

The Embodiment of Different Cultures in the Sogdian Slave Trade Contract: The Impact of Zoroastrianism on the Sogdian Diaspora Identity

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Abstract: Past research on Sogdians chiefly focus on their economic activities and their remained relics, but rarely concern on the topic of identity due to scarce document about the Sogdian socio-cultural environment. This essay attempts to show the elements in the identity of the Sogdian diaspora and the potential causes behind it by analyzing the Sogdian slave trade contract excavated in Turfan, China and other Chinese excavated Sogdian artifacts. By analyzing the content of the contract, combined with Ian Lilley's theory about diaspora identity, it is found that the contract content was heavily influenced by two cultural factors mainly, which are the Central Plain culture and Zoroastrianism. The former factor contained Chinese jurisprudential thought, legal system and customs, presented in the contract's form, structure and text details. The latter was shown through the Zoroastrian legal and familial values reflected in the text, as well as the mention of traditional calendar. During the analysis, an analogy was made between the possible Sogdian jurisprudence and the Sassanid law. Both cultural factors contributed to the maintenance of the Sogdian indigenous cultural identity.

Keywords: Astana Tomb Complex, Diaspora identity, Sogdian diaspora, Sogdian female slave trade contract, Zoroastrianism

1. Introduction

1.1. A brief history about Sogdian diaspora slave trading

The Sogdians were expert merchants in the Silk Road trading, bridging the middle Eastern and East Asia civilizations of Asia and Europe, and established numerous settlements of Sogdian diaspora along the route. According to Ian Lilley [1], create and maintain identities is a constant theme for diaspora communities. "It is about the local and non-local, and how through processes of hybridity and creolization some groups of people can be both at the same time". Since very few Sogdian texts have been unearthed, few have used this theory to analyze the identity of Sogdian diaspora. However, the Sogdian female slave trade contract excavated in 1969 in the Astana tomb complex, can well demonstrate Lilley's viewpoints. Therefore, the aim of this essay is to explore how different cultures were involved in the process of "create and maintain" and the rationale behind it by taking the Sogdian contract as the main case study.

Firstly, the context in which the Sogdian contract was unearthed will be presented. Then the first paragraph will summarize the results of past scholars on the influence of Central Plain culture in the

contract, showing that Chinese culture was a cultural factor involved in “creating identity”. The second paragraph will then attempt to discuss Zoroastrianism as a factor of “maintaining identity” in the deeds. Finally, it will explore the cause respectively for these two cultures to be the most profound elements affecting the identity of the Sogdian diaspora, emphasizing the non-proselytized attributes of Zoroastrianism as the reason why it was able to exert a far-reaching influence on the Sogdian diaspora.

1.2. Background

The excavation report of Tomb 135 in Astana, Turfan, including analysis of the contract were published by Japanese scholars Yutaka Yoshida and Takao Moriyasu in conjunction with the Xinjiang Uyghur Autonomous Region Museum [2]. The basic information about the excavation is listed: The tomb complex could be dated back to the ancient Gaochang Kingdom, contemporaneous with the Tang Dynasty; Two clay figurines, a grass figurine, a Chinese deeds and a Sogdian deeds were excavated from it. The two contracts were not connected in the content; The deceased in the tomb was a middle-aged male with his head facing west, and his connection to the above-mentioned artifacts is unknown; Based on the translation provided in the report, the buyer was Yānqsenā from Cinackand, the seller was Uhusufert from Samarkan, the traded slave was Upāc from Turkestan. Based on the preceding, the analysis of the contract content in the following section will not take into account the influence of the excavation environment and other relics in tomb 135, since the relationship between those artifacts and the Sogdian contract is unknown.

The translation utilized in this paper is largely benefited of Lin Meicun and Mie Xiaohong’s Chinese translation versions [3].

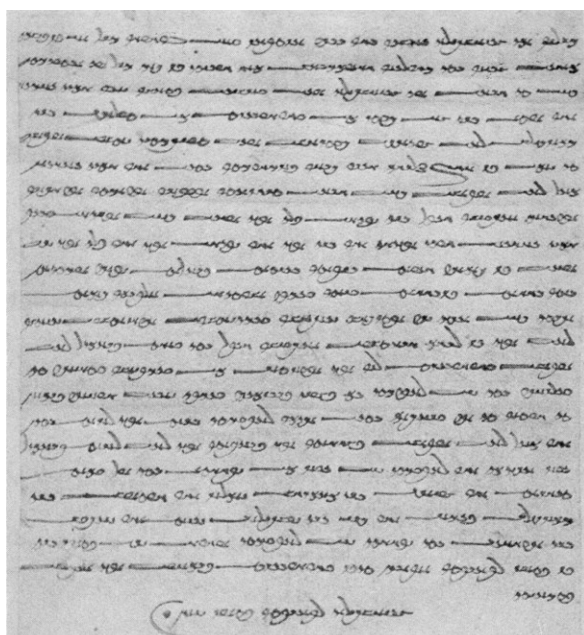


Figure 1: Gaochang Sogdian female slave sale contract [2]

