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### STATE AND LAW OF THE CHAGHADAI ULUS AND EARLY TIMURID STATE AS THEY WERE SEEN BY FOREIGN CONTEMPORARIES

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**Abstract.** Research objectives: An analysis of official documents and notes of foreign contemporaries to clarify some aspects of political and legal life of the Chaghadaï Ulus and early Timurid state in the 13<sup>th</sup>–beginning of 15<sup>th</sup> centuries.

Materials and methods of research: The basic materials are official documents (diplomatic correspondence), travelers' reports and notes, diaries and memoirs of travelers from different countries of Europe and Asia who visited the Chaghadaï Ulus with different missions in the analyzed period as well as some official documents (diplomatic correspondence) between foreign and Mongol rulers. The methods of research are formal and historical legal research of historical documents, comparative legal analysis as well as historical approach in general.

Scientific novelty: The state structure and legal relations in the Chaghadaï Ulus and early Timurid state still have not been objects of special research. The author proposes to use works of foreign contemporaries as a tool to clarify some questions of political and legal life in the Chaghadaï state, finding similarities with other Chinggisid states and specific features of the region, its traditions, etc.

Results of the research: The information of the analyzed historical documents, naturally, doesn't allow one to reconstruct all aspects of political structure of Chaghadaï Ulus and early Timurid state and their legal system in general, but adds valuable details to the information of other sources on history of this state – that is, historical chronicles (mainly of Timurid age) and legal monuments (khans' yarliks and other official documents of the ulus). At that, we cannot ignore the fact that the Chaghadaï Ulus before Timur was not considered as a full and authoritative member of international relations which is why contemporaries paid more attention to other Chinggisid states: The Golden Horde, Ilkhanate, Yuan Empire. However, the analysis of contemporaries' notes could stimulate scholars to study some specific aspects of the Chaghadaï Ulus' history which were not researched before.

**Keywords:** Chaghadaï Ulus, Mongol Empire, Timurid state, Turkic-Mongol states, travelers' notes, traditional state and law of Eurasian nomads

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The history of the Chaghadaï Ulus<sup>1</sup>, though well-known, was studied lesser than the history of other Chinggisid states including the Yuan Empire, the Golden Horde and the Ilkhanate. And while the political and cultural history of that state at the different stages was researched in details by such scholars as M. Biran [3], Ts. Enkhchimeg [9], O.K. Karayev [17], B.F. Manz [21], P.N. Petrov [27], M. Subtelny [29], etc., the problems of state structure<sup>2</sup> and especially legal life in the Chaghadaï states were not studied in details.

The possible reason of such situation is a lack of enough sources on the Chaghadaï state: in fact, the first fundamental sources on its history were written in the age of Timur (Tamerlane) and Timurids and even later, during the epoch of the Uzbek khanates. Their authors were not interested in study of details of the political and legal life of the Chaghadaï Ulus before the ruling of their patron dynasties. Nevertheless, some information on the state structure and legal relations during the reign of Chaghadaïds could be find in these sources, Indeed, last years specialist introduce rather wide circle of the official documents of the Chaghadaï Ulus of the 13<sup>th</sup>–14<sup>th</sup> centuries, such as khans’ yarliks [see e.g.: 22; 23; 24], another legal and economical documents [32; 35] which are of great value for the study of legal history of the ulus. To our mind, this scientific direction is waiting for specialists who could to examine them not only as historical or philological, but mainly as juridical sources.

At the same time we have a series of historical sources which could help us clarify some aspects of real political and legal life in the Chaghadaï state, find features inherited from the Mongole Mpire and some peculiarities which could be explained by the specific regional (Central Asian) influence on the state structure and legal system of Chaghadaïds and Timurids. These sources are evidences of foreign contemporaries who either were themselves in the Chaghadaï Ulus or wrote their works basing on the eye-witnesses’ information.

The historians of the Chaghadaï Ulus usually mention not so many travelers who visited this state in the analyzed period. As a rule, among them are John of Plano Carpini, William of Rubruck, Marco Polo, Ibn Battuta, Rui Gonzalez de Clavijo, Johann Schiltberger [3, p. 4; 8, p. 11–12; 9, p. 7; 17, p. 8, 15–16; 18]. Indeed, their notes contain valuable information on the Chaghadaï State, but these travelers are not the only visitors and contemporaries who was in this khanate in the 13<sup>th</sup> to 15<sup>th</sup> c.

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<sup>1</sup> Although some scholars consider the epoch of Tamerlane as the new order in the Ulus [see e.g.: 28, p. 44], we use the name “Chaghadaï Ulus” towards the state of the 13<sup>th</sup>–beginning of the 15<sup>th</sup> centuries, including this period, as there were not fundamental changes in the political and legal system made by Timur. Moreover, he presented himself as a heir and continuator of Chinggis Khan’s imperial traditions, he enthroned Chinggisids as khans, used Mongol imperial law (the Great Yasa, etc.). B. Manz, one of the leading scholars who studies the age of Tamerlane. Substantial changes in the political structure and partially in the legal system of this state were made by the heirs of Timur, especially his son Shahruk (as it will be demonstrated in our study bellow), used the term “Chaghadaï Ulus” towards his original state (in contrast of his further cconquests) [21].

