

## 10 | Between the Arabs and the Turks: Household, Conversion and Power Dynamics in Early Islamic Bactria

SAID REZA HUSEINI

This chapter addresses conversion and its consequences for a Bactrian family in early Islamic Bactria.<sup>1</sup> It discusses the social, legal and economic ties that bound this Bactrian family and the problems created within it after one member converted to Islam. The family under discussion is known as the family of Mir b. Bek.<sup>2</sup> It consisted of four brothers named

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<sup>1</sup> Historical Bactria covered all lands between the Hindukush mountains and the Amu Darya River. In its broadest sense, this region stretched from the Marw al-Rūd River in the west to Badakhshan in the east, the Hindukush to the south and the Hisar mountains to the north, with the Amu Darya flowing through the middle of it. Bactria's geography mentioned here has been discussed in different sources. Cf. the seventh-century Chinese discussion on Bactria given in *Si-Yu-Ki, Buddhist Records of the Western World*, trans. Samuel Beal (London: Kegan Paul, Trench, Trübner, 1906), 3–38; tenth-century Muslim geographers' reports on Bactria as reflected in Ibrāhīm b. Muḥammad al-Istakhri, *al-Masālik wa-l-mamālik*, ed. Muḥammad Jābir 'Abd al-'Adil al-Ḥusaynī (Cairo: Dār al-Thiqāfat wa-l-Irshād al-Qawmī, 1381/1961, 155–56); Aḥmad b. Abi Ya'qūb b. Waḍiḥ al-Ya'qūbī, *Kitāb al-Buldān*, ed. Michael J. De Goeje (Leiden: Brill, 1892), 66–70; trans. Matthew S. Gordon *et al.* *The Works of Ibn Wādiḥ al-Ya'qūbī*, vol. 1 (Leiden: Brill, 2017).

<sup>2</sup> This family has been discussed in different contexts. François de Blois referred to it in order to understand the Bactrian chronology (François de Blois, 'Du nouveau sur la chronologie bactrienne post-hellénistique: l'ère de 223–224 après J.-C.', *Comptes rendus des séances de l'Académie des Inscriptions et Belles Lettres* 150 (2006): 991–97; Geoffrey Khan, *Arabic Documents from Early Islamic Khurasan* (Studies in the Khalili Collection 5) (London: Nour Foundation in association with the Azimuth Press, 2007), 20–22; Nicholas Schindel, 'The Era of the Bactrian Documents: A Reassessment', *Gandhāran Studies* 5 (2011): 1–10; Nicholas Sims-Williams and François de Blois, *Studies in the Chronology of the Bactrian Documents from Northern Afghanistan*, with contributions by Harry Falk and Dieter Weber (Wien: Verlag der Österreichischen Akademie der Wissenschaften, 2018), 33–39. In separate publications, Patricia Crone and Arezou Azad discussed this family and highlighted fraternal polyandry, the motivations behind it and the impact of the Islamic taxation system on this type of marriage. Cf. Crone, *The Nativist Prophets*, 400–405; Arezou Azad, 'Living Happily Ever After: Fraternal Polyandry, Taxes and 'the House' in Early Islamic Bactria', *Bulletin of the School for Oriental and African Studies* 79 (2016): 33–56.

Mir, Kamird-far, Wahran and Bab, the sons of Bek, and their children. They lived together in the Rob region of southern Bactria. They jointly managed the properties that belonged to their household. Except for Bab, the other three brothers possessed a woman named Zeran. The conversion of Kamird-far to Islam severed the social, legal and economic ties that once bound this family together.

Information about this comes from Bactrian and Arabic documents belonging to this family. The Muslim and non-Muslim authorities issued these documents between 700 and 777 CE. That leads to the fact that the family lived where the Muslim and local Bactrian administrations coexisted (Figs 10.1 and 10.2). These documents are part of a larger group of documents found since the 1990s in the northern parts of the Hindukush mountains (in modern Afghanistan), now preserved in various collections and archives. They date from the fourth to the late eighth century and reflect valuable information about the socio-political situation in Bactria.

The Bactrian documents were written in the Bactrian language. Bactrian is the only Middle Iranian language scripted in the Greek alphabet, thanks to Bactria's Hellenistic heritage.<sup>3</sup> Their subject matter varies from financial



Figure 10.1 Map of Bactria.

<sup>3</sup> For a brief survey on the Hellenistic heritage of Bactria, see Rachel Maris, *The Graeco-Bactrian and Indo-Greek World* (London: Routledge, 2020); Burzine Waghmar, 'Between Hind and Hellas: The Bactrian Bridgehead (with an Appendix on Indo-Hellenic Interactions)', in *Indo-Hellenic Cultural Transactions*, ed. Radhika Seshan (Mumbai: The K R Cama Oriental Institute, 2020), 187–228.



**Figure 10.2** Map of Rob and Kadagstan where the Bactrian and Arabic documents were found.

and legal documents to official and private letters reflecting socio-political circumstances in late antique Bactria. They represent continuity in their layout, form and formulas, implying administrative and cultural continuity for a long time despite regime changes.<sup>4</sup> The main advantage of the

<sup>4</sup> Nicholas Sims-Williams, 'New Documents in Ancient Bactrian Reveal Afghanistan's Past', *International Institute for Asian Studies Newsletter* 27 (2002): 12–13; Nicholas Sims-Williams, 'Nouveaux documents bactriens du Guzgan (New Bactrian Documents from Guzgan)', *Comptes rendus de l'Académie des Inscriptions et Belles-Lettres* (2002): 1047–58; Nicholas Sims-Williams, 'Bactrian Letters from the Sasanian and Hephthalite', in *Proceedings of the 5th Conference of the Societas Iranologica Europa*, Ravenna, 6–22 October 2003, vol. 1, *Ancient and Middle Iranian Studies*, ed. Antonio Panaino and Andrea Piras (Milan: Mimesis, 2006), 701–13; Nicholas Sims-Williams, *Bactrian Documents from Northern Afghanistan. I: Legal and Economic Documents, Studied in the Khalili Collection*, vol. 3; *Corpus Inscriptionum Iranicarum*, pt. 2, vol. 6 (Oxford: The Nour Foundation/Azimuth Edition/Oxford University Press, 2001, rev. ed. 2012); Sims-Williams and De Blois, *Studies in the Chronology of the Bactrian Documents*; Nicholas Sims-Williams and Étienne de la Vaissière, 'A Bactrian Document from Southern Afghanistan?' *Bulletin of the Asia Institute*, New Series 25 (2011): 39–53. Recently, twenty-nine Bactrian letters written on birchbark appeared in a private collection in London. They were written in the late

Bactrian documents is their originality. Most of them are completely preserved. Some of them retained their original clay sealings before they were opened for translation.<sup>5</sup> That means their texts remained untouched for centuries and were saved from editing. Equally important, the legal documents are in the form of double documents, in which the text is written twice by the same person and then sealed by authorities.<sup>6</sup> That method provides us with two copies of the same text. However, despite their advantages, the Bactrian documents are limited to only some areas in Bactria.<sup>7</sup> Furthermore, they were made after negotiations between various parties and their backgrounds remain unknown.<sup>8</sup> Hence, any suggestions made in this chapter are limited to the information reflected in these documents.

fourth century somewhere in the south-east of modern Afghanistan. For details, see Nicholas Sims-Williams, 'A New Collection of Bactrian Letters on Birchbark', With an Additional Note by Frantz Grenet, *Bulletin of Asia Institute* 31 (2022–2023): 135–44. These letters are not incorporated in this study because they are from outside Bactria.

- <sup>5</sup> See Nicholas Sims-Williams, *Bactrian Documents from Northern Afghanistan III: Plates* (London: The Nour Foundation, 2012).
- <sup>6</sup> In a double contract, the text is written twice on the same parchment or cloth with a small gap in-between, then the upper part is rolled and sealed (closed part) and the lower part is left open for reading (open part). The closed part only is opened before the judge in case of a dispute. For layout and structure of Bactrian documents, see Sims-Williams, *Bactrian Documents from Northern Afghanistan II*; 15–17; Sims-Williams, 'Bactrian Letters', 701–13. For details about the making of a double contract, see [www.trismegistos.org/seals/overview\\_2d.html](http://www.trismegistos.org/seals/overview_2d.html), accessed 24/02/22.
- <sup>7</sup> They were produced in Guzgan (modern Juzjan), Gaz (possibly Darray-i Gaz south of Balkh), Rob and Samingan (modern Samangan), Kalf (modern Kalif), Kadagstan (possibly located in Baghlan) and Warnu (probably Qala-i Zal or Qunduz). No Bactrian document from the Balkh Oasis is known so far.
- <sup>8</sup> These documents have been available for more than two decades but have still not made the impact on historiography that their importance deserves. Interest in this material has, however, increased in recent years. For earlier studies, see Geoffrey Khan, 'The Pre-Islamic Background of Muslim Legal Formularies', *ARAM* 6 (1994): 193–224; Khodadad Rezakhani, 'The Bactrian Collection: An Important Source for Sasanian Economic History', *Sasanika* 13 (2008): 1–14; Khodadad Rezakhani, 'Balkh and the Sasanians: Economy and Society of Northern Afghanistan as Reflected in the Bactrian Economic Documents', in *Ancient and Middle Iranian Studies*, ed. Maria Macuch, Dieter Weber and Desmond Durkin-Meisterernst (Wiesbaden: Harrassowitz, 2010), 1–21; Étienne de la Vaissière, 'The Last Bactrian Kings', in *Coins, Art and Chronology II. The First Millennium C.E. in the Indo-Iranian Borderlands*, ed. Michael Alram, Deborah Klimburg-Salter, Minoru Inaba and Mattias Pfisterer (Vienna: Österreichische Akademie der Wissenschaften, 2010), 213–18; Kevin van Bladel, 'The Bactrian Background of the Barmakids', in *Islam and Tibet – Interactions along the Musk Routes*, ed. Ana Akasoy, Charles Burnett and Ronit Yoeli-Tlalim (Burlington: Ashgate Publishing Company, 2011), 43–88; Richard Payne, 'The Making of Turan: The Fall and Transformation of the Iranian East in Late Antiquity', *Journal of Late Antiquity* 9 (2016): 4–41; Arezou Azad, 'Living Happily Ever After', 33–56. For more recent work, see Khodadad Rezakhani, *ReOrienting the Sasanians: East Iran in Late Antiquity* (Edinburgh: Edinburgh University Press, 2017); Arezou Azad, 'The Beginning of Islam in Afghanistan: Conquest, Acculturation and Islamization', in *Afghanistan's Islam from Conversion to the Taliban*, ed. Nile Green (University of California Press, 2017), 41–55; Said Reza Huseini,

