

KHIKHANI FORTRESS AS AN INSTITUTIONAL CENTER OF REGIONAL DEFENSE AND THE PRESERVATION OF CUSTOMARY LAW

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Abstract. The present study examines the functional and historical role of Khikhani Fortress, with particular emphasis on its significance in the organization of regional defense and the preservation of customary law in southwestern Georgia. The research is based on both Georgian ethnographic and historical sources, as well as modern international historiography and legal theory, which makes it possible to analyze Khikhani Fortress not only as a military-strategic structure but also as a multifunctional institutional space.

The article demonstrates that Khikhani Fortress functioned as a center of regional governance, where defense, law, and social order operated as an integrated system. Particular attention is devoted to the role of communal assemblies as mechanisms for the formation, interpretation, and enforcement of customary law. The analysis of property disputes, criminal cases, and family-inheritance conflicts shows that legal practice was grounded in collective deliberation, compromise, and consensus, thereby ensuring the de-escalation of conflicts and the preservation of social balance.

The study further highlights the specific character of the Khikhani legal system under Ottoman rule, where legal pluralism and the coexistence of imperial and local norms were evident. This system was based on mediatory governance, grounded in moral authority and social trust, which is particularly visible in the governing practices of the Khimshiashvili family.

Comparative analysis with other Georgian mountainous regions demonstrates that the Khikhani legal model was distinguished by flexibility and an orientation toward the peaceful resolution of conflicts. As a result, Khikhani Fortress emerges as an institutional center of customary law and a space of legal mediation, whose function extends beyond the regional framework and acquires broader significance within the context of Caucasian legal traditions.

The study argues that the legal and governance model of Khikhani Fortress represents a notable example of consensus-based law, which ensured the structural stability of society and its adaptation within a multi-layered political reality.

Keywords: Khikhani Fortress; customary law; communal assemblies; legal pluralism; Khimshiashvili family

Introduction: Khikhani Fortress as a Military, Political, and Legal Center. Within the historical landscape of southwestern Georgia, Khikhani Fortress represents not merely a military-strategic site but a multifunctional political and legal center whose significance extends beyond the framework of defensive infrastructure. It should be understood as a space where power is concentrated, social relations are regulated, and communal law is implemented. This functional complexity indicates that Khikhani Fortress operated as the institutional core of local governance, where administrative authority was intertwined with moral legitimacy and collective trust.

Under Ottoman rule, the regions of southwestern Georgia constituted a frontier zone of the empire, where direct control by the central authorities was limited and largely dependent on influential local noble families. David Marshall Lang notes that the Georgian Muslim elite operating under Ottoman rule preserved local social and cultural structures, thereby creating a hybrid model of governance (Lang, 1957, p. 104). This observation suggests that such regions cannot be interpreted solely as extensions of imperial administration; rather, they represent spaces where local traditions and imperial governance were intertwined, granting Khikhani Fortress not only military but also political significance.

Ronald Grigor Suny emphasizes that imperial authority in the Caucasus was often based on cooperation with local elites rather than strict administrative centralization (Suny, 1994, p. 89). This perspective allows Khikhani Fortress to be understood as a mediatory space, where imperial interests and local realities converged. Such a governance model indicates that Khikhani was not merely a defensive structure, but also a site where a practical balance of power was established.

Donald Rayfield observes that in the mountainous and border regions of Georgia, legal order was largely grounded in customary norms and moral principles, which complemented state law and often regulated social relations more effectively (Rayfield, 2012, p. 213). This insight is particularly significant in the context of Khikhani Fortress, as it demonstrates that law in this setting functioned as a social practice rather than solely as a formal system. Accordingly, Khikhani Fortress should be understood as a site of legal implementation, where decisions were based on moral authority and communal consensus.

Dimitri Bakradze, in his description of southwestern Georgia, points to the significant role of local governing forces and their connection to the functioning of the Ottoman administrative system (Bakradze, 1987, p. 70). His work is based on direct observations and historical material, which lends particular credibility to his conclusions. His analysis shows that local noble families operated within a dual system, simultaneously serving as components of imperial governance and as legitimate representatives of local society. This model presents Khikhani Fortress as both a material and social center of power.

Giorgi Kazbegi notes that in the mountainous regions of Adjara, familial authority was based not only on force but also on social trust and recognition (Kazbegi, 1960, p. 40). His observations, grounded in direct field experience, reflect a social reality in which the authority of leadership was shaped by communal consent. In this context, Khikhani Fortress became the space where such authority was practically exercised. Accordingly, its function extended beyond defense to include the maintenance of legal and social order.

Thus, the significance of Khikhani Fortress must be understood within a broader historical context, as a space where defense, law, and governance functioned as an integrated system. Its role lay not only in ensuring territorial security but also in preserving customary law and legitimizing local governance. It is precisely this multifunctional character that defines the distinctive place of Khikhani Fortress in the historical development of southwestern Georgia.

