

Living happily ever after: fraternal polyandry, taxes and “the house” in early Islamic Bactria

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Abstract

This paper is a first attempt at understanding the impact of Islam on families in eighth-century rural Ṭukhāristan (modern-day northern Afghanistan), at the periphery of the late Umayyad and early ‘Abbāsīd caliphate. Tukhāristan lay in the ancient region of Bactria, which became the land and city of Balkh after the Islamic conquests of the early seven hundreds AD. My analysis is based on a fascinating corpus of legal documents and letters, written in Bactrian and Arabic in the fourth to eighth centuries AD, which were discovered, edited and translated relatively recently. Scholars of Central Asia have tended to discuss the region’s early Islamic history within a politico-military framework based on chronicles and prosopographies written in Arabic and/or adapted into Persian centuries after the Muslim conquests. Such narrative sources describe an ideal state defined by genres of Islamic historiography, and come with the usual menu of distortions, simplifications and exoticisms. The documents under review, on the other hand, were written to serve immediate and practical uses; the evidence they offer is devoid of rhetoric, recording aspects of life and social groupings to which we would otherwise have no access. This paper argues that during the transition to Islamic rule (c. AD 700–771), Bactrian and Islamic administrative systems co-existed, and significantly affected family life and marriage traditions. Specifically, it is suggested that the early ‘Abbāsīd tax system eclipsed the age-old practice of fraternal polyandry here: more by default than by design.

Keywords: Afghanistan, Islam, Bactria, Documents, Marriage, Taxes, Conversion, Polyandry, Law

I. Introduction¹

Historians of early Islamic Central Asia are greatly indebted to the untiring travails of pioneering scholars such as V.V. Barthold, C.E. Bosworth, R.N. Frye

1 The author would like to thank the participants of the Khalili Research Centre Graduate Seminar, “New perspectives on Umayyad history and visual culture” (5 March 2012), the “Colloquium on Arabs, *Mawlās* and *dhimmīs*: scribal practices and the social construction of knowledge in late antiquity and medieval Islam” at the Warburg Institute in London (12 December 2013), and at the Middle East Studies Association conference in Washington, DC (23 November 2014) for their valuable feedback to a series of papers that formed the progenitors of this article. For sharing their valuable expertise on the Tibeto-Himalayan experience with fraternal polyandry and on Buddhist scripture

and M.A. Shaban.² Most of the discourse shaped by them has focused on military campaigns, dynastic histories and conversion narratives. Attempts at writing a social history, on the other hand, are still slight. Elton Daniel's *The Political and Social History of Khurasan under Abbasid Rule, 747–820* presents a notable exception, describing a number of social movements in early Islamic Khurāsān based on a wide spectrum of Arabic and Persian narrative texts, including local histories.³

In recent decades, the discovery of a series of legal and administrative documents from a previously understudied part of northern Afghanistan in a region known historically as Ṭukhāristān has provided fertile ground for translations, editions and philological debates. The corpus consists of 195 documents and fragments drafted between the fourth and eighth centuries AD in various cities of Ṭukhāristān, notably Rōb, which lies between Balkh and Bāmiyān.⁴ Thanks to the efforts of Nicholas Sims-Williams and Geoffrey Khan, we now have English translations of what are commonly referred to as “the Bactrian documents”. One set is written in the Bactrian language – an Iranian language using a cursive Greek script⁵ – and another in

respectively, thanks are due to Charles Ramble and Ulrike Roesler; and for clarifying some of the translations from Bactrian into English I thank Nicholas Sims-Williams.

- 2 Barthold (1928 [1968]); Gibb (1923 [1970]); many single-authored, edited and co-edited works by C.E. Bosworth, more recently in Asimov and Bosworth 1998; Frye 1984; Shaban 1971.
- 3 Daniel 1979.
- 4 The region of Bactria, with its capital at Bactra (both Bactria and Bactra are Persianized as “Balkh”), near modern-day Mazār-i Sharīf, reached its largest extent when it came under Kushan rule in the first century AD. Kushan Bactria included parts of modern-day Afghanistan, Tajikistan and Uzbekistan, as well as lands south of the Hindukush and northern India (modern-day Pakistan and the Northwest Frontier). Part of the Kushan realm was conquered by the Sasanians after King Ardāshīr I (r. c. AD 220–40), but the Kushans continued to rule independently within their reduced domain. Other nomadic groups from the north, first the Chionites and Kidarites, and then the Hephthalites, ruled over Bactria in the fourth and fifth centuries AD. The Sasanians under Khusraw I (r. AD 531–79), in an alliance with the Turks, challenged Hephthalite rule, and replaced it in some parts of the Bactrian domains until the arrival of the Muslims a century later. See Ghirshman 1948; Göbl 1967; Chavannes [1942]; Christensen 1936 [1944]; Sims-Williams 1997a: 5–6; De la Vaissière 2003; Grenet et al. 2007.
- 5 The Bactrian script is essentially Greek, with the addition of one letter to denote the Bactrian “sh” sound. Until 1990, the corpus of Bactrian documents was limited to a single monumental inscription from Surkh Kotal on a Kushān dynastic sanctuary in northern Afghanistan, discovered in 1957, as well as short legends on coins and seals. Almost all other texts were illegible or incomprehensible. In 1993, the Rabatak inscription from northern Afghanistan was deciphered. It tells us that Kanishka I (r. 127–51 AD) replaced Greek by this “Aryan language” (i.e. Bactrian) as the administrative language of the realm. Bactrian is now understood as the native language of the local Bactrian population that survived Achaemenid, Greek and Kushan rule. The Bactrian language can be connected to the Iranian languages of eastern Turkestan, as can be gleaned from the Bactrian names. One of the tribes of the region constituted the Tokhar of central Bactria. (Modern scholars debate whether it is right to call the “Tokharian A” and “Tokharian B” languages in northern Xinjiang, “Tokharian” and attribute them to these people.) [The Rabatak inscription also points to the religious syncretism that existed at the time, by referring to a set of local gods (Nana, Omma, Farrah), then Ahura Mazda and other

Arabic.⁶ These texts provide fresh data that can be brought into the historical discourse on the development of Central Asian zones from late antiquity to the rise and consolidation of Islam. Some historians have already started to do so. Patricia Crone, Étienne de la Vaissière and Khodadad Rezakhani have considered selected documents in order to answer questions on religious conversion, nationality (of the Hephthalites), and economic history, respectively.

A historical study based on the full corpus of Bactrian documents is still outstanding. Used thus, the Bactrian documents can fill a number of lacunae in the secondary sources. First, they enable us to understand early Islamic Central Asia at the local level and from a home-grown perspective, thus adding to existing knowledge based on the long and medium-distance perspectives of caliphal agents working at central command points in Baghdad and the provincial capitals of Umayyad and early ‘Abbāsīd Khurāsān (Merv and Balkh). The documents reveal rural Ṭukhārians’ everyday concerns and events, and how caliphal actions may or may not have impacted upon their lives. The impact could have been felt in a number of arenas, notably the politico-administrative, socio-economic and cultural. This paper will focus on the latter two, and a particular emphasis will be placed on the changes in Bactrian religious and marriage practices brought about by the consolidation of caliphal rule in this part of Ṭukhāristān.

A second gap in the secondary literature concerns the minor settlements in Central Asia. While larger urban centres, such as Balkh, Merv and Bukhara, have been studied to a certain extent, it is the “places in between” that are hardly understood.⁷ It remains to be determined whether these lesser settlements were food-producing satellites for the major population centres or if they interacted as autonomous networks. Balkh, in particular, which is the closest major city of the caliphate, may provide a reference for this study, but as will be seen, it should not be taken as a template in a region in which considerable social variation existed. The Balkh metropolis, a major Umayyad and early ‘Abbāsīd city in the region, was still more than 130 kilometres from Rōb. Balkh is, in fact, mentioned once in the Bactrian documents, and then only tangentially in an undated document as a place from which linen shirts were delivered.⁸ This already suggests the limited influence Balkh may have had on social and economic life in this part of Ṭukhāristān.