The Arabic documents (total 32) were produced in Bactria between 135 and 160/755 and 777. Except for some legal documents, most of them are land tax (*kharāj*) receipts. Many of them belonged to the family of Mir b. Bek, who is the subject of this study.<sup>9</sup> Like the Bactrian documents, these ones are completely preserved and some have clay sealings attached. The Arabic documents show that Islam had expanded to southern parts of Bactria, where the Mir family lived. However, unlike the Bactrian documents, the Arabic ones are limited to the Rob region only. Moreover, their contents are short and their socio-political context is unknown.

This chapter brings the Bactrian and Arabic documents into a dialogue to answer the following questions. What social, legal and economic ties bound Mir's family together? How did the members of this family interact with the Muslim and non-Muslim authorities simultaneously? Did they prefer one authority over another? If they did, what were the reasons behind this? To provide some answers, I first discuss the Bactrian documents related to Mir's family to understand its interfamilial relation and interaction with the non-Muslim authorities. Subsequently, I analyse the relevant Arabic documents to show conversion and its consequences for this family. Finally, I discuss the coexistence of the Islamic and non-Islamic administration systems in late eighth-century Bactria.

Based on a systematic analysis of these documents, the chapter shows the centrality of the 'household' in Bactrian society and the changes that occurred to it after the arrival of Islam. It argues that conversion to Islam seriously affected Mir's family and eventually dismantled it. Although conversion did not remove the kinship within the household, it ended cohabitation and joint ownership, which were central social elements in Bactrian law that kept the household together. In this situation, different members of Mir's household separately approached the Muslim and non-Muslim authorities to protect their properties. Their petitions created space not only for the intervention of Islamic and non-Islamic laws but also paved

'Acts of Protection Represented in Bactrian Documents', *Annales Islamologiques* 54 (2020/2021): 107–24; Said Reza Huseini, 'The Idea and Practice of Justice Represented in Bactrian Documents', *Association for Iranian Studies* 41 (2020): 28–31; Said Reza Huseini, 'Framing the Conquests: Bactrian Rulers and the Arab Muslim Domination of Bactria (31–128 AH/652–746 CE)' (PhD Dissertation, Leiden University, 2024); Julian Kreidl and Jamsheed K. Chosky, 'Zoroastrian Deities in Bactria', *Himalayan and Central Asia Studies* 25 (2021): 20–53; Hossein Sheikh, *Studies of Bactrian Legal Documents* (Leiden: Brill, 2023).

<sup>9</sup> The documents were edited by Geoffrey Khan in *Arabic Documents*, known under the abbreviation *P.Khurasan*. The editions of the Arabic documents can be found under the abbreviation *P.Khurasan* in the Arabic Papyrology Database, [www.apd.gwi.uni-muenchen.de/apd/show\\_new.jsp](http://www.apd.gwi.uni-muenchen.de/apd/show_new.jsp).

the way for the Muslim and non-Muslim authorities to compete with each other to show their areas of influence in Bactria. This case study provides valuable information about social relations, the coexistence of Muslim and non-Muslim laws and administration systems, and the ways local Bactrians related themselves to the political structure of the early Islamic empire that are not much known from literary sources.<sup>10</sup>

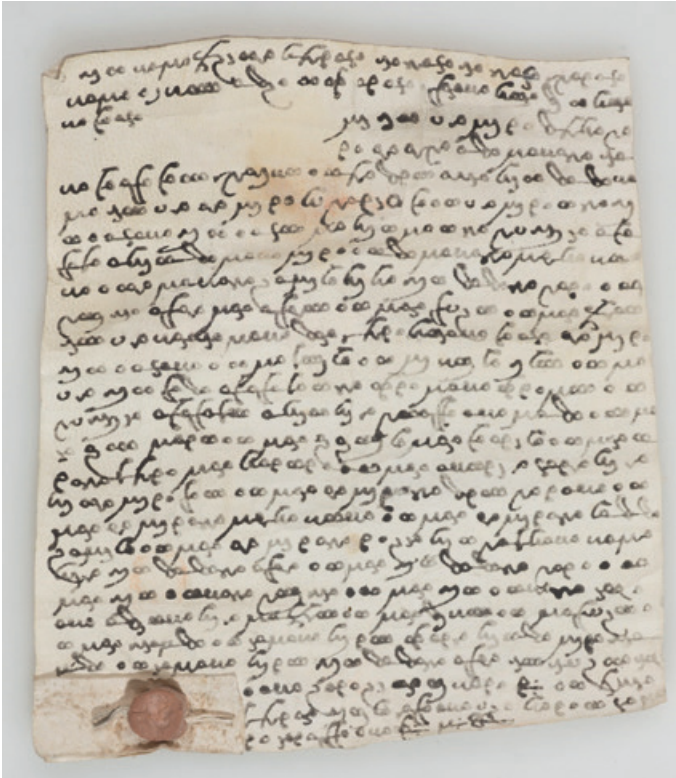
### Protecting the Bactrian Household

The story begins as follows. In the year 549 of the Bactrian calendar corresponding to 771–72 CE, Mir son of Bek, an inhabitant of Asp in the Rob region of southern Bactria, travelled to the court of Kera-tonga, the Turkic king of Kadagstan in eastern Bactria, to obtain a protection letter. He made this journey having recently paid his land taxes (*kharāj*) to Bishr b. ‘Umar the financial administrator (‘*āmil*) of the Abbasid governor (*amīr*) Ghālib in his region.<sup>11</sup> Mir’s journey to Kadagstan raises several questions. Why should he go to the court of the Turkic ruler and not visit the Abbasid governor or his ‘*āmil*? What was the problem that required the protection letter from a neighbouring non-Muslim authority? More importantly, how did the protection letter issued by a non-Muslim Turkic king work for Mir while the Muslim administrators were active in the Rob region? To provide some answers to these questions, we should first look at this protection letter.

The protection letter (Fig. 10.3) is a judicial declaration in the form of an open letter written on white parchment sealed by one clay sealing

<sup>10</sup> There is a rich bibliography on Umayyad Khurasan. However, they hardly discuss the Umayyad administration in Bactria. For instance, see Hamilton Alexander Gibb, *The Arab Conquests in Central Asia* (London: Royal Asiatic Society, 1923); Muhammad A. Shaban, *The ‘Abbāsīd Revolution* (Cambridge: Cambridge University Press, 1970); ‘Abd Allāh Mahdī al-Khaṭīb, *Ḥukumat-i Banī Umayya dar Khurāsān*, trans. Bāqir Musavī (Tehran: Intishārāt-i Tūkā, 1357/1978); Elton Daniel, *The Political and Social History of Khurasan under Abbasid Rule 747–820* (Minneapolis/Chicago: Bibliotheca Islamica, 1979); Khalil Athamina, ‘Taxation Reforms in Early Islamic Khurasan’, *Der Islam* 65 (1988): 272–78; Ḥusayn ‘Aṭwān, *Al-Murjī‘ī wa-l-jahmīyya bi Khurāsān fi ‘asr al-umawī* (Beirut: Dār al-Jil, 1413/1993); Parvaneh Pourshariati, ‘Iranian Tradition in Ṭus and the Arab Presence in Khurasān’ (PhD Dissertation, Colombia University, 1995); Saleh Said Agha, *The Revolution which Toppled the Umayyads: Neither Arabs nor ‘Abbāsīds* (Leiden/Boston: Brill, 2003); Marc David Luce, ‘Frontier as Process: Umayyad Khurasān’ (PhD Dissertation, University of Chicago, 2009); Patricia Crone, *The Nativist Prophets of Early Islamic Iran: Rural Revolts and Local Zoroastrianism* (Cambridge: Cambridge University Press, 2012); Étienne de la Vaissière, ‘The ‘Abbāsīd Revolution in Marw: New Data’, *Der Islam* 95 (2018): 110–46; Robert Haug, *The Eastern Frontier: Limits of Empire in Late Antique and Early Medieval Central Asia* (London, New York: I. B. Tauris, 2019).

<sup>11</sup> *PKhurasan* 11.



