

# The Historical Snares of Enlightenment

by

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## Introduction

At times when you dismiss the thoughts which became haunting and disturbing after they lost the lively and loveable fire inside, little you can imagine they would find their way to you through other people, and hidden behind other thoughts. So when my Professor of Armenian History class assigned me with the task of comparing two texts: the US Declaration of Independence and an Armenian book of 18th century, called Snare of Glory, I thought I was to complete yet another little project, alongside so many other assignments. Little I recognized my old enemy in the disguise of an innocent comparison. Even less could I foresee the stretching continuity of that little task. I met history once, I did not like it, I needed a truce. I met history once, it sagged over the life, and history, as the common knowledge asserts, must serve life. But it sagged over the life and living under the shadows I demanded a truce.

The US Declaration and Snare of Glory are texts of politics, yet both are inalienably connected to the English philosophy of Enlightenment. This was the reason I was again to meet John Locke, the great philosopher of liberty and happiness. While comparing the texts and heeding to different voices I soon was to discern hazy dialogues, and the longer I would heed the louder these would sound. They told stories of different nations but insisted on the same things. They met in the discussion of such themes as that of the law and nature, morality and contract. This became the reason I chose to divide my thesis into two sections, so to be able to present the American and Armenian cases in the relation to the bigger philosophical theme of law, to study the separate forces involved in each text, to trace their meeting trajectories, and from there to untangle the separate case of the Armenian interpretation of English Enlightenment.

Being a testimony of the relentlessness of past concerns, this work could not stop at the comparative analysis. Because the comparison of American and Armenian texts has lead me through their paths, and too late I recognized my enemy holding my hand and leading through the past, but even later I recognized this was the truce.

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I would like to express my gratitude to those people who helped me in different ways in my work, from providing articles to showing the way of calm and order in the scattered thoughts: Albert Stepanyan, Siranush Dvoyan, Simon Clarke, Garbis Vizoian and my supervisor Arto Vaun.

## Section 1

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Americans and Armenians have produced peculiar political texts in the 18<sup>th</sup> century: *US Declaration of Independence* for one and *Book Entitled the Snare of Glory* for the other, both of which contain a common kernel of liberatory aspiration. Produced in greatly different contexts and for very different reasons, these documents share the common political philosophy of Enlightenment—English political thought in particular. Representing the political beliefs of thirteen colonies of America and of Indo-Armenian colony of Madras, these texts can be put in a captivating dialogue when looked at in the larger context of 18<sup>th</sup> century Western political thought.

While American colonies sought to liberate themselves from the British rule, Armenians in Madras aimed to realize their vision of an independent, sovereign Armenia—divided back then between the Safavid Persia and Ottoman Empire—through the proposed liberation movement. The above mentioned texts comprise these aspirations, and it is our task to see how and where these aspirations connect and what those connection points can tell us. Interestingly enough, those meeting points tell us more than expected, they tell stories which go far beyond the separate cases of Americans and Armenians. So what will follow is a textual comparative analysis of the *Declaration* and the *first volume* of *the Snare*, of these directly unconnected yet interrelated texts of politics.

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The *US Declaration of Independence* (US, 1776) is a political statement adopted in Philadelphia, on the 4th of July, 1776, by the Second Continental Congress meeting, announcing that the thirteen American colonies are and ought to be free and independent states. The *first volume*<sup>1</sup> of *Book Entitled the Snare of Glory* (Shahamirian, 1773) is a lengthy introduction

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<sup>1</sup> Poghos Khachatryan, the translator of the book into modern Armenian, mentions that conventionally the first volume is also called *Introduction* (Shahamirian, 1773/2002, p. 253). This naming perfectly corresponds to the nature of the first volume, since it obviously walks the reader into the project of constitution while giving all possible reasons for that. However my thought is that the incessant use of the *Introduction* eventually undermines

written as a narrative premise for the need and significance of the constitution for the envisaged in the future independent Armenia, and the project of the constitution comprises the second volume of the book. I will not touch upon the history of American War for Independence, but I will later refer to the people behind the *Snare of Glory*. Who wrote it, in what circumstances, with what vision and needs in mind, are all questions worth referring to, but for this part, let us allow the texts to speak for themselves.

The very first sentence of the *Declaration* moves with the amount of consideration it holds within:

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. (Paragraph 1, 1776)

The text of the *Declaration*, as the sentence above shows, seems to be written as an epistle to mankind. It starts with the mention of its addressee: mankind, one would think an abstract concept, yet as concrete as to be addressed, as to be given account of the causes of an action, the same way a judge would be. This already points at a certain atmosphere wrapped around the 18<sup>th</sup> century perception of mankind as consisting of smaller responsible parts connected with each other, and most significantly connected by the ties of political and legal nature. The understanding of political units as interdependent, as opposed to merely coexisting,<sup>2</sup> already formed during the early modern era, the heir of which is the *Declaration*, lies in the historical background of that sentence.

Out of the same tradition are the wording and terms used in the sentence brought above: “equal station,” entitled by God, “Laws of Nature and of Nature's God,” these terms hold history within; yet at the same time, since this document made history itself, it becomes a demonstration

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the independent significance of the first volume, which though profoundly connected with the second volume, still has enough distinctiveness of objective and importance to be considered as autonomous as the second volume is.

<sup>2</sup> Dr. Gregory Areshian's discussion of this historical shift, in our classes of History of the Modern World, helped me to incorporate the larger historical changes into my discussion of the texts.

of a history continuing itself through feeding on its past. And speaking of this tangle of history, we can assume it as that place where two traditions of natural law and liberation movement met, or more precisely, where one transformed into another, acquiring new form and meaning. But again, avoiding long historical journeys let me return to the texts.

There are at least three extensive themes all to be found in the sole first sentence of the *Declaration* that resonate throughout the Armenian text arranging meeting points for both. To reduce them into smaller divisions I will introduce three patterns, along with which I will discuss the Armenian and American sides of the subject. In fact, I already passingly touched upon those three patterns in the paragraph above, and more specifically these are:

1. *presence in the world*—the pattern of locating oneself in the world of interdependence, where you perceive yourself not only as a viewer but also as a subject of another’s gaze, which is when one perceives himself being seen,
2. *divine/natural and human law relationship*—in this pattern human laws reveal their direct dependence upon the laws of nature,
3. *liberation movements*—the pattern of premises for just and lawful liberation movements.

But before starting the comparative analysis let me introduce the third text to which our two sources relate, and which furthermore stands close to the origins of both, not mentioning that of the Enlightenment, as it does. English philosopher John Locke, for whom the foundational principles of politics rise out of the bosom of nature and its laws, will become a common point of reference with his *Second Treatise of Government* (1689) for the ideas found in the *Declaration* and *Snare of Glory*.

### **Presence in the World**

As a result of maritime voyages and discoveries as well global trade the image of world changed denoting the early modern era, what was the forefather of economical and political globalization. One of its biggest transformations our protean world—that we inherit and bequeath through the generations—underwent since early 16<sup>th</sup> century lead to a new

understanding of societal bonds within and outside the separate political units, rising new questions of domestic organization in face of the foreign and its itineraries in life.

With the question of who was to own the seas the questions of how one was to divide the land, or occupy new territories raised anew. With them once again raised the question of differences and similarities between people, of superiority and equality in terms of possessed rights. And finally it was up to the *human nature* to weigh the sides and according to the very understanding of its sum and substance to outweigh. Tormented by the fights of humanist and scholastic jurists *human nature* had found its new harbor in the minds of Enlightenment thinkers. Here legal and universal, this nature thrived in the British soil of Enlightenment, spreading itself through British Imperial expansions.

In addition the rise of hegemony and of capital paralleling the rise of the nation made the forming of nations a prime function of the states (Smith, 1991). The gradually increasing national consciousness, guided by the state and altered through the encounter with the foreign, caused the sense of self-presence to gradually strengthen affecting the nature of it. Now it was not only a reflective sense, but one that included another party, as vast as the world or as specific as single other nation. But so far this sense of the presence in the world where the seeing agent is aware of other seeing agents, meaning of its being a sight for them, was not in itself historically unprecedented phenomenon. Rather it was historically novel through the component of universality annexed to it. For the first time it was considered that the foreign should be treated as the same in nature, because there is one nature uniting all people. This was the investment of Enlightenment in shaping modernity by granting men equal rights in the background of the equally applying natural law. Because individually and jointly men were deemed equal it became possible to address universal rights.

Bearing in mind how the world sees you—other than how you see it—implies a sophisticated understanding of the world, maybe a more delicate understanding of the fabric woven all around the world in the form of human relationships. Yet would it be possible to address mankind in virtue of sensing the concrete equality which tied the members of the concept embodying imaginary unity before all Enlightenment movements world witnessed during 17<sup>th</sup>–18<sup>th</sup> centuries? Would it be relevant to give account for the causes of breaking the ties of political dependence and becoming separate people if not “a decent respect to the opinions

of mankind,” prompting that as a sign for the bond of mankind, as a kind reminder of that bond a statement be proclaimed to justify the determination?

But what kind of a bond is it exactly?

There is another *Power* in every Commonwealth, which one may call *natural*, because it is that which answers to the Power every Man naturally had before he entered into Society. For though in a Commonwealth the Members of it are distinct Persons still in reference to one another, and as such as governed by the Laws of the Society; yet in reference to the rest of Mankind, they make one Body, which is, as every Member of it before was, still in the State of Nature with the rest of Mankind. Hence it is, that the Controversies that happen between any Man of the Society with those that are out of it, are managed by the publick; and an injury done to a Member of their Body, engages the whole in the reparation of it. So that under this Consideration, the whole Community is one Body in the State of Nature, in respect of all other States or Persons out of its Community. (Locke, 1689/1965, § 145)

This section from Locke’s *Second Treatise* answers our question proposed above: the bond is of legal character, because all separate communities make one body under the law of nature. Even if “[...] it becomes necessary for one people to dissolve the political bands [...]” tying them with another, the law of nature never ceases to exist between one community and the rest of mankind. Americans are accountable for their actions before mankind, since mankind, for its part, is responsible for them: “[...] an injury done to a Member of their Body, engages the whole in the reparation of it.”

Here it is—the philosophical comprehension of that bond, tying humanity while it is separated in different and independent states—the major speaker of the Enlightenment which bases universal categories for empirically different and irregular cases on immutable law. Without establishing any political society men already are bound through legal ties provided by nature, granted by God. Such understanding lies beneath Peter Laslett’s (1991) accurate remark, in his *Introduction* to Locke’s *Two Treatises*, that “the state of nature is already social and political,” since “the state of society never completely transcends the state of nature: the contrast is never complete” (p. 100). If the bond is of legal character then there is a place for the

justification, as where for justice to find its proper place if not in a legal field? In a way the legal nature is that requirement for the *declaration of the causes* impelling to the separation. To further understand the legal character of the bond it is important to understand what is the character of the state Locke calls the state of nature, but this is not the appropriate place to explicate this question. Here it will suffice to point out that the mentioned bond induces to take into account the side you are bound with, and to comprehend yourself in that connection. By this comprehension the sense of being seen by another emerges; the sense of being apprehended by another; your presence for another.

It is this sense of presence that is reflected in *Snare of Glory*, in the text, which is aimed at nothing less than the forming of the nation by law. But the sense of being present in the world which is not merely being passively contemplated by us but on its turn contemplates us, has several layers in this case.