Zoroastrian gods, and the Indian counterparts of the latter.] “Late Bactrian” texts discovered in the early twentieth century in the German Turfan Expedition in Xinjiang, are now understood to be written in the Bactrian cursive script. The largest corpus of cursive Bactrian documents forms the basis of discussion in this article. Sims-Williams 1997a; 1997b: 3–15.

- 6 Sims-Williams 2000, rev. ed. 2012; Sims-Williams 2007; Khan 2006. All the Bactrian documents in Arabic and Bactrian referenced in this article can be found in the pages of these volumes (in the original language and English translation).
- 7 For example, on Balkh: Frye 1960; Bosworth 1989; Farīdānī 1997; and Azad 2013; on Merv: Herrmann 1999; on Bukhara: Narshakhī/Frye 1954; Narshakhī 1351/1972–73; Naymark 1985; Treadwell 1991; Petruccioli 1999; Naymark 2003.
- 8 Document BT II cd is a letter from a certain Siyar Kasan to a local ruler about the order of linen shirts. (Sims-Williams 2007: 74.)

The documents: provenance, geography, dating and type

Scholars did not find the Bactrian documents *in situ*, and so their more precise provenance must be deduced from internal evidence.⁹ The total number of documents includes 163 Bactrian-language and 32 Arabic documents. Most of this study will focus on the legal documents written on parchment. Forty-seven of the dated documents belong to the early Islamic period, and of this group, 32 are written in Arabic while 15 are drafted in Bactrian.¹⁰ The 15 Bactrian-language documents cover 140 years of the existence of the Islamic caliphate (only towards the end of the period is there evidence that the Muslims had taken control in this area), while the Arabic documents pertain to the last 22 years of this period, which corresponds to the early decades of 'Abbāsīd rule. The corpus is thus of a bilingual nature, containing a subset of documents that date to the same years and refer to the same persons. Therein lies an important story of co-existence and dual administration to which I shall return shortly.

The documents are rare not only for Bactrian history, but for the entire medieval Islamic world. Egyptian papyri and documents from al-Andalus, Sicily and Fārs, as well as the Geniza documents from Fatimid Egypt, provide important comparanda for the administrative protocols and documentary practices, as well as the palaeography of the Arabic Bactrian legal documents.¹¹ Geoffrey Khan, having edited two sets of eighth-century documents from distant ends of the caliphate (Egyptian papyri and Bactrian Arabic parchment-based documents), has pointed out the astounding levels of coherence across the two sets, indicative of a high degree of central control from Nile to Oxus during the reign of the second 'Abbāsīd caliph al-Manṣūr (r. 136–158 H/AD 754–775). Khan rightly points out that from the Bactrian corpus it would appear that the 'Abbāsīd administrative reach did not extend much beyond taxation.¹² While the assumption here is that taxes are purely fiscal in nature, their socio-economic impact should not be underestimated and lies at the core of this study.

It is not hard to find evidence of provenance embedded within the text of the documents. A number of particular places are mentioned and most are identifiable on a map of northern Afghanistan today, including Rōb (Ar. Ru'b, modern-day

9 The provenance of the Bactrian documents is not without controversy. They appear to have transited from northern Afghanistan to Pakistan and into the international antiquities market during the 1990s. They eventually fell into the possession of British, Japanese, American and Pakistani private collectors.

10 The Arabic legal documents of the early Islamic period are: Ar. 1–32, dated 138–160 H/AD 755–777. The Bactrian legal documents of the early Islamic period are: BT I Nn, O, P, Q, R, S, Ss, T, Tt, U, Uu, V, W, X, Y; dated 436–549 EBD/659–771/2 AD. The remaining 146 Bactrian-language documents are dated earlier, undated or uncertainly dated, and include fragments of legal documents, fragments of unknown character, lists and accounts, letters, and woodslips (Sims-Williams 2012; Sims-Williams 2007).

11 Manzano Moreno 2007: xviii; Weber 2008; Goitein 1967–93. Another important set consists of 74 documents from the archive of the Castle of Abjar at Mount Mugh in modern-day Tajikistan. Only one is written in Arabic; the others are in Sogdian, Turkish runic script, and Chinese. The castle of Abjar is mentioned by al-Ṭabarī as the last refuge of Dēwāshitch, the ruler of Panjikent (Al-Ṭabarī II 1879–1901, 1441); also Semenov 2002.

12 Khan 2006 [c2007]: 19; and 2007.

Rūy-i Duāb¹³), Samangān (Ar. Siminjān), Bāmiyān and a certain Kadagstān (see map, Figure 1). A significant number of the documents seem to belong to a family archive from Rōb. Rōb, Samangān and Bāmiyān, which are central to the Bactrian documents, are mentioned by Ibn Khurradābih (d. c. 300/911) and al-Ṭabarī (d. 310/923) as pertaining to “Ṭukhāristān district”, which they position, in turn, in the eastern part of Khurāsān province. Ṭukhāristān is divided into a western part, centred in ancient Balkh and including Bāmiyān; and an eastern segment aligned along towns such as Tālaqān, Andarāb and Walwālīj. Ṭukhāristān comprised the modern Afghan provinces of Fāryāb, Jūzjān, Balkh, Samangān, Qunduz, Ṭakhār and Badakhshān. Chinese historians and visitors, such as Xuanzang (c. AD 633) also travelled to, and described, T’u-hu-lo (cognate with the Hellenistic Greek “Tokharoi”, i.e. the people of Ṭukhāristān).¹⁴

An important debate is ongoing around the dating of the Bactrian documents. At issue is the exact start date of the Bactrian calendar. Nicholas Sims-Williams initially revised Helmut Humbach’s start date of 232 to 233 AD.¹⁵ He has since revised the era of the Bactrian documents (EBD) to Nawrūz/October 223 AD in the reworked edition of the *Bactrian Documents*, following the argumentation of François de Blois. It is this dating that I will use for reasons of simplicity and because the variance with credible alternative interpretations is minimal enough not to have a major impact on the socio-economic analysis that I attempt.¹⁶ The Arabic documents all use *hijrī* dates only.¹⁷

- 13 Nicholas Sims-Williams, personal communication, 2013. It is the name of a modern district in Afghanistan’s Samangān province. N 35.5 E 67.7, extending over 30 km in diameter. See Emergency Response Mechanism 2013: 1: Floods Assessment Report 10/6/13.
- 14 Ibn Khurradābih gave the borders (*thughūr*) of Ṭukhāristān as Zābulistān of Sistān, and Kābūl, and mentions that the places of Ṭukhāristān included Zamm, Fāryāb, Jūzjān, Khuṭṭalān, Balkh, Khulm, Qabrūghash, Tirmidh, Rōb and Siminjān, Rīwshārān, Bāmiyān, Barmukhān, Jūmrayn, al-Banjār, Wakhān, Chaghāniyān, Wāshjird and Kābūl. (Ibn Khurradābih 1889: 24–28, 34–9; Barthold-[Bosworth] 2000: 600; al-Ṭabarī II 1879–1901: 1219 [year 91/710]; Ibn Khurradābih 1889: 25, 34; also *Hudūd al-‘ālam* 1937 [1970]: 63, 108–9, 338; Enoki 1959: 5).
- 15 Humbach (2002: 415) accepted this revision in his review of Sims-Williams’s first edition of the Bactrian documents.
- 16 François de Blois argues for the 223 AD start date based on his analysis of the internal evidence in the documents, and the fact that it coincides with the accession year of the Sasanian king Ardāshīr I (r. 224–42). Months and days are either Bactrian, e.g. “month of Sabul” (BT I O), “month of Ab, day of Wahman” (BT I P), “the month Second New-year, the day Din” (BT I Q dated 449 EBD), or Zoroastrian-influenced month names which appear from 247 EBD onwards (BT I F dated 247 EBD mentions the month of Ardibehesht). While the debate rages, it is important to note that the other suggested start dates are only ten and four years later. Humbach suggested a start date of the Bactrian era in 232 AD based on his study of the inscription set at Tochi, Pakistan (with two Arabic inscriptions using *hijrī* dates, two in Sanskrit citing the Laukika era, and three in Bactrian). In a more recent study, Nikolaus Schindel suggests that the Bactrian era began with Kanishka I (a date that is still controversial in itself), suggesting a start date of 227 AD. Only Rezakhani argues for a much later start date, based on his suggestion that the Sasanian month names could only have entered the Bactrian calendrical system after the Sasanian campaigns in Bactria, i.e. from 356 AD onwards. (De Blois 2006 [2007]: 991–7; Humbach 2002: 415; Schindel 2011; Rezakhani 2010: 194–5).
- 17 *Hijrī* dates are rendered in this article according to the typical convention of giving the *hijrī* year marked by an “H”, followed by the concurring date in the Gregorian calendar, e.g. 1 H/622 AD corresponds with *hijrī* year 1, which was AD 622.