2. Create — impact of Tang Dynasty jurisprudence in the contract

The culture of the Central Plain has a rich bearing on the Sogdian contract, whether from the contract structure or the details of the inner text, all more or less reflecting the jurisprudential thought, legal system and customs of the Central Plain. Inevitably, Sogdians would receive impressions from

Chinese culture when they entered this predominantly Han Chinese state of Gaochang. This has been stated by numerous studies since the excavation of the deeds.

In terms of overall format and structure, the influence from the Central Plain is very evident: In view of the format, according to the official seal at the end of the contract's front page and the signature of an official of Gaochang, this deed is a document certified by the official government of Gaochang, possibly implying that it is legal to own slaves. In the contemporary jurisprudence of the Tang Dynasty, there was a clear distinction between the two types of documents, namely "private vouchers for the purchase of slaves" and "official vouchers for the purchase of slaves". The former legalized private transactions of slaves, while the latter authorized the subsequent legal ownership of slaves [4]. Therefore, it is presumable that the Sogdian contract is an "official voucher" issued by the official of Gaochang. Although both the trader and the dealer of the deeds were from the "Hu" populations (胡人) [3], they still adopted the Han's contract form of the Central Plains; Looking at the overall structure of the contract, the Sogdian contract also remained an "official voucher" format from the Tang dynasty, regarding the time of the contract being placed at the beginning, the items bought and sold in the middle, and the five guarantors listed at the end as witnesses [5].

From the details in the document, many specifics also reflect influences from the Central Plain culture:

- (1) The time of the contracts contained two types of Chinese chronology: "In the sixteenth year of Yanshou of the holy Khalifa King of Gaochang. In Chinese it is said to be the twenty-seventh day of the fifth month of the year of the pig, which is called the twelfth month in the Sogdian language". "The sixteenth year of Yanshou" is typical of a Chinese era name, while the "Year of the Pig" is the chronology of the Chinese Zodiac [5]. It is evident that the chronology of the Gaochang Sogdian contained two types of Chinese chronology.
- (2) In terms of the guarantors, Mie Xiaohong compared another official voucher excavated at the Astana Tomb Complex for slavery transaction, with this Sogdian contract, and found that they share a similarity in the style of listing the five guarantors. This once again emphasizes the influence of the Han Chinese community on the Sogdian drafter of the contract [4].
- (3) Finally, there is a phrase in the contract: "with the consent of the female slave". Han Shuwei believes that this reflects the fact that the Gaochang state did not allow the sale of populace [6]. Mie Xiaohong, on the other hand, gives a more detailed explanation: "... the investigation of this situation, asking the female slave herself whether she truly was not one of populace, and this official investigation should be the original meaning of 'with the consent of the female slave' in the Sogdian contract" [4]. But in the case contracts used by the authors, no sentence requiring the consent of the slave, or the like occurs. It begs the question if this statement implies a value judgment on the part of the Sogdians. After all, the Tang Code with Commentary mentions that "slaves and maids as sluts, with a legal status comparable to that of livestock 奴隶贱人,律比畜产" [7], and seeking consent presupposes seeing the other person as a human being and not as an animal.

3. Maintain — embodiment of Zoroastrianism in the contract and Gaochang

Turning back to the native culture of Sogdians, there are also several details in the contract that reflect the influence of Zoroastrianism, the main religion practiced by Sogdian groups:

- (1) The sentence "with the consent of the female slave" in the contract embodies a wholly contrary spirit to the jurisprudence of the Central Plain, which came from Zoroastrianism. The ideology, texts and system of jurisprudence of the Sogdians are not understood today. However, the Sassanid dynasty, thriving till the 7th century, shared the same religious basis as the Sogdians:

Zoroastrianism. Religion had a significant role in the political and social structure of the Sassanid dynasty-āsrōnān “priests” was one of the estates of the society; After the fifth century, the king was crowned by the mōbadān mōbad “the chief priest” [8]. Thus, it is reasonable to assume that the juridical thought of the Sogdians was similar to that of the Sassanid dynasty.

