



MARRIAGE I. THE MARRIAGE CONTRACT IN THE PRE- ISLAMIC PERIOD I. BACTRIAN MARRIAGE CONTRACT

i. BACTRIAN MARRIAGE CONTRACT

The Bactrian marriage agreement (Sims-Williams, document A) represents the earliest legal record in a large archive of Bactrian letters and documents. This archive comes from the town of Rob or its vicinity, in present-day northern Afghanistan, and reflects almost five centuries of uninterrupted administrative tradition. The marriage contract is dated by the year 110 of the Bactrian (= Kushano-Sasanian?) era, which probably corresponds to 343 CE. At that time Bactria was ruled by the dynasty of the Kushanshahs, vassals of the Sasanian kings.

In spite of this fact, several features of the Bactrian marriage contract are distinctly non-Sasanian. Its most striking peculiarity is, of course, the marriage of the two brothers Bab and Piduk with a woman Ralik. This confirms the data of Chinese historians who recorded the widespread custom of polyandry in Pre-Islamic Tokharestan. Polyandry was still frequent in the Panjsher valley at the time of [Biruni](#) (973-1050), and remained common in Tibet up to very



recent times. One can draw a parallel with the Sasanian next-of-kin marriage (*xwēdōdah*), since an important economic motivation suggested for both customs was to avoid the division of an inherited property. Another feature of the Bactrian marriage contract that has no parallels in the Sogdian and Pahlavi marriage agreements is the mention of the mother of the bride (Nog-Sanind) as a legal party. The same holds for the father of the bridegroom (Bag-Farn), but his active role in the marriage arrangement may reflect nothing more than the young age of Bab and Piduk.

The text of the contract clearly implies that Bab and Piduk will be regarded as fathers of Ralik's children. This, as well as a reference to Ralik as "a lady possessing authority" (*phinzo phromanzo*), indicates that we are dealing with the most traditional form of marriage, roughly equivalent to the "*pādixšāy*-marriage" of Sasanian law. Unfortunately, we do not know whether alternative forms of marriage, such as the temporary marriage aiming at providing children for one of the parties, were recognized in the Bactrian legal system.

Judging by the modest size of the dowry and by special formulae preventing the potential enslavement of Ralik and her children, the parties involved occupied a relatively low rank in the social hierarchy of the town of Rob. The fact that their marriage agreement was concluded in the presence of city officials, and then kept in an archive for several centuries, indicates a high degree of administrative organization in early medieval Bactria. This gives hope that more documents of this kind will be found in the future.

TEXT

(It was) the year 110, month Ahrezhn, day Abamukhwin having elapsed, when this marriage contract was written here in the borough of the city of Rob which is called Steb, with the cognizance of these free men of Steb, the witnesses and those who impressed (their) seal (upon it)—those who witness the present document put their signatures thereupon, and those who do not witness the present document certified another one—(namely) in the presence of Wind-Ohrmazd, Kulagan, the chief of the district, and in the presence of Khwadew-lad, Yastunikan, and in the presence of Waraz-ormuzd, Khwasrawgan, and in the presence of Abdabuk Pabugan, and in the presence of Aspal-mir Yolikan, and in the presence of Bag-bandag, the master craftsman, and also in the presence of the other freemen of Steb, the witnesses and those who impressed (their) seal (upon the documents). (Then this)



declaration was freely and willingly made (by me) Bag-farn, son of Zamod and (by us) Bab and Piduk, the natural sons of Bag-Farn, who now serve Ninduk Okhshbadugan in free service.

Now: there has been requested by me, Bag-farn, from you, Far-wesh, and from you Nog-sanind, this woman whose name (is) Ralik, (as) a *fully privileged* daughter-in-law, (as) a wife for these (my) sons, Bab and Piduk, so that I, Bag-farn may treat the woman described herein, whose name (is) Ralik, (as) a daughter-in-law (to be treated) like a daughter in law, in every home which we now have and also which we may acquire in future, as (one) ought to treat a daughter in law, as (is) the *established custom* of the land.

And a declaration was made (by us), Bab and Piduk. We have received Ralik—I, Bab, and I, Piduk, as a wife to be treated like a wife, a lady possessing authority in every home which we have now and which we may acquire in the future, as (is) the *established custom* of the land. And I, Bab, and I, Piduk, shall not have the right to make another (woman our) wife, to keep a free (woman as a) *concubine*, to whom Ralik would not agree. And if I, Bab, or I, Piduk make another (woman our) wife, or keep a free (woman as a) *concubine*, to whom Ralik would not agree, (we) shall give a fine of twenty dinars of struck gold to the royal treasury, and the same to the opposite party.

And a declaration was made (by us), Ninduk, son of Muzda-wanind, and Yamsh-bandag and Pap and Yat, the sons of Nunduk, whose house is called Okhshbadugan, that we have ourselves approved Ralik and we are in agreement about this matter, and (we) shall not have the right—I, Ninduk, or I, Yamsh-bandag, or I, Pap, or I, Yat—to assign *duties and tasks* to Ralik, nor (to) whatever (child) may be born from Ralik. And whatever son may be born from Ralik, then she may have (him) for her own, and may put (him) for hire in free service, as (his) grandfather and father did; and whatever daughter may be born, then in as much as the father and the mother and the family may agree to give (her) away, then (we) shall grant (their) wish. And if I, Ninduk, or I, Yamsh-bandag, or I, Pap, or I, Yat do otherwise, or assign *duties and tasks* to Ralik, or claim that there is our slave-girl or slave among Ralik's progeny, not (one) in free service like (his/her) grandfather and father, then (we) shall give a fine of twenty dinars of struck gold to the royal treasury, and the same to the opposite party, and so too our claim and argument shall be [inva]lid.

Dowry: one blanket, one pillow, one (?), one *cloak* [...], one [...], four bracelets,



two (?), three pairs of shoes, two sheep [...], three measures of [whe]at.

BIBLIOGRAPHY

The only extant edition of the marriage contract is N. Sims-Williams, *Bactrian Documents from Northern Afghanistan: Legal and Economic Documents*, Corpus Inscriptionum Iranicarum, pt. II, vol. VI, Oxford, 2001, pp. 32-36. A photograph of a part of this document is available for download at www.gengo.l.u-tokyo.ac.jp/~hkum/images/bactx018.jpg (accessed on 20 December 2004). The practice of polyandry in Pre-Islamic Tokharestan is extensively discussed in K. Enoki, "On the Nationality of the Ephtalites," *Memoirs of the Research Department of the Toyo Bunko* 18, 1959, pp. 51 ff.