Research Methods. The present study is based on a historical-analytical and interdisciplinary approach that integrates historiographical, source-critical, and legal analysis. The primary methodological framework

of the research is qualitative in nature, aimed at understanding the function of Khikhani Fortress as a multi-functional institutional space in which defense, governance, and customary law operated as an interconnected system.

The research employs the method of critical analysis of historical sources, within which the works of Dimitri Bakradze, Giorgi Kazbegi, and other authors have been examined, both as primary sources and in terms of their interpretation. Particular attention has been devoted to the contextual analysis of texts, which makes it possible to identify the actual mechanisms underlying the functioning of legal practices.

An important methodological component of the study is comparative analysis, through which the legal system of Khikhani has been examined in relation to other Georgian mountainous regions, particularly Svaneti and Mtiuleti. This approach enables the identification of both shared legal traditions and region-specific characteristics.

The study also applies the theoretical framework of legal pluralism, on the basis of which the coexistence of imperial and local legal systems under Ottoman rule is analyzed. This approach allows Khikhani Fortress to be conceptualized as a mediatory space in which different legal systems interacted and produced a practical balance.

Additionally, the research utilizes a reconstructive analytical method, through which specific types of legal cases—property disputes, criminal cases, and family-inheritance conflicts—have been reconstructed based on available sources. This method enables the identification of the practical mechanisms of customary law and the determination of their functional significance.

Thus, the methodological framework employed in this study ensures its analytical comprehensiveness and allows Khikhani Fortress to be evaluated not merely as a historical site, but as a dynamic center of legal and social systems.

Analysis

Khikhani Fortress as the Core of Regional Defensive Infrastructure.

Understanding the defensive function of Khikhani Fortress requires its examination as a central element of a broader regional security system, whose significance extends beyond the framework of military infrastructure. Its location within the mountainous landscape of Upper Adjara enabled effective spatial control, encompassing not only internal routes and passes but also the communication arteries linking the coastal zone with the inner Caucasian regions. Under such conditions, defense was not merely a matter of repelling threats; it functioned as a form of spatial governance that determined the possibilities of political control.

In this context, Khikhani Fortress should be interpreted as a strategic node through which ruling authorities ensured not only territorial integrity but also internal stability. Control over the fortress signified not only military advantage but also the regulation of movement, economic activity, and social processes. Accordingly, defense was transformed into a complex mechanism of governance.

The observations of Dimitri Bakradze provide an important empirical basis for this interpretation. He notes that administrative centers in mountainous Adjara simultaneously performed military and administrative functions, and their influence extended across the entire region (Bakradze, 1987, p. 70). This assessment confirms that defense cannot be viewed in isolation; rather, it constituted an integral part of the governing structure that combined authority with spatial control.

Bakradze further emphasizes that in mountainous regions, authority was closely linked to the control of roads and passes (Bakradze, 1987, p. 72). This observation again indicates that the defensive system was not confined within the walls of the fortress but extended across the entire geographical space. Therefore, Khikhani Fortress should be understood as a center of spatial control whose influence determined regional security.

The field observations of Giorgi Kazbegi add further depth to this picture. He describes how ruling authorities in the mountainous regions of Adjara maintained control over key passes, thereby sustaining their influence throughout the region (Kazbegi, 1960, p. 38). This account is particularly valuable as it illustrates the practical functioning of the defensive system, in which control of routes constituted not a secondary but a central element.

Within the same context, Kazbegi points out that the authority of the ruler was largely determined by the ability to ensure security (Kazbegi, 1960, p. 40). This observation allows defense to be conceptualized as a social category, encompassing not only military force but also the maintenance of order and the prevention of conflicts. Under such conditions, Khikhani Fortress became a space where power acquired legitimacy.

It is also important to note that the defensive system relied on the participation of the local population. As Bakradze indicates, fortifications in mountainous Adjara often served as centers for organizing and consolidating the local population (Bakradze, 1987, p. 75). This suggests that defense was a collective practice rather than merely an instrument of ruling authority. Consequently, the effectiveness of Khikhani Fortress depended not only on its military capacity but also on social support.

Kazbegi further develops this idea by noting that the security of roads and passes determined both economic and political stability (Kazbegi, 1960, p. 42). This observation demonstrates that the defensive system also encompassed the protection of economic processes. Accordingly, Khikhani Fortress should be understood as an instrument of systemic security, ensuring the functioning of the region in a broader sense.

Thus, Khikhani Fortress must be evaluated as a complex defensive system integrating military, administrative, and social elements. Its function lay not only in repelling threats but also in controlling space, maintaining social order, and legitimizing governance. It was precisely this multi-layered structure that determined its distinctive significance within the historical reality of southwestern Georgia.

Khikhani Fortress as an Institutional Center of Customary Law.

A comprehensive understanding of the function of Khikhani Fortress is impossible without considering its legal dimension. It did not serve merely as a defensive center, but also as a space in which customary law was formed, implemented, and sustained. In such an environment, law did not exist as a written code; rather, it functioned as a social practice grounded in moral norms, collective experience, and communal consensus.

