

Marriage and Family Relations in Sogdian Society

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Abstract: The article examines the issue of marriage relations in early medieval Sogd based on the analysis of two digital documents from the archives of Mount Mug (Nov 3 and Nov 4). The author examines the historical, religious and social foundations of marriage in ancient Zoroastrian society and analyses the content of documents with an emphasis on family and marital relations.

Keywords: Early medieval Sogd, marriage relations, Mount Mug archive, Zoroastrianism, Avesta, family, monogamy.

I. INTRODUCTION

An important basis in the process of studying the family and its characteristics in early medieval Sogd is the issue of marital relations. Today, a well-known source about marriage relations in Sogd are the digital documents Nov 3. (marriage certificate in Sogd) and Nov 4. (obligations of the groom to the bride) found in the archives of Mount Mug. The documents directly reflect marriage relations in early medieval Sogd. This document was published several times by V.A. Livshits after its discovery in 1932 [1]. The Uzbek version of the document was also published by sudologist M. Iskhakov [2], and the English version by I. Gershevich [3]. A. Otakhodzhaev (about Turkish-Sogdian relations), G'. Boboyorov (about the parable of titles during the administration of the Turkic Khanate), I. Yakubovich (etymological analysis of the document), P. Lure (analysis of toponyms in the document), Sh., E. Sattorov (researched in the field of social and everyday relations) and dozens of other specialists, who studied the history of Sogd, referred to this document and interpreted its contents as part of their research.

With special recognition of the above-mentioned scientific studies, it can be said that, based on the content and objectives of this study, this work plans to analyse the digital documents Nov 3. (Sogd Marriage Certificate) and Nov 4. within the framework of marital relations in society.

II. LITERATURE REVIEW

Before talking about the problem of marriage relations in Sogd, it is appropriate to provide information about their historical foundations. In the book "Vendidod" "Avesta", IV-fragard, paragraphs 126-130, it is said that in society people of the opposite sex can marry. In the book "Yasht", XI-Fragard, 10-13, celibacy was considered a sin and evil. Zoroastrianism prohibits divorce. Promoted marital fidelity. He cursed debauchery and the lifestyle of adulterous wives [4;229].

The spread of the Zoroastrian religion throughout Central Asia in the 8th-7th centuries BC, its book "Avesta" was written down and published in a special alphabet - this can be considered as a bold entry of ancient writing and reading into the life of Zoroastrians. "Avesta" entered the lives of ancestors with high ideals for its time, such as active creativity, mental and physical purity,

sincere and stable faith, the fight against all forms of evil, caring for the family, love for the Motherland and a call to increase its wealth. These values have persisted and transformed over the centuries, even as religious views have changed. These values, with their superiority over the concepts of nation, people, people, nation, are an important factor organizing the peoples of the region and are the basis of this community and, in turn, interethnic harmony [5;73].

According to the Vendidad, a marriage contract was required to enter into a marriage relationship (IV, 126, 127, 129). The marriageable age is established by the Avesta (Vendidad, XIV, 64-67). It is at this age that boys and girls who have reached puberty become acquainted with religion, that is, they pass the test. The kusma belt was considered a symbol of adulthood and conversion, and was tied around the waist of those who had passed confirmation, that is, the test. Also in Avesta, parents must take care that girls get married and build a good family. The marriage took into account the wishes of both parties and was approved by the parents and guardians. In "Vendidad" parents give dowries to their daughters and wedding ceremonies are performed. In Avestan society, the family was monogamous. It is also important that the Avesta sufficiently defines the responsibilities of parents in raising children. Avesta strictly protects the rights of born and unborn children and prohibits abortion, forced premature birth. In Avestan society, the position of women was regulated, righteous, pure, hardworking women were revered, and "hymns" ("songs") were sung in their honour [6;220].

The basis for marriage relations in Sasanian society was taken from the information about marriage relations given in the book "Avesta". According to experts, marriage among the Sassanians and its features are similar to the legal issues in the book "Avesta" [7].

The Mug archive is devoted to the issue of direct marital relations - Nov. 3 and Nov. 4. It is important to define the essence of the subject, and it gives an idea of marriage, family relationships and related traditions in early medieval Sogdian society. These documents represent rare examples of social and everyday culture not only of Uzbekistan, but also of the peoples of Central Asia in the early Middle Ages. In particular, the analysis of both documents provided information about the various characteristics of the family in Sogd - property, social, legal aspects and clearly reflected the conditions of existence of the Ikaal party. It should be recognized that document analysis is also important when studying the institution of family in modern society.

