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Said Huseini

Acts of Protection Represented in Bactrian Documents

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Acts of Protection Represented in Bactrian Documents**

◆ ABSTRACT

This paper addresses the concept and mechanism of protection represented in Bactrian documents. Based on the analysis of these documents, it discusses two main procedures for obtaining protection practiced in late antique Bactria. The first was the presentation of petitions by an individual or a group of people to the local authorities with the aim of asking for protection for their lives, properties and honour. In this mechanism oral petitions, letters, and intermediaries played the main role. The second procedure for obtaining protection was to ask for "a contract of undertaking" which was issued by the court of law and witnessed and sealed by court officials. The contract of undertaking had specific legal clauses which guaranteed protection for the petitioners and their dependants. In both cases the petitions were issued by the authorities through a set of standard administrative procedures. The systems suggested in these documents show that a sophisticated system for redressing wrongs and providing protection was provided by governmental administrations that reached even the smallest villages in Bactria.

Keywords: Bactrian documents, justice, legal system, petitions, protection, Sasanian Iran

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✦ **RÉSUMÉ**

Actes de protection dans les documents de Bactriane

Cet article traite du concept et du mécanisme de protection tels qu'ils apparaissent dans les documents bactriens. À partir de l'analyse de ces documents, il examine les deux principales procédures en vigueur dans la Bactriane de l'Antiquité tardive pour obtenir une protection. La première était la présentation de pétitions par un individu ou un groupe de personnes aux autorités locales dans le but de demander une protection pour leur vie, leurs biens et leur honneur. Dans ce mécanisme, les pétitions orales, les lettres et les intermédiaires jouaient le rôle principal. La deuxième procédure pour obtenir une protection consistait à demander un « contrat d'engagement » qui était délivré par le tribunal et scellé par des fonctionnaires du tribunal. Le contrat d'engagement comportait des clauses juridiques spécifiques qui garantissaient la protection des requérants et des personnes à leur charge. Dans les deux cas, les pétitions étaient émises par les autorités par le biais d'un ensemble de procédures administratives standard. Ces documents montrent qu'un système sophistiqué de protection et de réparation des torts fut mis en place par les administrations gouvernementales, atteignant jusqu'aux plus petits villages de Bactriane.

Mots-clés : documents bactriens, justice, système juridique, pétitions, protection, Iran sassanide

✦ **ملخص**

إجراءات الحماية في الوثائق البلخيّة

يتعرض هذا المقال لمفهوم الحماية وآلياتها كما تظهر في وثائقٍ بلخيّة. وبناءً على تحليل هذه الوثائق، يتناول المقال بالدراسة إجراءين رئيسيين للحصول على الحماية مورسا في العصر القديم المتأخر في باختريا. يتمثل أولهما في تقديم عرائض أو التماسات من قبل فرد أو مجموعة من الناس إلى السلطات المحلية بغية طلب الحماية لحياتهم وممتلكاتهم وأعراضهم. وفي هذه الآلية يلعب الالتماس الشفوي والرسائل والوسطاء الدور الرئيسي. أما الإجراء الثاني للحصول على الحماية فكان يتمثل في طلب إبرام «عقد التزام» تصدره المحكمة ويشهد عليه ويختمه موظفون عموميون بها. وتحتوي عقود الالتزام على بنود قانونية محددة تكفل الحماية لمقدمي الالتماس ولمن يعولون. وفي كلتا الحالتين كانت العرائض تصدر عن السلطات عبر اتباع مجموعة من الإجراءات الإدارية المحددة. وتظهر هذه الوثائق أن الإدارات الحكومية كانت قد وضعت نظامًا متطورًا للحماية وللتعويض عن الضرر بلغ حتى أصغر القرى في باختريا.

الكلمات المفتاحية: وثائق بلخيّة، عدالة، نظام قانوني، التماسات، حماية، إيران الساسانية

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Introduction

The plethora of existing research on the political history of the late antique Iranian world, particularly on the Sasanian period, overshadows its social history.[1] The focal points in most of these studies are the Iranian kings, the nobilities and those related to them. Issues such as social institutions and daily life are less studied.[2] The dominance of the king-centric focus has not only created a top-down view in the field of Iranian studies, but it has also taken attention away from the lives of regular people, who naturally formed the largest part of Iranian society. Similarly, scholarship on Iranian history does not yet fully embrace the social and religious diversity of the Iranian world. The focus on the western Iranian lands and the highlighting of Christian and Zoroastrian communities dominates the field.[3] That approach has not only limited the space for the studies of the eastern Iranian regions, but also created an anachronistic view that these regions were an "extension of the Sasanian culture",[4] while the sources depict a different picture: In fact the eastern Iranian regions did not even follow the same form of Zoroastrian religion.[5] In this paper, I will address the concepts and mechanisms of protection in late antique Bactria as an example of the social institutions which functioned in the eastern Iranian regions. This subject has not been studied so far, and thus my aim is to shed light on an unknown aspect of the social life in these regions.