**Figure 10.3** Protection letter. DOC 0117 (ed. Sims-Williams, *Bactrian Documents from Northern Afghanistan I*, no. Y, pp. 142–43). Credit: The Nasser D. Khalili Collection of Islamic Art. Copyright Khalili Family Trust.

representing the royal decree.<sup>12</sup> It is issued by Kera-tonga, King of Kadagstan, for Mir, son of Bek. This protection letter explains that Mir has appealed to King Kera-tonga and informed him about his brother Bab, who has left the household. Mir asked the King to protect him, his family and his properties, particularly a vineyard named Palkan. Mir also asked the King to protect him from the people who had disputes with his brother Bab. The King found Mir's request 'just and necessary' (λαδδῖο οδο μινδδῖο) and ordered that 'no one' (μαγο), be they a freeman, an aristocrat, citizen, an

<sup>12</sup> Bactrian document no. Y in Sims-Williams, *Bactrian Documents from Northern Afghanistan I*, 142–43. Since these documents are not studied in their historical context and there is no standardised way of referring to them, I follow Sims-Williams's alphabetical method. I did not transliterate the Bactrian words because of uncertainty in their actual pronunciation, so Sims-Williams's reproduced text is given here. All translations of Bactrian documents in this chapter are taken from the editions of Nicholas Sims-Williams, except where I indicate otherwise.

official, a foreman, or anyone else, had the right to take anything, to distrain or to demand anything from Mir. He added that no one had the right to commit injury towards Mir, his brothers and sons, or his people and properties. If anyone did so, that person should pay a fine of 100 gold dinars.<sup>13</sup> The letter raises these questions: Why did Mir inform the King about his brother Bab? What was the problem with him?

In the first place, the protection letter clarifies that Mir's brother Bab has left him altogether (ασο μίρο ιωπαριο βοδο). That makes Mir's complaint a familial case. We may ask why Mir should have met the King for an internal familial issue. The fact that Mir appealed to the King shows that this was not a simple issue to be solved within the family and required the intervention of high authority. Here, leaving Mir altogether does not mean Bab left an individual named Mir, but that he left the 'household' they had shared together. Some explanations on the centrality of the household in Bactrian society and the consequences of leaving it help one to understand the story better.

In the Bactrian legal system, the household was the main social unit, and social relations were broadly understood around its axis. The Bactrian terms *καδαγο* and *χανο* are frequently used for the household in the Bactrian documents.<sup>14</sup> The household was a space where family members (such as grandparents, parents and children) lived together. Possibly, the male and female slaves lived in the same place.<sup>15</sup> Thus, the Bactrian family was not a nuclear family consisting of parents and their children but a household that included more members.<sup>16</sup> The term 'family' as it appears in this chapter should be understood in this broader sense. The household was an element of social identity as well. The individuals were each identified by their association with certain households.<sup>17</sup> Each household had a specific name,<sup>18</sup> often that of a father or grandfather. Possibly, the Bactrian *μοβαγο*

<sup>13</sup> Bactrian document no. Y in Sims-Williams, *Bactrian Documents from Northern Afghanistan I*, 142–43. I have discussed this protection document for understanding the concept and mechanism of protection in Bactria in Huseini, 'Acts of Protection', 107–24.

<sup>14</sup> Bactrian documents no. A, F, J, L, M, N, P, Q, T, U, V, W, X, Y in Sims-Williams, *Bactrian Documents from Northern Afghanistan I*, 26–29, 38–41, 48–53, 58–65, 66–67, 68–73, 84–87, 98–103, 106–11, 116–17, 136–35, 136–41, 142–43.

<sup>15</sup> Bactrian document no. X in Sims-Williams, *Bactrian Documents from Northern Afghanistan I*, 136–41.

<sup>16</sup> Bactrian documents no. J, L, P in Sims-Williams, *Bactrian Documents from Northern Afghanistan I*, 48–49, 58–65, 84–87. Cf. Sims-Williams, 'Bactrian Documents from 7th–8th Century Guzgan', 11–12.

<sup>17</sup> Bactrian documents no. A, N, O, Q, V, W, X in Sims-Williams, *Bactrian Documents from Northern Afghanistan I*, 26–29, 68–73, 80–83, 88–91, 116–17, 126–35, 136–41.

<sup>18</sup> Bactrian document no. Nn in Sims-Williams, *Bactrian Documents from Northern Afghanistan I*, 74–75.



should be understood as a combination of several close and extended families (ασογωρο παργωρο).<sup>19</sup>

In the Bactrian tradition, after kinship, fraternal polyandry (in which several brothers married one woman) bound the brothers together. This type of marriage was an old custom practised in southern Bactria, attested in a marriage document produced possibly in 332 CE in the Rob region,<sup>20</sup> and also mentioned in the Chinese sources referring to its practice in the fifth century among the Hephthalites of eastern Bactria.<sup>21</sup> The reasons behind this type of marriage are not entirely known, but the economic issues, such as pooling capital within the households that paid taxes to the government,<sup>22</sup> and the eastern form of Zoroastrianism should have justified it.<sup>23</sup> This type of marriage was not known from Sasanian Zoroastrianism.<sup>24</sup> The eastern form of Zoroastrianism had fire-worshipping and worshipping the images of different Iranian and non-Iranian deities. This indicates diversity in Zoroastrianism that is not often noticed.<sup>25</sup>

<sup>19</sup> Bactrian documents no. cf, cg in Sims-Williams, *Bactrian Documents from Northern Afghanistan* II, 78–79, 80–81. The structure of the Bactrian household had some of the characteristics of the Iranian family structure of the Parthian and Sasanian periods. In the latter contexts, both small and extended families, designated respectively by the Middle Persian terms *dutak* (literally meaning smoke) and *katak* (house), consisted of 'a group of agnates limited to three or four generations counting in descending order from the head of the family'. Cf. Parvaneh Pourshariati, *Decline and Fall of the Sasanian Empire: The Sasanian-Parthian Confederacy and the Arab Conquest of Iran* (London/New York: I. B. Tauris, 2008), 27. The family shared worship that was structured around the 'domestic altar and the cult of the souls of ancestors on the father's side', as well as specific religious rituals (Pourshariati, *Decline and Fall of the Sasanian Empire*, 27). In addition, the agnatic group included several dozen extended families who defined themselves based on their lineage from a common ancestor from the father's side three or four generations down the line. For more detail about the ancient Iranian family structure, see Anahit Perikhanian, 'Iranian Society and Law', in *Cambridge History of Iran*, vol. 3, *The Seleucid, Parthian, and Sasanian Periods*, ed. Ehsan Yarshater (Cambridge: Cambridge University Press, 1983), 627–80.

<sup>20</sup> Bactrian document no. A in Sims-Williams, *Bactrian Documents from Northern Afghanistan* I, 26–29.

<sup>21</sup> Frantz Grenet, 'Regional interaction in Central Asia and Northwest India in the Kidarite and Hephthalite Periods', *Proceedings of the British Academy* 116 (2002): 210.

<sup>22</sup> Crone, *The Nativist Prophets of Early Islamic Iran*, 400–405; Azad, 'Living Happily Ever After', 33–56.

<sup>23</sup> I prefer not to apply the term 'Zoroastrianism' to Bactria because Bactrians did not label themselves as such.

<sup>24</sup> Maria Macuch has discussed marriages in Sasanian Iran. Her study shows that the *Xwēdōdah* form of marriage conducted within the family members was a legitimised act in Sasanian Iran. Cf. Maria Macuch, 'The Function of Temporary Marriage in the Context of Sasanian Family Law', in *Proceedings of the 5th Conference of the Societas Iranologica Europea held in Ravenna, 6–11 October 2003*, vol. 1, *Ancient and Middle Iranian Studies*, ed. Antonio Panaino and Anrea Piras (Milano: Mimesis, 2006), 594.

<sup>25</sup> Frantz Grenet calls this form of Iranian religion 'Zoroastrianism' and argues that it was different from the Zoroastrianism practised in western Iranian regions. Cf. Frantz Grenet, 'Zoroastrian-

Bactrian fraternal polyandry had two direct consequences: cohabitation, in which brothers lived together in the same house, and joint ownership, in which all adult male members had equal rights on the family properties.<sup>26</sup> Most of the Bactrian legal documents related to the purchase of properties show that ownership rights were transferred from one household to another.<sup>27</sup> The cohabitation and joint ownership created a sense of solidarity within the household and responsibility for protecting the household properties.<sup>28</sup> Hence, Mir's appeal to Kera-tonga and the King's willingness to listen to and help him indicate that the latter was aware of the Bactrian laws. Likewise, Bab's act of leaving the household was unlawful according to the Bactrian law in which brother lived with brother. However, why did Bab leave the household, and why did it disturb Mir?