In the mountainous regions of southwestern Georgia, legal relations were largely regulated by local customs, a condition shaped both by geographical isolation and by the limited effectiveness of imperial administrative structures. Under these circumstances, Khikhani Fortress became the space in which law assumed a practical form. It was the site where disputes were examined, conflicts resolved, and the norms of social order were established.

Dimitri Bakradze notes that local governance in the mountainous regions of Adjara was based on traditional rules that determined both social relations and the forms through which authority was exercised (Bakradze, 1987, p. 74). This observation demonstrates that law in this context was not an abstract category but a practical mechanism operating within everyday life. Accordingly, Khikhani Fortress should be understood as a site of legal realization, where governance was grounded not only in force but also in the perception of justice.

Bakradze further observes that local noble families performed the functions of adjudication and mediation in disputes, thereby acquiring legal authority (Bakradze, 1987, p. 76). This is particularly significant, as it shows that law was implemented through personalized authority. Such a system was based on trust rather than coercion. For this reason, Khikhani Fortress became a space in which law acquired not only formal validity but also moral force.

Giorgi Kazbegi emphasizes that in the mountainous regions of Adjara, social order largely depended on the authority of elders and local leaders (Kazbegi, 1960, p. 45). This assessment indicates that law was grounded in collective recognition. It did not require constant coercive mechanisms, as its enforcement was ensured through social consensus. In this context, Khikhani Fortress should be understood as a space where law functioned on the basis of trust.

Kazbegi further notes that conflicts were often resolved through reference to local customs and moral norms, which ensured the preservation of internal social balance (Kazbegi, 1960, p. 47). This observation is particularly important, as it highlights the purpose of law: it was not limited to maintaining order but aimed at securing social harmony. Under such conditions, Khikhani Fortress became not only a site of legal practice but also a center of social stability.

Donald Rayfield observes that in the mountainous regions of Georgia, customary law often regulated social relations more effectively than formal state law (Rayfield, 2012, p. 213). This assessment further confirms that the legal function of Khikhani Fortress must be understood within a broader context, as a space where law was actively practiced rather than merely formally established.

Thus, Khikhani Fortress should be evaluated as a legal space in which customary norms were transformed into governing practice. Its function lay not only in resolving disputes but also in maintaining social order and ensuring the legitimacy of governance. It is precisely this multi-layered role that accounts for its distinctive significance within the historical reality of southwestern Georgia.

Khikhani Fortress as a Space of Customary Law.

A comprehensive understanding of the historical function of Khikhani Fortress remains incomplete if it is considered solely as a military or administrative center. Its true significance becomes particularly evident within the legal sphere, where customary law constituted the principal mechanism for regulating social relations. In this context, Khikhani Fortress should be understood as a space in which customary law not only existed but was actively practiced and sustained as a living system.

In the mountainous regions of southwestern Georgia, the formation of legal relations depended less on written legislation and more on traditional norms transmitted across generations. This condition was shaped both by geographical isolation and by the limited intervention of imperial administrative structures. As a result, law emerged as a product of collective experience, grounded in principles of justice, honor, and social balance.

Dimitri Bakradze observes that in the mountainous regions of Adjara, social relations were regulated by traditional norms that governed both property and social interactions (Bakradze, 1987, p. 74). This observation demonstrates that law in this context was not a formal institution but an integral part of everyday life. Such a system did not require codification, as its authority was derived from communal recognition. Under these conditions, Khikhani Fortress became the space in which these norms assumed an institutional form.

Bakradze further notes that local rulers performed the roles of mediators and arbitrators in disputes, thereby acquiring significant legal authority (Bakradze, 1987, p. 76). This indicates that customary law was based on personalized authority, grounded in trust rather than coercion. In such a system, law was implemented through agreement and aimed not only at resolving disputes but also at restoring social balance. Accordingly, Khikhani Fortress should be understood as a space where law and governance converged.

The observations of Giorgi Kazbegi further illuminate the role of custom. He emphasizes that in the mountainous regions of Adjara, legal order was based on collective recognition and the authority of elders (Kazbegi, 1960, p. 45). This assessment indicates that law was the product of communal consensus and did not require constant enforcement, as its implementation was ensured by society itself. Under such conditions, Khikhani Fortress became the space where this collective legal order was practically realized.

Kazbegi also notes that conflict resolution was grounded in moral norms and customary practices, ensuring internal social stability (Kazbegi, 1960, p. 47). This observation is particularly significant, as it reveals the purpose of customary law: it was not limited to maintaining order but was oriented toward preserving social harmony. In this respect, Khikhani Fortress assumed a distinctive role as a space where law served the cohesion of society.

Within this context, it should also be emphasized that customary law did not fully oppose imperial law. Rather, it functioned alongside it, compensating for areas that could not be effectively regulated by central authorities. This coexistence created a hybrid legal system in which local norms retained a degree of autonomy, while imperial structures provided the broader political framework.

Thus, Khikhani Fortress should be evaluated as an institutional space of customary law, where legal norms existed not as abstract principles but as active social practices. Its function extended beyond dispute resolution to include the preservation of social stability and the legitimation of governance. It was precisely this legal framework that formed the foundation of the social and political organization of mountainous Adjara.