Documents Nov.3 and Nov.4 represent a marriage contract between the Turk Uttegin (nicknamed Nidon, son of the Navekat ruler Sher Vagzanak) and Dugudgunchi (nicknamed Chata, daughter of Viyus) from Sogdian [2;37]. This document, which provides information about mixed marriages, which are an important basis of the Turkish-Sogdian symbiosis, indicates the existence of polygamy in Sogd, as noted above [9;148]. If we take into account that polygamy in most cases was among the nobility, then it is clear that this marriage contract was concluded among the nobility. Also, the oath to the god Mithras to fulfil the terms of the contract indicates the continuation of the documentary traditions of the Aramaic period [1;3]. One of the important aspects of the case is that both documents are logically related to each other and it is noted that they are drawn up in duplicate. Nov.3 and Nov.4 are considered the only official documents from the period of the Tarhuna kingdom in the Mug archive [11;18].

Marriage certificate Sogda – Nov. 3 was translated by the scholar M. Ishakov as follows: - "This is the 10th year of the Tarhun kingdom [9;144]. Heavenly day of the month Masvugich. Cher Vagzanak, the ruler of Uttegin Navekat, nicknamed Nidon, took a woman as his wife under the protection of his son. The wife's name is Dugduncha, and her nickname is Chata - daughter of Viyus. Sher himself gave (this woman) under his protection under this condition according to Aqid. Let the king keep Uttegin and Chata as his favourite wives, providing them with food, clothing and ornaments with respect and honour, with love and love in his home - just as a noble (lineage) man accepts a noble (lineage) woman as his wife. Also, let him protect Chata and Uttegin as a beloved husband with honour and respect, let him take care of his happiness, let his (Uttegin's) order be observed by his wife as her law, so that a noble woman takes a noble man as

her husband. In the future, if Uttegin, without Chata's permission, takes another wife, or takes a servant or (another) similar woman, and this case is unpleasant to Chata, then Uttegin, the husband, will give Chata 30 drachmas of a dinar, kept clean. (silver) [2;38]. After this, he must release such a woman (Chata) either as a wife or as a slave [14]. If in the future Uttegin decides not to take Chata as his wife, then let her let her go (but give her) food, and send her away unconditionally with the things they received (during their life together) and a reward. Then he will not bear (anything) responsibility to Chata and will not pay. And after that he can marry the woman he likes [9;149]. If Chata decides not to be Uttegin's wife in the future, then let her leave the marriage. In this case, let him leave some clothes for Uttegin. (At night) let him throw away the jewellery (and other) things that he took from Uttegin. Let Chata take the property that belongs to him and that he has acquired during his life together [2;39]. And let him not be responsible for anything else, let him not pay. After this, Chata can marry any man she wants. If Uttegin commits a crime (after a conviction), he must be held accountable for it and receive compensation. If Uttegin is enslaved by someone, becomes a debt slave, is taken prisoner, becomes property under someone's protection, then Chata must be freed without any obligations along with his offspring. If Chata commits a crime, let him answer for it and let him pay for the damage. If he becomes someone's slave, becomes a debt slave, becomes a captive, falls under the protection of someone's property, in this case Uttegin should be freed without any obligations along with his descendants. Thus, one is not responsible for the other's crime and does not pay compensation. This marriage contract was concluded in the house of laws, in the presence of its head, Wahgokon, son of Varhuman. The witnesses here were Skatch the son of Sisic, the son of Chahren Romic, the son of Shava Mahak. Marriage agreement of Uttegin and Chata" [17].