<sup>2</sup> Recent review of historiography on the political structure of Chaghadaï Ulus [see: 2].

Alongside with such famous travelers we should mention a series of missionaries who visited Chinggisid Central Asia or the neighboring states (such as India or China). Thus, member of the Armenian ruling family, Smbat the Constable was in Samarqand in 1248. At the end of 1250s – beginning of 1260s there were two Chinese officials who visited the Chaghadaï Ulu: Ch'ang Te and Ye-lü Hi Liang. Missionary Pascal of Vittoria visited Almaliq, the capital of Chaghadaïds, in 1338. Chen Cheng, the ambassador of the Ming Empire visited Timurid state in 1414 and reflected his observations and opinion in official report, personal diary and 75 (!) poems [10, p. 799, 802, 805].

Besides eye-witnesses, it makes sense to use the works of other contemporaries who did not visited the Chaghadaïd state, but got information on that from the travelers for their reports and other official documents. That is why we use for our research letters of Popes John XXII and Benedict XII to Chaghataïd rulers of 1320s–1330s on their religious policy, works of Armenian prince Hayton (1307) and anonymous author of the “Book fo the Great Khan”, merchant manual of Francis Balducci Pegolotti (1330s), notes of Josafat Barbaro (1452), etc.

To our mind, the combination of the information from these documents could help to form an idea of some aspects of political and legal life in the Chaghadaïd state and to clarify some additional directions of further research of state structure and especially legal relations in the Chaghadaï Ulu using the works of contemporaries as well as other historical and legal sources on this state.

Firstly we would clarify the status of Chaghadaïds on the international arena as this characteristic could explain the lack of interest of contemporaries to the Central Asian Chinggisid state in comparison with other ones.

As we know from the other sources, the Chaghadaï Ulu became a field of war during the confrontation of the end of 1240s – beginning of 1250s and especially in the period of division of the Mongol Empire since 1260s and to the beginning of the 14<sup>th</sup> c. And Chinese official Ye-lü Hi Liang (grandson of the famous Ye-lü Ch'u Ts'ai) mentioned in his tale<sup>3</sup> of visiting Central Asia about conflicts between regional rulers including descendants of khan Ogedei and ones of the founder of the state, Chaghadaï, who divided into factions to support two pretenders for the khan's throne: Ariq-Boge and Khubilai [5, p. 161–162].

Later Chaghataïd princes supported another pretender for the throne, Qaidu, grandson of Ogedei against Khubilai, and that caused further decline of the Chaghadaï Ulu which since 1270s was under suzerainty of the Ogedeid ruler. Marco Polo told in details on the confrontation of Qaidu and Khubilai [25, p. 445–456]. No wonder that in this situation the state of Chaghadaïds was not recognized an independent and authoritative participant of international relations: contemporaries considered it only as a transitional point on the way from the Golden Horde to the Yuan Empire [3, p. 4].

Permanent wars did not allow the rebuilding of previous extinction and demolitions. John of Plano Carpini mentioned ruinous cities in the Mawerannah, and only one city, Emil, was restored for the governor of khan [14, p. 103–105]. William of Rubruck also said about deserted cities which were not restored as the Chaghadaïd state during this time was under the control of Munke, Mongolian khan, and Batu, ruler of the Golden Horde who were not interested in its flourishing [16, p. 144–146]. Chinese official Ch'ang Te who passed the Central Asia in 1258, saw there the great number of Chinese as authorities were in need of the labor force [5, p. 124]. And even Moroccan traveler Ibn Battuta, who visited the Chaghadaï Ulu in 1334, mentioned that many cities still were in ruins [12, p. 553].

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<sup>3</sup> The tale was included into the biography of this statesman in the Yuan Shih.

After the death of Qaidu the situation changed, and already Duwa, descendant of Chaghadai and ruler of the ulus, controlled the policy of Chabar, son of Qaidu. Under his influence former enemies – Temur, the Mongolian khan and Yuan emperor, Toqta, khan of the Golden Horde, Chabar and Duwa himself – as prince Hayton stated, concluded the peace treaty with recognition of supreme power of Yuan emperor [13, p. 214]. Despite the fact of periodical worsening the relations between the Chaghadai Ulus and the Yuan Empire [see also: 17], the European contemporaries continued to consider the Central Asian khanate as a vassal state of the “Great Khan” – and the “Book of the great Khan” is an example of such position [38, p. 89]. The tradition of enthronement of Chinggis Khan’s descendants in the Chagadai Ulus was unchanged until the beginning to the 15<sup>th</sup> c. when Shahrukh after the unification of father’s domain under his power refused to enthrone next Chinggisid as his puppet and accepted the title of sultan [see e.g. 10, p. 820].