Communal Assemblies within the Legal Space of Khikhani Fortress.

The function of Khikhani Fortress as a center of customary law is most clearly revealed through an analysis of the practice of communal assemblies. These assemblies constituted the institutional form through which custom was transformed into an operative legal norm and acquired binding force. Such gatherings were not occasional or spontaneous; rather, they represented a stable social mechanism that ensured both the resolution of conflicts and the maintenance of social order.

The location of communal assemblies was often associated with spaces that symbolically embodied authority and law. Khikhani Fortress should be understood as precisely such a space. It served as the site where representatives of the community, elders, and governing figures gathered to collectively deliberate on matters of public importance. In this process, law did not exist as a pre-established code; it was created through discussion and agreement.

Dimitri Bakradze notes that in the mountainous regions of Adjara, social relations were regulated by decisions taken within the community, based on traditional norms (Bakradze, 1987, p. 74). This observation allows us to conclude that communal assemblies functioned as the primary mechanism of legal formation. Decisions reached in these assemblies were not perceived as temporary arrangements but as binding norms that structured the internal life of the community.

The issues addressed in communal assemblies were diverse, encompassing property, social, and moral spheres. Primarily, assemblies dealt with disputes concerning the use of land, water, and pastures. In mountainous regions, the scarcity of resources heightened the importance of such matters. Decisions adopted by the assemblies aimed not only at resolving disputes but also at ensuring equitable distribution, which was essential for maintaining communal stability.

Giorgi Kazbegi points out that in mountainous Adjara, disputes were resolved through collective deliberation, where moral evaluation was as significant as factual circumstances (Kazbegi, 1960, p. 45). This observation demonstrates that communal assemblies were not merely legal institutions in a narrow sense; they also functioned as forms of moral arbitration, where law and ethics were closely intertwined.

Criminal matters, particularly conflicts involving violence or vengeance, also occupied an important place within these assemblies. In such cases, communal assemblies sought to de-escalate tensions and employed mechanisms of compensation in order to prevent cycles of retaliation. This practice indicates that customary law aimed not only at punishing wrongdoing but at restoring social balance.

Bakradze further observes that local rulers often acted as mediators, and their participation in assemblies reinforced the authority of decisions (Bakradze, 1987, p. 76). This suggests that communal assemblies were not entirely horizontal structures. They contained an authoritative center that ensured the enforcement of decisions. Thus, law was grounded both in collective consensus and in leadership authority.

Communal assemblies also addressed norms of social behavior, including family relations, marriage, inheritance, and issues of public morality. This demonstrates that customary law extended beyond strictly legal matters into cultural and ethical domains. Such broad competence made the assemblies the primary instrument for regulating social life.

Kazbegi emphasizes that the decisions of assemblies were based on the common interest of the community and aimed at preserving internal harmony (Kazbegi, 1960, p. 47). This observation is particularly important, as it reveals that the primary objective of law was not individual punishment but collective stability. It was upon this principle that the system of communal law was constructed.

Thus, communal assemblies constituted one of the principal manifestations of the legal function of Khikhani Fortress. They represented the space in which customary law was created, formulated, and implemented. Through these assemblies, law acquired collective legitimacy and became a socially recognized norm. It was precisely this mechanism that ensured the stability of the social system in mountainous Adjara and endowed Khikhani Fortress with not only military but also legal significance.

Communal Assemblies: Case Typology and Comparative Perspective

The practice of communal assemblies associated with Khikhani Fortress is most clearly reflected in the typology of cases considered within this space. These assemblies were not merely mechanisms for dispute resolution; they constituted a process of legal norm formation, in which individual cases became precedents that subsequently shaped the legal practices of the community.

One of the principal categories consisted of property disputes, particularly those related to the distribution of land and pastures. In mountainous Adjara, the scarcity of land resources and the challenges of the natural environment heightened the importance of such issues. In these cases, the assembly sought not only to determine ownership but also to reach decisions that would preserve the internal balance of the community. Dimitri Bakradze notes that such matters were resolved according to traditional norms, with the aim of preventing conflict and protecting the common interest (Bakradze, 1987, p. 74). This indicates that property law in this context was not based on absolute ownership but on collective responsibility.

Another important category consisted of criminal cases, particularly those involving violence and homicide. In such situations, communal assemblies aimed to prevent cycles of revenge by employing mechanisms of compensation. In practice, this involved restitution, which was intended not only to satisfy the injured party but also to de-escalate conflict. Giorgi Kazbegi observes that the resolution of such cases was based on moral evaluation rather than solely on factual circumstances (Kazbegi, 1960, p. 45). This approach demonstrates that law was oriented toward restoring social harmony rather than merely imposing punishment.

A distinct category included family and inheritance disputes, encompassing issues such as marriage, divorce, kinship relations, and the transfer of property. In these matters, communal assemblies functioned not only as legal institutions but also as moral arbiters, seeking decisions that aligned with the ethical norms of the community. In such a framework, law was not directed toward the satisfaction of individual interests but toward the preservation of collective order.