Firstly, as the author himself was a merchant, he has established his connection with the world (of Eurasia in this case) due to the nature of his occupation, and he mentions that observing various nations in the different countries or being acquainted to them through readings he came to realize that the land of Ararat is the “best” and “sweetest” amongst the countries. The Biblical significance of the geographical territory of Armenia is kept throughout the text, and it carried along the tradition of Christian universal history,<sup>3</sup> but again, leaving the specifics that are of later interest, and overlooking for a while the privilege given to the homeland, one thing should be taken into consideration from this: national identity is reaffirmed in the comparison.

Second is the concern for the way other nations perceive Armenians, and the emphasis is mostly put on being under shame, reproach and scoff. The whole nation is being abashed throughout centuries under the yoke of “the shameless foreigners” and in front of the gaze of the lawful. All this because of the unlawfulness of Armenians themselves, inasmuch as they lived through centuries without making laws and abiding to them, because they have never sought to lay a snare for those driven by their volatile nature, whims and fancies, disorderly desires, destroying all possibility of dignified life and happiness. Accordingly, law and submission to it becomes a prism through which separate communities look into each other, and think of each other, and this is confirmed by the third side of the matter at hand.

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<sup>3</sup> Viewing Armenian nation in the Christian universal history is peculiar to the major projects of national revival of the 18<sup>th</sup> century. See the discussion of this subject in the Section 2.

In addition to pointing out the malady holding Armenians back from lawful bliss, Shahamirian draws reader's attention to the lawful nations, who should serve as an example to Armenians. Past and present those nations demonstrate the tradition of being guided by an inviolable law. And kings of present European nations do not dare to change those traditions, but "always take into account the opinion of their senate, what is decreed by their parliament and senate."<sup>4</sup> And note worthily, this applies "above all" to "the people of Great Britain, who consider freedom of each person and the being of each a proprietor of his own possessions as the grace of the king" (Shahamirian, 1773/2002, p. 42).<sup>5</sup> In this regard the translator of *Snare of Glory* into modern Armenian Poghos Khachatryan observes that the mention of the immunity and rights of freedom and possessions of British people indicates the familiarity of the author with the British laws. And yet earlier, Ashot Ioannisyanyan, a prominent Armenian historian, held the opinion of the Armenian text's heavy influence from English constitutional theory.<sup>6</sup> Which makes sense in that the project of forming a nation in the modern sense—on the ground of law and under the auspices of state, implied examination and understanding of the existing examples, and what would be the better example for an author in the Indian colony than Great Britain. But the European kings and princes are introduced into this text which praises the rule of the people only as those who praise Roman laws, and inherit many traditions from the blessed age of Romans, when they still followed their laws, before hereditary succession of power was established among them causing their continual decline. For Shahamirian Roman law agreed with natural nature of man, meaning it was a right measure for bringing to harmony the rational and natural natures in man. Therefore a short historical overview in the pages of the first volume was a way of compensating for the nonexistence of an Armenian language history of Romans, a history which all European nations had translated in their languages, a history which itself was as if a praise to law. In order to be inspired by and learn from a foreign history, in order to "see" the foreign and to learn the way of the lawful, it is important to bring it into your own separate history, which is possible to do through translation, and Shahamirian's urge to have it translated

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<sup>4</sup> «Սակայն ընդունիր, որ ներկա ժամանակս եվրոպացիների իշխանության մեջ դեռևս առկա են անխախտելի օրենքներով առաջնորդվելու բազում սովորույթներ, որոնք նրանց թագավորները չեն համարձակվում փոխել և միշտ հաշվի են առնում իրենց ծերակույտի կարծիքը, այն, ինչ հրապարակվում է նրանց խորհրդարանի ու ծերակույտի կողմից»:

<sup>5</sup> «Ամենից շատ [այքի է ընկնում] մեծբրիտանական ժողովուրդը, որը յուրաքանչյուր անձի ազատությունը և ամեն մեկի՝ իր ունեցվածքին տեր լինելը համարում է թագավորի շնորհը»:

<sup>6</sup> See Ioannisyanyan (1989), the Appendix to his book *Iosif Emin* [Joseph Emin].

once again reminds of his observant character, which does not only picture Armenians under the reproach but also proposes a way to regain the past glory by heeding to other nations, learning and adopting their rightful way to happy life. Man-made laws are necessary for the human way of life, but it is through the natural bond, existing between people, that Shahamirian finds the way to learn from histories of the world. “Therefore it is not appropriate that we continue in perpetuity to remain in this condition, since we have the same human nature as all the existing blissful nations under the sun [...],”<sup>7</sup> writes Shahamirian, stepping from the discussion of separate gazes of separate sides to the declaration about the universalities connecting all the sides. He refers to the presence of universal human nature, of Armenians being the same as Romans and British people in their human nature. This universal connection, that lead him to the comparison, also took him to viewing Armenians through the eyes of foreigners, portraying them as sordid outlaws, and viewing foreigners through the eyes of a person with the courageous undertaking of transforming and forming a whole nation.

Both Americans and Armenians find it essential to place themselves not just in a world, but in a world where they are seen. Moreover, this they believe is possible due to the natural bond existing in humankind.

In the case of the *Declaration*, if the political bonds are dissoluble the natural ones are not and the natural ones incline oneself to see oneself being seen. Armenians, in their turn, are portrayed as seen by the world, but in order to change their appearance they should train their eyes, they should see past and present nations and their benefits, learn from them to become a pleasing sight for the rest of the world. Both Americans and Armenians make their primary steps toward molding and remolding their national face in front of the world’s steady gaze.

### **Divine/Natural and Human Laws**

Law given by nature and law made by man is a subject equally significant for both texts. We should understand how Locke relates to American and Armenian texts, influences them and how his comprehension of the law of nature is being preserved or transformed in one and the other. First we will consider the *Declaration* and the question that rises from the very first

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<sup>7</sup> «Ուրեմն պատշաճ չէ, որ հավիտյան շարունակենք մնալ այսպես, քանզի մարդկային միևնույն բնությունն ունենք, ինչպես այժմյան բոլոր երջանիկ ազգերը արեգակի ներքո [...]»:

sentence of it: what are those “Laws of Nature and of Nature’s God” that entitle people to “the separate and equal station”?

God—the lawmaker, did not just throw man into the world as a social creature with no idea of how to make his conduct with the fellow creatures; quite the opposite, man was created sociable, and to supply this nature of his, man was also given the law to behave accordingly. This law stands in the heart of social ties and is the law of nature. But the law of nature is not something outside man, so it will be more correct to say that man was created sociable since he was created rational: reason is that law at the heart of social relations. This is the man portrayed by Locke, man who is never on one’s own, because he carries inside the law through which he connects to society, to his fellow rational creatures.

“God, who hath given the World to Men in common, hath also given them reason to make use of it to the best advantage of Life, and convenience” (Locke, § 145)—reason advises men how to behave in the world they share, and there is no other way than to heed to and abide by that advice, if one is to remain man and not to decline into the realm of beasts.

The *State of Nature* has a law of Nature to govern it, which obliges every one: And Reason, which is that Law, teaches all Mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions. (Locke, 1689/1965, § 6)

“Equal and independent” in Locke’s *Second Treatise* and entitled to “separate and equal” station in the *Declaration* men are conceived juridical persons. This essential to Locke’s philosophy comprehension of man was reified in that historical agent who made changes in the early modern period and on behalf of whom those changes were designed.

Man is man in so far as he follows his natural constitution, his rational nature, which he shares with all members of his kind. Thereby man also is equal to all members of his kind, under the same jurisdiction, and the same obligation “to preserve the rest of Mankind” (Locke, 1689/1965, § 6). And he who will transgress this obligation and somehow infringe upon another’s property should be punished by men who are the executors of the law of nature and the custodians of mankind. It appears, in Locke, that each and every person is a judge, who makes the offender to pay for his crime, and he does that according to reason. But Locke does not

ignore the directive force of human passions, which will not leave any impartial judge in the state of nature, refraining them to punish themselves and their loved ones and rendering their punishment too severe because mixed with intention of revenge for example, and “[...] therefore God hath certainly appointed Government to restrain the partiality and violence of Men” (§ 13). “Civil Government” thereby is necessary for justice, and it serves to the law of nature by preventing derogations from reasonable paths.

But government is possible only through renouncing the natural right of men of executing the law of nature, and by that abandoning the role of judges and transferring it to the government. This means that justice is possible only through leaving the state of nature by establishing a government. The public then, by appointing the legislative, makes and sanctions laws to which its consent is always attached, without which the law would not be a law.<sup>8</sup> Thus the laws made by men serve the law of nature, “[...] which willeth the Peace and *Preservation of all Mankind*” (§ 7), and men mimic nature by appointing laws for themselves, and mimic God—the lawmaker.

What Americans declare about their equal and independent station is in the context of statehood. They do not speak of anything other than relating to positive laws, even though they refer to the laws of nature, this serves to the grounding of their political endeavors, because all manmade laws have their origin in the laws of nature.<sup>9</sup> To trace how natural law transforms into human law we can separate its two functions:

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<sup>8</sup> “This *Legislative* is not only *the supreme power* of the Common-wealth, but sacred and unalterable in the hands where the Community have once placed it; nor can any Edict of any Body else, in what Form soever conceived, or by what power soever backed, have the force and obligation of a *Law*, which has not its *Sanction from that Legislative*, which the publick has chosen and appointed. For without this the Law could not have that, which is absolutely necessary to its being a *Law, the consent of the Society*, over whom no Body can have a power to make Laws, but by their own consent, and by Authority received from them; and therefore all the Obedience, which by the most solemn Ties any one can be obliged to pay, ultimately terminates in this *Supreme Power*, and is directed by those Laws which it enacts: nor can any Oaths to any Foreign Power whatsoever, or any Domestick Subordinate Power, discharge any Member of the Society from his *Obedience to the Legislative*, acting pursuant to their trust, nor oblige him to any Obedience contrary to the Laws so enacted, or farther than they do allow; it being ridiculous to imagine one can be tied ultimately to *obey* any *Power* in the Society, which is not *the Supreme*” (Locke, 1689/1965, § 134).

<sup>9</sup> A reference to Hooker brought by Locke in the *Treatise* exposes this dependence of positive laws upon the laws of nature: “Human Laws are measure in respect of Men, whose actions they must direct, howbeit such measures they are as have also their higher Rules to be measured by, which Rules are two, the Law of God, and the Law of Nature; so that Laws Humane must be made according to the general Laws of Nature, and without contradiction to any positive Law of Scripture, otherwise they are ill made. Eccl. Pol. Lib. I. 3. Sect. 9” (§ 136).

1. By it all men are aware of being born equal, having the equal right to preserve their property, (that is of their lives, liberties and estates,)
2. The law of nature instructs men to create their own laws, (in order to follow its just execution), as if mimicking nature.

For Locke the law of nature does not disappear<sup>10</sup> when men abandon their rights of execution of the law and transfer it to the state when entering into political societies, but it still remains as guiding law of a polity, since state has no other purpose than preserving people's property, which law of preservation is the law of nature in itself. Thence it sanctions the whole system and ways of state organization. So Americans perceive this interconnection of one and other, never leaving out natural law when referring to the statehood, nor neglecting positive laws, but rather pointing at their ground in the divine law. So do Armenians.