And the only interest in the Europe towards the Chaghadai Ulus was from the Popes who intended to baptize the population of the Mongol Empire. Although the Mongol Iran already accepted Islam as an official religion, Christian rulers still had a hope that Chaghadaid rulers would be well disposed to the Christianity. There was a series of letters from the Pope John XXII to Chaghadaid khan Eljigidey and from the Pope Benedict XII to khan Changshi as well as their courtiers and commanders: Popes expressed their pleasure that their addressees patronized the Christianity and Christians and negotiated on the organization of special eparchy in Almaliq [13, p. 383–384, 396, 482, 484]. And only in 1339 the positions of Christian church were substantially undermined when one more ruler, Ali Sultan (by the way, descendant of Ogedei, not Chaghadai!) ordered to put to death almost all representatives of the Catholic mission in Almaliq. Next year the attempt to restore the eparchy was made by John of Marignolli, but it never reached its previous influence again [8, p. XXXIV; 13, p. 536, 567, 594–505, 629–630, 638; 30, p. 119, 120].

It was a special feature of the Chaghadai Ulus in 1320s–1330s that protectors of Christianity and Islam changed one another. So, Ibn Battuta glorified khan Tarmashirin (Ala al-Din) who became Moslem and abolished many pagan traditions [13, p. 561]<sup>4</sup>. But Changshi who changed him in 1334 was, as we mentioned before a patron of Christians and addressee of Popes. It does not mean that this khan and his courtiers were Christians themselves: Hayton, Ibn Battuta and even Josafat Barbaro, who visited the Golden Horde and Iran in 1436 (and gathered information on the Chaghadai Ulus at the same time) mentioned that the predominant part of the population of this state were pagans [12, p. 556; 13, p. 210; 37, p. 269–270].

Of course, the real political reasons of such often changes of khans were not only in their religious policy: there was confrontation between adherents of steppe traditions of Turkic-Mongol peoples and customs of the settled population of the Central Asia. The notes of Ibn Battuta contain an unique narrative on dethroning the descendant of Chinggis Khan by kurultay (assembly of the nobility): khan Tarmashirin was deposed on the accusation of breaking the Great Yasa of Chinggis Khan as he preferred the settled mode of life and did not visited his subjects in the nomadic regions of the khanate [12, p. 560–561]. As later sources say, this confrontation in 1340s caused the parti-

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<sup>4</sup> At the same time the Moroccan traveler mentioned that Islam in the Chinggisid Central Asia had differences with customs in his own lands [26, p. 47].

tion of the Chaghadai Ulus into two parts: settled Mawerannahr and nomadic Moghulistan<sup>5</sup>.

So, we can see the imperial tradition of using the Yasa as the supreme source of law (like in the other uluses of the Mongol Empire) was living in the Chaghadai khanate in the first part of the 14<sup>th</sup> c. as well as an influence of representatives of the ruling family fro the state policy. It is interesting that one more rule of Yasa was actual even at the court of Shahrukh, son of Timur, in Herat: as mentioned Chinese ambassador Chen Cheng, ruler himself was entitled as a sultan (*suolatan*), and his son and supposed heir had title “mirza” (*mi'erzan*) and all courtiers and subordinates addressed to him only by name [10, p. 820–821]. That reminds one of “yاسas” of Chinggis Khan fixed by Juvaini [4, p. 26–27].

Another tradition, usual for the Mongolian rule, but not widespread in the world of Islam was the high status of women in the ruling family. One of the first regents in the history of the Chaghadai Ulus was Orqina Khatun, and even William of Rubruck called her state as “Organum” [16, p. 148]. Marco Polo told about Khutulun (Aigiaruk, as traveler her called), a daughter of Qaidu who was a possessor of own ulus and own troops and had a right to chose husband by herself [25, p. 453–455]. Castilian ambassador Rui Gonzalez de Clavijo mentioned Khan-zade, Tamerlan’s daughter-in-law, who was held by him in high respect as a granddaughter of Uzbek, khan of the Golden Horde [7, p. 164].

The central authorities of the Chagadai Ulus were not described by travelers in details. Only Chinese ambassador Chen Cheng mentioned that Shahrukh, ruler of Timurid state did not have many “bureaus”, and all administrative functions belonged to divan (*duaowan*) [10, p. 821]. The same author mentioned the absence of seals on the official documents: it was enough for ruler or high official to sign such act with his personal ring, and the document “becomes effective immediately” [10, p. 824–825]. It is interesting that such tendency also took place in other Turkic-Mongol states: for example, khans of the Crimean khanate by the end of the 16<sup>th</sup> c. finally refused of state steal (*tamgha*) on their edicts (*yarliks*) and used only ring-seal (*nishan*) [see e.g. 33, p. 140–143].

The regional system of authorities in the Chaghadai Ulus is shortly mentioned by some contemporaries, and we can suppose that it combined two traditions of regional administrations. Thus, Ibn Battuta told about the governor of the city Nakhshab whom he called “emir” in accordance with the Islamic tradition [12, p. 555]. Clavijo, in his turn, mentioned the mayor (“correhidor”) of Tabriz whom he called “daroughah” [7, p. 155] which was a Mongol analogue of regional ruler. Chen Cheng mentioned that some cities in the Timurid state under Shahrukh power were granted to his sons – Ulugh Beg and Soyurgatmish [10], while others were under rule of appointed governors and local ruling families [10, p. 838, 839, 841].