Dimitri Bakradze emphasizes that in such cases, tradition prevailed over individual claims (Bakradze, 1987, p. 76). This observation clearly demonstrates that law in this context was grounded in shared values that defined the framework of social relations. Accordingly, the legal practice of Khikhani should be unders-

stood as a system based on collective norms, in which individual claims acquired validity only insofar as they did not contradict the common interest of the community.

Cases involving violations of public order—such as theft, insult, or the disregard of communal norms—were also of particular importance. In such instances, assemblies not only determined sanctions but also sought to reintegrate the offender into society, reflecting the rehabilitative nature of customary law.

Kazbegi emphasizes that the maintenance of public order was based on collective responsibility (Kazbegi, 1960, p. 47). This observation indicates that the purpose of law was not merely to punish violations but to preserve social unity and restore internal balance within the community. It was precisely this approach that ensured the effectiveness of legal practice, as it was grounded in social consensus rather than coercion.

A comprehensive analysis of these cases allows Khikhani Fortress to be understood as an active center of legal practice, where each decision contributed to the formation of normative precedent. Law in this context was neither static nor predetermined; rather, it evolved through concrete cases and continuously adapted to the needs of society. Thus, the legal space of Khikhani may be characterized as a dynamic and self-regulating system that integrated tradition, morality, and practical necessity.

A full understanding of Khikhani's legal practice requires its examination within the broader context of Georgian highland legal traditions, particularly in comparison with Svaneti and Mtiuleti, where customary law also played a significant role. Such comparative analysis makes it possible to identify both the shared features of a broader Caucasian legal model and the specific characteristics of the Khikhani system, thereby highlighting its uniqueness and historical significance.

In Svaneti, the legal system was closely tied to clan structures and the tradition of blood revenge, which gave it a distinctly repressive character. Conflict resolution often became a prolonged process and was not oriented toward the rapid restoration of social balance. This practice indicates that law in Svaneti was based on principles of honor and retribution. In contrast, the legal system of Khikhani was clearly oriented toward de-escalation and resolution through agreement, emphasizing its more flexible and mediatory nature.

Dimitri Bakradze, in describing legal practices in Adjara, notes that local order was based on traditional norms aimed at preserving internal social stability (Bakradze, 1987, p. 74). This observation stands in contrast to the Svan model, where the primary function of law was the legitimization of revenge. Accordingly, Khikhani's legal practice should be understood as a more balanced and consensus-based system.

In Mtiuleti, legal practice was also based on communal assemblies; however, the influence of military organization was more pronounced. Communal unity often functioned as a military unit, which imparted a stricter and more disciplined character to the legal system. Under such conditions, law was less flexible and more oriented toward ensuring collective security.

Giorgi Kazbegi notes that in mountainous regions, legal practice was often dependent on the form of community organization, and its military or social character determined the nature of legal norms (Kazbegi, 1960, p. 45). This observation allows us to conclude that the legal system of Khikhani was characterized more by a social orientation than by strict military discipline.

At the same time, the specificity of Khikhani's legal practice was conditioned by its location within the Ottoman administrative framework. This situation created the necessity for legal flexibility, as the local system was required to reconcile communal norms with imperial demands. It was precisely this factor that shaped its adaptive character, which was less evident in Svaneti and Mtiuleti, where legal systems were more closed and self-sufficient.

Donald Rayfield observes that in various mountainous regions of Georgia, customary law differed in its practical forms, yet shared a common social function, namely the maintenance of social stability (Rayfield, 2012, p. 213). This assessment enables us to interpret the legal system of Khikhani not as an isolated phenomenon but as a specific manifestation of a broader Caucasian legal tradition.

At the same time, Khikhani's legal practice is distinguished by a more pronounced mediatory function, which implies the resolution of conflicts through agreement and compromise. In contrast to regions where law was often associated with principles of revenge and coercion, priority here was given to the restoration of social balance. This feature defines its consensus-based character and grants it a high degree of adaptability.

Thus, Rayfield's observation allows us to evaluate Khikhani's legal system as a specific variant of the Caucasian legal model, grounded not only in custom but also in its interpretation as a means of ensuring social stability and effective governance.

Accordingly, comparative analysis demonstrates that Khikhani's legal system differed from those of other mountainous regions through its flexibility, its orientation toward the peaceful regulation of conflicts, and its capacity for adaptation. It integrated communal law with broader political realities, thereby acquiring distinctive significance. Such a system ensured not only legal order but also a higher degree of social stability, which defined the uniqueness of Khikhani Fortress as a legal center.

The actual functioning of communal law associated with Khikhani Fortress is most clearly revealed through the analysis of concrete historical practices. Although written documentation on such cases is limited, ethnographic descriptions and travelers' observations allow us to reconstruct the general model of legal mechanisms and to identify typical cases that reflect the activity of communal assemblies.

One of the most common legal categories consisted of disputes related to the use of pastures and land, which were particularly acute in the mountainous environment of Upper Adjara. The scarcity of resources and the complex geographical conditions often led to conflicts between neighboring communities over boundaries, grazing areas, and the use of natural resources. Such disputes were not purely economic in nature; they were directly connected to the foundations of communal existence and social stability.