In the *Snare of Glory*, it is mentioned repeatedly and in diverse manners about the link between the divine and human laws. Repeating the Lockean train of thought and seeing law in Creation Shahamirian says that the law of Creation, that is of God, endows inconstant, volatile nature of man with reason, rendering human nature rational, reasoning, and through reason, through this gift from God, man should make unalterable laws for his alternating nature to obey, that is a snare for his volatile nature, a snare, to capture all the ill doers, all those malefactions out of glory. Though Adam's descendants were born ignorant of the law of nature, he was under this law right from the creation, and "the Law, that was to govern *Adam*, was the same that was to govern all his Posterity, *the Law of Reason*" (Locke, § 57). For Shahamirian, as for Locke, law is woven into Creation: "by establishing good laws the Creator left in us one supreme sign, namely, he left a commandment for Adam to keep Lord's commands [...]" (Shahamirian, 1773/2002, p. 16).<sup>11</sup>

To the natural bonds tying men together we now add the universal law of nature which protects the bonds, as well as entitles people to the equal station and instructs them to create human laws, which will transport the preservation of property into another level, into a political domain.

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<sup>10</sup> "The Obligations of the Law of Nature, cease not in Society, but only in many Cases are drawn closer, and have by Humane Laws known Penalties annexed to them, to inforce their observation" (§ 135).

<sup>11</sup> «Արարիչը մի բարձրագույն նշան թողեց մեր մեջ՝ սահմանելով բարի օրենքներ, այսինքն՝ Ադամին պատվիրան թողեց, որ պահպանի Տիրոջ հրամանները [...]»:

## Liberation Movements

But what happens when men are deprived of their natural rights? And when does it become “necessary for one people to dissolve the political bands which have connected them with another”? The short answer will be: when the government rebels. But this requires longer explanation.

People of the American colonies of the 18<sup>th</sup> century are aware of their right to preserve their property and their right to liberate their property from the arbitrary, violent expropriation, and this again has its explicit acknowledgment in Locke’s *Treatise*:

[...] there remains still *in the People a Supreme Power* to remove or *alter the Legislative*, when they find the *Legislative* act contrary to the trust reposed in them. For all *Power given with trust* for the attaining an *end*, being limited by that end, whenever that *end* is manifestly neglected, or opposed, the *trust* must necessarily be *forfeited*, and the *Power* devolve into the hands of those that gave it, who may place it anew where they shall think best for their safety and security. (1689/1965, § 149)

Was the spark of liberation, present in many works of political-philosophical nature in the age of Enlightenment a dim reflection of the fire inflamed in different nations, or was itself an incentive of those ignitions? These might be complementary, constituting a compound historical process lead by the citizens protecting their property, liberating their property from the betrayers of trust, and by those fighting in their writings against the arbitrary power that was praised by their side. Locke’s writings penetrated the chain of contemporary and upcoming political events, themselves being penetrated by contemporary politics. And the Lockean theme of just liberation as opposed to rebellion was absorbed by Americans and Armenians who sought to show the rightfulness of their actions or motives. Americans portrayed themselves as betrayed by the British Monarch and government who became destructive of the true ends of government, as well as by their “British brethren,” who remained “deaf to the voice of justice and of consanguinity.” Under the given circumstances they have only exercised their right to “throw off such Government, and to provide new Guards for their future security” (US, 1776). The

*Declaration* repeats after the *Second Treatise* about the right of people to break the ties with destructive government or resist its force. Essential to Locke's doctrine difference between resistance and rebellion grounds their rightfulness. People of the colonies declared their just liberation, justified by the law known to all mankind, and their independence was to be their guarantor of safety and new trust. The *Declaration* repeats Locke's argument also in that it considers people more inclined to suffer than resist and that a continuous chain of abuse and manipulation affecting the greater part of society and revealing the destructive design lie behind revolutions:<sup>12</sup>

Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn that mankind are more disposed to suffer<sup>13</sup>, while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.<sup>14</sup> (Paragraph 2, 1776)

Those who resist under these circumstances are not rebels, because rebels bring war back, yet those resisting strive to establish peace, resisting with force, and justly so. Because it is the law of nature to use force against force, and the rebels should know that they will be justly resisted. Locke states that those in power are the likeliest to rebel, that is to bring war again, having the force in their hands and being tempted by it (§ 226). Following his train of thoughts people of the Colonies present themselves as resisting against unlawful rebels of British government, who revive the state of war by disregarding the end of political order.

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<sup>12</sup> Locke uses the term "revolution" when speaking of the rightful resistance.

<sup>13</sup> Compare with: "For till the mischief be grown general, and the ill design of the Rulers become visible, or their attempts sensible to the greater part, the People, who are more disposed to suffer, than right themselves by Resistance, are not apt to stir" (Locke, 1689/1965, § 230).

<sup>14</sup> "[...] such *Revolutions happen* not upon every little mismanagement in publick affairs. *Great mistakes* in the ruling part, many wrong and inconvenient Laws, and all the slips of humane frailty will *be born by the People* without mutiny or murmur. But if a long train of Abuses, Prevarications, and Artifices, all tending the same way, make the design visible to the People, and they cannot but feel, what they lie under, and see, whither they are going; 'tis not to be wonder'd, that they should then rouze themselves, and endeavour to put the rule into such hands, which may secure to them the ends for which Government was at first erected; [...]" (Locke, § 225).

Armenians, however, focused on the other aspect in Locke's *Treatise* to ground their own liberation endeavors. Torn between the Ottoman and Safavid Empires Armenians' age-old submission to other nations' governments has been continuing in 18<sup>th</sup> century and was considered by Shahamirian nothing less than a result of absence of positive laws, agreed upon by Armenians themselves. Consequently, seen as slaves, and slavery being "an inconsolable punishment against human nature on the face of the Earth"<sup>15</sup> (Shahamirian, p. 69), Armenians were to free themselves by the new plan of liberation leading to the shaping of a modern nation. American Colonies were undergoing the same process of nation formation, and again as the first step to this there stood the urge of liberation, because nations henceforth were nations as long as there was "a definite social space, a fairly well demarcated and bounded territory, with which the members identify and to which they feel they belong" (Smith, 1991, p. 9). So to ensure the territorial autonomy it was necessary for Armenians to ordain the king for themselves: the immutable law, which was to ensure peace among the nation and protect from the arbitrary power of intruders (Shahamirian, 1773/2002).

Shahamirian's view perfectly corresponds to Locke's belief of the lasting right of the subdued to throw off the yoke of the conqueror and acquire their freedom under the government they consent to. Armenian historian Ashot Ioannisyan claims this aspect of Locke's doctrines to be specifically appealing to Armenian Enlighteners, who saw the just ground of their liberating movement in it, and draws attention on Locke's mention of the right of the heirs of the conquered nations to take their liberty, their property back as the rightful owners (Ioannisyan, 1989), to illustrate which, Locke chose the case of "the Grecian Christians descendants of the ancient possessors of the Country" with their right to "justly cast off the Turkish yoke which they have so long groaned under when ever they have a power to do it" (Locke, 1689/1965, § 192).

It's not hard to imagine how this must have resonated with Armenian liberation projects. Having at hand a written justification of liberation movements was the beauty of the Age of Reason, when philosophy shed light on political issues disclosing the more delicate aspects of it and politics, entering the depths of philosophy, supplied it with a body, with a certain corporeality, and this perverse whirlwind was calling for participation, and Armenians took their part in it.

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<sup>15</sup> «[...] հույս տալով նրանց [հայ ժողովրդին] հետամուտ լինել փրկվելու դժնդակ ստրկությունից, որ գարշ ու աղտեղի է, քան բոլոր գարշատեսությունները, և երկրի երեսին անմխիթար պատիժ է մարդու բնության նկատմամբ»:

Thirsty for the freedom of his nation Shahamirian proclaims that he witnessed during his lifetime authorities of free nations who direct their governments toward happiness (p. 15).<sup>16</sup> After the same happiness have been travelling Americans abolishing their former bonds with the Great Britain and striving “to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness” (Paragraph 2).

And in the present we hear of a new outburst, that a certain wise man named Washington, from the British nation, born in the America that is under the control of the people of the Great Britain, resisting to the principals and gathering large troops from the common people of America, strives and suffers to attain freedom and yield to none. Even though the end of this still remains to be seen, however the aspiration of the heart of Americans is natural to human nature, since among the boons granted to man on the surface of the Earth there is nothing sweeter than freedom.<sup>17</sup> (Shahamirian, p. 72)

Keeping an eye on American resistance Shahamirian stirs up in Armenians the desire for freedom, earlier giving them two more examples of fearless fights for freedom found in the nations of Georgians and Persians.

The above brought quote from the *Snare* alludes to three of the presented patterns: by establishing the connection with the rest of the world through bringing the examples found in it (*we hear of a new outburst*), claiming about natural inclination of man in preserving his natural freedom by fighting against arbitrary power (*the aspiration of the heart of Americans is natural to human nature*), and by reminding of the sweetness of freedom and followed by it a lawful government (*there is nothing sweeter than freedom*). Only the lawful government will turn its face toward the pursuit of happiness, and ensure the safety of its citizens.

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<sup>16</sup> «Ինձ բարի թվաց շարադրել այս գրքույկը՝ իբրև օրինակ այն բանի, որ իմ կյանքի ընթացքում իմ իսկ աչքերով տեսա, նաև ընթացքը ազատ մարդկանց իշխանության, որոնք իրենց կառավարությունն արեգակի ներքո ուղղում են դեպի երջանկություն»:

<sup>17</sup> «Եվ ներկայումս լսում ենք մի նոր բռնկման մասին, թե Վաշինգտոն անունով ոմն իմաստուն, բրիտանական ազգից, ծնված մեծբրիտանացիների հսկողության տակ գտնվող Ամերիկայում, ընդդիմանալով տերերին և բազմաքանակ զորք հավաքելով Ամերիկայի հասարակ ժողովրդից՝ ջանում է ու չարչարվում ձեռք բերել ազատություն և չենթարկվել որևէ մեկին: Թեպետ դեռ չի երևում, թե վերջը ի՞նչ է լինելու, բայց ամերիկացիների սրտի ցանկությունը բնական է մարդու բնությանը, քանզի երկրի երեսին մարդուն տրված բարիքների մեջ ավելի քաղցր ոչինչ չկա, քան ազատությունը:»

What would have been more alluring for the people of the colonies of the North America, then the very right of dissolving the bonds with a government that does not fulfill its only purpose, which is, in Locke's words, the preservation of people's property—people's lives, liberties and estates. And what might have been more relating to the nation divided between the Safavids and Ottomans than the justification of their rightful endeavor of liberation, of their right of subdued to “*retain a Right to the Possession of their Ancestors*, though they consent not freely to the Government, whose hard Conditions were by force imposed on the Possessors of that Country” (§ 192).

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To liberate a nation is to set a course toward happiness, but to liberate a nation, law is necessary. These three patterns revolving around law, if nothing else, show the way the early modern man's perception of himself connects to his novel understanding of a state, with its sole purpose to secure people's preservation and happiness, and is shared by people of two distant nations. John Locke, the great molder of early modern man, walks leisurely by the paths paved by Americans and Armenians in their texts, and it takes a bit of a stay to see him approaching from afar, his steps advancing through the crossroads of nature and politics.

## Section 2

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This city already has simply forced me to write these letters to past.

Wrapping all statues in conversations, shooting the breeze for years, life was still purposeful. Through the blue evenings were stretching my ahistorical passions, and were glittering my determined eyes. Past— my sole enemy, soon was to become my only friend, and history, history— to shroud my dim eyes. How soon was soon I didn't figure out, but soon was pain. Meaning in history is not to be searched for, truth in history is lost long ago. History does not belong to past any longer. History— the unmasker of all living. History— the sweetest story teller.