The problem between Mir and his brother Bab is not explained in the protection letter but is reflected in another legal document produced in 527 of the Bactrian calendar corresponding to 750 CE in Kadagstan. The brothers first had a meeting with Bah, the treasurer of Kurwad, an area in Kadagstan, and then made this document in the presence of Sävüglig (the Turkic local lord and commander of the army of Kadagstan) and some citizens. It is a document of undertaking to keep the peace between Mir and his brothers. It is written in the form of a double contract.<sup>29</sup> It clarifies that Mir had three brothers, named Kamird-far, Wahran and Bab. A quarrel, possibly over the household's properties, divided these four brothers into two groups: Mir and Wahran versus Bab and Kamird-far. However, Mir, Wahran and Kamird-far possessed a woman named Zeran together. The document mentions that these brothers had complaints against each other, but they realised that their conflicts would 'destroy their house' while they did not need to do that (χανο ναβτιιο ναβαρτιδο). Therefore, the only way to protect the household was to return to the Bactrian custom in which brother lived with brother (βραδο αλο βραδο αβδδινιδο) and owned the

ism among the Kushan', in *Kushan Histories. Literary Sources and Selected Papers from a Symposium at Berlin, December 5 to 7, 2013* (Monographien zur indischen Archäologie, Kunst und Philologie 23), ed. Hary Falk (Bremen: Hempen Verlag, 2015), 203–39; Frantz Grenet, 'Zoroastrianism in Central Asia', in *The Wiley Blackwell Companion to Zoroastrianism*, ed. Michael Stausberg, Sohrab Y. Vevaina and Anna Tessmann (Chichester: John Wiley & Sons, Ltd., 2015), 129–46.

<sup>26</sup> Bactrian documents no. W, X in Sims-Williams, *Bactrian Documents from Northern Afghanistan I*, 126–35, 136–41.

<sup>27</sup> Bactrian documents no. J, L, V in Sims-Williams, *Bactrian Documents from Northern Afghanistan I*, 48–55, 58–65, 116–25.

<sup>28</sup> Bactrian document no. X in Sims-Williams, *Bactrian Documents from Northern Afghanistan I*, 136–41.

<sup>29</sup> For double-documents, see above n. 7.

household's properties together. That meant they needed to continue cohabitation and joint ownership. If a person witnessed one of them acting otherwise, or if one of them brought another document to claim anything from the properties, then that person would be guilty and should 'go from the house without a share of the property' (ασο χανο αβηιοβαγο βραδο) and pay fees to the government and the other brothers. Thus, acting against the established Bactrian custom was unlawful and had legal and economic consequences.<sup>30</sup>

The document of undertaking is significant in several ways. It shows that cohabitation, possession of one woman by three brothers and equal right of ownership over the household's properties were the main ties that bound the adult male members. However, the same element of joint ownership caused a quarrel among them. Putting the document of undertaking and the protection letter together, we may assume that Bab was not happy, violated the document of undertaking, left the household and as a result may have been deprived of his share of properties, now controlled by the other brothers, including Mir. Nevertheless, Mir's ownership was disputed, and people may have asked him to pay Bab's debts or fulfil his promises. The pressure must have forced Mir to appeal to the King to obtain the protection letter. This hypothesis can be supported by the protection letter declaring that Bab left the household, which worried Mir. However, the protection letter and the undertaking document do not clarify what disappointed Bab and forced him to leave the house. A quick look at the family's financial situation may help to explain.

The document of undertaking and a few other Bactrian legal documents related to Mir's family show that they had large estates, including male and female slaves in Rob. Mir's father, Bek, possessed a garden called Palkan and leased another garden next to his own.<sup>31</sup> That means the Palkan mentioned in the protection letter belonged to Mir's father. This type of property was called 'ancestral land' (πιδοραστο)<sup>32</sup> or 'ancestral estate' (βοναγο πιδοριβτο) in Bactrian documents and often remained within the family.<sup>33</sup> However, it is unclear how Mir possessed it alone while it was part of the

<sup>30</sup> Bactrian document no. X in Sims-Williams, *Bactrian Documents from Northern Afghanistan I*, 136–41.

<sup>31</sup> Bactrian document no. U in Sims-Williams, *Bactrian Documents from Northern Afghanistan I*, 106–11.

<sup>32</sup> Bactrian document no. eb in Sims-Williams, *Bactrian Documents from Northern Afghanistan II*, 110–11.

<sup>33</sup> Bactrian document no. J, L in Sims-Williams, *Bactrian Documents from Northern Afghanistan I*, 48–55, 58–65.

household's property. Another legal document, dated to 478 of the Bactrian calendar (700 CE), shows that Mir's grandfather, named Kamird-far, was a priest (κιδο). In Bactrian tradition, the elder son was often named after his grandfather; thus, Mir's brother Kamird-far was named after this priest. The document mentions that the priest received a piece of irrigated land located in Asp (where Mir lived and which is mentioned in the protection letter) and a slave-girl from Bag-aziyas, the Queen of Kadagstan, wife of Qutlugh Tapaghliġ Bilgä Sävüg from the Khalach Turks. The Queen honoured the priest after she saw a miracle from the god Kamird, performed by his priest Kamird-far in healing her ill infant.<sup>34</sup> The miracle connected Mir's family with the Turkic royal house, and the gifted land should have remained within Mir's family.

Mir's family had more properties in the Rob region. Just five years before the outbreak of the quarrel between Mir and his brothers in 750 CE, mentioned in the document of undertaking explained earlier, Mir and his brother Wahran purchased farming land in Askin in Rob. The purchase document refers to Mir and Wahran as inhabitants of Asp and servants of the *ser* (σηρο), a title meaning the 'ruler'.<sup>35</sup> The protection letter also calls Kera-tonga the *ser*. The ownership of all these properties must have remained in Mir's family.

The above mentioned documents related to Mir's household, produced between 700 and 750 CE, highlight two crucial points. First, Mir's family was from Asp in Rob and had properties there, and its members worshipped the old Iranian deities.<sup>36</sup> They had a special relation with the Turkic royal family in Kadagstan because their grandfather was honoured by the Queen. Therefore, their relation to the Turkic royal family must have remained a mark of honour within Mir's family. Second, a quarrel had already happened between Mir and his brothers over the household's properties, and to protect their household they visited the Turkic authorities in Kadagstan and obtained a document of undertaking. These documents also show that Mir and his brothers recognised the Turkic rulers of Kadagstan as legal authorities and guardians of the Bactrian laws and approached them in time of need. In all these purchase documents produced between 712 and

<sup>34</sup> Bactrian document no. T in Sims-Williams, *Bactrian Documents from Northern Afghanistan I*, 98–103. The location of the temple dedicated to Kamird is unknown, but it is possible that it was in Rob, housed the image of the god Kamird, and that the Queen visited it.

<sup>35</sup> Bactrian document no. W in Sims-Williams, *Bactrian Documents from Northern Afghanistan I*, 126–35.

<sup>36</sup> The documents refer to Kamird and Wakhsh being related to this family. These two deities are not known from the Sasanian Zoroastrianism but they were worshipped in Bactria.

745 CE, Bab is absent. That means either he was not yet born or he was too young to be included in a legal document. However, he was part of the quarrel later, which raises the question of what forced him to leave the household while he knew the negative consequences of such an act. This will be explored next.

## Conversion and Dismantling of the Household

The Bactrian documents discussed so far show that Mir and his brothers had a quarrel with each other, but they do not clarify the actual reason behind the dispute. However, among the Arabic documents belonging to Mir's family, there is an Arabic legal document that helps to explain the root of the quarrel between Mir and his brothers. This document (Fig. 10.4) is an emancipation letter (*'itq*), written on parchment, issued in 138/755 for a woman named Zeran, called *umm walad* (mother of the son) of Sa'īd.<sup>37</sup> In this document, Sa'īd is the client (*mawlā*) of Ghālib b. Nāfi' and he has four children with Zeran. Moreover, her daughter Umm 'Abd Allāh may have had a son named 'Abd Allāh and that makes Zeran a grandmother at this time.<sup>38</sup> The document is issued by Ghālib b. Nāfi' and witnessed by eight people.

Zeran and her relation to Mir's family have already been the subject of some studies. Francois de Blois identified this Zeran with a Zeran mentioned in the Bactrian document of undertaking signed between Mir and his brothers. He suggested that one of the brothers converted to Islam and took Zeran with him.<sup>39</sup> Though De Blois does not explain how conversion allowed one brother to take a woman also possessed by other brothers, his point on conversion is crucial for the present chapter.

In relation to the emancipation letter issued for Zeran, Patricia Crone offered a different view. She suggested that these were not the same woman, proposing instead that the Zeran of the emancipation letter was a 'slave-girl' who was 'freed and thus owned by Ghālib b. Nāfi', and living with Sa'īd, Ghālib's client and presumably a former slave of his.<sup>40</sup> The Zeran of the document of undertaking was another woman and 'the shared wife of a

<sup>37</sup> *PKhurasan* 29.

<sup>38</sup> Sims-Williams and De Blois, *Studies in the Chronology of the Bactrian Documents*, 39. For the concept of client in the Islamic empire, see Monique Bernards and John Nawas, ed. *Patronate and Patronage in Early and Classical Islam* (Leiden: Brill, 2005).

<sup>39</sup> De Blois, 'Du nouveau sur la chronologie bactrienne post-hellénistique', 991–97.

<sup>40</sup> Crone, *The Nativist Prophets of Early Islamic Iran*, 404.