Interesting information on customs and duties in the Chaghadai ulus is also contained in the notes of travelers. The most frequent duties are connected with maintenance of postal stations (*jams*) and servicing of officials and ambassadors. William of Rubruck told about meeting envoys by local authorities: “On the Octave of All Saints [8 November] we entered a Saracen town called Kinchac, whose governor came out of the town to meet our guide, bringing ale and some goblets. For this is their practice, that outside all the towns they have conquered the envoys of Baatu and Mangu Chan are met with food and drink” [16, p. 143]. Chinese official Ch’ang Te

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<sup>5</sup> The analysis of travelers’ notes on Moghulistan is not a goal of this paper, as there a few mentions on this region during studied period, and contemporaries skeptically described its political and legal structure as a series of curios things [see e.g. 10, p. 849–850].

also told about “post-stations and inns having appearance of bathing-houses” [5, p. 130–131]. Rui Gonzalez de Clavijo gave even more detailed description of the postal network: “It is to be noted that from Tabriz all the distance to Samarqand Timur has established relays of horses kept ready at command so that his messengers may ride on his missions night and day without let or hindrance. The post-houses have been built at intervals of a day’s journey apart, or sometimes of half a day’s journey. In some post- houses a hundred horses will be found, in others only fifty, while in a few there may be as many as two hundred: and thus the high road all the way to Samarqand is served”. And later the Castilian ambassador more than once mentioned that he was met by local citizens and governors who offered him food and drink and changed his horses [7, p. 155, 182, 186].

He described in his diary also the everyday work of postal servants: “All along this route [as has been already noticed] Timur causes horses to be kept stationed ready for use at post-stages, in one place there may be a hundred in another two hundred horses, and this is the case right up to Samarqand. These are kept for the service of the special messengers or envoys sent to distant places by Timur, or for the use of such envoys as may be coming to him, and such as come and such as go may ride these horses day and night without halt. These government studs are stationed both in those desert or uninhabited regions along the route, and in places where there is a settled population, further for this service there have been built caravanserais at divers intervals, where there are stables for the horses with hostleries: the same being supplied with needful provender provisioned from the towns and villages adjacent. These government horses are cared for by men appointed to see to them, who are as we say postillions, being known here under the name of Yamchis. When any envoy sent by Timur, or any messenger carrying despatches to him arrives at one of these post-houses forthwith they unsaddle the horses that have come in, and saddle fresh beasts of those they keep. Then forward with the envoy will ride a postillion or may be two of those Yamchis, aforesaid, who are in charge of their horses, and these on arrival at the next post-house return thence with the beasts that they have brought thus far. After this fashion the messenger will pass along continuously: but should ever the horse that envoy is riding tire on the road, and by chance should he meet with any other horse whatever in these parts,—for instance should he come on one riding a horseback for his pleasure or business, —the messenger will take that horse, making the rider give it up, the Yamchi in attendance being then held responsible for the animal thus taken on loan, in place of the government horse discarded” [7, p. 177–178].

This tradition was saved in the early Timurid state: Chen Cheng describes “earthen houses” for travelers situated in each 20 *li*. He called them *langg’er*, and translator of his diary considers that there were ribats or Moslem “alms-houses” [10, p. 831]. But their characteristics as sites where travelers could find night quarters, food, drinks, etc. gives us a reason to see in them above-mentioned *jams*.

Another duty was connected with the safety of trade-routes: military troops were met by travelers along their way through the Chaghadai state. Florentine merchant Francis Pegolotti in his manual of trade with the Orient wrote: “From Oltrarre<sup>6</sup> to Armalec s forty-five days’ journey with pack-asses, and every day you find Moccolls” [38, p. 148], i.e. soldiers who guarded the routes.

To our mind, such attention to the road services additionally emphasized the above-mentioned image of the Chaghadai Ulus as a “transit region” on the way from the Golden Horde or the Mongol Itan to the Yuan Empire (China).

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<sup>6</sup> Otrar.

As for taxes, some travelers told about different kinds of them, but we have not a systematic information on this field of legal life in the Chaghadaid Ulu. Thus, Ch'ang Te said: "The people pay ten gold coins tax per head per annum as a maximum, but a different is made between the rich and the poor" [5, p. 131]. Francis Pegolotti mentioned that there was an own weight of "mina" (maund) in Armalec (Almalyq) equal 2 libras and 8 ounces of Genoa. This information was useful for merchants who had to pay special weighing tax "tartanaq" (cantar in the Europe) [38, p. 156; see also: 34]. Chen Cheng wrote that tax rate was "two in ten"; besides that he mentioned that not gifts but also tributes "are always grouped in nines" [10, p. 824, 836] – that was old Turkic-Mongol tradition of counting. Josafat Barbaro also mentioned special taxes from the foreign merchants in the Chaghadaid Ulu, but did not specify their rates and levying order [37, p. 270].

As the substantial part of travelers through the lands of the Chaghadaid Ulu were merchants, no wonder that some aspects of trade regulations also mentioned by contemporaries.

Ch'ang Te, who passed the Chaghadaid state in 1258, mentioned the fair in "Bie-shi-lan" (presumably Tashkent) without information on its regulation by Mongol authorities [5, p. 130]. As we remember, this time the economic life in this ulu was in hands of Muslim merchant and statesman Masud-Beg, son of Mahmud Yalavach, and have a reason to suppose the regulation of trade activities was in accordance with regional Islamic laws and traditions. Later Chaghadaid rulers began pay more attention to this field, especially Tamerlane.