When life becomes meaningless one puts the meaning in speech, and text is speech, not because I do not know the difference between writing and orality, but because texts once started speaking with me, and I have to speak through them. When we were shooting the breeze while walking through the streets of this city, life was still meaningful.

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Here I awakened my sleeping thoughts, for which I ask for your forgiveness. Forgive me my thoughts, for *absence is pain*.

## Economy

One consequence of the Safavid–Ottoman wars of 1603–1605 was the improvised measure of the scorched earth policy of Safavid monarch Shah Abbas I, which was also the reason for founding the New Julfa, since more than 300.000 Armenians, along with others, were forced to leave the frontier territories of the Safavid Empire, moving into the interior of its vastness. Leaving behind the waste land, the Armenian population of Old Julfa migrated to a new region in the suburb of Iranian capital Isfahan granted by the Safavid monarch Shah Abbas I

due to the conflict between the deported Christians and local Muslim population during their initial settlement in the Marnanan district of Isfahan.<sup>18</sup> So the impromptu decisions of the Safavid Shah established the nodal centre<sup>19</sup> of the Armenian trade network spanning from the Indian Ocean to the Mediterranean Sea, as well as to Russia and Northwestern Europe.

To regulate the vast network and prevent cheating Julfans had more than one mechanism at hand, and, in fact, the basic unit of Julfan commerce, the *family firm*, should be seen as an institution of a legal character, involved in preventive mechanisms. Aslanian's (2014) lengthy and rigorous discussion of *commenda* partnership contract (with its possible Islamic origin in *mudaraba*) sheds light on the intricate merge of the patriarchal institution of family and “sophisticated techniques of capital investment in overseas markets, credit-sharing mechanisms, complex accounting, and information monitoring” (p. 148). In his work Aslanian reveals the contradictory nature of Armenian Julfan family firm— on one hand “the affinity between the *commenda* and the family firm was also the basis for the dramatic expansion of Julfan trade in the seventeenth and eighteenth centuries,” since *commenda* provided possibilities for the family firms to expand “beyond the limits imposed by kinship” (p. 144). On the other hand the “archaic structure of the patriarchal family” outlining the Julfan family firm, where the senior member regulated the younger generation travelling members, became the reason for Julfan commerce to miss out the essential characteristics of modern firms<sup>20</sup>— a separation of ownership and management (p. 148). On this account it follows that even though Armenian Julfans used into their advantage the historical developments of early modern era, establishing one of the most vast trade networks of the time, there came a point when they stopped keeping up with the demands of flowing time because they lacked essential to economy political backing, of which significance became clear-cut evident in modernity.

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<sup>18</sup> Here I am restating Sebouh Aslanian's view of spontaneous nature of Armenian deportation contrasting with the existing opinion of Abas's well-planned conscious policy, bearing some undertones of economic development. See Sebouh's arguments against Roger Savory, Vazken Ghougassian and Ina Baghdiantz McCabe in his monograph *From the Indian Ocean to the Mediterranean*, pp. 30–39.

<sup>19</sup> Aslanian draws a picture of trade circuit with dispersed nodes and a centre, to which he coins the term “nodal center,” which all are interconnected. Critically assessing the concept of trade diaspora, Aslanian enlivens the idea of trade network, and crossing it with Markovits' notion of “circulation” he comes up with a term “circulation societies,” by which he defines those societies which are in a circular relationship to a nodal centre which “shapes and gives life to its network of dispersed settlements or colonies through the circulation of men, capital, information, priests, and women” (p. 211).

<sup>20</sup> See about the discussion of misinterpretation of Julfan family firms as more sophisticated structure similar to western trading companies by Soviet Armenian scholars (Leo, Ashot Ioannisyanyan) (p. 145). That the extended family was central to the Armenian Julfan trade network is shown and asserted by Aslanian throughout the book.

To my great surprise, I found in Aslanian's study that there was no strict division between formal and informal institutions dealing with law, but rather the Julfan net of commerce was working on the compound mixture of both, forming a peculiar legal system of "transimperial cosmopolitans of the early modern period," as Aslanian calls the community of Julfan merchants.

This compound legal system was also peculiar in that we can place in the centre of its function the concept of trust. Trust was to be generated through four complementary mechanisms, restricting cheating, some of which were closely bound to the administrative bodies, present in Julfa, and the witnesses to New Julfa's administrative autonomy. Of two known major legal institutions one was called Assembly of Merchants<sup>21</sup> which Aslanian (2014) compares to bandwidth in a transistor radio, with a role to receive "signals from multiple places and in turn disseminate them in different directions" (p. 182). The other, Municipal Assembly, "mainly limited itself to ratifying important documents" (p. 190). The first provided merchants' circulated information with legal status, as well acted as an ultimate court of appeal for unresolvable disputes between the Julfans in overseas settlements by maintaining the relationship between informal "portable courts" existing in various commercial settlements.<sup>22</sup> The second acted as a link to international legal system, since evidence shows that its ratification was legally valid "before the legal institutions of foreign states where Julfans were involved in trade" (p. 191). The relationship between Julfan merchants and foreign legal systems had other characteristics as well. Such was the local Armenian community's integration into the English settlement in Madras and making "liberal use of the Mayor's Court of Fort St. George" (p. 197). Julfans' attempts to acquire autonomous status for their dispersed communities is another manifestation of this phenomenon. Establishing court houses and churches, writing their local community constitutions (Penang, Java, Batavia, Livorno, Madras<sup>23</sup>) and code of laws (Madras, Astrakhan,

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<sup>21</sup> About the nature of the Assembly Aslanian makes important clarifications: "[...] the assembly [...] did not have a codified body of rules but rather administered law by word, as was the custom in Safavid Iran" and "Given the state of our knowledge, it seems safe to conclude provisionally that the assembly as an institution occupied a gray zone between "formal" and "informal"" (p. 188).

<sup>22</sup> "The AMPC (Assembly of Merchants and Portable Courts) complex was the single most important institutional feature in Julfan society when it came to monitoring and sanctioning opportunistic behavior, be it in Julfa itself or in its settlements in India or the Mediterranean." (p. 193)

<sup>23</sup> The local constitution of Madras community written by Shahamir Shahamirian a model of a treaty with the Russian Emperor had joined to it, that is a project of liberation, where Russia was to become a temporary harbor for migrant Armenians, an intermediary link between Madras and Armenia. See Šahamir Šahamiryann ow hndkahayoc'

where Armenians also had a separate courthouse), negotiating the rules of the host country, Julfan merchants reflected their close connection to law whether without politics or bound to a state organization.

To give a sense of a preventive mechanism as connected to a customary law, let me shortly discuss the reputation-based mechanism. Circulating information about merchants' reputation based on their behavior Julfan merchants made gossip and hearsay an essential component of their business correspondence. Rumors would either make or break merchants' and *commenda* agents' reputation, respectively securing with future employment or resulting in ostracism.<sup>24</sup> If we are to follow Locke's classification we can say that we are witnessing in the history of trade of "circulation societies," and in Julfan's case in particular, the merge and coexistence of the civil law and law of opinion or reputation,<sup>25</sup> that is of two measures: of innocence or guilt and of virtue and vice. If for the establishment of the first a state is important, the second always persists in inter-personal relations, in or out of political society, so that these laws never exclude one another, rather show the multidimensional legal nature of man. In this context we can see Armenians as lodging the law of reputation into the realm of commerce. It was out of commercial self-interest that merchants were to worry about their reputation, following the rules which will keep them in reputation with their community, so being a virtuous merchant was equal to being a prosperous merchant:

As Greif's studies of Maghribi Jewish merchants have demonstrated, maintaining honesty and, therefore, remaining faithful to the network norms of pre-modern merchants had more to do with rationality than any religious fear or generalized morality. In other words, merchants were motivated to conduct themselves with honesty in relation to fellow merchants of the same network not necessarily because they were inherently moral individuals driven to honesty through religious fear (though this was certainly a

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hamaynakan ink'navarowt'yownë XVIII darowm. [Shahamir Shahmirian and communal autonomy of Indo-Armenians in 18th century]. In *Hayagitakan hetazotowt'yownner*. [Armenological Studies] (pp. 255–273).

<sup>24</sup> Aslanian traces a fascinating etymological basis to this connection, showing that Armenian word for reputation "hambav" had a range of meanings from "news" to "gossip" and had a simultaneous indication of "reputation" in the eighteenth century, just the way Latin word "fama" meant both "reputation" and "news, gossip, rumor." His inference is that "Julfans excelled in circulating *fama/hambav*, which acquired a legal status when it was conveyed through petitions and correspondence through the Assembly of Merchants" (p. 181).

<sup>25</sup> In his *An Essay Concerning Human Understanding* (1689/1824) Locke differentiates between three types of laws: 1. the divine law. 2. the civil law. 3. the law of opinion or reputation (Locke, Book 2, ch. 28, § 7).

possibility) but principally because honesty and respect for a given network's norms were in their rational self-interest as profit-maximizing individuals. (Aslanian, 2014, p. 183)

The penalties that attend the breach of God's laws, some, nay, perhaps most men, seldom seriously reflect on; and amongst those that do, many, whilst they break the law, entertain thoughts of future reconciliation, and making their peace for such breaches. And as to the punishments due from the laws of the commonwealth, they frequently flatter themselves with the hopes of impunity. But no man escapes the punishment of their censure and dislike, who offends against the fashion and opinion of the company he keeps, and would recommend himself to. Nor is there one of ten thousand, who is stiff and insensible enough to bear up under the constant dislike and condemnation of his own club. He must be of a strange and unusual constitution, who can content himself to live in constant disgrace and disrepute with his own particular society. (Locke, 1689/1824, Book 2, ch. 28, § 12)

When the law of fashion becomes integral to the world of business, when it is a law of commerce, yet distinct from civil law, because of the distinctive state of Julfan network—leaning on Safavid law with no strong institutional core, incorporating all possible diverse legal systems existing in different geographical areas with the customary law existing inly, and creating Armenian Julfan legal models in foreign soil, within a foreign jurisdiction—the mercantile network avows of the deepest connection of commerce and law.

The strongest and strictest law in the history of mankind operates in mercantile societies, in economy in its purest. Does this indicate anything? Of course it does! And how could it not? Human nature is terrified of and dependent upon this law, and economy—ether of human existence—embracing “the philosophical law” thrives on so busy soil. The law of reputation holds so natural in economy, because this law and economy weave what human existence rests on. Buying and selling is in the core of human existence, the law of reputation is at the heart of the laws of mankind. (And by keeping in mind that it is economy that begets its own father: politics, we see the reason the law of reputation is more influential than the civil law.)

How deadly this will sound to the ears waiting for the sole political genealogy of law! Indeed politics comes to being for the issues of property, as Locke tells us in his Second Treatise,

yet didn't we expect politics to be the linkage between divine and human laws, and was not there any one person looking for politics to eliminate all possible kinds of laws and to establish the sole court on the Earth?