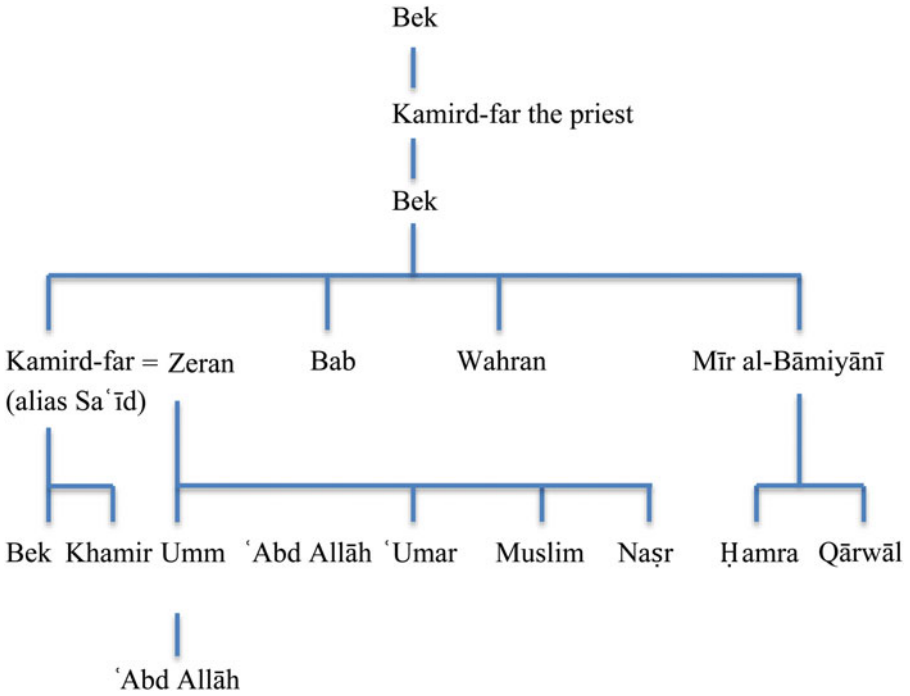


Figure 1. (Colour online) **Kamird-Far family tree** (after Nicholas Sims-Williams and François de Blois, *Studies in the Chronology of the Bactrian Documents from Northern Afghanistan*, forthcoming)

In terms of type and content, the dated Bactrian-language documents deal with a vast array of issues, including keeping the peace between feuding parties, the purchase of land or goods, slave manumission, gifts, leases, declarations of trust (or impost?), loan receipts, and marriage. There is also a judicial declaration in the form of an open letter. The Arabic documents, on the other hand, cover a more limited set of four issues: tax receipts issued by caliphal governors and financial agents; land survey reports; contracts of slave manumission; and dowry attestations. While such documents may not make for the most riveting literary prose, their beauty to the historian is that they are devoid of rhetoric and propaganda. They served a practical and immediate use and are testaments to citizens' daily affairs in this rural entrepôt of eastern Khurāsān.

II. Social organization and social diversity in eighth-century Bactria

For this socio-economic study, we need first to ascertain the type of society to which the documents pertain. From the Bactrian documents we can glean a complex eighth-century society that was socially stratified, with one or more leaders at the top, followed by members of the bureaucracy and landed aristocracy. The next stratum consists of artisans, merchants and other freemen and women, followed by peasants and slaves at the bottom. The local ruler of Rōb, for example,

held the title of *khar* and held court (BT I U dated 490 EBD/AD 713). The Turkic residents were led by a *ser*, a title that is evidenced in seventh-century coins from the region.¹⁸ Thus, members of the Kamird-far family, to whom the bilingual Bactrian documents archive seems to have belonged (see Figure 2), are characterized as “servants of the *ser*” in BT I W (dated 525 EBD/AD 748). “The lord *ser*” is further qualified as “the king of the people of Kadag” in BT I Y (dated 549 EBD/AD 771–2). In the latter document, the *ser* issues a judicial declaration to vouchsafe the property (irrigated land and a vineyard) of Mir of the Kamird-far family from his brother Bab who has left. A Turkic leader called “Sävüglig, the lord of the Wargun (people)”, and a Turkish princess of the Khalaj people and her spokesman and ambassador appear in BT I T (478 EBD/AD 700).¹⁹ One leadership title appears in its uncorrupted Turkic form of *iltäbär* and is attributed to the *khar* of Rōb (e.g. BT I N, P¹, Q).²⁰

The upper middle layer of the hierarchy consisted of landowners, for example the family of Kamird-far and his descendants. The Arabic land surveyor’s document (Ar. 24, dated 154 H/AD 771–2) distinguishes between two types of land: “land” (Ar. *arḍ*) and uncultivated orchards (Ar. *al-kurūm al-ghāmara*). The lands owned by landowning families produced raw goods, such as wheat and onions. Livestock were held, including oxen and sheep, as well as horses,

- 18 Göbl I (1967: 165–6). Nos 241–3 come with Bactrian legends “CHRO”, depicting snakes and feathers coming out of the shoulders, a common theme in late Sasanian and early Islamic coins, indicating the transition to the Arabo-Sasanian coin type with a crown and Indic sun rosetta on the obverse and themes from the Arab governors’ *dirhams* on the reverse, dated to the second half of the seventh and early eighth century AD, with an impressively rich silver content. The title is also used for rulers in eleventh-century Ghūrid Bamiyan. (See Scarcia 1963).
- 19 For a philological study on the Turkic rulers in Afghanistan during this period and their titles see Inaba 2005.
- 20 Sims-Williams 2012: 68, 84, 88. The title was used in the southern Hephthalite kingdom of Zābulistān, south of the Hindukush. If we are to believe the local history of Balkh written in 610 H/AD 1214, *Fada’ il-i Balkh*, then the last 6,000 Hephthalites in Bactria were killed off, together with their leader Nīzak Ṭarkhān, by the Umayyad General Qutayba b. Muslim in 91/709–10. See al-Wā’iz al-Balkhī 1350/1971: 34. At the height of their powers in the fifth and sixth centuries AD, the Hephthalites ruled over the entire Bactrian region. While it is plausible that they originated from the Altai and migrated to Bactria in a large migration wave in the fourth century AD, it appears that they “went Bactrian” in due course, adopting the Bactrian language and customs (see de la Vaissière 2003: 123). The last surviving Hephthalite ruler of the region was Nīzak Ṭarkhān, who has gone down in the Arabic and Persian medieval conquest and conversion narratives as the apotheosis of the indigenous apostate leader. The story goes like this: Nīzak Ṭarkhān, who was on the run from the Umayyad General Qutayba b. Muslim, was unable to enter a defile of the Khulm pass that led to the fortress where Nīzak’s men were. In a dilemma, he called upon the “Rōb Khān, king of al-Rōb and Siminjān”, who showed him the alternative way behind the pass in exchange for safe conduct. Qutayba fell upon the men at the fortress at night, then went to Samangān and through an easy desert to Baghlān. Nīzak Ṭarkhān headed off to the Ferghana valley, where Qutayba besieged him for two months until capturing the ruler on the run. (See al-Ṭabarī II 1879–1901: 1219–20; al-Ṭabarī 1990: 165–6). It would appear that the Rōb Khān colluded with the Umayyads to facilitate the capture of Nīzak Ṭarkhān, an act of betrayal for which he was perhaps subsequently rewarded with an expanded territory to rule. Without further evidence, however, this is conjecture on my part.