The sources consulted in this paper are Bactrian documents found in different parts of modern-day northern Afghanistan, a region that broadly corresponds to late antique Bactria. These documents provide first-hand information on the subject of protection relationships. The documents are written in Bactrian, the only Middle Iranian language written in the Greek alphabet, and they are dated to between the early 4th and the late 8th century AD. They vary from administrative, economic and legal documents, to official and private letters reflecting the socio-political circumstances in Bactria.[6] These documents present continuity in their form and formulas, which implies administrative and cultural continuity despite regime changes for such a long time span of history.[7] However, they do not cover the entire Bactrian region, but were mostly produced in Rob in the south, Guzgan and Gaz in the west, and Samingan, Kadagstan and Warnu in the east of Bactria. No Bactrian document has ever been found

1. There is a rich bibliography on the political history of pre-Islamic Iran. List of the major works on this subject can be found in Wiesehöfer, 2001. A good bibliography on this topic can be found in Alinia, Venetis, Daryaee, 2009; Daryaee, 2008; 2013.
2. This can be observed by looking at themes published in *Encyclopedia Iranica* on pre-Islamic Iran for example. However, Maria Macuch and Rika Gyselen contributed largely to the understanding of the legal system and the administrative geography of the Sasanian Empire. Macuch, 2009, pp. 181–196; Gyselen, 2019.
3. Payne, 2015.
4. Grenet, 2015a.
5. Grenet, 2015b; Huseini (forthcoming 2021).
6. Sims-Williams, 2002, pp. 12–13.
7. The exact reasons for this continuity are not yet known. It is in fact surprising to see that the administrative letters show the same structure and formulae over centuries and that most of the legal terminology remained the same in the legal documents.

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from the Balkh oasis so far. Hence, the scope of this paper is limited to the areas where the documents were produced and circulated. The documents discussed in this paper have been translated, dated and categorized into different groups by Nicholas Sims-Williams in several publications.[8] These documents have been available for more than two decades, but nonetheless they have rarely been utilised for historical research, thus this paper will be among the first to contextualise these documents to provide a social-historical framework.[9]

In this paper I ask specific questions about the acts of protection represented in Bactrian documents. How do Bactrian documents define the mechanisms of protection? In which situation did people require protection? Who provided protection and how? Was there a specific procedure to receive protection? To provide some answers to these questions, I will analyse the relevant Bactrian documents in two parts. In the first part, I will discuss several administrative letters, related to petitions asking for protection that were received by officials. In this part, letters as a mechanism for obtaining protection will be highlighted. In the second part, I will analyse several legal documents known as 'contracts of undertaking'. These specific legal documents were also related to protection and form another mechanism for asking for protection.

1. Protection Reflected in Administrative Letters

The earliest relevant documents that describe protection are a group of Bactrian administrative letters produced possibly around AD 350, in the Rob region. The earliest letter of this group selection is written by Mihr-mareg the steward (φρομαλαρο) to Khwadew-wanind the commander of the fortress (λιζοβιδο). It regards a complaint the steward received against a certain Sag who had entered the house of a family called Absigan and who had disrespected its inhabitants including the lady of the house and those who lived in the inner quarter. The petitioner who appealed to the steward and reported Sag's mischief is a man named Ohrmuzd, who is described to have been a weaver of damask and who may have worked inside the house of Absigan. His relation to this family is not known. In any case, Ohrmuzd requested the steward to interfere and stop Sag and tell him to speak with Ohrmuzd instead of being aggressive.[10]

The steward's letter indicates several issues which help us understand the concepts and mechanisms of protection. Possibly, Sag was a government agent who was sent to the house of Absigan by the commander of the fortress, as such the inhabitants of the house could not deny him entrance. The reason behind Sag's mission is unknown. However, Sag entered the inner quarter of the house of Absigan without permission and behaved very aggressively. His attitude was unacceptable to the residents of the house particularly to the lady of the house who expected the authorities to stop Sag and protect her. For unknown reasons she

8. Sims-Williams, 2001 and its revised edition 2012; Sims-Williams, 2007; Sims-Williams, 2012. New chronology for these documents given in Sims-Williams, De Blois, 2018.
9. Of those people who looked at these documents for their works, some can be mentioned here: Payne, 2016; Haug, 2019; Sheikh, 2017; Rezakhani, 2010; De la Vaissiére, 2010; Cribb (forthcoming 2021), the author of this paper used these documents to a large extent in his PhD dissertation.
10. Sims-Williams, 2007, pp. 54–55.

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may not have been able to visit the authorities in person, but still her voice is heard through Ohrmuzd's report explaining what Sag had done. Evidently, the steward was not in a position to give orders to Sag directly, instead he had to write to the commander who was above Sag in authority. Other Bactrian documents show that the steward was a civil administrator, but the commander of the fortress was a military person and had guards under his command and possibly functioned as chief of the police.[11]

This letter embedded some important issues about the mechanism of protection. It shows that people could make a complaint about a government agent if they found the latter had misbehaved. In this case, probably, the lady of the house felt insulted and asked Ohrmuzd to visit the steward and report Sag's aggressive behaviour on her behalf. To solve the issue, Ohrmuzd wanted Sag to promise he would abstain from any mischief towards the house of Absigan. Though the steward himself was not in a position to reprimand Sag, he did write a letter to the commander after hearing Ohrmuzd's report, and as such conveyed the message. The letter reflects that the oral petition was transmitted in the form of a written letter to the commander, and also that the steward played the role of an intermediary to stop Sag. Hence, several hands worked together to inform the commander and stop Sag (see fig. 1.).