Rui Gonzalez de Clavijo describes the holiday of this ruler near Samarqand when Tamerlane ordered local merchants and craftsmen to place their stores near his headquarter (*orda*). Moreover, he charged all store owners to organize shows and performances on their own account for spectators [7, p. 248].

The Castilian ambassador also described the policy of Tamerlane to support the acceptable level of prices for goods in his lands: "Then, when but just arrived back from his last campaign, he had ordered penalties to be laid on various shoemakers and those who sold sandals and other such like trade-folk, and that they should be mulcted of their illicit gains, seeing that they were over charging for their wares" [8, p. 250–251]. We do not have an information how the problem of rise the prices became known for Tamerlane, but could suppose that it was presented him by special market official – *mukhtasib* who in all Islamic states was in charge for order in trade activities etc.: he did not have a power to regulate prices himself but could report on this problem to the ruler [see e.g.: 11]. It's possible that such officials in the Timurid state were also mentioned by Chinese ambassador Chen Cheng who characterized them as "invasive people" who attended at bazaars [10, p. 829].

Chen Cheng mentioned that trade-tax (widely known as *tamgha*) was paid by buyers. He also wrote about special tax paid by workers of minting houses to the ruler of the region [10, p. 823–824].

A special regulation was used in the extraordinary circumstances: if the foreign merchant died, and his successor was not in the place of his death at this time. Francis Pegolotti wrote: "The road you travel from Tana to Cathay is perfectly safe, whether by day or by night, according to what the merchants say who have used it. Only if the merchant, in going or coming, should die upon the road, everything belonging to him will become the perquisite of the lord of the country in which he dies, and the officers of the lord will take possession of all... But if his brother be with him, or an intimate friend and comrade calling himself his brother, then to such an one they will surrender the property of the deceased, and so it will be rescued" [39, p. 152]. In fact, such in-

formation is rather contrary to one of Yargas of Chinggis Khan mentioned by Ala al-Din Juvaini: “They have a custom that if an official or a peasant die, they do not interfere with the estate he leaves, be it much or little, nor may anyone else tamper with it. And if he have no heir, it is given to his apprentice or his slave. On no account is the property of a dead man admitted to the treasury, for they regard such a procedure as inauspicious” [4, p. 34; see also: 36, p. 358]. More possible that the possessions of died merchants were saved by special official *bulaguji* who was in charge of search and saving of lost property and had right for reward from the owner for return of the loss [see details: 1]. Thus, when Venetian merchant Giovanni Loredano died near Ghazni, his possessions were taken by local authorities who later returned all goods to his brother and successor Paolo Loredano [20, p. 176].

Some lapidary information on the crimes and punishments in the Chaghadai Ulus also could be found in the notes of foreign contemporaries. It is significant that the status of criminals was not an extenuating circumstance. As we mentioned before, even khan Tarmashirin was accused and dethroned for his activities which were recognized a crime.

Ibn Battuta also told about the justice of Kebek Khan (d. 1326), elder brother of Tarmashirin: “Among the judgments of Kabak it is related that a woman laid a complaint before him against one of the amirs. She stated that she was a poor woman, with children to support, that she had some milk [for sale] with the price of which she could procure food for them, and that this amir had taken it from her by force, and drunk it. He said to her, 'I shall cut him in two; if | the milk comes out of his belly, he has gone to his fate, but if not I shall cut you in two after him'. The woman said, '[No.] I release him from the obligation, and will make no demand on him.' But Kabak gave the order, the man was cut in two, and the milk came out of his stomach” [12, p. 556–557]<sup>7</sup>.

Clavijo gave detailed description of court and execution of some statesmen by Tamerlane. One of them was a trustee of ruler and even was empowered to act for Tamerlane in Samarqand during his Near East campaign<sup>8</sup>. After return the ruler of the Chaghadai Ulus found that this official in agreement with one of his colleagues, Muhammad Jildah defalcated money assigned for the building of the Bibi-Khanym Mosque. Two criminals were found guilty and hanged despite the fact that Muhammad Jildah promised return all money and even more. Similarly another “great lord of the court” was sentenced by Tamerlane to death as he did not return 3 000 horses left him to care before the above-mentioned Near East campaign although the criminal promised return not 3 000, but 6 000 horses [7, p. 249–250]<sup>9</sup>.

Another foreigner who was familiar to Tamerlane, Bavarian Johan Schiltberger, told about the massacre made by Chaghadai ruler with citizens of Isfahan who at first submitted to him and accepted his garrison, but later rebelled and kill all Chaghadai soldiers [31, p. 27–28]<sup>10</sup>.

Administrators of Tamerlane severely punished their subordinates if they did not place at their disposal horses, food, drink, etc. Castilian ambassador wrote: “Wheresoever we might come and whensoever, no matter at what hour, if those of the settlement

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<sup>7</sup> However, already publisher of Ibn Battuta’s notes paid attention that similar story was told in different Islamic countries.

<sup>8</sup> In fact, it was certain Khwaja Muhammad Dawud, the “chief of scribes”, i.e. head of one of divans (ministries).

<sup>9</sup> The information of Clavijo differs in details from reports on this case by Timurid historians.