In Nazanin Tamari’s work [9], the social and legal status of slaves in the Sassanid was analyzed from the Sasanian Law Book HazārDādestān (“The Book of a Thousand Judgments”), the main source of information on Sasanian slavery: “Slaves were considered as persons with limited rights, with a legal position equal to that of women and children under the pater familias’ ‘command’ (farmān) and ‘guardianship’ (sālārīh).” As can be seen, slaves had a slightly higher status in Sasanian jurisprudence than in the Tang dynasty, they were seen as subjects with limited rights. In more detail, Sasanian slaves were allowed to own property under special circumstances and have the right to marry [9], even if they were married to populace, whereas slaves in Tang dynasty could not own property and could only be married to slaves [10]. This may serve to explain why the contract in particular records the female slave’s “consent” and her possessions, as well as her marriage.

- (2) Apart from the embodiment of Zoroastrianism jurisprudential elements, the contract also incorporates particularities that characterize the native culture of the Sogdians: In addition to the two aforementioned Central Plains chronometers, the signing time also utilized the Sogdian calendar. This calendar is derived from the Achaemenian calendar introduced by the Persians for the Zoroastrian subjects [11]; In the list of the guarantors, unlike the Tang deeds, this Sogdian contract emphasizes the family origin of each guarantor. This feature also emerges in the accounts of buyers, sellers and female slave [4]. This emphasis on the familial linkage and responsibility of the parties associated with the contract is very representative of the Sogdian culture. The focus on family lineage origins from Zoroastrianism’s emphasis on fertility and reproduction [12].

Not only was Zoroastrianism reflected in the contract, but also in other documents and relics related to the Gaochang Sogdians, showing the prevalence of Zoroastrianism in the Sogdian diaspora:

- (1) There are many historiographies from the Central Plains that record the Zoroastrian religious activities of the Sogdians: In “In the Northern History”, “the Book of Wei”, “the Book of Zhou”, “the Book of Sui” etc. It is written that the religious beliefs of the Gaochang were that “the gods of heaven were worshiped in common, and Buddhism was believed concurrently” [13]. Despite some naysayers [14], most scholars concur that the “gods of heaven” in the text are Zoroastrianism, and Sogdians were representative in terms of beliefs in Zoroastrianism.
- (2) Lin Meicun has examined Zoroastrian artifacts excavated at Gaochang, including an ossuary and four clay sculptures. The former is remarkably typical of Zoroastrian funerary artifacts. The bones of the faithful would first be placed in the field for birds or dogs to peck at the flesh, the remaining bones would be buried in an ossuary; while the latter, when compared with the Sogdian statues, revealed that the clay sculptures of the two places were almost identical as regards the craftsmanship and artistic iconography [14]. It can be seen that not only did some certain Zoroastrian ideology that influenced the Gaochang Sogdians, but also the actual participation in religious activities and rituals in the course of people’s daily lives.

4. Analysis of the phenomena

The integration of Central Plain culture, in this case the jurisprudence and customs, as a non-native cultural factor into the diaspora identity is commercially and profit oriented: only by adopting native laws, customs, etc. in their dealings can they maximize the protection of their economic interests [15], penetrate deeper into the local community, and open up a larger market. It can be seen that when the

Sogdian diaspora “creates” a new identity and incorporates new cultural elements, it does not arbitrarily accept them, but rather selects and integrates them on the basis of Sogdian native values. From this point of view, the process of “create” is also part of the process of “maintain” of the native identity.

As for the significance of Zoroastrianism in “maintain”, it could be contributed to a distinctive feature of Zoroastrianism: non-proselytized, which is the confined nature of the religion without preaching or translating the religious texts, stated in Chen Yuan’s work [16], and this serves the needs of the diaspora of preserving an identity for distinguishing its own people from others. This phenomenon was not limited to the ancient kingdom of Gaochang, but also appeared in more eastern regions.

In ancient China, remnants of Zoroastrianism transcended time and appeared among the Sogdian diaspora who had undergone varying degrees of Sinicization. For instance, Cave 322 of the Mogao grottoes in Dunhuang was built by Sogdians during the early Tang Dynasty, and reflects the native Sogdian decorative features in both its decorative style and sculptural images. Among them, an image of a winged beast has a Zoroastrian quality. This kind of winged beast image also appeared in the tomb decoration of Tomb of Anja in Xi’an, Northern Zhou Dynasty and Yu Hong’s tomb in Taiyuan, Sui Dynasty. Both the Sogdians in Dunhuang and in the Central Plain maintained the characteristics of Zoroastrianism even after accepting the dominant culture of the region [17]. Thus, Zoroastrianism has an almost root-like importance in the culture of the Sogdian diaspora, and remains in the community even after various degree of Sinicization.