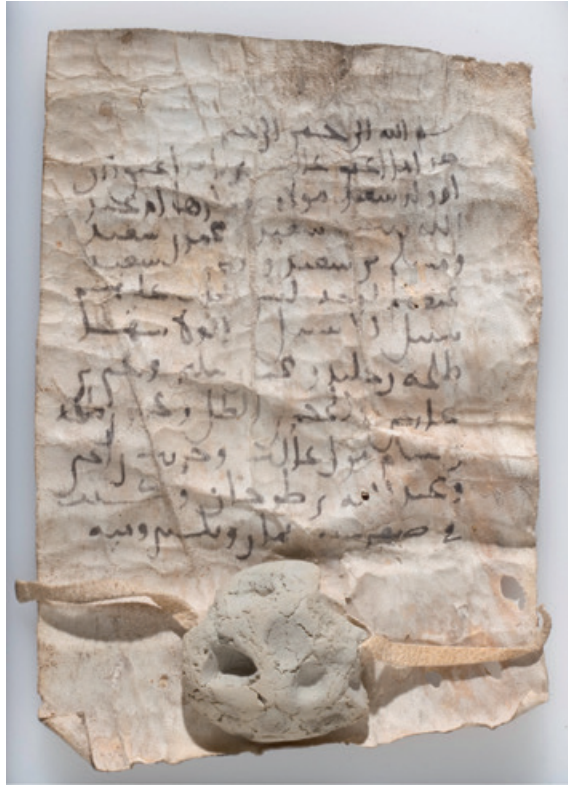


Figure 10.4 Emancipation act. DOC 0036 (ed. by Geoffrey Khan *Arabic Documents*, no. 29, pp. 152–53). Credit: The Nasser D. Khalili Collection of Islamic Art. Copyright Khalili Family Trust.

polyandrous husband cannot be the slave of another man (or slave at all).<sup>41</sup> Thus, for Crone, these were two different cases. Crone assumed that Zeran was the wife of the three brothers and took it as indisputable evidence for the practice of fraternal polyandry in Bactria.<sup>42</sup> Crone's point is valid because the wife in fraternal polyandry could not have been claimed as a slave-girl under Bactrian law. The marriage document from Rob asserts the importance of the wife, the authority she gained in her new house and that other men could not claim her or her children.<sup>43</sup> However, Crone's suggestion

<sup>41</sup> Cited in Sims-Williams and De Blois, *Studies in the Chronology of the Bactrian Documents*, 39; Crone, *The Nativist Prophets of Early Islamic Iran*, 404.

<sup>42</sup> Crone went a step further to explain the reason behind this type of marriage. Comparing the Bactrian case with fraternal polyandry practised in Tibet, she adds that this type of marriage was to keep the family properties within the family (Crone, *The Nativist Prophets of Early Islamic Iran*, 402–404).

<sup>43</sup> Bactrian document no. A in Sims-Williams, *Bactrian Documents from Northern Afghanistan I*, 26–29.

that Bab was converted to Islam and that he was related to Khidāsh, one of the Abbasid missionaries in Khurasan, does not relate to these documents.

In contrast to Crone's view, Nicholas Sims-Williams argued that Zeran in the Arabic and Bactrian documents is the same person. According to him, Zeran was not a Bactrian but a Sogdian name that appears only in this document of undertaking. Not Bab but Kamird-far converted to Islam and took the Arabic name Sa'īd meaning 'fortune', which is a near translation of his Bactrian name Kamird-far 'whose fortune is (from the god) Kamird'.<sup>44</sup> However, when and how Kamird-far converted to Islam is unknown.

Similar to Crone's view, Arezou Azad has argued that Zeran was a wife in fraternal polyandry. In Azad's interpretation, Zeran was 'perhaps previously a slave' but then became the wife of the three brothers.<sup>45</sup> However, Bactrian documents do not show if a slave-girl, often counted as property, could become the legal wife in a polyandrous marriage. Like Crone, Azad mentions that this type of marriage was 'a way to avoid the fragmentation of family estate'.<sup>46</sup> She suggests the Bactrian taxation system (in which taxes were levied on houses) was the main reason behind this type of marriage, but the early Abbasid taxation system (in which individuals paid their taxes) did not leave any reason to continue this type of marriage in the region. Though she connects fraternal polyandry directly with the Bactrian taxation system, which is a very important point, this type of marriage did not vanish altogether. The eleventh-century historian Abū Rayḥān al-Bīrūnī (d. > 442/1050) reported its continuance in Panjshir, a mountainous region near Kabul, in the eleventh century.<sup>47</sup>

Apart from the above mentioned arguments on Zeran, the language of the Bactrian document of undertaking and the Arabic emancipation letter offers a different interpretation that the author of this chapter is inclined to accept. In the document of undertaking, the word used for Zeran is ζῆνο meaning 'woman'. In other legal documents, the wife in fraternal polyandry is often called ολο meaning 'wife'.<sup>48</sup> Like other Bactrian documents, the document of undertaking uses the term βουζο for the 'slave-girl' owned by Mir's household. This means the document of undertaking does not refer

<sup>44</sup> Sims-Williams and De Blois, *Studies in the Chronology of the Bactrian Documents*, 37–39.

<sup>45</sup> Azad, 'Living Happily Ever After', 43.

<sup>46</sup> Azad, 'Living Happily Ever After', 43.

<sup>47</sup> Cited in Crone, *The Nativist Prophets of Early Islamic Iran*, 404.

<sup>48</sup> Bactrian documents no. A, V in Sims-Williams, *Bactrian Documents from Northern Afghanistan* I, 26–29, 80–81, 116–17. Sims-Williams also discussed the meaning of ολο as 'wife' mentioned in a document from the south of the Hindukush (Sims-Williams and La Vaissière, 'A Bactrian Document from Southern Afghanistan?' 46–47).

to Zeran as a ‘slave-girl’ or as a ‘wife’ in polyandry, so she was likely neither. Sims-Williams highlighted these two points and suggested that Zeran was ‘a chattel and not a spouse’ (see Fig. 10.5).<sup>49</sup> She could have been a concubine (not necessarily a slave-girl) who could be taken by one of the brothers if the other brothers agreed to it. The fact that a concubine was not necessarily a slave-girl can be supported by the term αζαδο meaning ‘free’, mentioned for a concubine in the Bactrian marriage document. Moreover, in the document of undertaking, three brothers mention that they possessed Zeran together (υαρηιο ληραμο), and if she was a wife in polyandry, then the document would have clarified it with the term ολο. Hence, the brothers agreed to possess Zeran together while she was not their legal wife.

A similar issue is reflected in the Arabic emancipation letter. It does not call Zeran an *umm walad* of Ghālib but of Sa‘īd. This supports the idea that she belonged to Sa‘īd and not to Ghālib. If that is the case, how could Ghālib emancipate Zeran and her children while she was legally a woman possessed by three brothers in 750 CE, just five years before the date of this emancipation letter, and then owned by Sa‘īd?

Possibly, the scenario was as follows. Mir and his brothers (Kamirdfar, Wahran and Bab) still had some problems over the household properties even after they signed the document of undertaking in 750. Their agreement about possessing Zeran together did not work. Zeran was probably inclined towards Kamirdfar, and other brothers Wahran and Mir were

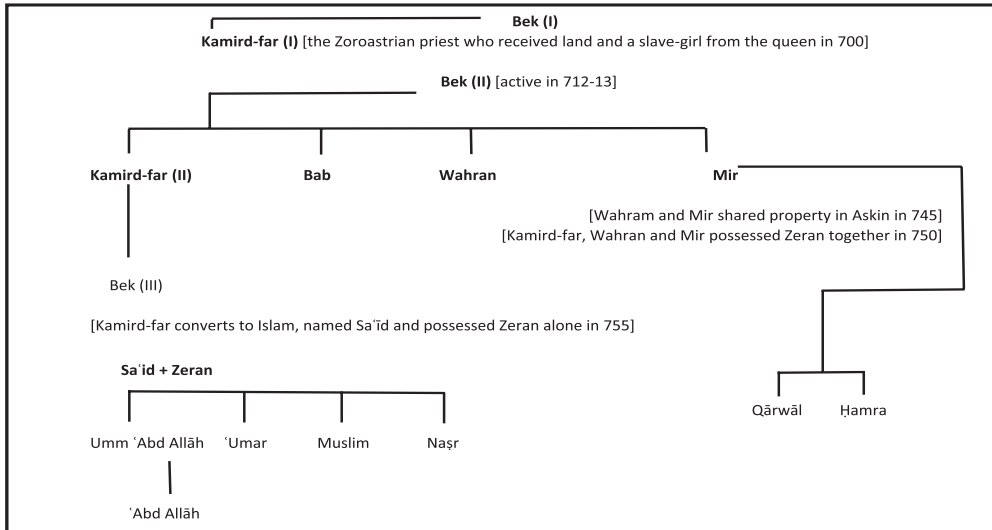


Figure 10.5 Family tree of Mir. With some modifications after Sims-Williams and De Blois. *Studies in the Chronology of the Bactrian Documents from Northern Afghanistan*, 37.

<sup>49</sup> Sims-Williams and De Blois, *Studies in the Chronology of the Bactrian Documents*, 39.



unhappy about it and wanted equal rights over her based on the Bactrian law of joint ownership. The brothers' claim could have disturbed Kamird-far and Zeran. The fact that Bab is not part of it may suggest his disagreement with the claim. To deal with the Bactrian law of joint ownership, Kamird-far needed the legal support of an authority outside Bactrian law.

Theoretically, Kamird-far's conversion to Islam and his association with Ghālib as an Arab Muslim authority could have solved the problem. Perhaps, upon the request of Kamird-far, now called Sa'īd, Ghālib issued this emancipation letter in 755 to help his *mawlā*.<sup>50</sup> Sa'īd had four children with Zeran, all of whom bore Arabic names. This suggests that they had all converted, or perhaps the choice of names was to show Sa'īd's affiliation with Muslims. The emancipation letter (*ʿitq*) was an Islamic legal document giving Zeran and her children certain rights. This legal document could fulfil Kamird-far's need to counter the Bactrian law of joint ownership.