For though men uniting into politic societies have resigned up to the public the disposing of all their force, so that they cannot employ it against any fellow-citizens, any farther than the law of the country directs; yet they retain still the power of thinking well or ill, approving or disapproving of the actions of those whom they live amongst, and converse with: and by this approbation and dislike they establish amongst themselves what they will call virtue and vice. (Locke, 1689/1824, Book 2, ch. 28, § 10)

Still in the case of the Armenian merchants the question of being bound to their own civil law is removed. We encounter a society concerned with trade and reputation: legal in nature, acting according to law. As already said, civil law had its part insofar as there were any associations with any legal systems composed and sustained by a state.

And while men abandon their power to judge and execute the judicial verdict when forming political societies, they never give up their power to make or break reputation of each other. No any course of human operations will ever deprive men of that power. Transferring their right of judges to the political body men each still preserve in themselves that transparent outline of a judge, each still hold in their hands an invisible gavel.

[...] he who imagines commendation and disgrace not to be strong motives to men, to accommodate themselves to the opinions and rules of those with whom they converse, seems little skilled in the nature or history of mankind: the greatest part whereof he shall find to govern themselves chiefly, if not solely, by this law of fashion; and so they do that which keeps them in reputation with their company, little regard the laws of God, or the magistrate. (Locke, 1689/1824, Book 2, ch. 28, § 12)

Fairly I've never known man and his history! Fairly I have never known! Fairly, custom holds stronger than nature. And it is this third kind of law that man seldomly breaks, because this law never delays to punish. If no other law this authoritative, but that of the fashion guides human nature, if custom correlates to human experience and forms a person, if person is a legal

term, then who is that person most connected to the law of fashion? What if he's not what he seems?

**“It's not what it seems... It's not what it seems...”**

It was in a favorite animated film of mine, where I first heard this phrase that gave me the chills. As a kid I would repeatedly watch the film, and soon the phrase of a dying king, who tried to give a hint, through his last breath, to the prince to help him in unmasking the attacker, would haunt my childhood. “A great animal” he said, but “it's not what it seems...” Evil since has acquired for me one definite characteristic: it is not what it seems.

The hint was pivotal to the plot of the film, and was misleading for the prince at some point, revealing the very confusing nature of the phrase aiming at warning of a deceit. Concealing one another the animal and man were two sides of the evil and each was not what it seemed.

But what was in the very nature of evil now came to reside in the nature of man. Again you call for the true essence?! Again? Convinced by wise man of incompleteness of nominal essences and unknowability of real essences, do you still crave for the beyond? Behold the bound, the law behold! If man holds nothing in himself but boundaries of all kind, then look away with languished heart; you will your life have to abide by all opinion, by fashion's art. Still, do you crave for the beyond? Not in the saddest rambles, nor in a weary night, you lost the least humble, that forceful appetite. The law of reputation changes in every bit of earth, defined by experience, by custom and circumstances of sundry sorts. And bound to experience—to the uncertain and mutable of all things—man is what he experiences and thinks based on what he has experienced. Man—uncertain and mutable of all things, knows and fears above all the law that varies in space and time, yet never scruples. And praised are those who virtuous be, and blamed are vicious,<sup>26</sup> yet what is virtue if suspicious? And where vice to find malicious? If those be changed and men change so, what essence bothers your soul? If what you call essence is what reason—the law of nature reads in itself, and vouches its being, if essence “the true boundaries of the law of nature, which ought to be the rule of virtue and vice” knows, then off with essence!

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<sup>26</sup> “[...]; yet, every-where, virtue and praise, vice and blame go together” (Locke, 1689/1824, Book 2, ch. 28, §11).

For it will serve no purpose. What you aspire to is truth, and truth so changes. Since hunters take a great part of their pleasure in the very pursuit. And truth will hide till be your prey, and when your prey will bring delight. But truth that holds true when augmented is what you yearn for, when never changed changes all. I know, my dear, your friend most dear, has told you that we all acquire truth little by little, when changed and changing, alas! It is outside and in the others, never in us, never in us. And he when also will discuss “the eternal and unalterable nature of right and wrong,” not bound to the law of nature you will deem it, not law divine will be of interest to you. But for the truth—you want it as you will it, and then you will what you desire most. Desire seeks the pleasure, pleasure happiness pursues, happiness binding us to God binds us to necessity both man and God are under. And man that seeks both truth and pleasure, for you one thing he chases after. Thus innate and acquired marry in one thing, and now I can see you rejoice!

### **Politics**

When we turn our gaze from the great expansion and prosperity of Julfan settlements to the collapse of the trade network, we should once again recall the political side of the question. Legal at its core, still, the Julfan network was not politically backed up, and this is the place to mind the greatest deficiency of this mercantile society.

To protect economy the force of politics is necessary. Then no surprise Aslanian sees as a primary reason for the collapse of trade network, the decline of New Julfa, because Julfa “served as a legal and administrative nodal centre for a vast network” (2014, p. 212). Once the law sanctioned by legal institutions ceased to operate, because New Julfa collapsed under Nadir Shah’s disastrous taxation, Julfan traders in Madras sought to establish autonomous and independent state of Armenia with a constitution in its very heart.

Of course the developments taking place beyond the nodal centre, on a macro level, affect mercantile networks as well, and

[...] in the Julfan case, the most important sources of such disturbances beyond the center were to be found in the Indian Ocean circuit of the network and were connected to the near-simultaneous decline and collapse of the Muslim empires of Safavid Iran and

Mughal India, which had long supported the prosperity of the Julfan network. (Aslanian, 2014, p. 213)

Shifting the centre to an alternative geography is one way for mercantile networks to revive after collapse, and in terms of Julfans, Aslanian suggests that “the best candidate for such an alternative center in the post-1747 period” would have been Madras or Calcutta. But Julfans’ prospects of comeback in India were “severely hampered by the imperializing network of the European East India Companies and especially that of the English East India Company and its state-chartered monopoly in trade.” So “instead of returning as a new, Madras-based network, the Julfans in Madras appear to have opted for a far more ambitious project by planning to shift their base from India to a new, “imagined” center in the “homeland” of “historic Armenia” (2014, p. 213). Aslanian argues that the collapse of Julfans’ “homeland” obliged the Julfans in Madras to “reimagine” and reinvent themselves not only as Julfans, but as members of the larger Armenian “nation”<sup>27</sup>. Merchants themselves settled to create their protective force, and out of economic needs, the political questions finally emerged to occupy this little community with regard to the dispersed nation. A group of Madras merchant “intellectual-activists” (Aslanian, 2004, p. 18) became advocates for the creation of “an Armenian national state where they hoped to relocate both themselves and their capital” (Aslanian, 2014, p. 214).

Economy craves for politics: for a boundary, law, safety. Economy always desires for itself a custodian, reliable shelter, a regulatory hand. To this are witnesses both Locke’s *Second Treatise* and (to use Avdalbegyan’s<sup>27</sup> phrase) “migrant capital.” Capital desires a state.

While leaving man as a social creature, endowing men with political character is the first step toward a secure economy. “[...] political organization is not a logical precondition for the existence of advanced commercial society but it certainly is an empirical precondition for its continuance over any period of time” (Dunn, 1995, p. 118).<sup>28</sup> And since politics is established on bargain—people give to political body the right of executing punishment for purchasing security and protection, it will be of no great news that all civil law is begotten by and refers to economy.

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<sup>27</sup> Tadeos Avdalbegyan (1885-1937) was Armenian historian, economist, literary critic, who was the first to problematize and investigate the question of *Snare of Glory*’s authorship and falsification of its date of publication.

<sup>28</sup> Dunn’s observation relates to the explanation of the change brought by the role of the acceptance of money in the formation of legitimate societies in Lock’s writings: when differentiation in wealth causes greater social conflicts it necessitates the creation of political organization. Or in case it happens in the political society, it makes government essential for maintaining order.

As if to illustrate this fundamental connection of politics and economy, Armenian history presents to us its sons, a group of merchants who aspire to create a modern nation-state of Armenia. No wonder the *visage* of their Armenia is crowned with law. This group of people, known in Armenian historiography as Madras circle, started a literary-liberatory movement by publishing historico-political treatises, along with engaging in a distinct Armenian “liberatory politics”: falsification of legal documents.<sup>29</sup> Two main members of the circle were Shahamir and his son Hakob Shahamirian, who are considered to be the authors of the significant book printed in Madras as a part of a publishing program launched through establishing Hakob’s printing press, found in 1771. This book, which I will discuss before long, is the very Snare of Glory, the single most emblematic writing of a “merchant-politician,” which also represents the current of 18<sup>th</sup> century cultural revival movement by addressing at once all the fractions of 18<sup>th</sup> century Armenian crisis of dispersion,<sup>30</sup> which are three: crisis of language or education, crisis in historical memory and the crisis of the center.<sup>31</sup> But the revival movement itself was ramified into three coexistent yet opposing streams.

The other two major projects coexisting beside the Madras aspiration were those of Simeon Yerevantsi,<sup>32</sup> the Armenian Catholicos in Etchmiadzin, representing the view of clerical elites, and Mekhitarist Congregation in Venice. Central to the resolving of the crisis of dispersion was the definition of nation, and here three sides differed in their understanding of the notion.

For Simeon Yerevantsi the dispersion was the hallmark of the Armenian nation, which was subject to providence—the chief historical actor (Aslanian, 2004, p. 62). Conceived as a religious community the Armenian nation was bound together through the supreme sacral center: Catholicosate in Etchmiadzin. For Mekhitarists nationality didn’t overlap with confession nor political institutional authority was central to nationhood since they defined nation as “a

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<sup>29</sup> See Avdalbegyan T., Hay azatagrakan šaržman erkow hosank’ XVIII dari verjerowm. [Two currents of Armenian liberation movement in the end of XVIII century]. In *Hayagitakan hetazotowt’ yowwner*. [Armenological Studies]. (pp. 215–225). Avdalbegyan shows that the second of treaty documents between two nations: Armenians and Russians, supposedly written by the order of Catherine II of Russia and aiming at restoring Armenian independence, was in fact again written by Armenian side. And his comparative analysis with the articles and terminology of the *Snare of Glory* discovers Shahamir Shahamirian as the author of the document written in 1779.

<sup>30</sup> Aslanian shows that the aspects of crisis were recognized by the solution-proposing groups in different geographies. “The Armenian elites and activists of the period were cognizant of this crisis and identified three of its primary symptoms; interestingly, they diagnosed all three symptoms as originating from one common source: diasporic existence and dispersion” (Aslanian, 2004, p. 15).

<sup>31</sup> Here I am using Aslanian’s very useful division of crisis components and his phrasing.

<sup>32</sup> See Aslanian (2004), *Dispersion history and the polycentric nation*, where the author thoroughly examines Catholicos Simeon’s project of centering the dispersed nation on the Holy See in the homeland in the broader historical context of 18<sup>th</sup> century Armenian revival moment and next to the Madrasian and Mekhitarist projects.

culturally unified and historically rooted community” (p. 84). And regarding the Madras group, it:

[...] sought to displace and replace the traditional Armenian (self) image as a geographically fragmented and dispersed ethno-religious community by a new Enlightenment conception of the nation as a political community grounded in its native territory and represented and led by its elected sovereign authorities. (p. 6)

These understandings of what nation is corresponded with their separate projects of unification and preservation of the nation: they were to build that nation they conceived in their minds. Madrasian project inspired hungrily all the central characteristics of modern nation-state,<sup>33</sup> Mekhitarists’ cultural and literary project was that of totalization, through archival labours they aimed at reconstructing fragmented past and shaping “a historical narrative that was *national in form*” (Aslanian, 2004, p. 18). And hostile to these two was Yerevantsi’s project of making Etchmiadzin the sole sacral centre holding Armenian identity intact and distinct from others.

