, there were several versions in use, and various forms. Not all of these manuscripts survived, the text which was directly native to the 'matrix' of the Lwów normative act, has not survived, but it did not comply with any of the preserved variants.[45] The influence of the Saxon Mirror, as well as the German *ius municipale*, and the local Polish law is evident.[46]

The analysis revealed that the most evident example of the impact of the medieval European law is the replacement of the death penalty with the payment of the weregild as a pecuniary penalty, but the buyout from death feature is present already in the twelfth-century codification by Mkhitar Gosh.

His commentaries were too long for quotidian usage, they were repeated many times, and proved inconvenient in the practical use of the text as a law code. Their shortening by the unknown authors of the Lwów Armenian community also included qualitative changes, such as combining several case-studies into one legal norm, or omitting others. The influence of the German and Polish law, and thus the rights of surrounding communities quantitatively exceeding the Armenian diaspora of Lwów, left its mark on this act.

In the 232nd chapter of his book, Mkihitar Gosh stressed that the customary law may prevail over the written law. This was the way his code was treated in the following

45 Ibidem, pp. 151–158.
46 Ibidem, pp. 202–215, 280–289; R.W. Thomson, op. cit., p. 39.

centuries. Its contents could, with the passage of time and changes in the living conditions, have been subject not only to creative interpretation (e.g. extensive interpretation), but even to the subtraction and addition of subsequent norms, and thus much more even than the *interpretatio contra legem scriptam*.

The study revealed that norms related to responsibility are often not consistent in the discussed act. In analogous, casuistically indicated situations, the Polish Armenian law provided for different responsibilities, and sometimes legal norms overlap. This is due to the multistage, time-stretched nature of the discussed legal act.

It should be observed that the descriptive character of norms cannot be strictly extrapolated to contemporary standards of law-making and legal interpretation. It is doubtful that the then Armenian judges strictly examined all the aforementioned premises. Most probably the norms were to draft a general type, e.g. a situation in which, despite the known aggressiveness or irritation of an animal, its owner did not take necessary steps to prevent such an uncontrolled attack.

Punishing an animal, as if it was aware and could bear responsibility for its actions, is an example of the quondam legal thinking, completely unknown to the contemporary legal dogma. While the Mosaic provision established a criminal liability of an animal, it was not in case of the discussed Statute that the animal should be responsible to the proceedings as a party, and guilty of an act. Therefore, it should not be considered as an animal trial. *Ratio legis* of such norms was, in the author's opinion, rather to eliminate the dangerous specimen from the herd, and to get the meat for sale for charity or as a loss compensation for the responsible party.

The rationale for the responsibility of the owner of an aggressive animal was the social dimension of their behavior (lack of precaution manifesting in disregard of neighbors' admonitions, and servants' complaints), combined with the behavior of the animal.

The defective nature of an aggressive animal was indispensable for the completeness of the *actio de pauperie*. Every aggressive animal is (and was) a threat to human health or life, or property, including other animals, so it is (and was) vitious. On the other hand, from the discussed chapters 26, 28, 31, and 33, a norm can be derived that requires the sale of skittish animals, potentially dangerous behavior of which is stigmatized by the local community. Is there, therefore, an internal contradiction

of the law? Or rather, the standard contained in these chapters did not indicate such a contradiction, and it only illustrated the preponderance of the interests of the local Armenian community over the rights of the purchaser of the defective animal, and therefore in a specific case it restricts the rights of an individual due to the public good.

Care for the public good, as well as the respect for divine goods, were manifested in the chapters of humanitarian nature, and in the ones on animal protection. This can be observed especially in very modern regulations prohibiting animal abuse and cruelty. Unfortunately, the standard concerning birds, with exceptionally humanistic and humanitarian features, was not adopted by the Lwów text.

It should be stated that the Polish Armenian Statute, like other monuments of legal history, was a casuistic, and thus limited legal code. However, some general trends can be noticed in it, such as: pecuniary retribution as the primary means of enforcing civil and criminal liability; concern for the welfare of animals; considerable emphasis on animal behavior; the crucial role of the admonition of the local community and non-compliance with such a warning; other social elements, such as the striving to balance losses on both the aggrieved and the responsible parties.

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SUMMARY

Liability Related to Animals in the Statute of the Lwów Armenian Community

The study analyses and discusses animal-related liability as well as legal norms connected with animals in the Lwów Statute of the Polish Armenian community in 1519. The obtained results were systematized and divided into typical groups: damage to people caused by animals, damage caused to people by other people through animals, damage caused to animals by other animals, damage caused to animals by humans and norms related to animal protection, as well as similar provisions of the Datastanagirk not adopted in the Lwów Armenian Statute. Several norms on animal protection were revealed, constituting one of the oldest examples of this type of normative regulations in European history (e.g. prohibition of animal beating, abuse, and cruelty). Care for the public good and social integrity, as well as the respect for divine goods and ethics, were proved to manifest in the discussed statutory act. The sources and changes of legal provisions are revealed, including i.a. the Sacred Scripture (especially the First, Second, Third and Fifth Books of Moses), the Datastanagirk of Mkhitar Gosh, and German municipal law. The discussed statutory act has been proven to contain legal solutions which adopted in an original way legal thought of different sources and created own, innovative normative concepts.