The first publisher V.A. Livshits shared aspects related to the mutual obligations of the parties specified in the marriage contract, based on their content [18]. They are: 1). Date, entry formula and conditions of cohabitation of the parties (Nov. 3. V. 1-8) [9;145]; 2). Conditions of cohabitation: duties of the husband (Nov. 3. V. 8-12); 3). Conditions of cohabitation: duties of a wife (Nov. 3. V. 12-16); 4). Responsibility of the husband to his wife for violation of the conditions of cohabitation (Nov. 3. V. 16-22); 5). Divorce on the initiative of the husband and in this case the property security of the wife and the right of the husband to marry another woman (Nov. 3. V. 22, vol. 2); 6). Divorce on the initiative of the wife and her property security in this case, as well as the right to remarry (Nov. 3. V. 2-9); 7). After the dissolution of the marriage, the wife and her children are freed from the crime committed by the husband and his enslavement (Nov. 3. V. 9-13); 8). After the dissolution of the marriage, the husband and his children are released from other liability for a crime committed by the wife, or slavery (Nov. 3. V. 13-16); 9). After the dissolution of the marriage, one of the parties is released from responsibility for the fate of the other (Nov. 3. V. 16-17); 10). Place of conclusion of the contract, persons responsible for concluding the contract, witnesses and scribe (Nov. 3. V. 17-21) [1;25].

III. METHODOLOGY & EMPIRICAL ANALYSIS

From the text of the digital document it is known that this document is the legal basis for premarital family relations of both parties, and it is noticeable that this document is more favourable for the woman. Analysis of the document shows that it is similar to a document on marriage relations in Iran dating back to the Sasanian period. Marriages between the two regions are similar, and the differences are noticeable due to the influence of certain property, social and ideological views in the society. The document also covers legal issues of the early Middle Ages. For example, in the document "Cher himself gave (this woman) under his protection under this condition according to the doctrine. Let the king keep Uttegin and Chata as his beloved wives with respect and honour, providing them with food, clothing and jewellery, with honour and love in his home [11;74] - so that a noble (bloodline) man can marry a noble (bloodline) woman, like he has" - an indication that a woman in an official marriage retains certain rights [9;146]. In addition, a legal, "full-fledged" free wife was considered a legally responsible person on an equal basis with her husband. A husband could only marry with the consent of his "full-fledged"

wife. At the same time, the husband, the head of the family was considered a full-fledged ruler over members of the family and clan, and had the right to sell his “full-fledged” wife and children into slavery [2;40].

The second part of the document Nov. 4. - it is appropriate to analyse the groom's obligations to the bride and her relatives. Sogdolog M. Ishakov, who translated the document into Uzbek, translated it as follows: - “This is the 20th year of the Tarhun kingdom. Osmonruch is a day in the month of Masvugich. From the son of Uttegin Kyishik, nicknamed Nidon, to the son of Sher Vagzanak, the ruler of Navekat and his (Cher) sons and relatives, I, sir, took as my wife the daughter of Dugdgunchani Viyus, nicknamed Chata. Then to you, Sher, I offer and promise: from this day Chata will be my wife, and before you, sir, and in the presence of the god Mithra, I undertake the following: I will not sell her (Chata), nor give her into slavery for a debt, (I will not allow) to become my property under someone's protection. And if someone takes it away from me directly or superficially, or begins to abuse it, then I will immediately let him go without any loss. However, if Chata does not want to stay with me or if I myself let him go, I will deliver him to you, your sons and your offspring safe and sound. If I do not deliver it safe and sound, then I will owe you 100 dinar drachmas, from proven silver, well-preserved (pure quality) money, I will repay (the debt) and pay you. If I do not pay you this money, I will leave it on loan at the rate of 2 drachmas for 10 drachmas. Uttegin appointed his son Nipak Wurtz, nicknamed Nivudak, as defendant for this condition and 100 drachmas to Cherin himself and his sons with their sons and descendants [2; 41]. Let Sher and her seed demand from the person they want (Uttegin or Nipak) to give birth to this woman without any loss, money along with her penis. And this name applies equally to all people - residents of this house and guests of the house. Moreover, the document was drawn up in the “House of Laws” in the presence of its head Vahgokon, the son of Varhuman. The witnesses here were Skach, son of Sisic, son of Cakushak Nanich, son of Chahren Romic. It was written by Romtisha's son Vgashfarn on the orders of Uttegin. That's all. Copy (made for) Chats” [17;25].