Still there is one interesting circumstance all three enterprises share: the placing of Armenian nation in the Christian universal history and presenting Armenians as God’s chosen people. For Yerevantsi dispersion itself was a mark of God’s covenant for the Promised Land, which would be achieved only through Armenians’ commitment to their own Jerusalem: Etchmiadzin (Aslanian, 2004). Published by the Mekhitarist Congregation in Venice, Chamchian’s *History of the Armenians*, (in three volumes), marking the modern historiography for Armenians, itself was “of a “universal” and Christian nature” (Nichanian, 1999, p. 89). As Nichanian shows, ironically enough, just because of Chamchian’s incapacity to comprehend the idea of history as fiction, his historiography displays an uneasy merge of archival certainty and oral epic tradition. And both *New Pamphlet, which is called Exhortation* (1772) and *Book Entitled the Snare of Glory* printed in Madras, full with pages of glorification of the past for the reason of future liberation, repeat the same discourse of origins, the same logic of “historicization of legends.” Accordingly, the idea of the chosen nation as applied to Armenians deep down was historical in the case of Chamchian and Madras group. This simply was the

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<sup>33</sup> “[...] merchant activists of Madras, who were the first in the dispersion to consciously formulate an Enlightenment notion of nationhood, equipped with its own concept of a secular “center,” in which the Church was divested of its supreme authority as shepherd to the nation” (Aslanian, 2004, p. 25).

historical representation of national identity, and the religious veil was cast off from this idea when it was joined with their projects. Neither Catholic Armenians nor merchants with their picture of modern nation have counted on religious unification. Yet religious kernel of the notion of covenant was a driving force to the solution (of the problem of unification) for Simeon Yerevantsi.

For the “salvation” of the nation these three outlined different paths, which were possible together only when projects, but it was impossible for them to coexist in the future—the realm of choices; rather they should have collided and out of that clash reality would rise. But do nations mind whatever paths prophesy?

### **Madras and English Enlightenment**

If not earlier, now it is apparent that the Perso-Armenian circle in Madras had more than one reason to lay out its liberatory plan, and more than one of those reasons made their plan one of the major Armenian revival projects competing with one another. This was the project of the “refugee capital,” in fact, the same capital behind all three enterprises. It was the same merchants that covered the needs of Mekhitarists and funded the printing press in Etchmiadzin. So in a sense merchants stood behind the Armenian revival moment of 18<sup>th</sup> century.<sup>34</sup>

But it was only the enterprise proposed by merchants that wholly rested on law, and law was proposed to be the sovereign, the sole king of freed Armenia. This should not amaze when we consider the fact (discussed at length in Section 1) that law was for the Armenian intellectual-activists in Madras that national measure with which it would be possible to become a part of the world. The Madras circle was thinking in and beyond their national tradition, adopting the most significant characteristics of law in the English tradition. The Snare of Glory dips its one leg into the Western tradition of natural law, touching some aspects of a state and law which stream from the Enlightenment, and stands firmly with the other leg on the Armenian tradition of liberation

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<sup>34</sup> “This Perso-Armenian community of merchants in India provided the social and economic foundations for what has come to be known in Armenian historiography as the “national revival movement” in the diaspora. They bankrolled the nascent craft of Armenian printing in places like Venice, Amsterdam, Livorno, Madras, Calcutta, Lvov (now in the Ukraine), and new Julfa. They were also behind the revival of letters then spearheaded by a small band of Armenian Catholic missionaries known as the Mkhitarist Order, based on the island of San Lazzaro in Venice; they supported the establishment of schools of higher education in Venice, Paris, new Julfa, Moscow, and Calcutta. In addition to their financial patronage, some members of the Julfan merchant community became cultural and intellectual producers in their own right, as in the case of Shahamir Shahamirian, the wealthiest Armenian merchant in Madras during the second half of the eighteenth century” (Aslanian, 2014, p. xv-xvi).

movements. Both these stretch through centuries into the past, but it seems to be in *The Snare* that they cross for the first time by the writing of Hakob's youthful hand.

How much and in what manner *The Snare* was influenced by the Enlightenment thinkers, and particularly by John Locke, was a question of significance and of investigation for me. But above all it is a question of a historian, which will be my excuse when presenting to you the inferences drawn from my meager findings. The picture glued together out of the pieces of limited resources I had at disposal is the following.

That there is an influence of the Enlightenment on Madras group there seems to be no doubt in Armenian historiography, (and will not raise disbelief in anyone acquainting himself with Armenian writings and comparing them with Enlightenment ideas of state, nation, education, etc.,) and the notions of nation and state understood by Armenians in India correspond perfectly with the general European mindset of the time. But most particularly, it is the ideas of John Locke that resonate throughout the book. Were Shahamirians or any other person of the Madras group familiar to Locke's Treatises or any other writing by him, did they have them at hand, or was it through oral transmission that they absorbed Lockean ideas and incorporated them into their ambitious enterprise, are the questions I naively sought to find answers to.

Armenian historian Ashot Ioannisyan makes an affirmatory statement about the influence in his Appendix to the book *Joseph Emin*, yet with an obscurity in it, since he doesn't concern himself with a definitive answer to "direct or indirect influence of Lockean teaching [...]".<sup>35</sup> "This question doesn't get any certain neither in Leo's or Tadeos Avdalbegyan's discussion of the matter, and Sebouh Aslanian himself complains that the Armenian churches both in Madras and Calcutta "failed to preserve much documentation from their once-illustrious communities in the seventeenth and eighteenth centuries" (Aslanian, 2014, p. xvii). (This circumstance with additional complication caused by bureaucratic impediments at the local Indian archives were the reason for Aslanian to abandon his initial research on Perso-Armenian community of Madras and their role in the Armenian cultural revival and Armenian nationalism.) However all four historians make use of idea-based evidence that connect Shahamirian's writing with Locke's work and Enlightenment considerations.

Another approach to the question is the usage of an intermediary link between Madras group and English Enlightened circles, through one interesting figure named Hovsep Emin.

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<sup>35</sup> «Прямое или косвенное влияние учения Локка вряд ли под-лежит сомнению» (Ioannisyan, 1989/2007).

Emin, who broke “with his father and the Armenian mercantile tradition,” and left for London, arrived there in 1751, twenty five years of age, in the quest after “European/British Enlightenment education” (Aslanian, 2012, p. 367). A friend of young Edmund Burke—still a believer of natural-right theory, a representative of English Enlightenment—as well his copyist (of *A Vindication of Natural Society*, *The Philosophical Inquiry into the Origin of our Ideas on the Sublime and Beautiful*,) and a protege of Hugh Percy, 1st Duke of Northumberland who introduced him to the high society of London and of Prince William, Duke of Cumberland who arranged his studies at London’s Woolwich Military Academy, Emin harnessed the “fruits of European knowledge,” in order “to deploy them in the service of “liberating” what he deems to be his “oriental” countrymen” (Aslanian, 2012, p. 368). The dates of Emin’s visits to Madras indicate to Armenian historians about his collaboration with Madras group, for both political tracts (*New Pamphlet* and *Snare of Glory*.) There remains little doubt that Emin advised the Madras group during his immediate presence in Madras, even if one considers lengthy paragraphs in the constitution (second volume of *The Snare*) on military training and the conduct of hostilities solely, which Ioannisyan finds to come from Emin’s own military experience.<sup>36</sup>

To the disentanglement of the question of first-hand acquaintance with the English sources there is a lead in Mnatsakanyan’s (1962) remark regarding Hakob’s education. In his very important article proving Hakob’s authorship of the *New Pamphlet* he makes an inference that Hakob might have completed a foreign higher educational course, which in our case will count as a probability for Hakob’s acquaintance with foreign literature of Enlightenment.

The contact with English bourgeoisie, through which European Enlightenment ideas entered into India, considered by Grigoryan (1957), is yet another circumstance to consider.

Missing primary biographical evidence I can only infer from all these scattered crumbs the actual probability of their reading or at least hearing of specific ideas found in particular authors. However discovering that while reading the *Snare* it is impossible not to correlate the text with those of the English thinkers like Locke and Hobbes, the question changes, becoming the matter of proofs based on ideas, which, indeed, altogether, are different sort of evidence, evidence that goes beyond certain circumstances, and connects sides even if not immediately

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<sup>36</sup> Moreover, Ioannisyan considers Emin to be the first representative of Enlightenment philosophy in Armenian reality. «Просветительская философия, первым представителем которой в армянской действительности был Эмин [...]». “Philosophy of Enlightenment, the first representative of which, in Armenian reality, was Emin [...]”(Ioannisyan, 1989/2007).

connected. And in the quest for correlations it generously allows to consider differences not less than the similarities.

### **Shahamirian and Locke**

The date of publication and authorship of *The Snare* is another riddle, solved partially, which I will not discuss here, and realizing that *The Snare* is a product of a collaborative labor, I still, as previously, will refer to Hakob as its author, because in this work I am considering only the first volume of the book, which most probably was almost complete before Hakob's death.

When reading *The Snare of Glory* with an even remote acquaintance of early modern English political and philosophical writings, one would notice some themes and expressions peculiar to the latter resonating throughout, echoing very specific understanding, even a very specific and fascinating method adopted by English philosophers of the time.

In terms of the method—no wonder English empiricist philosophers relied on the human experience not only to draw their principles from but also in terms of demonstrating those. Both Locke and Hobbes would ask the reader to look inside themselves in order to find the proof of the matter in examination. It is surprisingly delightful and at the same time provocative when pure human experience is seen as a single absolute demonstration of human nature and its consequences in the Armenian text. For some this may suggest some kind of knowledge and appreciation of the English works, for others this might speak of an integral link between philosophical material and its single possible demonstration through once own experience. A paragraph in *The Snare* almost mimics a paragraph in Hobbes' *Leviathan*:

[...;] yet, when I shall have set down my own reading orderly, and perspicuously, the pains left another, will be onely to consider, if he also find not the same in himself. For this kind of Doctrine, admitteth no other Demonstration. (Hobbes, 1651/1968, p.83)

A confirmation to the said will be even the reading of you reader alone, by which you will be able to compare what I say with the mind, will and nature of yours, for I never

doubt that from everything mentioned above, you will find similarities corresponding to your nature.<sup>37</sup> (Shahamirian, 1773/2002, p.63)

Sure, *The Snare* is not a philosophical essay with a very fine and intricate structure, nor is it a political treatise that continues a well established polemical tradition, but a material of heterogeneous kind. It only reminds of fiery polemics of 17<sup>th</sup> century England, itself being a controversial writing for the land of its own people, yet very far apart from the intellectual depth of those it reminds us of. So it manages to balance on a very steep line: a trifle compared to the giants it is inspired of, a frightful venture in the context of 18<sup>th</sup> century Armenian politics favored by the Church.