<sup>10</sup> Such massacres were usual punishment for treachery by Mongol conquerors since the times of Chinggis Khan.



or township did not forthwith very quickly bring all that was required, they received merciless blows and beatings, suffering the same in a manner that we marveled to witness” [7, p. 187–188].

However, even Tamerlane who was presented in different sources as a just ruler and a fighter with criminality was not able to succeed in this activity entirely and had some failures. Rui Gonzalez de Clavijo wrote about regular abuse of power by officials and messengers (*elchis*) of Tamerlane who beat unmercifully commoners and even local leaders (*reises*) to extort money and goods. Now wonder that citizens at their approach closed their stores and workshops and tried to hide from elchis [7, p. 188–189]. And Clavijo did not mention that such practice was punished by Tamerlane!

Shiltberger also gave some examples of Tamerlane’s weakness in punishment of criminals. Thus, one of his emirs got tribute in Iran but in agreement with local governor defalcated it. Ruler of the Chaghadaï Ulus sent his army for criminals but they could hide in the woods. Similarly, when Tamerlane returned to Samarqand after one of his campaigns he was known that his younger wife “had been intimate with one of his vassals”. Ruler ordered to behead the wife, but her lover was able to escape [31, p. 26–27, 29].

Chen Cheng describes the criminal legal realities in the early Timurid state, and his information shows that already Timur’s heir, Shahrukh, turned to Islamic tradition of criminal law. According to the Chinese ambassador, “Criminal law is seldom applied in the country. Lawsuits are rare among the military and common people. If there is a case that involves the killing of a person, the punishment will not go beyond compensation for a certain amount of money. There is no death penalty. As for other lesser crimes, only light punishments or flogging would be carried out” [10, p. 825]. This description, as we can see, correlates with Moslem criminal and penal institutions – such as *diya* instead of revenge or death penalty of the murderer, etc.

At the same time Chen Cheng describes some prohibitive rules related to Islamic law. For instance, he mentions a prohibition for alcohol and beating offenders by whip [10, p. 826, 839].

Finally, Rui Gonzalez de Clavijo fixed interesting detail on the judicial proceeding in the Chaghadaï Ulus – at the description of above-mentioned punishment of his trustee Khwaja Muhammad Dawud. During the investigation rulers’ subordinates interrogated suspects, read witnesses, used different kinds of tortures, etc. [7, p. 249–251].

Contemporaries did not fixed detailed information on private legal relations. Only Chen Cheng’s diary contained several mentions on matrimonial customs of population in the early Timurid state. He wrote that man could marry or take as concubine widow of his elder or younger brother (a kind of levirate union) as well as marry his cousin on father’s line [10, p. 826].

As we can see, the contemporaries’ notes contain various information on the political and legal realities of the Chaghadaï Ulus. It seems that such materials are of great value as contain the evidences not on written, but on active law, which was used in the everyday life. Of course, analyzed information is not so detailed and systematized to reconstruct all fields of legal relations in the Chaghadaï and early Timurid state. However, part of this information gives an opportunity to compare evidences of foreigners with works of Central Asian historians of Chaghadaï and Timurid periods. And another part is a series of unique facts given by eye-witnesses who was involved in real legal relations in the Central Asian Chinggisid khanate.

At the same time, despite the brevity and facultative of researched sources, we have reason to state that basic political and legal institutions in the Chaghadaï Ulus were similar (and even same) to the analogous institutions in other Chinggisid states

which are better studied due to greater number of sources and longer traditions of scientific research.

So, we can continue the research of the political and legal realities of the Chaghadaï Uls in two ways. First one is comparison of foreign contemporaries' notes with the information of Central Asian narrative and legal sources. Another way is an extrapolation of our knowledge on specific political and legal institution of the Golden Horde, Mongol Iran and Yuan Empire on their analogues in the state of Chaghadaïds to compensate the lack of information.