The groom's obligations to the bride and her relatives are typologically identified in 10 points [9;147]: 1) description and date of the parties (Nov. 4. V. 1-7); 2). Official duties of the husband (Nov. 4. V. 7-10); 3). Introduction to land obligations (Nov. 4. V. 10-11); 4). The duties of the husband: a) the obligation not to sell his wife into slavery or limit her freedom in any other way (Nov. 4. V. 11-12), b) the obligation not to humiliate his wife or, in this case, not to return her to her guardian (Nov. 4. V. 12-15), v) return the wife to the guardian after the divorce of husband and wife (regardless of who initiated it) (Nov. 4. V. 15-19); 5). If the husband does not fulfil point “c”, he is responsible to the guardian (Nov. 4. V. 19-T. 1); 6). Confirmation of the husband's responsibility to the guardian (Nov. 4. V. 1-5); 7). The right of the guardian to collect the specified fee from the land (Nov. 4. V. 5-9); 8). Supervision of the responsibility of the groom to the guardian lies with the whole people (Nov. 4. V. 9-10); 9) [1;26].

From the analysis of the document it is known that this marriage contract was drawn up in 2 copies. The second copy of the contract was written for the bride in the sentence “copy (prepared for) Chats.” The marriage contract in the Mug archive differs in structure from the Sasanian marriage contracts. An example of this is the fulfilment of the bride's obligations to the groom in Sassanian marriage contracts [4;28]. In particular, the issue of the fate of children after the divorce of husband and wife is considered in great detail in the system of “Sasanian law” [19;11].

But the conditions of the groom in front of the bride are considered significant, since they are covered in detail in the Moog archive. In particular, on Nov. 4. Analysing the digital document, he notes the following main issues: “...if Chata (bride) does not want to stay with me, or I myself let her go, I will hand her over to you and your sons and your family safe and sound. If I do not hand it over without loss, then I will owe you 100 dinar drachmas of silver, verified negotiable, good (clean, good quality) money, I will repay (the debt) and pay you. If I do not pay you this money, I will leave it on credit at an interest rate of 2 dirhams for 10 dirhams (20%). Uttakin

(groom) with his sons and the Sher family (godfather of the bride) appointed the son of Nivudak-Nipak Wurtz, nicknamed Nivudak Wurtz, and 100 dirhams to himself and his sons responsible for these conditions (that is, if Uttegin does not fulfill the conditions, the son of Nivudak-Nipak Wurtz will answer to Sher and his sons, Uttegin forces them to fulfil the conditions) [13;30]. "Let Cher and her clan demand that whoever they want deliver this woman without any loss or damage, with a premium of their money". And this name applies equally to all people, residents of this house and guests of the house" [13;12].

Another question is that the bride and groom are representatives of the Sogdian and Turkic ethnic groups specified in the marriage contract. This situation also indicates the presence of mixed marriages in early medieval Sogd. In addition, marriage relations among the Turks were similar to those of judges. Therefore, we can say that family and marriage legislation complement each other and form a single set of legal sources and the legal system of a given period. In support of this idea, we can cite the following information from Chinese sources about Kan (Samarkand is presented in the same form in the chronicles): "Their (the inhabitants of Kan) family, marriage and funeral rites did not differ from those of the Turks" [12;2]. Turkic and Sogdian mixed marriages occurred not only among the common people, but also at the level of major nobles or rulers. According to Sogdolog B. Goyibov, relying on Chinese chronicles, at the end of the 6th - beginning of the 7th centuries, the kagans who were on the throne of the Turkish Kaganate tried to establish close ties with the rulers of the khan (Samarkand). For example, Tardu Kagan (576-603) married his daughter named Shifubi, and Tun Yabgu Kagan (618-630) married the ruler of Samarkand named Kumuchji [12;3]. This situation shows that even before the Arab invasion, the Turks and Sogdians were close and united in legislation and customs.

IV. RESULTS

Sogdolog Sh. Shoyakubov, referring to O. Mansurov, the participants in the traditional Muslim form of a marriage contract are usually witnesses, a person as a representative of the girl's father, a person as a representative of the boy's father for the girl, a representative who will testify to the properties that the boy will endow with the girl, and religious persons committing wedding ceremony, participate. In this case, the girl's surrogate father is considered responsible for the marriage contract and her future status on the part of the girl. The groom's representative is responsible for the property and other provisions provided by the groom [3;4].