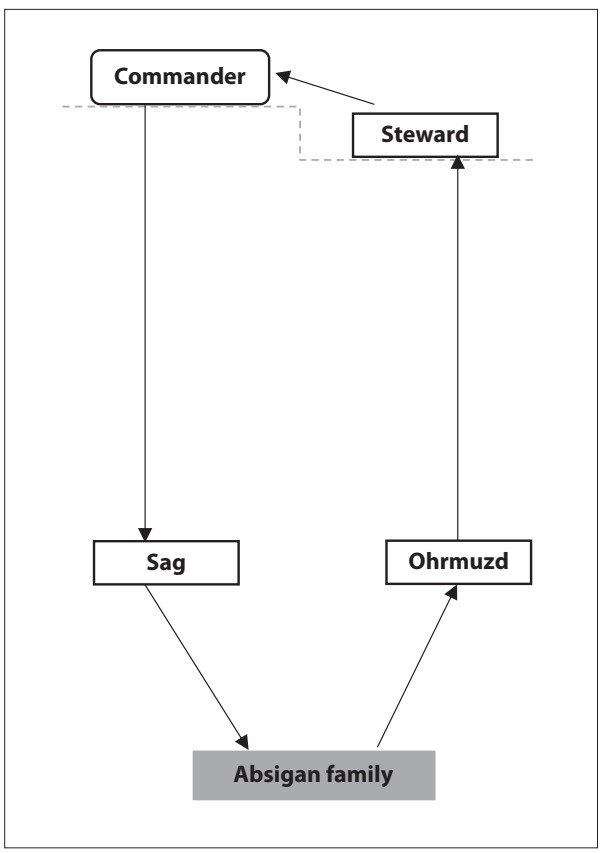


Fig. 1. Ohrmuzd's petition within the system.

11. Sims-Williams, 2012, pp. 155–156; Miyamoto, 2019, pp. 171–172.

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Further information on mechanisms of protection comes from another administrative letter related to the same group of letters produced in the Rob region. It is written by the same steward, Mihr-mareg, to Khwadew-wanind the commander of the fortress and regards a legal case. It clarifies the terminology and the mechanism of protection. The translation of the letter reads:

> To Khwadew-wanind the commander of the fortress, (my) dear brother, (2) the lord, greetings (and) homage from Mihr-[mareg] (3) the steward, his servant. And [then] I would be more happy (4) when I myself might see (you) healthy. Moreover, your (5) lordship should know that Mi(h) r-guzg (6) has appealed to the lord (saying): "I am… with (my) partner, (7-8) so it would be very fitting for me to follow (him) thither to the city". Then the lord (9) ordered Mihr-guzg thus: "In respect of (10-13) (your) partner's property, you (pl.) shall pledge faith to me by an oath with one man (as a hostage?), and you shall… one man yourselves". And he (14) ordered me: (15) "Look after them". Now, your (16) lordship, for my sake, (17) should look after Mihr-uzg; and (18) do not permit (anyone) to accuse him (19) or to have a dispute with Mihr-guzg. (20) So do not permit him to be penalized (21-2) until there shall be a statement in my presence. (23) And… which… with (24)… his statement, so (25) do not permit him to be detained.[12]

This letter reflects on the procedure of judgment performed by the ruler and the following administrative process carried by the steward. The letter opens with greeting formulae that are common in most of the Bactrian administrative letters and which show how a lower official addressed a higher ranking official.[13] It explains that a certain Mihr-guzg had appealed to the lord regarding the property of his partner that he may have claimed for himself, but he needed to back up his claim. Other Bactrian documents show that if a person wanted to claim a property such as land, he had to present a document showed his ownership and it was witnessed and sealed by officials.[14] Possibly, Mir-guzg did not have such a document and therefore he had to take an oath and bring witnesses.[15] After making a judgment, the lord ordered the steward to look after the case, possibly, till the claimant presented his witnesses. Asking the commander to protect Mihr-guzg from accusation and penalisation suggests that there were other people who had made a claim on the same property. It also confirms the idea that the steward was just a civil administrator who did not have the authority to keep people away from the claimant and needed the commander's help for that (fig. 2, Diagram).

The Bactrian terminology for protection in this letter is focused in the word "*parbāl*" (παροβαλο). Sims-Williams translated it "look after" and mentioned that this is a verb meaning "to take care of", a loanword from OId Indian *pari-pālaya-*, Niya Pkt. *paripal-*, *parival-* "to look after, feed".[16]

12. Sims-Williams, 2007, pp. 56–67.
13. Sims-Williams, 2006, pp. 702–704.
14. Sims-Williams, 2007, pp. 64–65; Sims-Williams, 2007, pp. 84–85.
15. Sims-Williams translated it as "hostage", but I think that this could have been a witness. Sims-Williams, 2007, p. 56.
16. Sims-Williams, 2007, p. 252. The verb *parbāl* with meaning taking care of something like expenditure also used two documents. Sims-Williams, 2007, pp. 106–107.

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But looking at this letter shows that the word *parbāl* is repeated two times with a different meaning in each case. On the first occasion, the word *parbāl* is used in the imperative when the ruler ordered the steward to take care of the case and complete the procedure, which is exactly what Sims-Williams has suggested it means. Nevertheless, the second time it occurs, the steward requests the commander to protect Mihr-guzg (αβο μιρογοζγο παροβαλο) from accusation, dispute, penalization and detainment for the sake of the steward.[17] This indicates the kinds of threat that could harm Mihr-guzg. So, the second time that the word *parbāl* is mentioned it can be interpreted to mean "protection" as well. Further support for this interpretation comes from a Sanskrit prayer in which Kulaśekhara asked Krișna: "I know no one greater than You. Please protect me!" *(pālaya paraṁ jānāmi na tvāṁvinā)*.[18] In this prayer, *pālaya* means protection and if we follow Sims-Williams that the Bactrian *parbāl* is a loanword from Old Indian *pari-pālaya*, then this points to a secondary meaning of *parbāl* that is close to our understanding of protection, and is how I suggest we understand the second occurrence of *parbāl* in the letter written by Mihr-mareg.