Figure 2. **Map of the region** Balkh Art and Cultural Heritage Project Oxford, University of Oxford, with place names added as suggested by Lerner and Sims-Williams (2011). Global 30 Arc Second Elevation Data Set (GTOPO30) © US Geological Survey. Made with Natural Earth.

donkeys and mules. There is no mention of camels, but wine was produced in vineyards (BT I U, dated 490 EBD/AD 713).²¹ Freeman working as mid-level local administrators in the Bactrian institutions – such as, treasurers (BT-I R, BT-I S, BT-I Y) and town stewards (BT-I U, BT-I W) – served as witnesses to the Bactrian-language contracts.

While the documents remain silent on the peasants, they tell us a good deal about slaves, who seem to have performed domestic rather than agricultural labour. Slaves were already part of pre-Islamic Bactrian society as can be seen from the pre-Islamic Bactrian-language documents in this corpus. After the Muslim conquest of the territory in question, female and male slaves were emancipated either unconditionally (*ʿitq*) as an act of pious charity (Ar. 29–30 dated 138 H/AD 755 and 160 H/AD 777 respectively), or through a contract-based purchase of their own freedom in instalments (Ar. 31–2 dated 146 H/AD 763 and 148 H/AD 765 respectively). Slaves could serve as in-kind currency, for example to pay a fine for defaulting on a loan (c.f. BT I Q dated 449 EBD/AD 672), or as gifts. One slave girl was donated to a priest for healing the royal infant of a Turkic queen. The girl was given for the priest’s “pleasure” and “use” (BT I T dated 478 EBD/AD 700). Geoffrey Khan stresses that the documentary evidence on the legal status and use of Bactrian slaves provides a rare example of implementation of what is discussed in *fiqh* literature that appears in its earliest form only half a century later.²²

Bactrian society was not only stratified but also heterogeneous. While indigenous communities (“men of Rōb”, “men of Bāmiyān”, etc.) made up a large segment of the populations of the towns mentioned in the Bactrian

21 For a more detailed study of the economy, see Rezakhani 2010.

22 Khan 2006 [c2007]: 59. This does not mean, of course, that *fiqh* had not been developed earlier, as Hallaq (1997: 16) points out; only that we do not have original evidence of *fiqh* prior to this. The documentary sources provide a critical basis for studying the development of *fiqh* during this time which our literary sources are lacking.

documents, “Turks” and “Arabs” also lived in these places.²³ Thus, for example, Bactrian-language document BT I W (525 EBD/AD 748) on the sale of land states that: “no one has authority to withhold or seize land or commit violence, neither men of Rōb, nor of Bāmiyān, nor Turks, nor Arabs, nor locals . . .”. The Arabs referred to here are probably first- or second-generation Muslim residents, some of whom worked as administrators. In the 22 years covered by Ar. 1–32 (138–160/AD 755–777), there were at least 19 different senior ‘Abbāsīd administrators (*‘amil* and *amīr*) based in this relatively rural but productive part of Bactria. Some of the Turks were Khalaj Turks whose princess and entourage were mentioned earlier, but the reference to other Turkic leaders (*sēr*, *qaghan*) indicates there were more Turks living here.

Diversity in early Islamic Bactria also manifested itself in the religions that were practised in places such as Rōb and Bāmiyān. Local deities are invoked repeatedly in the documents and seals, such as “Wakhsh, the king of gods” (BT I O and U dated 440 EBD/AD 663 and 490 EBD/AD 713 respectively), a god called Ram-set (BT I P and Q, dated 446 EBD/AD 669 and 449 EBD/AD 672 respectively), and “Kamird, the king of gods” (BT I T, dated 478 EBD/AD 700). In the latter document, the religious figure of Kamird even has active legal agency in the person of a priest, Kamird-far, who represents him. The priest is the executor of a particular contract on behalf of Kamird. Indications of religious practices and influences are also given in the theophoric names of people mentioned in the documents. For example, the name of Zhun-lad derives from the local god “Zhun”. The Zhun cult, which exhibits a blend of Indian, Iranian and Central Asian belief systems, was centred in eastern Afghanistan (Zābulistān and Zamīndāwar).²⁴

Somewhat surprisingly, Buddhism is not evidenced in the contracts. The corpus does include four undated Buddhist texts.²⁵ BT II za and zb are lists of names of buddhas, bōdhisattvas and various other important gods and spirits. The names are invoked for protection and written down for meritmaking, and the importance of the bodhisattvas indicates that these texts probably come from a Mahāyāna background.²⁶ Although not directly mentioning Buddhism, one Bactrian-language land sale contract (BT I V dated 507 EBD/AD 730) includes a formulaic stipulation allowing for the use of land by “monasteries”.

23 The term used is “Tajik”, which may include other Muslims not of Arab descent.

24 It has been suggested that the mural painting at a site known as Dukhtar-i Nawshīrwān in nearby Nigār by Bamiyan depicts the Zhun god. Deborah Klimburg-Salter, however, interprets it as a royal figure rather than a deity. (See Klimburg-Salter 1987 and 1993). Comparanda for the headdress of the seated figure on this image can be found on the Bactrian seals and sealings, with a “Sasanian-style crown”. (See Lerner et al. 2011).

25 These are za and zb in Sims-Williams 2007: 175–7, and zc and zd in Sims-Williams (2010b). There may also be a Buddhist addressee in letter ji (Sims-Williams 2007: 138) by the name of Rahulabhadra. His namesake is an early Madhyamika (Mahāyāna) master who is most famous for his verses in praise of the *prajnaparamita*, i.e. the bodhisattva’s practice for and understanding of the perfection of wisdom.

26 “Transference of merit” (dedication of the merit of writing the text for the benefit of somebody else) also plays a role here. Quite a lot has been written on this, with the overall conclusion that the dedication of merit to someone else points to a slightly later and more developed form of Buddhism. See, for example, Herrmann-Pfandt 1996.

The term for monastery here is a local Bactrian word rather than the Sanskrit *vihāra*.²⁷

The absence of Buddhism in these documents is noteworthy, because of the general association of Buddhism with Bactria. Even if Buddhism played a major role in Balkh through the Naw Bahār temple-monastery complex, which we can deduce clearly from Chinese and Korean pilgrims' accounts of the seventh and eighth centuries AD, it does not seem to be the case for Rōb and its surroundings. The metropolis of Bactra became a major site of Buddhist worship and scholarship from the Kushan period of the first–third centuries AD, right up to the time of the Muslim conquests and well into the Umayyad and early 'Abbāsīd periods, if not longer. Balkh was famed in the Buddhist world for the fantastic wealth and scholarship of the Naw Bahār temple-monastery, as well as hundreds of lesser Buddhist monasteries, temples and shrines of the *arhats* ("saints").²⁸ It is standard for Buddhist communities to invoke Buddhist deities in legal documents, which makes their absence from the Bactrian corpus more significant. A set of legal documents from a nineteenth-century Tibeto-Himalayan village archive, for example, contains abundant formulaic invocations to members of the Buddhist and indigenous (Bon) pantheon as witnesses to the contracts. Terms used include "the triple gem" and the "three jewels",²⁹ "the Dharmapala of the [Buddhist] religion, the Bon-protector of the Bon[-religion]",³⁰ and "the guardian deities of Buddhism and the guardian deities of Bon; the gods, serpent-spirits and local genii of the world, and the man-gods and foe-gods".³¹ And so, it would seem likely that if Buddhism was followed in this part of Bactria, that Buddhist deities would have been included as witnesses to the already colourful set of deities invoked in the Bactrian documents.