Legally speaking, a family which had converted to Islam could not be owned by other people, and the non-Muslim brothers would not have had any rights to Zeran. If Mir and his other brothers harassed her, the Muslim authorities could be called in. Hence, conversion provided the solution for Kamird-far and released him from the old Bactrian traditions of cohabitation and joint ownership. After their conversion, Kamird-far, Zeran and their children became part of the Muslim religious community, in which Islamic law provided no space for customs of brothers possessing a woman together.

The above mentioned scenario helps us understand why Bab left the household, as discussed in the first part of this chapter. The conversion of Bab's elder brother Kamird-far (Sa'īd) changed the latter's status within the household. Kamird-far could also avoid other Bactrian laws, such as joint ownership over household properties, and follow the Islamic laws existing in his time. Conversion also forced the division of properties among the brothers, which was strongly discouraged by the Bactrian tradition because it could destroy the household. This is the warning clause mentioned in the Bactrian document of undertaking signed by Mir and his brothers in 750 CE. Bab must have witnessed all these, especially Kamird-far's conversion, which allowed him to take Zeran and his share of the household's properties.

Did the conversion of Kamird-far motivate Bab to leave the household? Possibly, yes. Several Arabic tax receipts issued in the name of Mir and Bab

<sup>50</sup> Sims-Williams also pointed out that after Kamird-far's conversion, Zeran additionally acquired the status of *umm walad*, but Kamird-far was not in a position to issue the emancipating letter and thus needed Ghālib's help (Sims-Williams and De Blois, *Studies in the Chronology of the Bactrian Documents*, 38).

between 147 and 155/764 and 772 suggest that the division of properties between Mir and his brothers had taken place. That means the Bactrian law of joint ownership collapsed within this household. The earliest preserved tax receipt mentions that Mir paid taxes for the year 144/761. Thus, the division of properties must have happened earlier than this date and probably after Kamird-far's conversion. The division of properties between brothers denoted individual ownership and that obliged Mir and his brothers to pay taxes from the lands they possessed.<sup>51</sup> Thus, conversion severed the economic ties that had once bound this family together.

The conversion of Kamird-far was not simply an individual issue but had an impact on the whole household. It dismantled the household and created separation between the brothers. From Mir's protection letter, we learn that Bab left some problems such as debts, promises and disputes for his elder brother Mir to resolve. Resenting the situation and isolated at home in Rob, Mir decided to visit the court of King Kera-tonga to save what remained for him.<sup>52</sup> Probably, Mir carried his copy of the document of undertaking signed by all brothers in 750 to support his appeal against his brothers, particularly Bab.<sup>53</sup> This helps one to understand why the King mentions that he found Mir's petition just and necessary. It legitimised Mir's petition, and the protection letter was issued.

The Bactrian protection letter given to Mir and the Arabic emancipation letter issued for Kamird-far (Sa'id) offer significant information beyond Mir's familial problem. They reflect the political situation that affected Mir's family. They show the coexistence of Muslim and non-Muslim political structures and how their administrative systems functioned side by side in early Islamic Bactria, an issue that is rarely encountered in literary sources.<sup>54</sup> Recognising this reality helps us understand why Mir's family members decided to visit different authorities. This will be discussed next.

<sup>51</sup> Bactrian document no. W in Sims-Williams, *Bactrian Documents from Northern Afghanistan* I, 126–35. Interestingly, when the Arab Muslims took Rob, the Bactrian tradition of taxation in which taxes were levied on the households continued until 747. Most probably, the conversion that led to individual ownership of land became the reason for the change in the taxation system in Bactria under the early Abbasids. However, this is an academic conjecture, and more sources are needed to support it. At the moment, we do not have one. In contrast to this suggestion, Azad views the situation from a top-down perspective. She argues that the Abbasid taxation system ended fraternal polyandry and, with that, joint ownership in Bactria. So far, there is not enough evidence to describe the process of forming the early Abbasid taxation in Khurasan (Azad, 'Living Happily Ever After').

<sup>52</sup> This issue was also pointed out by Sims-Williams in a personal conversation (18 October 2019).

<sup>53</sup> In the Bactrian legal system, each party received their copy of the contract and the record of the deal was registered in the local offices for supervision.

<sup>54</sup> Coexistence of the two systems is briefly mentioned by Azad 'The Beginning of Islam in Afghanistan', 41, 50–54.

## A Historical Context: Power Dynamics in Early Islamic Bactria

The protection letter given to Mir by Kera-tonga, the emancipation letter (‘*itq*’) issued by Ghālib for Zeran and her children, and the Arabic tax receipts issued by the Muslim administrators for Bab and Mir are written in two different languages: Bactrian and Arabic. These languages belong to linguistic families with different alphabets and writing systems. Bactrian was a spoken language in Bactria and became the main administrative language from the second century CE.<sup>55</sup> It continued to the ninth century without any interruption.<sup>56</sup> In contrast, Arabic was a new language brought to Bactria by the seventh-century Arab Muslim conquerors.<sup>57</sup> It did not become an administrative language among local Bactrians during the Umayyad period.<sup>58</sup> Possibly, Arabic was limited to the Arab Muslim garrisons. However, the Arabic documents belonging to the Mir family discussed earlier show that Arabic was used as an administrative language

<sup>55</sup> The Kushan monumental inscriptions at Rabatak and Surkh Kotal temples, constructed during the second century, were written in the Bactrian language (Nicholas Sims-Williams, ‘The Bactrian Inscription of Rabatak: A New Reading’, *Bulletin of Asia Institute*, New Series 18 [2004]: 53–68). Possibly, Bactrian was the lingua franca to the north and south of the Hindukush. The recent discovery of a Bactrian inscription in Ghazni supports this idea. For further detail, see Nicholas Sims-Williams, ‘The Bactrian Inscription of Jaghori: A Preliminary Reading’, *Bulletin of Asia Studies* 30 (2021–22): 67–73.

<sup>56</sup> Even under the Sasanians (223–651), Middle Persian did not replace the Bactrian language. The evidence comes from a Middle Persian document from Rob. See Dieter Weber, ‘Appendix 2: The Pahlavi Letter Doc.129 of the Khalili Collection’, in *Studies in the Chronology of the Bactrian Documents from Northern Afghanistan*, by Nicholas Sims-Williams and François de Blois with contributions by Harry Falk and Dieter Weber (Wien: Verlag der Österreichischen Akademie der Wissenschaften, 2018), 99–108. Bactrian continued during the Kidarites (third–fifth century), the Hephthalites (fifth–sixth century) and the Western Turks (551–650).

<sup>57</sup> It is not certain if it was ever used as an administrative language by Bactrians during the Umayyad period. If the Arabic document from Mount Mugh (known as *P.Kračkovski*) in Sogdiana, dating to 718–19, and those found from Sanjar Shah near Panjikent, dating to 721–80, are considered, then it is possible to say that Arabic was already used in the region by the early eighth century. However, that evidence comes from Sogdiana, and so far there is no indication that Arabic was a language of administration in Bactria. For an Arabic document from Sogdiana see V. A. Kračkovskaja and Ignatij J. Kračkovskij, ‘Drevenjskij arabskij dokument iz Srednej Azii’, in *Sogdijiskij Sbrinik*, 52–90; Ofir Haim, Michael Shenkar and Sharof Kurbanov, ‘The Earliest Arabic Documents Written on Paper: Three Letters from Sanjar-Shah (Tajikistan)’, *Jerusalem Studies in Arabic and Islam* 43 (2016): 141–89.

<sup>58</sup> Joe Cribb has recently shown that the local kings of Guzgan in western Bactria used Arab-Sasanian coins on which the Arabic legends were written next to Bactrian and Middle Persian (Personal communication, SOAS, October 2019). Cf. Joe Cribb, ‘Coinage in Afghanistan during the Period of Islamic Conquest, c. AH 70–150 [AD 690–767]’. Paper presented at the workshop ‘Contesting Empires: Sogdiana, Bactria and Gandhara between the Sasanian Empire, the Tang Dynasty and the Muslim Caliphate (ca. 600–1000 CE)’, Leiden, 17 September 2020. He has kindly shared his draft on these coins with me.

besides Bactrian in the early Abbasid period. The presence of two languages also signified the presence of two different political powers. The Turkic king issued the Bactrian document for Mir and an Arab Muslim authority gave the emancipation letter to Zaran.

The coexistence of Turkic and Arab Muslim authorities was related to the conquests in Bactria. When the Arab Muslims entered Bactria in 32/652, different principalities controlled the region. Though they were autonomous in their internal affairs and had their military forces, they recognised the political overlordship of the *qaghān* of Western Turks and paid him tributes.<sup>59</sup> The *qaghān* did not interfere in local rulers' internal affairs. In the early eighth century, the Arab Muslim forces incorporated most parts of Bactria into the Umayyad empire.<sup>60</sup> The kingdom of Rob in southern Bactria, where the Mir family lived, became part of the Umayyad empire in 128/747.<sup>61</sup> However, the Arab Muslims could not conquer the eastern parts of Bactria, and Kadagstan remained under the Turks' control.<sup>62</sup> Hence, the Rob region was the Muslim frontier with the Turks in Bactria. Muslim and non-Muslim authorities controlled their areas independently and had their political structures and administrative systems.<sup>63</sup>

<sup>59</sup> This is reported by Xunazang, who visited Bactria in 630 (*Si-Yu-Ki*, 28). It is also reflected in some Bactrian documents. See Bactrian documents no. N, Nn, P, Q in Sims-Williams, *Bactrian Documents from Northern Afghanistan I*, 68–73, 74–75, 84–87, 88–91.