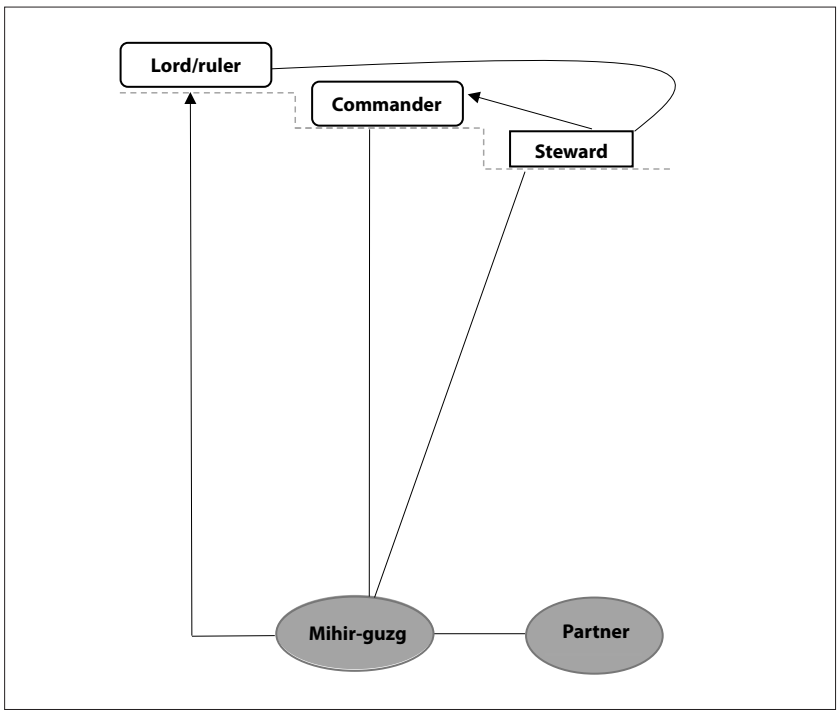


Fig. 2. Mihr-guzg's petition within the system (Diagram by Said Reza Huseini).

17. The fact that the steward called the commander "my dear brother" (φριο βραδο) in the greeting formulae shows that he knew the commander personally and expected him to help. A quick look at other Bactrian letters show that the formulae "my dear brother" mentioned in those letters that the senders and the addresses knew each other, and the senders expected the addressees to do something for them. Here in this letter, the steward even clearly says that the commander may protect Mihr-guzg for his sake.

18. Swami, 1992, mantra 44. In New Persian, *parobāl* is one word but made of two component *Par* + *bāl* meaning feather and wing for birds. This term is used as a metaphor for taking care of a weaker person, helping or protecting him. It also meant one could be empowered by someone else's strength. Two examples from *Tarikh-i Bayhaqi* and *Farhang-i Nakhjawani* are cited in *Dehkhoda* Online Dictionary http://www.jasjoo.com/books/wordbook/dehkhoda (accessed on September 03, 2019).

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Similar utilisation of *parbāl* can be seen in another letter possibly written in AD 465, in Kadagstan. The letter is written by Wararan Springan to Shabur Pushladan. In the letter, Wararan expressed his happiness about the report that the son of the addressee is alive. Then he mentioned that if Shabur wished to send the princes to him, he will take care of them more than he takes care of himself (παροβαλανο σαγονδο ιχοβο). The princes mentioned in the letter are not identified, but they may have been related to Shabur. In this letter the verb used for "taking care of" is *parbāl* and it is used in plural form "*parbālān*" (παροβαλανο) because there is more than one prince. It is repeated twice by the sender, which emphasises his readiness to take care of the princes. Wararan's promise to take care of them and saying that Shabur can command him like he commands his youngest brother implies that Wararan and Shabur may have been related in a way, so the addressee could trust him. Here the word *parbāl* can be understood as taking care of and protecting the princes.[19]

The background of the letter written by Wararan is not known, but it was written when the Sasanian king Peroz (r. 459–484) was at war with the Hephthalites. Several Bactrian letters show that in this situation the rulers of Rob and Kadagstan shifted sides between the Sasanians and the Hephthalites.[20] Three years before Wararan's letter, Meyam the king of Kadagstan declared himself to have been the governor of "the famous and prosperous king of kings Peroz" and remained loyal to him. Then in AD 485, Kilman the king of Kadagstan declared himself as "the governor of the famous and prosperous Yabghu of Hephthalites". Whether there is a relation between this letter and the Sasanian-Hephthalite wars is not clear, but Wararan's happiness at hearing that the son of Shabur is alive, and his offer to look after the princes, suggest that the situation was not completely peaceful. Also, Wararan's letter indicates that his place was safer for the princes and that he could take care of them and protect them. At the end of his letter Wararan mentions that he sent information to Shabur by the bearer of this letter. This information may have been related to the security situation. With this information in mind, we can understand that *parbāl* is used when there was actual need for protection.

The reasons for seeking protection were varied. Preventing physical injury seems to have been a recurring issue in Bactrian documents. In a letter produced in AD 380, in the Rob region, a certain Khol Aramigan informed Nawaz Kharan about his concern for his representative (πιδιστοβαραγο) Ash-fardar who stayed with other representatives possibly at Nawaz's house. It is not clear why these representatives were with Nawaz.[21] In any case, there was fear that these representatives would be beaten up, arrested or injured. Feeling responsible to save Ash-fardar from physical harm, Khol wrote this letter to Nawaz, and used specific formulae to secure his request. After a standard Bactrian greeting formulae, he calls the addressee "dear brother, the lord" and depicts himself as an old man (πιρο) in a needy position. He then elevates the addressee by referring to him as his "great hope and support"

19. Sims-Williams, 2007, pp. 112–113.
20. Sims-Williams, 2007, pp. 88–89, 108–109, 114–115, 124–125.
21. Sending representatives to the local ruler by the local elites was common in Sogdiana. De la Vaissiére, 2007.