III. Family structures, marriage and taxation

Bactrian marriage practices evidenced in the Bactrian-language documents are particularly interesting. One of the two late documents (BT I X dated 527 EBD/AD 750) written in Bactrian points to the possible practice of fraternal polyandry until the mid-eighth century. This peace-making contract stipulates that three of the four grandsons of Kamird-far agreed to own the family homes and estates equally, and consented to "possessing" one woman (Ba. *zin*) called Zeran.³² Patricia Crone has taken this as unequivocal evidence for

27 Sims-Williams 2012: 120. The reference may be to a Buddhist monastery (*vihāra*), but this does not necessarily mean that Buddhism was still practised, as the clause may be an anachronism that has continued over the centuries as part of a standard contract-writing template.

28 Xuanzang I 1906: 43–8; Hye Ch'ō 1984: 52. The best Arabic geographer's account is that of Ibn al-Faqīh in the tenth century. Ibn al-Faqīh (1967: 322–4); and Ibn al-Faqīh (1987: 321–4), based on a variant version found in the Mashhad manuscript.

29 Ramble 2008: 170, 333. The three jewels of Buddhism are the Buddha, the *dharma* (his teaching) and the *sangha* (the community of Buddhist [monks]).

30 Schuh 1995.

31 Ramble and Vinding 1987.

32 Various parts of the family tree were described in Khan 2006 [c2007]: 20–22; and Rezakhani 2010: 201–2; and more recently by Francois de Blois at the workshop,

“wife-sharing”, in the form of fraternal polyandry in the early ‘Abbāsīd era.³³ The meaning of possessing a woman could, of course, also indicate that Zeran was a slave woman.³⁴ However, the rationale given for this transaction weighs in favour of the interpretation that the woman (perhaps previously a slave) was a wife, namely that it is “not necessary for us to destroy our House”. This clause provides a crucial key to understanding this triple-marriage of brothers to one woman as a response to the need to keep the family property together.

In what appears to be an unusual twist in the story, one of the brothers, also called Kamird-far (he later changes his name to Sa‘īd, presumably having converted to Islam), did not partake in the fraternal agreement contained in BT I X, but five years later appears to be married (alone) to Zeran. Arabic document Ar. 29, dated 138 H/755 AD tells us that Sa‘īd and Zeran had four children, all with Arabic names.³⁵ How do we explain this succession of marriages by the Kamird-far family brothers to Zeran around the time of the ‘Abbāsīd revolution?

To answer this question we first need to understand the logic of the special coping strategy that fraternal polyandry represents, best explained in the lands that are contiguous with the Bactrian oasis – the South Asian and Tibeto-Himalayan regions. Fraternal polyandry already has a central role in the ancient *Mahābhārata* epic, thus influencing Hindu populations until this day.³⁶ In Tibet, the age-old practice of fraternal polyandry still continues.³⁷ Tibetologist Melvyn Goldstein argues that Tibetan fraternal polyandry is the “lesser evil”; a compromise strategy, stimulated by the need to pool human resources to meet excessive activity requirements of living in a harsh environment at high altitudes, and with limited rainfall in a semi-arid land, and high tax burdens. Goldstein argues that through fraternal polyandry landholdings maintain their economies of scale in relation to labour costs, and brothers share the property within a “stem family”.³⁸

“Bactria and the transition to Islam”, 10–11 May 2014 at the Ancient India and Iran Trust, in association with the Balkh Art and Cultural Heritage project, University of Oxford.

33 Crone 2012: 403–4.

34 Ar. 29, dated 138/755, refers to the manumission of the slave woman Zeran by Ghālib b. Nāfi‘, who is the mother of four children by his *mawla* Sa‘īd. De Blois suggests that this slave woman is identical to the Zeran mentioned in BT I X, but Patricia Crone disagrees. She explains that the implication here that the fourth brother, who did not enter into the agreement, married her and had converted to Islam as the *mawla* Sa‘īd is not possible, as this Zeran was owned by Ghālib b. Nāfi‘ (Crone 2012: 404).

35 Khan 2006 [c2007]: 152.

36 The prevalence of polyandry in modern times among Hindus in areas of north-west India is attested in numerous works, notably Berreman 1963; also Berreman 1975 and 1980.

37 Fraternal polyandry is also practised in Africa, notably Nigeria. See Prince Peter of Greece 1963.

38 Goldstein suggests that fraternal polyandry is not an indicator of poverty, but of “upward mobility” in people who wish to economize in light of the Tibetan fiscal system. Households in the “taxpayer” (Tib. *khral-pa*) category had to pay very substantial taxes, some in kind but most importantly in the form of manpower, for example a monk tax, a military tax, corvée labour and, most demanding, transportation duty, because this meant having to maintain riding animals and beasts of burden in the village

Parallels can also be found in the Zoroastrian next-of-kin marriage (*xwēdōdah*), which was based on a rationale of not dividing up inherited property.³⁹ According to Zoroastrian family law, a woman could marry more than one man (*cakar*) to provide a legal heir and successor to her “authorized” (*pātixšāy*) husband (if he could not provide an heir or had died), and the natural father had no claim on the children. But the woman could not live with more than one man at a time, which gives the Bactrian case of fraternal polyandry a distinctly non-Sasanian, non-Zoroastrian character.⁴⁰

This is not the first time we read of fraternal polyandry in the Bactrian corpus. The very earliest document in the set (BT-I A dated 110 EBD/AD 333) is, in fact, a marriage contract between two brothers and one woman called Ralik. The contract emphasizes that this practice “is the established custom in the land”, meaning that it was already in existence before the mid-fourth century AD.⁴¹ The

all the time, awaiting the possible arrival of government officials. These animals had to be fed, and fodder had to be collected for them since they could not simply be allowed to wander off onto the pastures. If we add to this the demands of a complex economy based on farming, herding and trade, what emerges is that enormous demands are placed on men in *khral-pa* households. These were the ones that were mainly polyandrous. The other category of peasants, the landless *dud-chung* (lit. “small-smokes”, because all they had was the smoke of their hearths) did not have to pay such household-based taxes, only a poll tax, and so, Goldstein argues, they did not need to be polyandrous. The family of Mīr b. Bek was not poor either, and may have opted for fraternal polyandry for similar reasons (Goldstein 1971; 1978). Levine (1988) and Hsu (1998) disagree with Goldstein. Hsu considers the values of fraternal solidarity to be decisive, and Levine identified cultural notions of ritual, name identification, and ideas of common residence or a “house society”. But these explanations are not contradictory: fraternal solidarity would be a crucial factor in small trade corporations, for example (see also Aziz 1974). I benefitted from the lectures of Charles Ramble at Oxford University for an appreciation of the views on this topic.

39 Possible combinations were: father–daughter, mother–son, and brother–sister. (See Hjerrild 2003: 167–204 [examples], 212 [definition]; and Yakubovich 2005.)

40 The term *pātixšāy* applied to the husband and wife who married according to the principal marriage contract. The wife was married with the consent of her guardian (*sardār*), and the guardianship was transferred to her husband. Husband and wife would inherit each other and their children were legal heirs of the husband who would normally be their guardian. The adjective can also be applied to children (Hjerrild 2003: 16, 21, 77–134, 211).