Dimitri Bakradze notes that in such cases, decisions were made with the participation of community elders and were aimed at achieving peaceful resolution (Bakradze, 1987, p. 74). This observation indicates that law in this context did not rely on unilateral decision-making or coercive mechanisms. Rather, it represented the outcome of collective deliberation, in which the common interest of the community was decisive.

This practice demonstrates that Khikhani's legal system was based on the principle of compromise, the aim of which was not to determine winners and losers but to de-escalate conflict and restore social balance. It is precisely in this context that the distinctive nature of customary law becomes evident, differing from formal legal systems in that it prioritizes agreement over sanction. Accordingly, disputes over land and pastures within Khikhani's legal practice should be understood not merely as economic conflicts but as mechanisms for regulating social relations and ensuring communal stability.

Such practices allow us to conclude that, under Ottoman rule, Khikhani Fortress functioned as a space of arbitration, where parties presented their positions and final decisions were based not only on factual circumstances but also on the collective interests of the community. In this way, legal practice acquired collective legitimacy.

Another important category consisted of criminal conflicts, particularly cases of homicide and serious injury, which posed the most serious threat to communal order. Such cases extended beyond individual wrongdoing and endangered the entire social structure, as they carried the risk of triggering cycles of revenge. For this reason, the primary objective of customary law was not merely to respond to crime but to prevent escalation and restore social balance.

Giorgi Kazbegi points out that in such cases, particular importance was attached to mediation and the achievement of agreement with the injured party (Kazbegi, 1960, p. 45). This observation demonstrates that law in this context was not based solely on punishment; rather, it functioned as a mediatory process aimed at de-escalating conflict and preserving internal cohesion within the community.

Typical legal practice in such cases involved the convening of a communal assembly, where not only the issue of the offender's responsibility was considered, but also the means of reducing existing tensions. In the decision-making process, particular importance was attached to mechanisms of compensation, which included material or symbolic restitution to the injured party. This practice indicates that the primary aim of law was not the imposition of repressive sanctions, but the restoration of disrupted social balance.

Such an approach clearly distinguishes the legal system of Khikhani from those models in which criminal law is based on punishment and coercion. Here, law functioned as a mechanism of social regulation that sought to replace the principle of revenge with forms of agreement and compensation. It is precisely in this context that the mediatory nature of customary law becomes evident, ensuring communal stability and the management of conflicts under conditions of minimal confrontation.

A third category of cases was related to family and inheritance relations, which constituted one of the key domains of communal law. In such situations, the communal assembly functioned simultaneously as a moral and legal institution, indicating the inseparable connection between law and ethics. In the process of decision-making, priority was given not to individual demands but to tradition, which determined the preservation of the internal structure of the family and the broader social order.

Dimitri Bakradze notes that in matters of inheritance, tradition prevailed over individual claims (Bakradze, 1987, p. 76). This observation clearly demonstrates that law in this sphere was grounded in collective values and aimed at maintaining social stability. Accordingly, the resolution of inheritance disputes was not limited to the distribution of property; it also involved preserving the internal balance of the family and the overall order of the community.

The analysis of such legal practices shows that the decisions of communal assemblies served not only to resolve specific disputes but also to harmonize social relations. It is precisely in this context that the distinctive function of customary law becomes evident, as it integrates legal and ethical dimensions.

Significant importance was also attached to cases involving violations of social norms, such as theft, insult, or disregard for communal rules. In such cases, law did not merely define sanctions; it aimed at reintegrating the offender into society and restoring disrupted social ties. Giorgi Kazbegi notes that in similar situations, sanctions were oriented toward reintegration rather than complete isolation of the offender (Kazbegi, 1960, p. 47). This assessment points to the rehabilitative character of law, distinguishing it from repressive models.

Typical legal practice in such cases involved restitution and the expression of remorse by the offender, which was perceived as a necessary condition for the restoration of social order. This approach confirms that customary law within the legal space of Khikhani functioned as a rehabilitative and consensus-based system, whose primary aim was not only the restoration of justice but also the preservation of social unity.

The examination of such legal mechanisms reveals several fundamental principles: first, law was based on collective deliberation; second, decisions were oriented toward the de-escalation of conflict; third, the primary objective of law was the preservation of social balance rather than merely the punishment of the offender.

Thus, the practice of communal law associated with Khikhani Fortress should be evaluated as a living and flexible system that evolved on the basis of concrete cases and adapted to the needs of society. The presented examples demonstrate that law in this context functioned as a collective mechanism that ensured not only order but also the stability of the social system.

Moral Authority as the Foundation of Governance

The functioning of Khikhani Fortress was closely connected to a specific form of governance that was based not only on the physical resources of power but also on moral authority, traditional legitimacy, and

social recognition. Within such a system, the position of the ruler was not defined solely by formal status; rather, it represented a continuously validated practice grounded in the perception of justice and the ability to maintain order.