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(στοργο φρομιγγο οδο αβαστανο ωσιδο), and then explains his request. Subsequently, he uses the polite formulae "if it pleases his lordship" (ταδο το χοηο σινδδο), and says that the lord should not beat up the representatives, arrest them or cause loss to them. That does not necessarily mean that Nawaz would have personally beat them, but rather, it implies that Nawaz was being asked not to permit these things to happen. In other words, Khol expected Nawaz to protect his representative from these actions. Although Khol only named his own representative, he used plural verbs "do not beat them". Whether other people who had representatives staying with Nawaz approached Khol and asked him to include them, or whether he did this on his own initiative, is unknown. If people would have asked him, then we might expect that he would have added other names to his letter too, rather than the general 'them', but the real reason remains unknown.

Khol's letter ends with a sentence that may reflect a reciprocal relation in which service and favours are mutually exchanged. After requesting Nawaz to protect Ash-fardar, Khol mentions: "In return I shall act (in such a way) that your lordship may be happy" (ταδαζο αβαβο κιρανο σιδο το χοηο βαδο βο). This means that Khol would return the favour if his request were to be accepted. Khol needed Nawaz's help to protect his representative as is reflected in the letter and making such a promise could facilitate the process of a favourable response to Khol's request.[22]

Generally, Bactrian letters show that people expected the authorities to provide protection.[23] If a government agent or an influential person harmed people, then people would complain to higher authorities and expect them to respond and hold the agent responsible for the harm he had imposed. A Bactrian letter, possibly written in AD 485, in the Rob region, mentions that some people complained to the ruler of Rob saying that the steward of Marg, an area in Rob, forcefully mustered them to collect his harvest and afterwards another person did the same. For unknown reasons, the steward did not object to the second person's action. As a result of this forced labour, the gathered people could not harvest their own crops and they complained about this to the ruler as we can gather from the letter. The ruler was unhappy to hear this report, but still, he did not act vehemently. The tone of his letter is not harsh, but rather a friendly request reflected in the letter structure. Unlike the usual internal address formula in which the form "from-to" (ασο-αβο) was used and where the name of the ruler comes first, in this letter the opening formula is "to-from" (αβο-ασο) and the name of ruler comes after the steward's name. However, the letter shows the ruler's awareness of and disagreement with the steward's act and requests him to release those people and not to permit anyone to do them any wrong. The letter thus shows that the ruler not only expected the steward to release those people, but also to protect them from being used as forced labourers by others.[24]

Protecting the weak from the strong is a theme that is also illustrated by a letter possibly written between AD 485–579, in the Rob region. It was written by Ma-mareg, perhaps an official, to a certain Ohrmuzd. It explains that some inhabitants of Aspash came to Ma-mareg and

22. Sims-Williams, 2007, pp. 76–77.
23. For instance, see Sims-Williams, 2007, pp. 52-53, 54–55, 56–57, 76–77.
24. Sims-Williams, 2007, pp. 156–157.

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complained about Ohrmuzd saying that he bothered people (μαρσκονδανο) by doing them wrong and even molested women (ζινο). The letter adds that another person named Khwade-band complained possibly against the same Ohrmuzd too. Perhaps, seeing these petitions, Ma-mareg wrote this letter and warned Ohrmuzd saying that he should not to do wrong to people and that if he would, he was going to be arrested.[25] This letter is significant for understanding the mechanism of protection performed by the group of people disturbed by Ohrmuzd. Probably, they presented their petition orally, but at the same time, Khwade-band filed a complaint against Ohrmuzd as well, and that put pressure on Ma-mareg to act. The identity of Khwade-band is not known, but he should have been known to Ohrmuzd as his name is mentioned in the letter. Similarly, his complaint must have been very important, such that Ma-mareg referred to it in his letter. The letter signifies that people with limited power themselves did not accept being deprived of their rights or disrespected by a higher-ranking or more powerful person. If that happened, they complained to an even higher authority to be granted their social rights. In this case the petitioners knew that Ma-mareg had enough authority to act directly and they did not need to go to the ruler and complain. Arresting the culprit was a way to protect people from his mischief.

2. Protection in Form of Legal Document

The letters discussed so far reflect mechanisms of obtaining protection through direct and indirect complaints made by individuals or a group of people. They also show how officials responded to complaints. However, that was not the only mechanism for obtaining protection. Bactrian documents reveal another mechanism for obtaining protection in which the petitioners visited a court of law—the court of the ruler or other high officials—presented their appeal, and requested a legal document issued in the court, witnessed and sealed by the officials, that could guarantee protection for the petitioner. Of these legal documents related to protection, two documents should be specially discussed. The first one is a document of protection produced in 549 of the Bactrian calendars, corresponding to AD 771–772, in Kadagstan. It is issued in the form of an open letter from the court of the Turkic ruler Kera-tonga and given to Mir son of Bek. Its translation reads:

> (1–2) In the name of God!
> From Kera-tonga Tonga-spara, the king of the people of Kadag, the governor of the renowned *qaghan*, prosperous in glory!
> (3) Now: (on the part of) Mir son of Bek, (4–5) (a man) from Asp, (there) has now been… service (paid) to myself. He has a brother whose name (is) Bab, (6) and now he has gone away from Mir altogether. Now Mir has thus (7) made a request to me: Vouchsafe me a document (stating) (8–10) thus, that no-one may dispute with me, Mir, or with my people, or about my land, on account of a debt or promise (or) dispute of Bab's, nor demand (anything), nor take (anything). (11) So now,

25. The second part of the Ma-mareg's name is not known so, to make it easier to the reader, I mention only Ma-mareg clarified by Sims-Williams in his translation (Sims-Williams, 2007, pp. 164–165).