A major theme explored in *The Snare* is of the understanding of social order within a scope of the greater universal order of nature. This theme, reaching back to the humanist and medieval jurists, (with its roots in the ancient times,) of course was typical to the works of English writers of politics or philosophy of the Enlightenment, including such ideological rivals as Sir Robert Filmer and John Locke. However, if the English authors each would scrupulously justify their side by providing arguments of different sorts and quoting from Scriptures as a common practice of the time and circumstances, then in the *Snare of Glory* things are stated as given, and the work does not in any way attempt to somehow accentuate on the diversity of the statements—the truth is there—stated and believed, it is considered. This should be a characteristic of a lonesome work, addressing no rivalries but calling for a better narration of the matter addressed.<sup>38</sup>

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<sup>37</sup> «Ասածիս հաստատունը կլինի թելուզ միայն ընթերցողիդ ընթերցումը, որով կկարողանաս համեմատել իմ ասածը քո մտքի, կամքի ու բնության հետ, որովհետև ես երբեք չեմ երկբայում, որ ամեն բան, ինչ որ վերևում հիշվեց, համանման ես գտնելու քո բնությանը»:

To this there are more examples, showing the importance of human experience for the author who fastens a snare:

“The reader can easily recall the course of his own life alone in the earth [to make sure] how many different alterations he has noticed in his nature from childhood to youth, from youth to his grey hairs and old age” (p. 19).

«Ընթերցողը դյուրավ կարող է միտքը բերել միայն իր կյանքի ընթացքը երկրի վրա [և համոզվել], թե մանկությունից մինչև երիտասարդություն և երիտասարդությունից մինչև պլեոսություն ու ծերություն որքան տարբեր փոփոխություններ է նկատել իր բնության մեջ»:

And referring to the changes in our nature, Shahamirian remarks: “[...] and it is such natural thing that you all readers [of this book] have acquaintance and bear witness to what is said, each in the example of your person and nature” (p. 51). «[...] և դա այնքան բնական բան է, որ այս [զրքի] բոլոր ընթերցողներդ ասածիս մասին լավ ծանոթություն ու վկայություն ունեք՝ յուրաքանչյուրդ ձեր անձի ու բնության օրինակով»:

<sup>38</sup> No wonder that the first polemic in Armenian public press is recorded again in Madras. See Arajin Banaveçë Hay Mamowli Mej. [First polemic in the Armenian public press]. (pp. 236–239). In Fransakan Meç Heğap’oxowt’yowonn ow Žamanakacic’ Hayerë. [The Great French Revolution and contemporary Armenians]. In *Hayagitakan hetazotowt’yowunner*. [Armenological Studies].

But what is The Snare for its author? Likening himself to the David the Prophet, Shahamirian starts his prologue addressed to the reader with quoting from the Psalms: “Uphold thy servant unto good: let not the proud calumniate me” (Psalm 118:122). Keeping his hope in the Lord Hakob at once addresses his reader—“weak” yet “good-minded hunter” calls for the help of readers to hold tight the snare wire, so that transgressors do not denigrate him when they slip and are captured.<sup>39</sup> Endorsed by God David is safe from the slander, endorsed by readers, Hakob will not have to worry about denigration, his snare approved by all good-willed people of his land. The snare is for proud, it is set to capture the glory, it is “an heavy axe to break the yoke of slavery” and “an ingenious snare” to “capture all lazy, ill and vicious men” (Shahamirian, 1773/2002, p. 69). And still why snare and why of glory?<sup>40</sup>

It is my opinion that the title of the book derives from the book of a person by whose words it begins. In a psalm 140:5 we read “the proud have hid a snare for me, and cords; they have spread a net by the wayside; they have set gins for me. Selah.”<sup>41</sup> Hakob was to invert the snare-metaphor of the psalms, and come up with a snare set by the lawful to capture the proud.

Psalms present proud people as the oppressors of the just prophet, the follower of God’s law. And it is the heathens, sinners and proud who lay a snare for the Prophet. And in the Psalms 9:15, 11:6, 35:8 (KJV), the King of Israel prophesies that those who lay the snares will themselves fall into them. However it was altogether another kind of snare that Hakob saw fit the transgressors. This snare was the law itself, moreover, it was the civil law, therefore the constitution itself appears as one giant snare set for a whole nation, preventing the wrong-doers from their deeds, or punishing those who already violated, and rewarding the good. God—the lawgiver for David doesn’t cease to be such for Shahamirian, but it becomes man’s obligation to set laws for himself, through which it will be possible to connect to the Creator. Thus I conclude

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<sup>39</sup> “Similarly my hope is in God, and my eyes are kept on all the pious readers, that by being a help to the weak, by having the back of the good-minded hunter, they hold tight the snare wire, so that unlawful people do not denigrate me because they slip and are captured” (p. 6). «Այդպես իմ հույսն էլ Տիրոջ վրա է, իսկ իմ աչքը՝ համայն բարեպաշտ ընթերցողների, որպեսզի տկարիս օգնական լինելով, թիկունք դառնալով բարեմիտ որսացողիս՝ պինդ պահեն որոգայթի լարը, և անկրագ մարդիկ իրենց սայթաքելու և կալանավորվելու պատճառով չսարչարեն ինձ» (էջ 6):

<sup>40</sup> It is interesting to consider that glory was viewed by Thomas Hobbes an important component of human nature. In his Leviathan Hobbes considers glory to be one of the three principal causes disrupting peace amongst men. “So that in the nature of man, we find three principall causes of quarell. First, Competition; Secondly, Diffidence; Thirdly, Glory” (Hobbes, 1651/1968, p. 185).

<sup>41</sup> «Թարուցին ամբարտաւանք որոգայթ ինձ. լարս ձգեցին որոգայթ ոտից իմոց, շուրջ զշաւոթ իմովք եղին ինձ գայթակողութիւն» (Մատ. 139.6):

that being inspired by The Psalms *The Snare* concurrently creates a new meaning of Biblical metaphor to serve very specific needs of its own people.

*The Snare of Glory*, more than in any other thing, is closer to the peculiar Enlightenment current, represented most excellently by Locke, in that cosmic perception of the law, where differing (laws created by God and man distinctively) laws still make part of one total legality. This broad understanding of law is possible when the perception of the world is that of a harmonious entity, where laws in laws of physics are not absolutely different from laws in a constitution; where law is seen in the heart of Creation, there legality penetrates every bit of being, every type of existence. And in this legal cosmos humans started their history as offenders, or we may say history in fact is a result of human transgression. Man is portrayed in *The Snare* as in the Christian tradition as a lawbreaker, and here again, as in Christian theology, commandment and law are tantamount because they both emanate from God. The fall however doesn't start a history of offenders it also starts a history of serves: "our nature descended from that higher power of freedom" (Shahamirian, 1773/2002, p. 14) to the servitude to death. The fall resulted to the loss of complete freedom, man became a servant to death for ever, so history of man is never a history of free man.

It is after this prelude part that Shahamirian presents the remedy to the servitude: if his readers want to be free it is necessary that they choose good laws for themselves by "the power of their rational soul," so that nobody but their laws govern them, so they become equal kings in their country, each a lord of his own possessions (p. 14). Shahamirian chooses to make a transition from the unrecoverable servitude to the one redressable— when breaking the law set by God man lost his freedom to death, man lost his higher power to his Creator. But to no other creature in the world man can lose his freedom, to no other man he can serve his life, it is only God that has a power to govern us, and man shall be free as his Creator willed him. Shahamirian here paves his way to the longed-for liberation, explaining to his people that they ought to be free from a foreign rule. Yet how is he to return his freedom? By creating laws—is the answer Shahamirian provides—the legislative returns man his freedom, and law sets boundary for man's volatile nature, ever-changing passions. In this consists Shahamirian's revolutionary thought in the history of Armenian liberation movements, his revolutionary thought of liberating through setting law.

So what is law for Shahamirian? Law is a snare, it is a gift, a fruit of the tree of right and justice (p. 6), it is the sole sovereign (p. 28), its “chains and fetters” are the safeguards of the order we will set for us (p. 20), it is a boundary, the preservation of which by celestial and terrestrial bodies is essential for the continuation of life (p. 30). Law is the precondition of the life, since “there has never been and cannot ever be anything under the sun, if it doesn’t bear law in its course, for this or that path and operation” (p. 31)<sup>42</sup>. And finally law is the preserver of property instead of us, making us the proprietors of the time of our lives, saving for us the management of our time<sup>43</sup> (p. 56).

In that ensemble of metaphors one characteristic unites all: for Shahamirian law is active agent, life flows through it as through a riverbed, and there is no way one can escape the general course and enjoy life, escaping the flow equals escaping life itself. So when someone changes his course, it captures and returns him to the flow.

Law as a fence to the properties of men is an image we find in Locke. Moreover, the representatives of people, the members of the legislative, are also seen as guards and fence to people’s properties.<sup>44</sup> Thus here we have an image more of a distancing attribute, as well a sense of preservation. Law is that fence in between, and it is thus to guard, to preserve one from the other. It is to distance man from man to secure their properties. And when we return to Shahamirian we see here law is to capture, to arrest as well to bring constancy and measure to the

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<sup>42</sup> «[...] արեգակի ներքո չի եղել ու չի կարող լինել ոչինչ, եթե իր ընթացքի մեջ չունի օրենք՝ այս կամ այն ճանապարհի ու գործողության համար»:

<sup>43</sup> There is another interesting aspect in Shahamirian’s vision of lawmaking sensitive to time. He deems it essential first to choose the right time for choosing good laws, the right time when hearts of people will be pure and their souls humble to decide on the uncrossable bounds (p. 34). And Romans chose their laws just like this: in the peaceful time, when pure hearted (p. 46). So the right timing for choosing the laws is essential for the right choice. In changing customs, in flowing time, law should be that fixed boundary as if eternity in the passage of instants, and a poise in human volatile nature. The right time is also the time of maturity of man’s nature: not with an irritable boyish nature, neither with a nature shattered of old age, but by a ripe nature man shall chooses for himself laws, conduct and order. Compare how much importance Locke gives to maturity in his work. For him man is able to know the law of nature only when he is mature, so before he is capable to be guided by that law he is to be guided by somebody else mature. So man is not to follow his own will until he is in “a state of maturity wherein he might be supposed capable to know that law, that so he might keep his actions within the bounds of it. When he has acquired that state, he is presumed to know how far that law is to be his guide, and how far he may make use of his freedom, and so comes to have it; till then, some body else must guide him, who is presumed to know how far the law allows a liberty. If such a state of reason, such an age of discretion made him free, the same shall make his son free too” (§ 59). Returning back to Shahamirian we can say that man should choose laws only when he can understand and know them.

<sup>44</sup> See the *Second Treatise*, §122. In § 136, Locke says that though the law of nature ought to it doesn’t fence the properties of people, reminding once again the reason people grant their representatives with the legislative power.

changing nature of man. Surely law serves to the same purpose in both cases, which is the reenactment of the law of nature or in other words the preservation of self or people's properties. But Shahamirian loads the law with many more purposes, since he also addresses law distinctively in a nationalistic context. Positive laws do not exist among Armenians—they didn't create them. And since "authority in a political society derives solely from the 'constitution'" (Dunn, 1995, p. 177, referring to section §198 in the *Second Treatise*) it is considered that there is no authority among Armenians, who suffer under a foreign rule only because of their own fault, because they don't have laws. Moreover, Shahmirian clearly defines what "their fault" is—their deafness to the one part of their nature and a wild embrace they locked themselves in with the other. He distinguishes between two natures coexisting in and making up human nature: natural nature and rational nature. These are in constant rivalry: one runs into irrational, drives man only according to his changing and never peaceful passions, the other connects to God, reads the law that underlies existence, moves animate and inanimate forces of life. For "four hundred years" Armenian people lost their freedom lead by the first, and couldn't recover their kingdom long-neglecting the second. Hence if Armenians once again to listen to their rational nature—which God appointed to govern everything under the Sun, himself governing that nature—they would choose good laws to govern their natural nature, to restrain "the immeasurable and volatile nature" (Shahamirian, 1773/2002, p. 19) of theirs.