41 The thesis put forward by Kazuo Enoki, that only Hephthalites practised fraternal polyandry in Ṭukhāristān, has been corrected by Étienne de la Vaissière (the latter based his commentary on the evidence from the Bactrian documents which came to light only long after Enoki’s article: Enoki 1959; de la Vaissière 2003: 119 ff.). Leaving his disputed thesis on Hephthalite nationality aside, Enoki (1959: 51) cites a number of Chinese references to the practice of fraternal polyandry in Ṭukhāristān and the rationale for it, which are particularly interesting for this study, and are therefore cited below:

1. From the *Chou-shu* (history of the Northern Chou Dynasty compiled by Ling-hu Te-fen (d. AD 666)): “In this country, brothers jointly have one wife. If her husband has no brother, the wife wears a hat with one horn. If her husband has brothers, as many horns as they are added”.
2. From the *Liang-shu* (completed under Yao Silian in AD 635): “Women are clothed with animal skins, and wear on their heads a wooden horn, which is 6 *chih* long, decorated with gold and silver. As women are scarce, brothers have a wife in common”.

contract refers to Ralik as a “*fully privileged daughter-in-law*”, a title that has a semantic parallel in “a lady possessing authority (*pāt[ə]xšāwan waδu*)” in a Sogdian marriage contract dated AD 709–10 and the Middle Persian *kadagbānūg* “mistress of the house”. The latter was a term defining a woman who has entered a *pādixšāy*-marriage. Ilya Yakubovich states that a reference to Ralik as “a lady possessing authority” (*phinzo phromanzo*) seems to indicate that this was the most traditional form of marriage, roughly equivalent to the “*pādixšāy*-marriage” of Sasanian law.⁴² Additionally, the contract prohibits the two brothers, Bab and Piduk, from acquiring “in future another wife or concubine to whom Ralik should not agree”. For any contravention of this commitment, the relevant brother will have to pay a fine. The bride came into this marriage with a significant dowry – a blanket, pillow, bracelets, cloaks, sheep and wheat – important items for average income members of this rural society. The fourth-century document also includes a justifying clause about “the need to keep the House together”.

Thus, the practice of fraternal polyandry in the mid-eighth century may well be a continuation of an age-old custom in this part of Bactria. There may have been some truth to the references to unusual marriage practices in the Islamic heresiographical literature on rebel movements in eighth-century Khurāsān after all.⁴³ A strong case could be made now that, as late as AD 750 when the

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3. From the Ṭukhārīstān passage of the *Sui-shu* (official history of the Sui dynasty, completed under Wei Zheng in AD 636): “The brothers jointly have a wife, sleeping with her by turns. While one is in the wife’s bedroom, he hangs his garment on the door as a signal. A child that is born will belong to the eldest brother”.
 4. From the Ṭukhārīstān section of the *Tongdian* (institutional history and encyclopaedia text written by Du You from AD 766 to 801): “As the men outnumber the women in this country, the brothers have a wife in common. If a woman has five husbands, she will carry five horns on her head, and if she has ten husbands, she will carry ten horns. A man with no brother will secure another man as a sworn brother; then only he will be permitted to marry a woman. If otherwise, he will never be allowed to get married. A child that is born will belong to the eldest brother”. The Ṭukhāra people are described as living with the I-ta (Hephthalites).
 5. Hye ch’o, the Korean Buddhist pilgrim who travelled to the region between AD 724 and 727: “In the country of Ṭukhārīstān and those of Kāpisa, Bāmiyān and Zābulistān, two, three, five, or even ten brothers are jointly married to one wife. They are not allowed to marry separately as they are afraid that separate marriages would ruin their livelihood”. I have used the more recent translation of Hye Ch’o (1984: 54).

42 Yakubovich 2005.

43 Elton Daniel relegates such references to heresiographical stereotypes intended to besmudge the syncretic *ghulāt* leaders, such as al-Muqanna’ (Daniel 1979: 145). The Khurrāmiyya are even said to stem from the small town of Khurram that lies near Rōb. The Khwārazmian polymath al-Bīrūnī (1910 [1888]: 108) states in his *The History of India* (completed 421/1030):

As regards unnatural kinds of marriage, we must state that such exist still in our time, as they existed in the times of Arab heathendom; for the people inhabiting the mountains stretching from the region of Panjshīr into the neighbourhood of Kashmīr live under the rule that several brothers have one wife in common.

‘Abbāsids took over the caliphal reins in Iraq, fraternal polyandry was being practised and had full legal standing in the caliphate.

Or is it? Perhaps the situation of the brothers in the House of Kamird-far is an example of a family experiencing the socio-economic effects of the Islamic conquests. Perhaps, the new order made the practice of fraternal polyandry untenable, not on moral or religious grounds, but because there was no longer a need for it. In order to understand better the rationale for the practice of fraternal polyandry, one needs to look more closely at tax systems. Anthropologists have shown that the tax burden in Tibet is a major contributing factor to the practice of fraternal polyandry. Taxes that were particularly onerous were the corvée, transportation duties, monk tax, and soldier tax, which could be met only by men. Men were also needed to take care of the household fields and the livestock, and if there were any men left over, these would go trading. Thus, surviving the fiscal system required a household with lots of men and only one line of succession, i.e. one wife.

The Bactrian documents, too, point to a major tax burden. In one land purchase contract, the seller explains the need to sell his land so that he can afford “the large Arab poll-tax and harvest tax” (BT-I W dated 525 EBD/AD 748).⁴⁴ We learn more about the ‘Abbāsīd tax system from Ar. 1–23, all of which are tax quittances. The receipts are for six kinds of taxes: *kharāj*, and five supplemental taxes (*qism*). The *kharāj* is the most common tax in the receipts.⁴⁵ The supplemental taxes are for the upkeep of corvée animals, for the pack-animals used for the postal service (*barīd*), “for the expenses of the governor” (presumably the governors’ administrative bureaucracy and military), “for the expenses of the land” (presumably repairs to constructions on the land for which the landholder is responsible), and “for the expense of the sustenance of al-Mahdī” (Ar. 3 dated 148 H/AD 765).⁴⁶

The tax periods are annual (“for the year 149”, etc., possibly different from a calendar year), with a time lag between the tax year and the date of the receipt of payment of between one and four years. Some receipts (e.g. Ar. 15) enumerate the taxes for multiple years for which individual receipts were already issued, perhaps as multi-annual aggregate statements of taxes paid. However, the tax amounts in the individual receipts do not add up to the aggregate amounts. Thus, one might tend to agree with Geoffrey Khan that the payment of tax

His editor Sachau suggests that the author is referring to the area between Kashmir and “a line between Faizabad and Kabul,” or possibly in an area known for its silver mines in “Bactriana” (the modern-day Panjshīr in northern Afghanistan).

44 Lit. “assigned tax” for harvest tax (Sims-Williams 2012: 126).

45 A reference to a tax as *jizya* is entirely absent, while Ar. 1 of 147 H/AD 764–5 provides the first-known attestation of *kharāj* in any known Islamic document. It would appear that there was no separation between the *jizya* and *kharāj* in this period and that they were paid as a combined assessment, rather than separately as poll and land tax respectively (probably a later development in Islamic law) (Khan 2006 [c2007]: 33). François de Blois (2000: 87) confirms this in his study based on a Zoroastrian text deploring the conquest of Persia by the Arabs and referring to the *jizya*.