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> I, the lord *ser*, the king of the people of Kadag, have listened to (12) the request (sent) by Mir and it has seemed to me just and necessary, and I (13) have now given the command thus by my indulgence and (14) have vouchsafed (this) document (stating) that no-one should have the right, neither (15) a freeman nor an aristocrat, neither a citizen nor (16) an official, neither a foreman nor anyone else, that anyone should take (anything), nor distrain (anything), nor demand (anything), nor commit injury and wrong (17) in respect of Mir himself, nor in respect of Mir's brothers (and) sons, (18) nor in respect of Mir's people, nor in respect of Mir's irrigated (19) land, nor in respect of Mir's vineyard of which the name (is) Palkan (20) no one (should do so) on account of a dispute of Bab's, (21-22) nor on account of a debt of Bab's, nor on account of promise of the same, nor on account of an obligation (or) liability of the same; (23) but whoever, (24) may commit injury and wrong towards Mir on account of a dispute of Bab's shall pay a fine (25) of a hundred dinars of struck gold. And the enforcer in (26) respect of this agreement (is) Oz, the treasurer of Kurwad. Year--(27) 549.[26]

This document is significant in several ways. It provides detailed information on the process of obtaining protection documents from the government. According to the document, Mir was an inhabitant of Asp in Rob in southern Bactria and travelled to the court of Kera-tonga the king of Kadagstan to present his petition personally and obtain this document. Mir's name is known from an Arabic document in which he paid his land tax *(kharāj)* to Bishr b. ʿUmar the financial administrator (*ʿāmil)* of the Abbasid governor (*amīr*) Ghālib in his region.[27] This protection document raises several important questions. Why did Mir make a difficult journey and go to the court of the Turkic ruler instead of visiting the Abbasid *ʿāmil* or the *amīr* in his region? What was the problem that required the protection letter?

In the first place, this document of protection clarifies that Mir's brother Bab has left him altogether (ασο μιρο ιωπαριο βοδο) making it a family issue. However, this was not a simple matter. Here, leaving Mir altogether means leaving the household in which the members of the family lived together. In the Bactrian legal system, the household was the main social unit and individuals were identified by their association to certain households.[28] In this system 'living together' was not simply staying in the same space, but it connected brothers through fraternal polyandry, in which several brothers married one woman.[29] Fraternal polyandry created cohabitation and gave equal rights to the adult male members of the family to own the household properties together. Most of the Bactrian legal documents related to the purchase of property show that the rights of ownership transformed from one household to another.[30] However, the king or the

26. Sims-Williams, 2012, revised edition, pp. 142–143. This letter opens with Bactrian equivalent to Arabic *basmala* that shows the influence of Arabic letter writing in late eighth century Bactria. For more detail on adaptation of Arabic formulas in local letter writing in the eastern Iranian regions see Huseini (2021c).

27. Khan, 2007, pp. 112–113.

28. The author of this paper has discussed the Bactrian Legal System in detail in his PhD Dissertation, see Huseini, 2021b.

29. Sims-Williams, 2012, pp. 26–29.

30. For instance, Sims-Williams, 2012, pp. 34–35; Sims-Williams, 2012, pp. 48–55; Sims-Williams, 2012, pp. 58–63.

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queen's gifting properties are exceptional.[31] According to the Bactrian legal system, Bab's act of leaving his household was unlawful and he was recognised as guilty by the King, who was aware of the Bactrian traditions. From the king's perspective, Mir's appeal was "just and necessary" (λαδδιιο οδο μινδδιιο) as it was in accordance with Bactrian law and because his case went through the required administrative procedure. Thus, the case required judgement and resulted in the issuance of this protection letter. From Mir's point of view, the Turkic King was the guardian of the Bactrian laws and the ultimate authority to judge Bactrian familial cases. This explains why Mir did not appeal to the Abbasid agents in his region who were guided by the Islamic legal system.

The reasons behind Bab's abandoning Mir are not mentioned in the protection letter. However, there is another relevant legal document showing that Mir's family problem was not a new issue, but at least twenty years old and it was known to the Turkic authorities in Kadagstan. The document that informs us about this problem was produced in Kadagstan in 575 of the Bactrian calendar which equals AD 750. According to this document, Mir had three brothers named Kamird-far, Wahran and Bab. The family quarrel divided the brothers. Kamird-far and Bab formed one party and Mir and Wahran formed another. However, together with his two brothers Wahran and Kamird-far, Mir possessed a woman named Zeran. Bab was not part of this polyandric marriage. The document mentions that these three brothers had disagreements amongst themselves as well, but they realised that their conflicts would destroy their house (μαχο οοχορτιο ναβαρτιδο οδο χανο ναβτιο ναβαρτιδο). To protect their household, Mir and his brothers agreed to meet an official and solve their issues. The document mentions that all brothers accepted to continue cohabitation as it was the Bactrian custom for brothers to live with each other and own an equal share of the household properties. They promised not to commit any damage or act unlawfully against each other or their properties. If anyone of them acted otherwise and were witnessed to do so, then that person would be guilty and should "go from the house without a share of the property" (ασο χανο αβηιοβαγο βοαδο). The expelled person should also pay a fine of hundred dinars to the government's treasury and the same amount to other brothers.[32]

This document shows that the main bone of contention among the brothers was the right of ownership concerning the household's properties. They eventually agreed to jointly manage the properties and accepted that they would face punishment if they would not keep that obligation. With this information we can assume that the protection letter given to Mir suggests that Bab may has violated the earlier agreement, left the household, and as a result, he may has been deprived of his share of properties which were now controlled by the other brothers including Mir. But Mir's ownership was also disputed and people may have asked him to pay Bab's debts or fulfil his promises. The pressure of these claims must have forced Mir to appeal to the Turkic king for protection (fig. 3.)