<sup>60</sup> The conquests of Bactria began around 90/710 after Qutayba b. Muslim suppressed the revolt of *nizak tarkhān*, the Hephthalite prince of Badghis who led an anti-Umayyad regional alliance (Muḥammad b. Jarīr al-Ṭabarī, *Ta'rikh al-rusul wa-l-mulūk*, ed. Michael J. De Goeje [Leiden: Brill, 1879–81], 9:1218–25). Qutayba's military operations in Bactria are reflected in most Arabic narratives related to Umayyad Khurasan. See Ibn 'Atham al-Kūfī, *Kitāb al-futūḥ*, ed. 'Alī Shīrī (Beirut: Dār al-Aḍwā', 1411/1991), 7:149–52; Aḥmad b. Abī Ya'qūb b. Waḍīḥ al-Ya'qūbī, *Ta'rikh al-Ya'qūbī*, ed. 'Abd al-Amīr Muḥannā (Beirut: Shirkat al-'ilmī li-l-Maṭbu'āt, 1431/2010), 2:208; Al-Ṭabarī, *Ta'rikh*, 8:1206–07, 1218–19, 1225; Abū Bakr 'Abd Allāh b. 'Umar b. Muḥammad al-Wā'iz al-Balkhī, *Faḍā'il-i Balkh*, trans. 'Abd Allāh Muḥammad b. Muḥammad al-Ḥusaynī al-Balkhī, ed. 'Abd al-Ḥayy Ḥabībī (Tehran: Intishārat-i Bunyād-i Farhang-i Iran, 1350/1971), 32–33; Ḥusayn b. Aḥmad al-Sullāmī *Akhbār wulāt Khurāsān*, reconstructed text by Muḥammad 'Alī Kāzīm Bigī (Tehran: Mirāth-i Maktūb, 1390/2011), 105.

<sup>61</sup> This idea can be supported by a Bactrian legal document produced in 525 of the Bactrian calendar equal to 747 CE in Rob. It mentions a local family which had to sell its farming land because of two types of taxes called γαζιτο and βαριτο (ταζιμαγγο γαζιτο οδο βαριτο) imposed by the Arabs (Bactrian document no. W in Sims-Williams, *Bactrian Documents from Northern Afghanistan I*, 126–35). Unlike earlier documents from Rob, this document no longer refers to the Turkic rulers, showing that the region had been incorporated into the political structure of Umayyad Khurasan.

<sup>62</sup> See Bactrian document no. T in Sims-Williams, *Bactrian Documents from Northern Afghanistan I*, 98–103; This issue is also reflected in al-Ṭabarī's report on the rebellion of the *nizak tarkhān* (al-Ṭabarī, *Ta'rikh*, 9:1218–25).

<sup>63</sup> Bactria had long been a militarily contested frontier. The Sasanians, the Kidarites, the Hephthalites and the Western Turks fought each other over this region. To a lesser extent, the Tang

The coincidence of Muslim and non-Muslim powers in Bactria had several impacts on the region. Politically, it could turn the region into a bone of contention, and the competition between these powerful rivals could be detrimental to the local populace. For instance, they had to pay taxes to both sides at the same time.<sup>64</sup> However, some people could use this rivalry between the more considerable powers for their socio-political interests. Using a bigger political power for local interest was already known in the region. For instance, in the early eighth century, the King of Chaghaniyan in northern Bactria invited Qutayba b. Muslim al-Bāhili (d. 96/715), the Umayyad governor of Khurasan, to his region to overcome his neighbouring rival kings.<sup>65</sup> The king of Rob, who had a problem with his neighbouring Hephthalites, supported the Arab Muslims against them.<sup>66</sup> Bactrian rulers helped the famous Arab Muslim anti-Umayyad rebels such as Mūsā b. ‘Abd Allāh b. Khāzim (d. 85/705)<sup>67</sup> and al-Ḥārith b. Surayj (d. 128/746).<sup>68</sup> Another example is the King of Khuttal in northern Bactria, who invited the Türgesh Turks to remove the Umayyad forces from his area.<sup>69</sup> The history of Umayyad East is full of such examples.<sup>70</sup> People’s appeal to these

Empire of China (618–907) and the Tibetans entered this competition shortly after the Arab Muslims arrived. Each side attempted to expand or consolidate its political and military control here. However, the complex geography and military competition prevented any of these powers from dominating the entire region for a long time. For a general view of the competing empires, see Thomas Barfield, *The Perilous Frontier: Nomadic Empires and China, 221 B.C. to A.D. 1757* (Cambridge MA/Oxford: Blackwell, 1989); Christopher I. Beckwith, *Empires of the Silk Road: A History of Central Eurasia from the Bronze Age to the Present* (Princeton: Princeton University Press, 2009), 112–40; Haug, *the Eastern Frontier*.

<sup>64</sup> This was not unknown in Bactria. For example, a Bactrian document produced possibly in fifth-century Kadagstan mentions that an elite person had to pay taxes to the Sasanians and the Hephthalites who fought each other on Bactrian soil (Bactrian document no. al in Sims-Williams, *Bactrian Documents from Northern Afghanistan I*, 164–65).

<sup>65</sup> Aḥmad b. Yaḥyā al-Baladhurī, *Futūḥ al-buldān*, ed. Michael J. De Goeje (Leiden: Brill, 1866), 419–20; al-Ṭabarī, *Tārīkh*, 8:1180.

<sup>66</sup> Al-Ṭabarī, *Ta’rīkh*, 9:1218–20.

<sup>67</sup> Al-Ṭabarī, *Ta’rīkh*, 8:1153–61.

<sup>68</sup> See also my study on al-Ḥārith’s rebellion in Bactria: ‘The Rebellion of al-Ḥārith b. Surayj (116–28/734–46): The Local Perspective’, in *Acts of Rebellion and Revolt in the Early Islamic Caliphate*, ed. Alon Dar and Petra M. Sijpesteijn, *al-‘Uṣūr al-Wuṣṭā* 30 (2022): 516–53.

<sup>69</sup> al-Ṭabarī, *Ta’rīkh*, 9:1594–96.

<sup>70</sup> This is known from Sogdiana as well. In the eighth century, the Sogdian converts appealed to the Türgesh forces to intervene after the Umayyad governors imposed poll-tax (*jizya*) on them (al-Ṭabarī, *Ta’rīkh*, 9:1507–10). Ghūrak, King of Samarkand, requested the Türgesh *qaghān* and the Tang Emperor to help him against the Umayyads, while he had peace treaties with the Umayyad governors of Khurasan (al-Ṭabarī, *Ta’rīkh*, 9:1594–96). The *yabghu* of Tukharistan in eastern Bactria supported the Türgesh against the Umayyads (al-Ṭabarī, *Ta’rīkh*, 9:1547). The *yabghu*’s brother contacted the Tang Emperor for help as well (Chavannes, *Documents sur les Tou-kiue*, 200–20).

rival powers not only benefited them but also provided space for those rivals to show off their authority and areas of influence within each other's territories. The Mir family was part of this complicated political situation in which both Muslim and non-Muslim authorities coexisted and ruled their areas independently. Mir's appeal to the Turkic King provided an opportunity for the latter to play off his influence in Rob, which was controlled by the Muslims. The Bactrian protection letter reflects this situation.

The protection letter applies majestic language to King Kera-tonga. He is called 'the king of the people of Kadag, the governor of the renowned *qaghān*, prosperous in glory'.<sup>71</sup> He was also called the *ser*, which was a high political title. He was related to the house of Tonga-spara and recognised the suzerainty of the Turkic *qaghān* and not the Abbasid Caliph or his governor of Khurasan. The protection letter glorifies the King for his kindness in listening to Mir's petition and for his justice in indulging him by giving him the document. Mir is also said to have carried out service for the King. The nature of this service is unknown, but Mir was previously mentioned as having been a servant of the *ser*. Interestingly, the letter clarifies that Mir was a resident of Rob but a subject of the Turkic King, who did not control Rob. This indicates Kera-tonga's long arm within the Muslim area of political control. It also helps us understand why the King supports Mir's petitions, given that he has travelled to this court instead of approaching the Muslim authority in his own area (see Fig. 10.6).

The protection letter is very general in formula and universal in its message. This could not have been accidental but was intentionally designed to be general and universal. It does not specify any region but addresses all freemen, aristocrats, citizens and officials. Mir's problem was a familial issue and might not have been related to all those groups of people mentioned in the protection letter. He was probably not threatened by aristocrats but by his own relatives or those who had issues with his brother Bab. So why should the King have addressed his protection letter so universally?

Theoretically, Kera-tonga's universalistic forms of address cover all inhabitants of the region, including Muslims. Using such formulas, the King showed off his presence and glory and his claim to authority over the entire region. Thus, it is not surprising that his letter opens with the Bactrian formula 'In the name of God' (πιδο ναμο ιεζδασο), which is equivalent to the Arabic *bismallah*. This formula must have been known to Bactrian Muslim audiences. By issuing this letter, Kera-tonga shows that even people

<sup>71</sup> Bactrian document no. Y in Sims-Williams, *Bactrian Documents from Northern Afghanistan I*, 142–43.