46 Khan 2006 [c2007]: 96. The reference is to the third ‘Abbāsīd caliph al-Mahdī (r. 775–85), who continued the ‘Abbāsīd reliance on the Khurāsānī armies as key supporters of their regime (Kennedy 1986: 1238).

was probably not completely regular, which would have caused difficulties to the taxpayers.⁴⁷

Excessive taxation did not begin with the 'Abbāsids. The taxes of the Hephthalite "lords" on the House of Wyem and Bag-re-mareg were so large that they had "no other assets left in the House from which the Hephthalite tax might have been paid by us" (BT I J dated 295 EBD/AD 518).⁴⁸ There appears also to have been a time when the Sasanians (*sic.* "Persians") and Hephthalites were both imposing taxes on the inhabitants, as is seen from the undated BT I al ([*sic.*] "Then every month (I) gave five dirhams (as) subsistence allowance for the Hephthalites and for the Persians . . . And I [gave towards] the Hephthalite levy. . .").⁴⁹

And yet, something had changed with the 'Abbāsids. Changes in tax systems instituted by the 'Abbāsids after their takeover from the Umayyads have been identified elsewhere in the Caliphate, notably Syria, Iraq and Egypt. Reforms concerned the unit of assessment, e.g. a fixed rate based on area of arable land (*masāhat*), versus a rate based on the amount harvested and sold (*muqāsama*), with the latter being kinder to the peasants and guarding them from adverse conditions as instituted in the Sawād of Iraq. These are all important factors. However, in Bactria a far more basic change to the tax system had a disproportionate impact on family life.⁵⁰ While the Bactrians had previously paid their taxes in allocations to the "House" to which they belonged, the 'Abbāsids now made them pay their taxes as individuals. The individualization of tax duties was entirely new to this part of Khurāsān. Thus, while previously the family of Kamird-far paid their taxes as "a House", now each brother paid individually. Mīr b. Bek paid his taxes between 147 H/AD 764 and 154 H/AD 771 (Ar. 1–11), while his brother Bāb b. Bek paid taxes between 151 H/AD 768 and 155 H/AD 772 (Ar. 12–16), and Mīr's son Qārwal paid taxes between 155 H/AD 772 and 158 H/AD 775 (Ar. 17–23). De Blois' fascinating discovery that the impots being imposed on the non-Muslims described in a Pahlavi poem lamenting the Arab conquests of Persia were done so on their "heads" (*bar sarān*) rather than their property also underlines this point.⁵¹ The taxation of households, not individuals, provided the rationale for fraternally polyandrous marriages as a way to avoid the fragmentation of family estates. Once the

47 Khan 2006 [c2007]: 32. According to Ibn Khurradābih, the Ṭāhirid governor Abu 'l-Abbas 'Abd Allāh b. Ṭāhir collected for the 'Abbāsīd treasury a total tax of 44.8 million dirhams of *kharāj* in Khurāsān and other provinces under his authority in 211–2 H/AD 826–7 [Qudāma states a total of 38 million]. Rōb and Samangān accounted for 12,600 dirhams, which indicates they were relatively small in size. Balkh, on the other hand (together with Khuṭṭalān and Sa'd Khurra and its mountains), accounted for 193,300 dirhams of *kharāj*. (Ibn Khurradādhbih 1889: 24–8, 34–9); Qudāma b. Ja'far 1889: 190).

48 Sims-Williams 2012: 48–9.

49 Sims-Williams 2012: 164.

50 Campopiano 2012; Sivers 1982; Lambton 1953: 31–5. For a general survey of early Islamic tax, see Dennet 1950; Løkkegaard 1950 [1978]; Fateh 1928; Modarresi Tabātabā'i 1983; Oran and Rashid 1989; and Cahen 1954. Juridical treatises dealing with taxation include: Abū Yūsuf Ya'qūb (d. c. 182/798), *Kitāb al-kharāj*, and Yahyā b. Ādam (d. 203/818), *Kitāb al-kharāj*.

51 De Blois 2000: 87.

‘Abbāsids had changed the tax system to an individual one, the incentive for fraternal polyandry was lost.

We can consider the case further by studying the legal and economic bases that underpin marriage and inheritance practices in this part of Bactrian society. Unfortunately, we do not have at our disposal any surviving Bactrian law books, but that some sort of strict legal codification existed is evident from the formulaic stipulations that find their echoes in the Bactrian documents and comparanda from Sogdian and Pahlavi marriage contracts of the period.⁵² In order for the economics of fraternal polyandry to work, no woman other than the wife could have marriage rights. This is alluded to in the restrictions in the marriage contract on the brothers Bab and Piduk, who:

shall not have the right to make another (woman our) wife, nor to keep a free (woman as a) concubine, to whom Ralik should not agree; and if I, Bab, or I, Piduk, should make another (woman our) wife, or keep a free (woman as a) concubine, to whom Ralik should not agree, then (we) shall give a fine to the royal treasury of twenty dinars of struck gold and the same to the opposite party.

The penalty of twenty dinars was prohibitively high and should serve as a major deterrent from taking a free woman for a concubine or mistress (if we compare with the sale price of six dinars of struck gold for a large plot of land). It is interesting that free women as concubines are listed in the exclusions, while slave women are not.⁵³ From this we can only adduce that children born to slave women were probably deprived of inheritance rights, and thus could not benefit from “House” privileges. Early Islamic *fiqh* certainly seems to have applied the principle of non-inheritance to slaves, which may be a continuation of previous practice. The legal framework also prohibited a master from selling a handmaid who had borne him a child, which may have been used to provide a safety net for the offspring of such unions.⁵⁴

What exactly was marriage, then, in this part of early Islamic Khurāsān? Marriage in both the Bactrian and Arabic documents is a legal, commercial transaction, in which dowries were given as a bride’s gift to the groom’s home (Ar. 26–8 from the 760s AD, BT I W dated 525 EBD/AD 747) and bride-

52 The rigour and traditional style of the Bactrian documents is also reflected in the way Bactrian society secured legal guarantees. Some of the Bactrian legal documents were written in duplicate copies on the same parchment, with an upper and lower copy. The upper would be folded or rolled and then sealed with the seals of the witnesses and the primary party (their signatures also appear on the reverse). In this way, the original would be kept intact in case there was any doubt about the authenticity of the wording and it needed to be verified by a judge.

53 The word for concubine is *pidorōfso*, which appears to be the feminine form of the past participle of the verb *pidorōb-* “to receive, accept”. So the literal meaning is just “a (female who is) received”, rather like (Victorian) English “a kept woman”. In the context the most likely meaning would be concubine or mistress (email communication with Nicholas Sims-Williams, 14 May 2014). Also Sims-Williams 2012: 26–7 and 2007: 256a.

54 Wensinck 1927: 96, 218, citing al-Dārimī (d. 255/869).

prices were gifts given by the groom to the bride's home (BT I W, dated 525 EBD/AD 748)⁵⁵ Our evidence is too sparse to provide a diachronic analysis of the function of dowries in Bactrian marriages. The discovery of a Bactrian law book would be needed to elucidate the roles of dowries and bride-prices. We do not know whether dowries, for example, functioned as "pre-mortem inheritance" as per Islamic *fiqh* and practice.⁵⁶ In this configuration, dowries remained under women's exclusive ownership and control throughout marriage and through widowhood and divorce. From Ar. 28, we learn that dowries could be transferred to a woman's legatee upon the death of her husband, which would indicate that dowries remained under the widow's ownership – in this case, of Ḥamra, the daughter of Mīr b. Bek. The document Ar. 26, dated 147 H/AD 765, states that Ḥamra's dowry was worth 500 *dirhams* at the debased one-fifth rate, i.e. "one hundred at the rate of twenty" (*al-mī'a, 'ala 'ishrīn*). With an actual value of 100 *dirhams*, the dowry is still high when compared to the value of a plot of land at sixty *dirhams* (BT I W, dated 525 EBD/AD 748)⁵⁷ The high value of her dowry may reflect a limited number of eligible women and increased pressure for their families to offer commensurate dowries.⁵⁸

Taxes and Ḥamra's dowry were calculated in cash, which points to the highly monetized nature of society in this part of eighth-century Tūkhārīstān. The kind of currencies traded during the century of 446–549 EBD/AD 669–772 were Sasanian-style silver coins (*dirhams* and *danaqs*) and gold *dinars*.⁵⁹ One seventh-century document refers specifically to "good, locally current Persian silver *dirhams* of (King) Kawād" (BT I P, dated 446 EBD/AD 669). These were probably imitations of the coins of King Kawād I (r. AD 488–96, 498–531) that were minted under the Umayyads before the coinage reform of 'Abd al-Malik (r. AD 685–705), a number of which survive today. The currency payments outlined in the documents were to be made either directly in cash, or in kind and based on a cash value. The cash economy's sources of revenue were trade, agriculture (grain), textile-making and viticulture. Traders also engaged in the sale of a slave boy at Marogan market in Samangān (BT I M, dated 388 EBD/AD 611) and signed a loan agreement at the market town of Amber in BT I Ss, dated 476 EBD/AD 699. The cash reliance underscores the need for pooling resources within the House unit. Debts, too, were paid in cash.