According to O'Mansurov, the conclusion of V.A. Livshits about the idea established by the transmitter at the time of Dugdgunchi's marriage to Uttegina is incorrect. That is, it is shown that the bride, before touching Uttegin, was either a concubine or successor of Sher, the ruler of the city of Navekat. This means that it is the same as when a person in the status of an ex-husband marries his wife or concubine. Taking into account the fact that such a situation is not observed in our socio-historical traditions, the scientist gives the following explanation for this paragraph of the document: that is, in the editions of the document, Sher is shown at the same time as a patroness who passes on to Dugdgunchu and her husband. Dugdguncha is explained as if her patron and husband Sher marries Uttegin [3;5].

Sh. Shoyakubov, who continued these thoughts, cited that in the epic "Vesantara Jataka" about the birth of the Sogdian Buddha, the great hero in the form of an old man, having asked for alms from Sudashana's wife, is convinced that his generosity is unlimited and leaves the woman Sudashana on bail: "I will leave this woman in your presence and under your protection," he says. In another Sogdian Buddhist text there is the word "Zinikh", "praise", which means a traitor of trust, a devourer of trust. Therefore, Zinbaranch concluded that it is difficult to say that the "protected woman" was Cher's wife [2;45].

Comparing documents allows you to come to important conclusions. Indeed, "Sher is a surrogate father appointed in this place by Chata's father Vius." The fact that Cher in the marriage contract is both the ex-bride and the husband's party does not correspond to historical truth. However, the marriage contract specifies witnesses on both sides. Therefore, an important aspect of the

document is the meeting of several of its components in a Muslim marriage. That is, the traditions of this Sogdian document are clearly reflected in marriages performed on the basis of Muslim rules [39]. Consent of both spouses to enter into marriage; registration of the marriage contract being concluded in an authorized structure; participation of witnesses on both sides in the conclusion of the marriage contract and its recording; the issue of the groom taking care of his wife and providing for her financially; so that the bride respects and obeys her future husband; Apart from witnesses, a number of issues, such as the bride and groom having their own guardians, are traditions of modern Muslim marriages and point to the transformation of traditions in our ancient culture.

The prenuptial agreement also addresses issues of slavery and social dependence. In the document numbered Nov.4, which reflects the obligations of the groom to the bride, Uttegin promises his future wife Chata, as the legal guardian, not to enslave her. This is stated in the document - "I will not sell (Chata), I will not give her into slavery for a debt, I will not allow her to become my property under someone else's protection" [4]. These cases also mean that both parties enter into the marriage with a full understanding of the socio-legal aspects of the issue.

According to lawyer Z. Mukimov, this marriage contract is a form of marriage under guardianship. Because if Uttegin annuls the marriage, he must safely hand over Chata to Sher, who is her guardian. Another important point of this marriage contract is that on its basis the husband and wife are considered equal legally responsible persons in the family law of Sogd. Also, Sogdian judicial notarial documents of the 6th-8th centuries show the development of law in Sogd, which was part of the Turkish Khanate. In the 7th century, there were special judicial notarial bodies; legal documents were drawn up in writing in front of witnesses and certified by a seal [1]. Also, marriage in Sogd is concluded as a document of civil status, in the form of an agreement, by a special organization of the state - at the place of execution of legal acts, here family and marriage rights [4;61].

According to the scientist, the "full marriage" that existed in Sogd is the same as the "Sine Manu" marriage in Roman law (a form of marriage in Ancient Rome in which the man dominated, in some cases specific goals, and the woman remained under the authority of her previous master [3], perhaps this form of marriage was adopted from the countries of the time: Rome or Sasanian Iran [5] and adapted to local conditions, and later mixed with Muslim marriage rights from. Arabs and came to its present form.

V. CONCLUSIONS

Another important feature of the marriage contract is that the document does not mention the religion and nationality of the couple getting married, which was a sign of tolerance characteristic of Sogdian society. The marriage of Uttegin and Dugdunchi is a manifestation of ancient Sogdian relations, and neither ethnicity nor religion were an obstacle to this marriage [5]. This is proof that the spirit of interreligious understanding and recognition prevails in Sogdian society.

So, the analysis of the marriage contract shows that in early medieval Sogd court service was established at a high level, marriage was considered as a special value in society, the place of marriage in property relations, the relationship between husband and wife, not only the husband, but also his relatives are responsible and accountable when building a family, that the marriage is concluded in the presence of witnesses, the document is executed in the presence of an authorized organization and, finally, during registration. Civil status documents in Sogd are legally formalized at a high level and reflect important aspects of Sogdian relations.

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