The protection letter given to Mir is not simply a letter for an individual, but extended to Mir's family members and his properties as well. This suggests that Mir was in a vulnerable situation and worried about violence and physical injury that could be committed either by

31. Sims-Williams, 2012, pp. 98–103; Sims-Williams, 2007, pp. 108–109.
32. Sims-Williams, 2012, pp. 136–141; Azad, 2016, pp. 33–56.

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his brother Bab, or by people who had issues with Bab. Mentioning the irrigated land and the vineyard called Palkan indicates that people might destroy them, and Mir wanted the Turkic king to protect his properties too. The emphasis on protection of the Palkan vineyard shows that this garden must have been very precious to him. Economically, the value of garden land, which had water rights was much higher than that of rain-fed land, usually located on a slope.[33] From another legal document produced in 490 of the Bactrian calendar, corresponding to AD 712–713, in Rob, we can see that the vineyard belonged to Mir's father and he could have inherited it.[34] Kera-tonga's protection letter for Mir implies that it was a public announcement, and that may have worked to the benefit of Mir as this means that his ownership over this property and the protection by the king would have become well-known. Possibly, the Muslim authorities in Rob would recognise the judicial authority of the Turkic king in Bactrian familial issues, otherwise Mir would probably not have taken the trouble of going all the way to the court of the Turkic king in the first place.

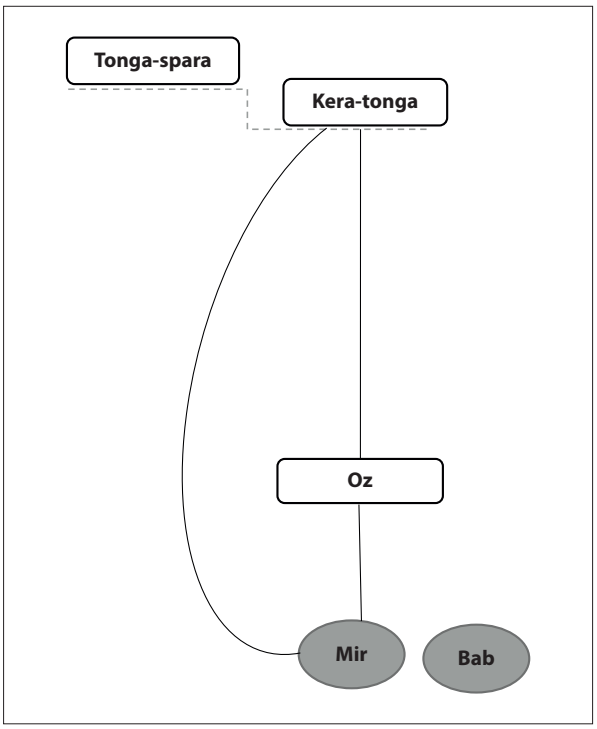


Fig. 3. Mir's petition within the system.

33. De la Vaissiére, 2018, pp. 116–117.
34. Sims-Williams, 2012, pp. 106–111. This type of property is often called "ancestral land" (πιδοραστο). Sims-Williams, 2012, pp. 48–55; Sims-Williams, 2012, pp. 58–65; Sims-Williams, 2012, pp. 32–35; Sims-Williams, 2012, pp. 106–111. It also called inheritance, "ancestral estate" (βονο πιδαργανο) in some other Bactrian documents. Sims-Williams, 2012, pp. 106–111; Sims-Williams, 2012, pp. 126–134.

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The situation that we encounter in Mir's case, where protection is extended to include family members and family property is not unique, but was in fact part of the regulations in the Bactrian legal system. We will further explore this in the next document that I want to discuss. However, before that, some words should be dedicated to the form of these legal documents that the Bactrians issued and that functioned as a source of protection for their owners. These documents are not petition letters, but a specific kind of legal documents often called *"khoesāwbustīg"* (χοησαοοβωστιγο) translated by Sims-Williams as "Contract of Undertaking". They were produced in the court of law with the aim to end an old feud or an ongoing conflict, and to prevent hostile actions in the future. The producers of these documents considered them as effective instruments to avoid violence and bring peace between individuals, households or rulers of cities. The contracts of undertaking are made up in the form of a double contract often bearing 2 to 6 sealings. In these double documents, the same text is written twice on the same parchment or cloth. The upper part is rolled up and sealed (called the closed part) and the lower part left is open for reading (called the open part). The closed part would only be opened before a judge in the case of a dispute. The double contract reduced the possibility of forgery as the same text was written twice in the same language and handwriting. Each party received a copy and the record of the document was kept in the governmental archive for future consultation. At least six legal documents produced between AD 465–475 to 750, in Guzgan, Rob and Kadagstan are related to protection.[35] Underneath I will discuss another one of these documents to show how they were considered as an effective way to protect the injured party and prevent further damage.

The "contract of undertaking" considered here was produced in the month of Sabul 440 of the Bactrian calendar corresponding to AD 662 in Sozargan in Kalf, in a city called Stof that was located on the bank of the Oxus river and possibly fell under the authority of the rulers of Guzgan.[36] The document bears the name of the god Wakhsh, who was called the king of gods and who was worshiped in Stof where the document was produced. We also find the name Zhulad the *khār* or ruler of Pidud that may have been an area nearby. According to the document, a man named Yobig had had a quarrel with Bramarz. The former had injured the brother of Bramarz with a sword or dagger. Then, Bramarz who was possibly the elder brother and the head of the family of the injured one, denounced Yobig (αβισταοογο κιρδδημο) and perhaps wanted justice for his brother.[37] He and Yobig met in person and verbally agreed to make peace and prevent further disturbances. However, evidently an oral agreement was not adequate, since Bramarz wanted an official contract of undertaking made up in the court. He wanted Yobig to guarantee that he and his people would not repeat their misconduct. In other words, Bramarz wanted to protect his family from further injury that could happen

35. Sims-Williams, 2012, pp. 150–151; Sims-Williams, 2012, pp. 68–71; Sims-Williams, 2012, pp. 80–83; Sims-Williams, 2012, pp. 92–93; Sims-Williams, 2012, pp. 112–115; Sims-Williams, 2012, pp. 136–141.