Seen in this light, the Bactrian corpus provides a snapshot of the transition to Islam in Bactria at a time when the pre-existing and new systems were co-existing and colliding. Multiple streams of administration may have given the impression to the general population of "double-dipping" by administrators – old and new. That systems were running in parallel can be gleaned from the Bactrian and Arabic documents that were issued simultaneously within the same set of years by

55 Khan 2006 [c2007]: 144–51; Sims-Williams 2012: 130.

56 See, for example, on Mamluk practices, Rapoport 2005: 6.

57 In this document, Ḥamra's dowry is transferred to an 'Īsā b. Sālim, while her first husband is said to owe her the *mahr*. Ar. 28 appears to be one of the earliest testaments to the Islamic practice of dowries described in later *fiqh* sources.

58 Melvyn Goldstein discusses how "among Tibetans the good life relegates women to spinsterhood." Goldstein (1987: 109).

59 BT-I P, BT-I T, BT-I U, BT-I V, BT-I W, BT-I Y.

separate and distinct entities. The witnessing of the documents in Bactria, for example, was done exclusively by Bactrians (including the Turkic population).⁶⁰ In the Arabic set of documents, only a single Bactrian name surfaces; that of a certain Khāqān b. Frōda.⁶¹ The execution of the Bactrian contracts was carried out at a number of ancient administrative centres.⁶²

IV. Conclusion

This study of the Bactrian and Arabic-language documents from Ṭukhārīstān, centred around places such as Rōb, Samangān and Bāmiyān, gives us a rare snapshot of how the new caliphal administrative tax system may have affected the age-old practice of fraternal polyandry in Bactrian families. More concretely, this paper has suggested that the prerogatives of “the House” in Bactrian society, as well as existing inheritance and taxation systems, led to fraternally polyandrous families and concubinage. Thus, for example, in BT I X (dated 527 EBD/AD 750) three out of four (previously feuding) brothers agreed to own the family homes and estates equally and to possess one woman called Zeran, because “it is not necessary for us to destroy our House”. Meanwhile, a large number of the documents from the same period pointed to a disproportionately high tax burden. Thus, it may be that fraternal polyandry made “House” taxes affordable; and that this pressure was lifted after the individualized caliphal tax system came into effect. Comparisons with South Asian and Tibeto-Himalayan regions, where fraternal polyandry is still practised, often as the ideal domestic form, suggest that the arrangement may have been at least a lesser evil in this part of Bactria; a compromise strategy, stimulated by the need to pool human resources to meet excessive activity requirements of living in a harsh environment. Surviving the fiscal system necessitated a household with a large number of men and only one line of succession, i.e. one wife.

60 Some examples of the Bactrian names mentioned are: Yobig, Bramarz (BT I O), Yaskul (BT I P), Ye'zd-gird, son of Kaw (BT I P), Wind-marg (BT I P), Fanz (BT I P), Pusk, sons of Bag-mareg (BT I P), Wiraz-finz (female) (BT I Q), Pap (BT I R), Gamanig (BT I R), Gazar (BT I R), sons of Sawug (BT I R), Kanag, son of Sugn (BT I R), Moyan, son of Laguk (BT I R), Finz-lad (BT I R), Potan (BT I S), Miyar (BT I S), Gognag (BT I S), Gord (BT I S), Bag-aziyas (female) (BT I T), Warag (female) (BT I T), Absih (BT I T, V), Baralbag (BT I T), Urolan (BT I U), Sor, lord of the estate (BT I V), Meyam son of Wahran (BT I V), Wakhsh-burd (BT I V), Zar-yol (BT I V), Wahran (BT I W), and Mir (BT I W). People with Turkic titles mentioned are a *qaghan*, a *tapaghliḡ iltābir*, and a *tarkhan* (the son of Kusaru the tarkan). A *tarkhan* is also mentioned as a name in Ar. 24, 30 and 32. Two witnesses are identified as treasurers of the towns of Gaz and Kurwad (BT I R dated 452 EBD/AD 675 and BT I Y dated 549 EBD/AH 771–2). The witnesses were generally named in descending order of rank. A witness statement would state “in the presence/with the cognizance of”, often accompanied by a reference to the presence of “assembled freemen of the district who were assembled amongst them and bear witness concerning the matter”. See Sims-Williams 1997b; 1997–98: 194; 2010a.

61 Ar. 28, not dated, but names of witnesses also found in Ar. 27 dated 149/766.

62 These include a court of the fortress on account of summons (BT I R and S), a court of the *khars* of Rōb in Madr districts (BT I U), a judicial treasury (for fines) (BT I S), a treasury of the *bredag* (BT I U), Kah fortress in the Rizm satrap (BT I V), and the fortress of Zuwer at the court of the Wargun people. See also Khan 2006 [c2007]: 16.

Thus, rather than by ideological design or religious bias against this practice, the new caliphal tax system rendered the financial logic of fraternal polyandry defunct. The new system taxed individuals, and no longer “Houses” requiring the pooling of tax resources in one family line, centred around a single, shared wife. The shift to individual taxation meant that brothers could now start their own families, and parents of girls no longer needed to marry off their daughters to two or three brothers. Exactly how the early Islamic economy was reconfigured is not known, and will, no doubt, provide fertile ground for further research.

But perhaps more than anything, this study has shown the immense value that documentary evidence has in developing our understanding of the impact of the Muslim conquests on Afghanistan and the other lands of the caliphate. Such sources nuance our understanding of the development of Islam as a whole, reminding us that this was a time of experimentation, the co-existence of power and interest blocks, and social re-engineering – if only by default. The transition lasted decades, even centuries. It is unfortunate that at present we are not aware of a continuation of the Bactrian corpus of documents beyond the 770s AD – and perhaps the posited end of the “House” of Kamird-far, to which the majority of these documents pertain, meant the end of the family archive that was kept precisely for tax purposes.

Opportunities for diachronic studies on changes in medieval Islamic practices arise through comparisons with other documents. For example, Shaul Shaked’s ongoing translation of a set of eleventh-century Judaeo-Persian documents from the same region of eastern Khurāsān will, no doubt, provide a whole new set of data to study and compare.⁶³ Moreover, published documents little-known to Western scholars due to their appearance in non-Western publications have yet to be compared. For example, the oldest known Persian-language document held in Iran is a marriage contract from the same region we have studied here, Bāmiyān. It was written “seven days after the end of *dhu al-qa‘da* 470 H/AD 1078 when the Ghūrīds ruled the area.⁶⁴ With research projects currently working on documents contemporary to the Bactrian corpus written on Egyptian papyrus, as well as in Pahlavi during the early Islamic period, scholars can study the implementation and impact of early Islam on the daily lives of people living under its rule from Nile to Oxus in far more precise and detailed ways.

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63 Shaked 2013.

64 On the letter, see Rawshan-damīr 2537/1978–9: 11–18; also Shaykh al-Ḥukamāyi 1384 H.Sh./2005–06: 559). An English translation is given in Scarcia (1963), with emendations in Scarcia (1966). Gh. S. Humayun provides an alternative reading in *Āryāna* 22, 11–12, pp. 1–14. I thank Nicholas Sims-Williams for making me aware of the letter relayed to him by Hossein Sheikh. For general reading on the Ghūrīds, see Jūzjānī II (1342–43/1963–64: 724–72); Jūzjānī 1970 [1881–97]; Bosworth 1965; Patel 2014.

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