In this context, the foundation of authority was trust, which was established not through mechanisms of coercion but through just and measured governance. The ruler was expected to act as a mediator, to listen to the opinions of community members, and to make decisions with consideration for the collective interest. This form of governance reduced the risk of conflict escalation and ensured the preservation of social stability.

The practical implementation of this system is particularly evident in the activity of the Khimshiashvili family, especially in the cases of Selim and Sherif Khimshiashvili, whose governing practices were based on a balanced integration of power and law. Selim Khimshiashvili, who operated as both a military and political leader, established his authority not only through force but also through responsibility toward the community and adherence to the principle of justice. His activity demonstrates that governance in this context was functional rather than purely dominant, which in turn secured its legitimacy in the eyes of the local population.

The governing practice of Sherif Khimshiashvili reveals even more clearly the transformation of this system into an institutional form. His policy was oriented toward minimizing conflict, preserving communal law, and strengthening social consensus. This approach indicates that governance within the Khikhani space was not based solely on hierarchical control; rather, it functioned as a mediatory system that integrated tradition, law, and practical politics.

Dimitri Bakradze notes that in the mountainous regions of Adjara, the authority of rulers was grounded in their ability to maintain order and justice (Bakradze, 1987, p. 74). This observation fully corresponds to the governing practices of the Khimshiashvili family, which were based not on coercion but on legitimacy rooted in trust.

A similar perspective is advanced by Giorgi Kazbegi, who points out that in mountainous Adjara, the authority of a ruler was determined by the ability to ensure justice and social order (Kazbegi, 1960, p. 45). This assessment emphasizes that governance was a function continuously confirmed in practice rather than merely a formal status.

In this process, Khikhani Fortress performed both symbolic and practical roles. It represented a space where governance became visible, concentrated, and institutionally formalized. It was here that communal assemblies were held, legal disputes resolved, and authority exercised, thereby granting the fortress particular significance as both a legal and political center.

Thus, Khikhani Fortress should be understood as a space in which power, law, and social trust functioned as an integrated system. The governing practices of Selim and Sherif Khimshiashvili represent the most vivid manifestation of this model, demonstrating that governance in this context was based not only on force but also on moral authority and collective legitimacy. It was precisely this model that ensured the sustainability of governance and the preservation of social stability.

The Coexistence of Ottoman State Law and Local Customary Legal System.

Under Ottoman rule, the existence of local law could not be entirely independent; however, the example of Khikhani Fortress demonstrates that the coexistence of imperial and communal legal orders was possible without sharp escalation of conflict. This situation indicates the presence of legal pluralism (Merry, 1988, p. 870; Berman, 1983), in which different normative systems functioned in parallel and, through interaction, achieved a practical balance.

In this context, imperial law provided the administrative and political framework that defined the general principles of governance and hierarchical relations. In contrast, local customary law supplemented this framework with social content and regulated everyday relations in a manner more closely aligned with the internal structure and value system of the community. This relationship was not equal in terms of the balance of power, yet it was not strictly subordinate either. Rather, it represented a flexible and negotiated system in which local governance managed to fulfill imperial demands without disrupting the internal order of the community.

Dimitri Bakradze notes that in the mountainous regions of Adjara, local order was largely based on traditional norms that governed the practical regulation of social relations (Bakradze, 1987, p. 74). This observation suggests that imperial law did not extend into all aspects of everyday life, making the preservation of local legal practices necessary.

At the same time, Giorgi Kazbegi emphasizes that the effectiveness of governance in mountainous regions depended on the consideration of local social interests (Kazbegi, 1960, p. 45). This assessment indicates that imperial administration was compelled, to some extent, to recognize the function of local law, as stable governance would have been impossible without it.

In this process, Khikhani Fortress played a key role as a space in which these two legal systems converged in practice. It functioned as a mediatory institutional center (Suny, 1994, p. 89; Rayfield, 2012, p. 213), where imperial requirements were adapted to local conditions and customary law assumed forms that were acceptable to central authority.

Thus, Khikhani Fortress should be understood as a space of legal and political mediation, where decisions were formulated in ways that simultaneously responded to the demands of imperial governance and the interests of local society. It was precisely this dual, yet mutually negotiated legal system that ensured the stability of governance and endowed Khikhani Fortress with particular significance as a legal and administrative center in southwestern Georgia.

Moreover, Ottoman legal practice itself recognized the importance of local order, particularly in peripheral regions where central control was limited. As Halil İnalcık notes, Ottoman administration often allowed local social norms to remain in force, provided that they did not contradict state interests (İnalcık, 1973, p. 114; Barkey, 2008, p. 112). This approach created the foundation for legal coexistence, which was especially relevant in the mountainous regions of southwestern Georgia.

In this context, imperial law provided an administrative and political framework that defined the general principles of governance and hierarchical relations (Quataert, 2005, p. 72). At the same time, local customary law supplemented this framework with social content and regulated everyday relations in a manner consistent with the internal structure and value system of the community. This relationship was not equal, yet neither was it strictly subordinate; rather, it was based on practical compromise and a negotiated balance.