36. Sims-Williams, 2012, pp. 80–83.

37. αβισταοογο κιρδδημο translated as "outlawed me", but in discussion with Sims-Williams he agreed to use "denounced me" here in this context (Personal Conversation, London, 23 October, 2019).

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in the future, because his brother had already been wounded. As an outcome, they went to the government office and made this document.

This "contract of undertaking" highlights several important issues that can explain how legal clauses related to protection are embedded in the text. Firstly, the document was written with the cognition of the god Wakhsh, who was worshipped in Stof and possibly by the makers of this contract as well. Secondly, it refers to the ruler of Pidud who may have witnessed the case. Yobig was a servant of the ruler of Pidud, which made it even more important for Bramarz to ask for this document. Bringing the case to the court of law not only informed the ruler about his servant's mischief, but it also could help Bramarz in the future because the ruler would observe Yobig's acts. Drafting this contract in the name of their god created a religious obligation for Yobig to keep his promises towards Bramarz. In other words, Yobig's promises were no longer a verbal agreement between two individuals, but were now witnessed by the god Wakhsh and observed by the ruler of Pidud.

Equally important, the document bears Yobig's statement that he had had a quarrel with Bramarz and injured his brother. By giving this statement, Yobig officially accepted that he was guilty of attacking another person. As a result of that he promised that, not only he would not quarrel with Bramarz anymore, but that his family members would not disturb Bramarz's family in the future either. Yobig accepted that if he or his people would break their promises towards Bramarz, then their claims and arguments against Bramarz would not be valid in the court of law. However, that was not sufficient as Bramarz expected to be safe not only from Yobig, but also even from Yobig's fellow citizens or men of his district (βαριγο οδαλο ωδαγοσιγο). The puzzling section of this document, is that Bramarz seems to consider himself safe not just from Yobig and his direct family members, but from all the fellow citizens of Yobig's district. It is not clear how Yobig could guarantee that people of his area would not commit any injustice towards Bramarz and his family. In any case, the document is an extremely one-sided contract to protect Bramarz's family from any harm caused by Yobig's side in the future. The contract made Yobig responsible for his words and if he, a family member or even a fellow citizen, would fail to keep his promise and commit injury towards Bramarz or one of his family members, then Yobig had to pay a fine to the injured party and also the same amount to the government. Certainly, this document would have been considered by Bramarz as a valid document of protection.

Conclusion

Based on the documents that we have discussed in this article, we can make two important conclusions. Firstly, the Bactrians used different mechanisms to seek security for their life, honour, or property. If people felt they had been treated unjustly, they directly or indirectly approached the authorities to demand justice and protection. Secondly, in the practice of daily life, protection was obtained through a set of standard administrative procedures. In other words, there were mechanisms for obtaining protection. A petitioner who was faced with threats and required protection appealed to a local authority like the steward and explained the issue orally

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or in written form, then the local authority would deal with the case. However, if he could not decide or lacked power to interfere, then he would report the case to a higher-ranking official. Sometimes, the petitioners directly appealed to the ruler, even if this meant they had to make a long journey. In both cases, all petitions and the answers to them went through an administrative procedure. This means the authorities would see the hostile parties, listen to them and issued decrees after hearing the complaints.

The standard administrative process in which one could present his petition to the authorities and expect answers to his appeals was not confined to Bactria. We find similar systems and procedures in other parts of the Iranian world. For instance, Maria Macuch has shown that a similar process existed in the Sasanian legal system, particularly visible in the Middle Persian documents from Tabarestan.[38] However, unlike the Sasanian legal system in which the Zoroastrian priests had authority and judged the cases, and there was *ǰādag-gōw* or advocate of the parties in the court of law,[39] the Bactrian legal system was totally part of the administration system and there was no advocate for petitioners and the priests had no authority to judge a legal case. The judges in Bactria were always the rulers or other high authorities.[40] The differences between the two system clearly show the diversity in legal systems within the late antique Iranian world.

Except for the protection letter given to Mir by the Turkic king Kera-tonga, other letters suggest that when a person presented his appeal and the officials made their judgement, the letter of judgment was not given to the petitioner, but sent to the relevant administrators in the region where the petitioner came from. This could indicate that the authorities would not trust individuals with these official letters but likely this was just part of the administrative procedure. In all cases a copy of the document remained in the office's archive or was recorded in official registers kept in the office.[41] This form of administration system may not have been unique to Bactria, and was possibly practised in other parts of the Iranian world. However, this meticulous administrative system clearly show that the hand of the local government even reached the smallest villages in Bactria.

38. Macuch, 2009, pp. 181–196; 2016, pp. 145–169; Weber, 2019, pp. 91–150.
39. Shaki, 1988, p. 261; Perikhanian, 1980, p. 356.
40. Huseini, 2021b.
41. This issue has been confirmed by Sims-Williams during my presentation on the Idea and Practice of Justice represented in Bactrian documents that I presented in the 9th European Conference on Iranian Studies (ECIS) at Freie University in Berlin on 10, March 2019.

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