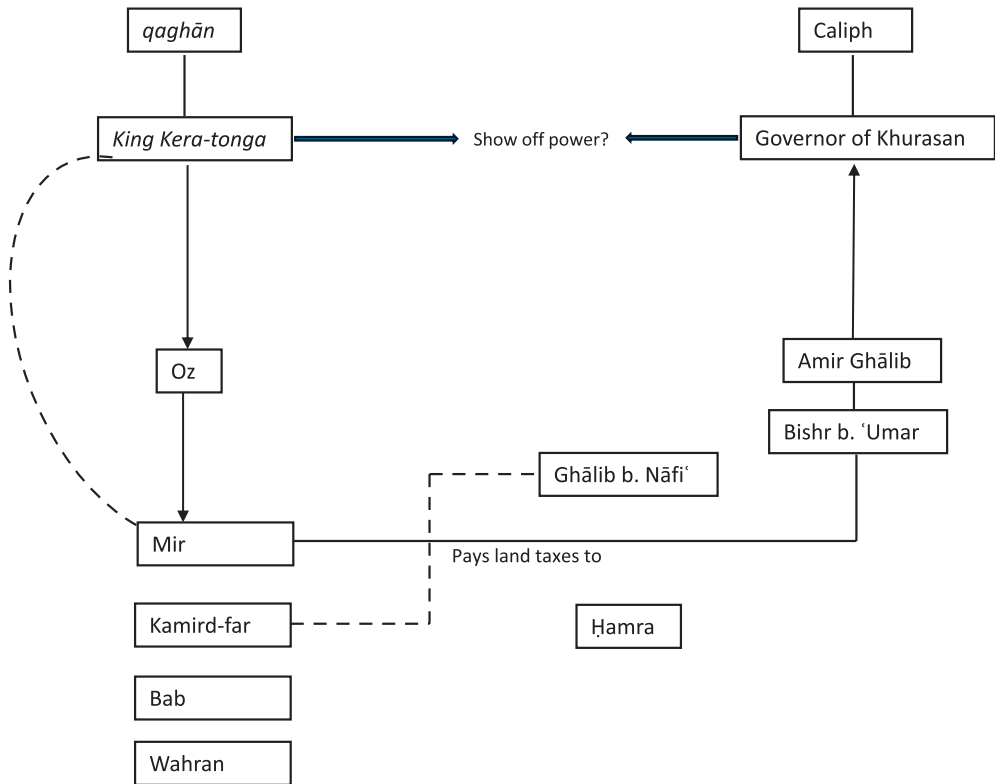


Figure 10.6 Mir and his family between the Arabs and Turks.

in Rob, whose region was controlled by the Muslims, recognised him as a 'just' and legitimised authority for legal judgment. For this reason, Mir decided to appeal to him rather than to the Arab Muslim authorities.

Compared to the Bactrian protection letter, the emancipation letter issued by Ghālib does not elaborate on his socio-political position. Whether he was the Arab Muslim authority is unknown. The emancipation letter has the formula 'nobody has any right over them' (*laysa li-aḥadin 'alayhim sabīlun*). This formula is general and does not refer to one specific individual(s). In any case, it is issued for a local person who visited Ghālib to obtain it. The document has a clay sealing with the thumbnail imprints of witnesses attached to the document. Though it is an Islamic legal document, it follows the Bactrian convention of validating a legal document.<sup>72</sup>

<sup>72</sup> The sealing was made by rolling a small portion of soft and wet clay, which was then attached to the document to keep the folding in place. Subsequently, the thumbnail impressions were made on the clay sealing. The thumbnail impression was an act of validation, an established practice in Bactria. See Sims-Williams and La Vaissière, 'A Bactrian Document from Southern Afghan-

This should not be surprising. Ghālib lived in Bactria and issued his letter for a local witnessed by other locals who knew their legal tradition.

The protection letter and the emancipation letter reflect a significant point. In the eastern frontier region (where the more considerable political powers, such as the Arabs and the Turks, contested control) one had to compromise and adjust to the local situation. These political powers acted flexibly and did not hesitate to adopt administrative and cultural elements from each other as long as it helped them to be seen as just and legitimised rulers by the people. Similarly, the emancipation letter issued for Zeran shows that the Islamic legal tradition was not yet fully crystalised in this period, and it is not a surprise to find it adopting the Bactrian legal tradition.<sup>73</sup>

The Bactrian and Arabic documents issued for the Mir family reflect people's interaction with different authorities. The coexistence of Muslims and non-Muslim powers provided locals with the option of selecting between one of these authorities in time of need. The case of Mir's family shows that Kamird-far preferred to approach the Muslims and solve his problem by seeking their help. In contrast, Mir appealed to the Turkic King and asked for his protection. Moreover, there are two Arabic documents possibly related to Mir's daughter Ḥamra, dating to 149/766, which show she did not follow her father's example. These two documents are related to her dowry and were issued by Arab Muslim authorities in Rob. In one of them, Ḥamra appointed a certain 'Isā b. Salīm as her legatee to receive her dowry. Whether Ḥamra was converted is not clear from the documents.<sup>74</sup> However, if these two documents do belong to Mir's family, then they show that members approached both the Muslim and non-Muslim authorities to obtain the best outcome for their particular situation.

## Conclusion

The Bactrian and Arabic documents discussed in this chapter highlight the social relations in early Islamic Bactria. They show the position of the household as the foundational pillar of Bactrian society. The household members lived together, shared the same physical space and jointly owned the properties. Anything that threatened the existence of the household was

istan?' 39–53; Bactrian document no. U in Sims-Williams, *Bactrian Documents from Northern Afghanistan* I, 106–11.

<sup>73</sup> This can be seen on another Arabic emancipation letter issued for a certain Nūfāḥ and her children (*P.Khurasan* 30).

<sup>74</sup> *P.Khurasan* 27 and 28.



considered unjust and unlawful. To protect the household, its members often visited the Bactrian authorities who knew the Bactrian laws, presented their petitions and asked for help. Mir's visit to the King in Kadagstan was to protect his property with the King's help.

The case of Mir and his brothers shows that conversion to Islam threatened the foundation of the Bactrian household. The conversion of one family member could cause disagreement within the family and eventually disperse its members. Though the Arab Muslim authorities did not bother about the local customs in practice due to their political concerns in the frontier region of Khurasan, the coexistence of Arab Muslims and local Bactrians created space for exchanging some legal elements. The coexistence of two different legal systems was not only about cooperation and compromise but also led to competition over dominating the jurisdictional ground. Bactrian law emphasised the continuation of Bactrian traditions to protect the household. Islamic law acted in opposition to Bactrian laws concerning, for example, marriage and inheritance. The coexistence also created competition between the two administrations.

Cultural exchange and legal competition were not confined to Bactria. Other scholars discuss it for different regions in this edited volume. For instance, Lajos Berkes discusses the impact of Arabic epistolary culture in the seventh–eighth centuries and the influence of Arabic formulaic phrases in Greek and Coptic documents from Egypt and Palestine.<sup>75</sup> Simon V. Pierre discusses the legal boundaries drawn between Christians and Muslims by their religious authorities. He argues that the rival ecclesiastical and religious hierarchies attempted to create borders between people to keep them under their authority.<sup>76</sup> Similarly, the division among family members due to conversion was not specific to early Islamic Bactria. Peter Brown shows that conversion to Christianity divided four brothers from Aphrodisias in Caria after one converted and became a monk in Alexandria. Two other brothers remained prominent local figures, and the fourth brother 'was sent to complete his studies in Alexandria on condition that he made no contact with his brother, the renegade to Christianity'.<sup>77</sup>

At the same time, conversion allowed locals to solve their problems by appealing to the Muslim authorities. In the case of Mir's family, conversion

<sup>75</sup> Lajos Berkes, 'Peace Be upon You': Arabic Greetings in Greek and Coptic Letters Written by Christians in Early Islamic Egypt', chapter 16 in this volume.

<sup>76</sup> Simon V. Pierre, 'Boundaries that Bind? Christian and Pagan Arabs between Islamic and Syrian Strategies of Distinction (Late First Century AH)', chapter 15 in this volume.

<sup>77</sup> Peter Brown, *Power and Persuasion in Late Antiquity towards a Christian Empire* (Madison, WI: The University of Wisconsin Press, 1992), 130.

provided the opportunity for Kamird-far to solve his problem, but the process split the family. Mir's daughter Ḥamra also approached the Muslim authority to solve her problem. In short, the arrival of Muslims affected the fundamental fabric of Bactrian society, including the pre-Islamic household structure.

The Bactrian and Arabic documents show the limit of the Islamic empire in the region, the coexistence of Muslim and non-Muslim political power, and two different administration systems working side by side in Bactria in a way that is less known from the literary sources. The coexistence of the early Abbasid and Turkic powers in Bactria had different impacts on the locals. Though it could create pressure on them, it also could provide an opportunity for local elites to keep the balance between them. However, approaches to these authorities would allow one rival power to show off its influence within the other's area of political control. Kera-tonga's letter illustrates that he was aware of this power competition and tried to project himself as a universal ruler (at least in words) whose justice reached the inhabitants of Rob living under the Muslim authorities.

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