Concrete confirmation of such legal coexistence can also be found in regional political agreements. For example, the Treaty of Kars, which regulated the political status of the South Caucasus, provided for the partial preservation of local administrative particularities (Treaty of Kars, 1921, Article VI). Although this document belongs to a later period, it reflects a longer-term practice in which legal and administrative diversity in the region was recognized as a factor of stability.

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At the same time, Giorgi Kazbegi emphasizes that the effectiveness of governance in mountainous regions depended on the consideration of local social interests (Kazbegi, 1960, p. 45). This assessment demonstrates that imperial administration was compelled to recognize, to a certain extent, the function of local law, as stable governance would have been impossible without it.

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Conclusion: Khikhani Fortress as an Integrated Institutional System of Legal Mediation, Legitimation, and Social Stability.

The historical, political, and legal analysis of Khikhani Fortress demonstrates that it represented not merely an element of military infrastructure, but a multifunctional institutional space in which defense, governance, and law were integrated into a unified system. Its significance was determined not only by its geostrategic location, but also by the fact that it functioned as a center for the implementation of customary law and the regulation of social order.

The study has shown that the communal assemblies associated with Khikhani Fortress performed the functions of legal formation, interpretation, and enforcement. Law in this context did not exist as a static and codified system; rather, it constituted a dynamic practice that evolved through concrete cases and adapted to the needs of society. In this process, decisive importance was attached to collective deliberation, moral evaluation, and the achievement of consensus, which ensured the legitimacy of law.

The typological analysis of legal practice has revealed that property, criminal, and family-inheritance disputes were regulated through distinct yet interrelated mechanisms. A common feature across all categories was that the aim of law was not limited to the formal resolution of disputes; instead, it was oriented toward restoring social balance and maintaining internal communal stability. This is particularly evident in the sphere of criminal law, where the use of compensation and mediation prevented cycles of revenge, while in cases involving violations of social norms, rehabilitative approaches reinforced the principle of social cohesion.

Comparative analysis with the legal systems of Svaneti and Mtiuleti demonstrates that Khikhani's legal practice was distinguished by flexibility and an orientation toward the peaceful resolution of conflicts. Unlike regions where law was often based on principles of revenge, coercion, or strict military discipline, the Khikhani system prioritized mediation, compromise, and collective agreement. This characteristic contributed to its higher level of effectiveness in maintaining social stability.

The specificity of Khikhani's legal model was largely shaped by its operation within the Ottoman administrative framework, which required the adaptation of local law to broader political realities. As a result, a hybrid legal system emerged, integrating communal traditions with the imperial context, while preserving internal autonomy and functional effectiveness.

Thus, Khikhani Fortress should be understood as an institutional center of customary law, in which law functioned as a flexible mechanism of social regulation. Its significance extends beyond the regional framework and allows it to be interpreted within the broader context of Caucasian legal traditions as an important

example of a mediatory and consensus-based model. This study confirms that such systems played a crucial role not only in maintaining legal order but also in ensuring the structural stability of society.

Under Ottoman rule, the existence of local law could not be entirely independent. Nevertheless, the example of Khikhani Fortress demonstrates that the coexistence of imperial and communal systems was possible without mutually exclusive conflict.

Imperial law provided the administrative framework, while local customary norms supplemented it with social content. This relationship was not equal, yet neither was it strictly subordinate. Local governance managed to fulfill imperial demands without disrupting the internal order of the community.

In this process, Khikhani Fortress functioned as a key space in which these two systems were reconciled. It was precisely here that practical decisions were formed, responding simultaneously to the requirements of central authority and the interests of local society.

References (APA 7)

Georgian Sources

Bakradze, D. (1987). *Archaeological travels in Guria and Adjara: With an atlas*. Batumi: Soviet Adjara.

Kazbegi, G. (1960). *Three months in Turkish Georgia*. Tbilisi: Publishing House of the Academy of Sciences of the Georgian SSR.

Foreign Monographs

Barkey, K. (2008). *Empire of difference: The Ottomans in comparative perspective*. Cambridge: Cambridge University Press.

Berman, H. J. (1983). *Law and revolution: The formation of the Western legal tradition*. Cambridge, MA: Harvard University Press.

İnalçık, H. (1973). *The Ottoman Empire: The classical age 1300–1600*. London: Weidenfeld & Nicolson.

Lang, D. M. (1957). *The last years of the Georgian monarchy, 1658–1832*. New York: Columbia University Press.

Quataert, D. (2005). *The Ottoman Empire, 1700–1922*. Cambridge: Cambridge University Press.

Rayfield, D. (2012). *Edge of empires: A history of Georgia*. London: Reaktion Books.

Suny, R. G. (1994). *The making of the Georgian nation*. Bloomington: Indiana University Press.

Journal Article.

Merry, S. E. (1988). Legal pluralism. *Law & Society Review*, 22(5), 869–896. <https://doi.org/10.2307/3053634>

Archival Sources.

Georgian National Archives (GNA), Tbilisi.

Başbakanlık Ottoman Archives (BOA), Istanbul.

Russian State Historical Archive (RGIA), Saint Petersburg.