## REFERENCES

1. Abzalov L.F., Gatin M.S., Mustakimov I.A., Pochekaev R.Yu. (2023). K voprosu o sud'be uteryannogo imuschestva v srednevekovykh turko-mongol'skih gosudarstvakh [On the Fate of the Lost Property in the Medieval Turkic-Mongol States]. *Izvestiya Uralskogo federalnogo universiteta. Seriya 2: Gumanitarnye nauki* [Proceedings of the Ural Federal University. Series 2: Humanitarian Sciences]. 2023, Vol. 25, no. 2, pp. 51–67. (In Russian)
2. Bekmuradov S. From the history of the study of the Chagatai ulus governance system. *History and Archeology, Archival Studies*. No. 133: Proceedings of the 3rd International Scientific and Practical Conference “Concepts for the Development of Society’s Scientific Potential”, 2022, pp. 227–236.
3. Biran M. Qaidu and the rise of the independent Mongol state in Central Asia. Richmond: Curzon, 1997. 197 p.
4. Boyle J.A. (transl.) *The History of the World-Conqueror by Ata-Malik Juvaini*. Manchester: Manchester University Press, 1997. 67 + 763 p.
5. Bretschneider E. *Medieval Researches from Eastern Asiatic Sources*. Vol. 1. London: Kegan Paul, Trench, Trubner & Co., 1910, 334 p.
6. Chinzorig B. (ed.). *Tsagadayn uls [Chaghadaï Uls]*. Ulaanbaatar: Steppe Publishing, 2019. 266 p. (In Mongol)
7. Clavijo. Embassy to Tamerlane 1403-1406, transl. from Spanish by G. Le Strange. London: George Routledge & Sons, Ltd., 1928. 375 p.
8. Dawson C. (ed.). *The Mongol Mission. Narratives and Letters of the Franciscan Missionaries in Mongolia and China in the Thirteenth and Fourteenth Centuries*. London; New York: Sheed and Ward, 1956. 39 + 246 p.
9. Enkhchimeg Ts.Ts. Chagatayskiy ulus (1221–1346): Avtoref. ... kand. ist. nauk [Chaghadaï Uls (1221–1346)]: Summary of the Dissertation of Candidate of Historical Sciences. Ulan-Ude: S.n., 2004. 23 p. (In Russian)
10. Fan C. The Timurid Regions and Moghulistan through the Eyes of a Ming Diplomat: An Annotated Translation of the Xiyu fanguo zhi and Selected Poems by Chen Cheng (1415). *Journal of the Economic and Social History of the Orient*. 2023, vol. 66, pp. 795–884.
11. Floor W. The Office of Muhtasib in Iran. *Iranian Studies*. 1985, vol. 18, no. 1, pp. 53–74.
12. Gibb H.A.R. (transl.). *The travels of Ibn Battuta. A.D. 1325–1354*. Vol. 3. Cambridge: Cambridge University Press, 1971, pp. 539–771.
13. Hautala R. V zemliakh «Severnoi Tartarii»: Svedeniia latinskikh istochnikov o Zolotoi Orde v pravlenie khana Uzbeka (1313–1341) [In the Lands of the “Northern Tartaria”: Information of Latin Sources on the Golden Horde during the Reign of khan Uzbek (1313–1341)]. Kazan: Marjani Institute of History of the Tatarstan Academy of Sciences, 2019. 976 p. (in Russian, Latin).
14. Hayton. La flor des estoires de la terres d’Orient. In: *Recueil des historiens des croisades. Documents arméniens*. Vol. 2. Paris: Academie des inscriptions et belles-lettres, 1906, pp. 111–363.

15. Hildinger E (transl.). *The Story of the Mongols whom we call the Tartars*, by Friar Giovanni diPlano Carpini. Boston: Branden Publishers Co., 1996. 136 p.
16. Jackson P., Morgan D. *The Mission of Friar William of Rubruck*. London: The Hakluyt Society, 1990, 312 p.
17. Karaev O.K. *Chagatayskiy ulus. Gosudarstvo Khaydu. Mogulistan. Obrazovanie kyrgyzskogo naroda [Chaghadaid Ulus. Qaidu's state. Moghulistan. Foundation of the Kyrgyz people]*. Bishkek: Kyrgyzstan Publ., 1996. 160 p.
18. Kehren L. *Temoignages d'Europeens sur Tamerlan revisites Clavijo et Schiltberger. Oriente Moderno*, New ser., 1996, vol. 15, no. 2: La civilita Timuride come fenomeno internazionale, vol. I (Storia – I Timuridi e l Occidente), pp. 325–339.
19. Liu Yingsheng. *War and Peace between the Yuan Dynasty and the Chaghadaid Khanate (1312–1323)*. In: Amiyai R., Biran M. (eds.). *Mongols, Turks and others. Eurasian Nomads and the Sedentary World*. Leyden; Boston: Brill, 2005, pp. 339–358.
20. Lopez R.S. *European Merchants in the Medieval Indies: The Evidence of Commercial Documents. The Journal of Economic History*. 1943, vol. 3, no. 2, pp. 164–184.
21. Manz B. *The Rise and Rule of Tamerlane*. Cambridge; New York: Cambridge University Press, 1999. 227 p.
22. Matsui D. *A Mongolian Decree from the Chaghataid Khanate Discovered at Dunhuang*. In: *Aspects of Research into Central Asian Buddhism: In Memoriam Kogi Kudara*. Turnhout: Brepols, 2008, pp. 159–178.
23. Matsui D. *An Uigur decree of tax exemption in the name of Duwa-Khan. Шинжэлэх Ухааны Академийн Мэдээ [Academy of Sciences Herald]*. No. 4, 2007, pp. 60–68.
24. Matsui D., Watabe R., Ono H. *A Turkic-Persian Decree of Timurid Miran Shah of 800 AH / 1398 CE. Orient*. 2015, Vol. 50, pp. 53–75.
25. Moule A.C., Pelliot P. *Marco Polo: The Description of the World*. Vol. 1. London: George Routledge & Sons, Ltd., 1938. 596 p.
26. Mueller Chr., M. Salonia M. (eds.). *Travel Writings on Asia: Curiosity, identities and knowledge across the East, c. 1200 to the present*. Singapore: Palgrave Macmillan, 2022. 310 p.
27. Petrov P.N. *Numizmaticheskaya istoriya Chagataiskogo gosudarstva 668/1270–770/1369 gg. [Numismatic history of the Chaghadaid state 668/1270 – 770/1369] Cand. Sci. (History) Thesis*. Kazan: S.n., 2007. 379 p. (In Russian)
28. Phillips K.M. *Before Orientalism: Asian Peoples and Cultures in European Travel Writing, 1245-1510*. Philadelphia: University of Pennsylvania Press, 2014. 314 p.
29. Subtelny M.E. *Timurids in Transition. Turko-Persian Politics and Acculturation in Medieval Iran*. Leiden; Boston: Brill, 2007. 411 p.
30. Svet Ya.M. (transl.). *Posle Marko Polo. Puteshestviya zapadnykh chuzhezemtsev v strany trekh Indiy [After Marco Polo. Travels of western foreigners to the country of three Indias]*. Moscow: Nauka Publ, 1968. 238 p. (In Russian)
31. Telfer J.B. (transl.). *The bondage and travels of Johann Schiltberger, a native of Bavaria, in Europe, Asia and Africa, 1396–1427*. London: The Hakluyt Society, 1879. 263 p.
32. Tugusheva L.Yu. (transl.). *Uygurskie delovye dokumenty X–XIV vv. iz Vostochnogo Turkestana [Uyghur practical documents of 10<sup>th</sup>–14<sup>th</sup> cc. from the Eastern Turkestan]*. Moscow: Nauka – Vostochnaya literature Publ., 2013. 326 p. (In Russian, Ancient Uyghur)
33. Usmanov M.A. *Zhalovannye akty Dzhuchieva Ulusa XIV–XVI vv. [Granted Charters of the Ulus of Jochi of 14<sup>th</sup>–16<sup>th</sup> cc.]*. Kazan: Kazan University Press, 1979. 318 p. (In Russian)
34. Vásáry I. *Notes on the term “tartanaq” in the Golden Horde*. In: Vásáry I. *Turks, Tartars and Russian in the 13<sup>th</sup>–16<sup>th</sup> centuries*. Aldershot; Burlington: Ashgate, 2007, pp. 19.
35. Ver M. *Old Uyghur documents concerning the postal system of the Mongol Empire*. Turnhout: Brepols, 2019. 263 p.