Figure 2: (Left) the winged beast in cave 322 of the Mogao grottoes, (right) the winged beast in Tomb of Anja in Xi’an [17]

5. Conclusion

By analyzing the trade contract written by the Sogdian diaspora in Gaochang, it is possible to detect a very clear survival of the cultural influence of the Central Plain and the native Sogdian culture. Among them, the native culture of Sogdians received a profound influence from Zoroastrianism. Comparison with the artistic content of other ancient Chinese Sogdian diasporas reveals that the influence of Zoroastrianism still exists in the context of high Sinicization, which shows that the religion is as important as the foundation for the construction of the identity of the Sogdian diaspora. This importance stems from the non-proselytizing nature of Zoroastrianism.

References

- [1] Lilley, I. (2007). *Diaspora and Identity in Archaeology: Moving beyond the Black Atlantic*. In: Meskell, L., Preucel, R. (Eds.), *A Companion to Social Archaeology*. Blackwell Publishing Ltd, Malden, Mass. 287-312.
- [2] Yoshida, Y., Moriyasu, T. (1989). *A Sogdian sale contract of a female slave from the period of the Gaochang kingdom under the rule of Qu clan*. *Studies On the Inner Asian Languages*, no.19. 1-50.
- [3] Lin, M. (1992). *Su Te Wen Mai Nu Qi Yu Si Chou Zhi Lu Shang De Nv Nu Mao Yi*. *Cultural Relics*, no.09. 49-53.
- [4] Mie, X. (2009). *Official Certificate on Buying and Selling of Slave in Gaochang Kingdom as Seen from Sogdian Certificates and Contracts*. *The Western Regions Studies*, no.04. 37-42.
- [5] Hou, W. (2019). *Procedure of Concluding Ancient Ethnic Contract Unearthed in Ancient North-west China*. *Journal of Longdong University*, no.01. 71-79.
- [6] Han, S. (2019). *A Review on the Research of the Sogdian Manuscripts Unearthed Along the Silk Road*. *Agricultural History of China*, no.06. 62-71.
- [7] Zhangsun, W. (1985). *Ming Li Liu*. In: *Tang Code*. Zhonghua Book Company, Beijing. 107-127.
- [8] Daryaei, T. (1998). *Sasanian Persia (ca. 224-651 C.E.)*. *Iranian Studies*, no.3/4. 431-46.
- [9] Tamari, N. (2023). *Zoroastrian Fire Foundations: A Portrait of Slaves and Slaveholders*. *Slavery & Abolition*, no.04. 697-719.
- [10] Li, J. (1986). *Tang Dai Nu Bi De Lei Bie He Ming Se*. In: Wang, J. (Eds.), *Tang Dai Nu Li Zhi Du*. Shanghai People's Publishing House, Shanghai. 56-114.
- [11] Boyce, M. (2006). *NOWRUZ i*. In *the Pre-Islamic Period*. *Encyclopædia Iranica*, online edition. Website: <https://iranicaonline.org/articles/nowruz-i>
- [12] Payne, R. (2016). *Sex, Death, and Aristocratic Empire: Iranian Jurisprudence in Late Antiquity*. *Comparative Studies in Society and History*, no.2. 58: 519-549.
- [13] Xue, Z. (2009). *On God Worship in Gaochang Kingdom*. *South-Central University for Nationalities*, no. 05. 59-65.
- [14] Lin, M. (2006). *Gao Chang Huo Xian Jiao Yi Zhi Kao*. *Cultural Relics*, no.07. 58-67.
- [15] Mie, X. (2001). *Comparison of the Sales Contracts of the Medieval Times Written in Chinese and Scripts of the Ethnic Groups from the Western Regions*. *The Western Regions Studies*, no. 02. 55-62.
- [16] Chen, H. (1880-1971). *Huo Xian Jiao Ru Zhong Guo Kao*. In: Chen, Z. (Eds.), *Chen Huan Quan Ji*, 23 vols. Anhui Normal University Press, Hefei. 2: 111-138.
- [17] Sha, W. (2001). *A Study of Sogdian Factors in The Wall-paintings of Cave 322 Mogao Grottoes: Concurrently Discussing The Characteristics of Sogdian People*. *Palace Museum Journal*, no.03. 71-96.