It is worth considering how Shahamirian assures that the laws chosen by reason satisfy natural nature of man, because man never will choose a law disagreeing with the latter. Thus his distinction between two natures is not that of opposites but a complex relation of agreement. Since nothing will remain consistent until it doesn't follow the path of natural nature of man and still is of the selection of rational spirit. The "agile volatile and inconstant" nature of ours that doesn't tolerate anything against itself is not itself capable to stay the same for an hour and so requires the help of the rational nature to choose constant and firm boundaries to save it from temptation, and when it willingly accepts those and stays steady, man will become worthy of honor and happiness. So the fixed laws should be chosen for the volatile nature to agree with it and thus only to make it consistent. The two natures should reconcile showing the harmony of law and nature.

Though Locke doesn't separate between human natures, it is clear that he differentiates between reason and passions, and that he considers passions to deviate from just execution of the

law of nature, which reason is, reason— also “the rule given between man and man” (Locke, 1689/1965, § 181). Reason and law are so connected for Locke, that he does think reason itself a law, and no other law but that of nature, governing the state of nature. So wanting positive laws the only law men could refer to in the state of nature was their reason, according to which then they would choose laws political:

[...] for the law of nature being unwritten, and so no where to be found but in the minds of men, they who through passion or interest shall miscite, or misapply it, cannot so easily be convinced of their mistake where there is no established judge:[....] (Locke, 1689/1965, § 136)

Shahamirian interchangeably uses *rational nature* with *rational soul*, which again indicates the essential connection the rational bears in human to God, and therefore the attribute of lawmaking passed from God to man. Thus man bears law within, is “a home to rational spirit” inspired by God, about which he remembers by the power of that soul (Shahamirian, 1773/2002, p. 57). And “Adam was created a perfect man,” writes Locke, capable to “govern his actions according to the dictates of the law of reason which God had implanted in him” (1689/1965, § 56). Whatever words and phrases these authors choose to describe, they are describing one thing: the fundamental connection of man with God through reason, which is law, which creates/chooses law, which dictates to submit to law.

However man is capable of reading the unwritten law (as well as understand the written one) not in all stages of his life. He does not really make use of his reason until maturity, so children are not guided by reason and need guidance by those who are.

The freedom then of man, and liberty of acting according to his own will, is grounded on his having reason, which is able to instruct him in that law he is to govern himself by, and make him know how far he is left to the freedom of his own will. To turn him loose to an unrestrained liberty, before he has reason to guide him, is not the allowing him the privilege of his nature to be free; but to thrust him out amongst brutes, and abandon him

to a state as wretched, and as much beneath that of a man, as their's. (Locke, 1689/1965, § 63)

But to understand why it is so that children are not to be free, we should finally consider the true notion of law:

The law, that was to govern Adam, was the same that was to govern all his posterity, the law of reason. But his offspring having another way of entrance into the world, different from him, by a natural birth, that produced them ignorant and without the use of reason, they were not presently under that law; for no body can be under a law, which is not promulgated to him; and this law being promulgated or made known by reason only, he that is not come to the use of his reason, cannot be said to be under this law; and Adam's children, being not presently as soon as born under this law of reason, were not presently free: for law, in its true notion, is not so much the limitation as the direction of a free and intelligent agent to his proper interest, and prescribes no farther than is for the general good of those under that law: could they be happier without it, the law, as an useless thing, would of itself vanish; and that ill deserves the name of confinement which hedges us in only from bogs and precipices. So that, however it may be mistaken, the end of law is not to abolish or restrain, but to preserve and enlarge freedom: for in all the states of created beings capable of laws, where there is no law, there is no freedom: for liberty is, to be free from restraint and violence from others; which cannot be, where there is no law: but freedom is not, as we are told, a liberty for every man to do what he lists: (for who could be free, when every other man's humour might domineer over him?) but a liberty to dispose, and order as he lists, his person, actions, possessions, and his whole property, within the allowance of those laws under which he is, and therein not to be subject to the arbitrary will of another, but freely follow his own. (Locke, 1689/1965, § 57)

Children are not to be free because they are not capable of law, they do not know it, since they have not yet come to the use of reason. Suddenly law becomes the opposite of snare and

fence, a grantor of freedom!<sup>45</sup> But through capturing and fencing law comes to fulfill its true end. If “liberty is, to be free from restraint and violence from others,” and “freedom is not, [...], a liberty for every man to do what he lists,” then law is to restrain encroachment in order to enlarge freedom. The rules of reciprocity then are established through the law, and this reciprocity between man and man is the basic code of conduct of social creatures, which each human being will learn by experience leading to adulthood.

### **The Child**

Yet children are not capable of law because they do not possess the experience of reciprocity. When one desires to secure his own possessions and freedom, one desires reciprocal freedom, reciprocal restraint and condemnation of violence and encroachment. That is to say, one is no child. Oh child, how you disturb freedom and how they aspire to give it to you! Child is the sovereign! Child has no experience, hence he does not understand the reciprocity of experience, but he knows reciprocity else, he knows the inner law of reciprocity, its essence is the sole law that child understands. And that law is ever-changing, ever-moving, ever-joying! What law is that so foreign and unseen? That is the law of game, the game of child.

In a febrile summer, in a back garden of my friend’s house, her little brother and I were playing football, barefooted and determined. The rules were set, goal gates agreed on, when in the middle of the game child appeared! He changed the rules, and since didn’t stop. First I yielded to the child with an adult kindness, for the second time I obeyed to the changing rule out of childish curiosity. Afterwards I surrendered with admiration to every new change in the course of the game: the gates were here, next minute they have shifted, the ball was out-of-bounds, yet bounds would move and it would get in... I obeyed with adoration; the more the rules changed the more the law revealed itself, the law of game! The game was playing us, child was at play! Child, who knows the game in a way adults know not, adults, who play the game by the rules, when as such only it is possible to play. After all, the very definition of any game consists in following its rules, so that it can become possible as a game. When children play, those who change or disobey the rules would be instructed by adults the contrary; and those children who

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<sup>45</sup> So much it is the source of freedom that Shahamirian plainly asserts that law will liberate Armenian nation, his whole enterprise is nothing but making use of the true end of law in order to retrieve, “preserve and enlarge” the freedom of his people.

would play with strong precision will detest the unjust behavior of their fellows, and will banish them for the childish play. Children when children are taught the adult way of playing. But when still too little, or free from restraints, children will play by the inner law of game, they will play the way the game will play them—play is of change, play is of motion, play is of joy, play is of triumph!

The child knows something about game forgotten by experience; the child knows something about reciprocity almost impossible in reality. Child loves liberty he finds in the game, liberty he knows in this. But more than liberty he loves dominion! And dominion:

[...] is the first original of most vicious habits, that are ordinary and natural. This love of power and dominion shows itself very early, and that in these two things.

1. We see children (as soon almost as they are born, I am sure long before they can speak) cry, grow peevish, sullen, and out of humour, for nothing but to have their wills. They would have their desires submitted to by others; they contend for a ready compliance from all about them, especially from those that stand near or beneath them in age or degree, as soon as they come to consider others with those distinctions.
2. Another thing, wherein they show their love of dominion, is their desire to have things to be theirs; they would have property and possession, pleasing themselves with the power which that seems to give, and the right they thereby have to dispose of them as they please. (Locke, *Some Thoughts Concerning Education*, 1693/1824, § 103-105)

Child should possess what he desires, be it property of another or not. Child desires to possess whatever his desire be; what matters is that the desire triumphs and fulfills. It is not reason child will consult, but desire, which knows no equality but superiority alone. Desire moves by preference, by overweighing, prevailing, and child plays to be triumphant—to prevail, to own, to subdue. Fulfilled and triumphant desire is known to sovereign alone, but people cry: “the sole sovereign is law,” and dethrone the child; his golden crown shining until experience dims its last glimmers.

His self-willed spirit is already seen in his mother’s womb, when he moves when and the way he wills it, and after he is born all of his childhood witnesses about the establishment of sovereignty, as he plays and moves, rues and joys when he wills, as he pleases. Thinking himself

better than others, when encountering another's accomplishment though pleasing for him, still it excites his envy, that he should have accomplished a greater deed (Shahamirian, 1773/2002, p. 63).

Proud and jealous, selfish and self-willed, "they strive for dominion over other human beings and attempt to appropriate such external objects as please them" (Dunn, 1995, p. 114). But these "naturally amoral" creatures learn moral conduct and "moral education requires the most subtle combination of physical and emotional sanctions. It is at its most effective when it results in the establishment of *habits* of moral conduct" (1995, p. 114). Thus under the guidance of their morally sufficient elders children, who also depend on them, will be introduced to freedom by and by, yet only to abandon freedom they have and know, freedom discordant with experience, sociality, security, preservation after all.

The child at play, the child in power, prevailing over others, playing existence, the king! For child no labor leads to property, but desire. Desire is his right to everything. His will is his path to his possessions. How joyous he is when on his throne, and what a calamity to see him discontent! As elemental forces, knows not rejection, bears not rejection, rejection— void!

Child— free of law and reason, but in all times he never changes, from all sorts of morals on the earth all sorts of adults are begotten, yet child is born always victorious, chases his spoils for all eternity. And eternity is playing, playing checkers; the kingdom belongs to a child. Is the child born eternally ancient? Among Greeks and Romans isn't he the one to declare of the law of the victorious? Or should we ask with a bitterness of sorrow: may be some men are born as adults?

*Love Heraclitus if you can.*

## **Creation**

If it pleased the Lord to accomplish the creation of our nature by the unalterable order and bound, so that it endures and operates by law and bounds, then how more we need and obliged are to set laws for our equal natures in this our world (Shahamirian, 1773/2002, p. 34). As mentioned already, law at the heart of creation, resides in the bosom of human society.

The true ground of morality is the will and law of God. God has inseparably linked virtue and public happiness together, thus making the practice of virtue necessary to the preservation of the public. God for Locke is the custodian of societal relations and virtue is necessarily a public phenomenon. But the rules of virtue are not innate in man, and he breaks them frequently for several reasons, one of them being his doubt in the subsequent punishment. For law is impossible to understand without a law-giver or reward and punishment, and obligation is impossible to understand without law. But how is he supposed not to doubt his obligations, who has no innate idea of law, of law-giver, of God and his punishment? The knowledge of law is not innate, hence there is no innate laws. But innate laws are different from laws of nature, and this is a crucial distinction to make. If in first we understand something impressed on our minds from the beginning, then by the second we understand something of which being unaware we still can comprehend it through the implementation of our natural abilities. Which means it is a law “knowable by the light of nature, i. e. without the help of positive revelation” (Locke, 1689/1824, book 1, ch. 3, § 13).

The law is for the free agent, freedom and law are connected, of course—law has freedom as its end, but then it is only the free agent who is capable to prefer. By preferring he chooses and chooses between good and evil through which our actions agree or disagree to the law. For it will be in vain to set a law without joining to it the enforcement of good and evil, reward or punishment, which are brought on us by the law-maker who has the power to do it. And what is the point of freedom be there not enforced good and evil upon which should orient itself human will? The very true nature of law is this—enforced good and evil. Law, so important to conscious mind, reminds him of the law-maker, reminds him of creation, when law first entered his existence. And conscious mind pursues happiness, says Locke. Human nature seeks happiness day and night, echoes Shahamirian.

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