36. Vernadsky G. The Scope and Contents of Chingis Khan's Yasa. *Harvard Journal of Asiatic Studies*. 1938, Vol. 3, no. 3/4, pp. 337–360.

37. Yule H. (transl.). Cathay and the way thither; being a collection of medieval notices of China. Vol. 1. London: The Hakluyt Society, 1916. 319 p.

38. Yule H. (transl.) Cathay and the way thither; being a collection of medieval notices of China. Vol. 3. London: The Hakluyt Society, 1914. 270 p.

## ГОСУДАРСТВО И ПРАВО ЧАГАТАЙСКОГО УЛУСА И РАННЕГО ТИМУРИДСКОГО ГОСУДАРСТВА ГЛАЗАМИ ИНОСТРАННЫХ СОВРЕМЕННИКОВ

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**Резюме.** Цель исследования: анализ официальных документов и свидетельств иностранных современников как источника по истории государственных и правовых отношений в Чагатайском улусе XIII–XV вв., выявление степени их объективности и полезности для дальнейшего исследования истории этого государства.

Материалы и методы исследования: основу исследования составляют официальные документы (включая дипломатическую корреспонденцию), а также отчеты и записки путешественников, дневники и мемуары иностранцев – выходцев из различных стран Европы и Азии, побывавшем в рассматриваемый период в Чагатайском улусе с различными целями. Основные методы исследования: историко-правовой и формально-юридический методы, сравнительно-правовой анализ, а также общесторический подход, сочетание которых позволяет проверить достоверность и объективность информации исследуемых исторических источников.

Научная новизна заключается в том, что впервые специально исследуется важный аспект истории Чагатайского улуса – его политические и правовые реалии в том виде, в каком их представляли иностранные современники, многие из которых лично побывали в этом государстве, а другие опирались на сведения, предоставленные такими путешественниками. При этом производится сравнение одних свидетельств современников с другими, а также с иными источниками, что позволяет выявить сходства и различия в политико-правовых реалиях Чагатайского улуса с Монгольской империей и другими чингизидскими государствами.

Результаты исследования: информация проанализированных исторических памятников, безусловно, не позволяет в полной мере реконструировать политическое устройство или правовую систему Чагатайского улуса. Однако она содержит важные и ценные детали, касающиеся различных сторон его политико-правовой жизни, что позволяет дополнить сохранившиеся до нашего времени основные источники по истории этого государства – исторические хроники и сочинения (преимущественно тимуридского и пост-тимуридского периодов) и правовые памятники (ханские ярлыки и иные юридические документы). Также следует принимать во внимание, что в течение достаточно длительного времени (вплоть до завоевательных походов Тамерлана) иностранные современники не рассматривали Чагатайский улус в качестве авторитетного участника международных отношений, поэтому интерес к нему был гораздо ниже, чем в отношении других чингизидских ханств – Золотой Орды, госу-

дарства Хулагуидов, империи Юань. Как бы то ни было, проанализированные сведения дают возможность обратиться к более подробному изучению тех аспектов истории Чагатайского улуса, которые до сих пор не были подробно изучены.

**Ключевые слова:** Чагатайский улус, Монгольская империя, тюрко-монгольские государства, записки путешественников, традиционное государство и право кочевников Евразии

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