# **CHAPTER 6**

# Uyghur Civil Documents on Child Adoption in Republican Xinjiang

# Ablet KAMALOV

Sening män ay seniŋ män, Sening bolmay kimniŋ män, Atushnung bazarida, jenima, Setiwalghan qulung män.

- Uyghur folksong

In the folksong "Atush" (Artush), which became a symbol of Uyghur ethnicity in Central Asia and a verse of which is given in the epigraph to this article, a person compares himself with a slave (Uy. *qul*), whom his beloved has bought at the marketplace in the town of Artush in Kashgaria. Nowadays the song is sung in a slightly different way to avoid using the word "slave": "setiwalghan qulung män" (I am the slave you bought) is replaced by "setiwalghan gülüng män" (I am the flower you bought).<sup>1</sup> This song hints at the fact that once there was a marketplace in Artush where one could buy a slave. Here we deal with not just an image of "slave" that is so popular in the love lyrics of many peoples, but with the echo of a practice of slave markets that multiple sources suggest existed in the oases of the Taklamakan. The use of slaves in the cities of the Taklamakan area, at least for domestic purposes, is recorded in many written sources of the Qing imperial period.<sup>2</sup> This article examines

<sup>\*</sup> I am grateful to Dr. David Brophy, Dr. Ablet Semet and Dr. Jun Sugawara for corrections made to the reading of the Uyghur texts. My transcription of these documents follows the system used by David Brophy in his works. D. Brophy, "The Qumul Rebels' Appeal to Outer Mongolia," *Turcica* 42 (2010): 329–41; D. Brophy and T. Onuma, *The Origin of Qing Xinjiang: A Set of Historical Sources on Turfan* (Tokyo: The University of Tokyo, 2016).

<sup>&</sup>lt;sup>1</sup> Sh. Shavaev, ed. 1978. *Kelinglar nakhsha eytayluq* (Almuta: Zhazushy, 1978): 168. Mainur Israilova from Dostyq mähällä of Almaty, born in Ghulja in 1952, recollects that the version of the song with 'setiwalghan qulung män' was the only one she has heard in her hometown when she was a child. Interview with M. Israilova from 16 August 2016.

<sup>&</sup>lt;sup>2</sup> L. Newby, The Empire and the Khanate. A Political History of Qing Relations with Kokand

another kind of bondage relationship practiced in southern Xinjiang in the Republican period, which the author calls "baliliq" (use of children), based on the analysis of four civil documents on the concealed purchase of children in the town of Qaraqash of the Khotan region during the 1920–30s. These documents are now kept in a private archive in Almaty, Kazakhstan.

# 1. From Southern Xinjiang to Almaty: How These Civil Documents Reached Almaty, Kazakhstan

The Institute of Uyghur Studies, which functioned within the Academy of Sciences of Kazakhstan in Almaty from 1986 to 1996, included a special department of source studies, which collected and studied manuscripts relating to the Uyghurs and Xinjiang (Eastern Turkistan). Besides this research work, it was engaged in collecting microfilms of manuscripts in the Uyghur and Persian languages, most of which it acquired from the libraries of Leningrad (present-day Saint Petersburg), Tashkent and other cities. Some manuscripts and lithographic books in Arabic script were donated to the Institute by local people. Among the latter was Yusupbek Mukhlisov (1920–2004), a scholar of Uyghur literature, who migrated from Xinjiang to Soviet Kazakhstan in the 1950s. Four sheets of paper with Arabic script donated by him have been recently identified by the author of this article. These proved to be contractual documents on the adoption of a child (Uy. *baliliq*) by a wealthy lady Gulshada Khan from the town of Qaraqash of the Khotan region in Southern Xinjiang in the 1920s and 1930s. Transliteration, translation, as well as analysis of these texts are provided below.

Yusupbek Mukhlisov, who was presumably the last owner of the documents in question, was a well-known Uyghur intellectual in Almaty, Kazakhstan. While living in his homeland of Xinjiang, he compiled the *Catalogue of Manuscripts of Uyghur Classical Literature*, which was published in Ürümchi in 1957.<sup>3</sup> According to his recollections, in 1953 he was sent with a group of researchers by the provincial government to Southern Xinjiang in search for local historical and literature manuscripts. In his memoirs called *Shärqiy Türkistan mözhüzä gülistan (sayahätnamä) (Eastern Turkistan: A Miraculous Flowerbed [Travelogue])*, Mukhlisov says that their group arrived in Khotan in November 1953. Before that they visited towns located between Kashgar and Khotan such as Yengisar, Yarkand, Qarghiliq, Guma, and Qaraqash. The latter he described as follows: "The name *Qaraqash* is connected with the jade stone *qash*, and is located between two rivers

c. 1760-1860. (Leiden; Boston: Brill, 2005): 78-9, 119.

<sup>&</sup>lt;sup>3</sup> Y. Mukhlisov, *Uyghur klassik ädäbiyati qolyazmilirining katalogi* (Ürümchi: Shinjang yärlik muziyigha täyyarliq körüsh bashqarmisi, 1957).

Qara-qash and Yurung-qash."4 The trip in search of manuscripts occurred immediately after the Communist campaigns against class enemies, which involved the "struggle for reducing rents and opposing oppressors" (vär ijarä häggini kemäytip zomigärlärgä qarshi turush) and "putting land reform into practice" (yär islihatini täjribä gilish) of late 1952.5 An anonymous sheet of paper explaining the origin of these contractual documents indicates that at that time, peasants had launched a campaign against a wealthy woman by name of Gulshada Khan in the village of Sizi 斯孜村 in Oaragash County of the Khotan region. In the course of the campaign, peasants were able to obtain contracts on the adoption of children with the seals of the Muslim judge (qadi), which were used as evidence and proof of the exploitation of domestic slaves in the household, and led to the accusation of Gulshada Khan of being a landowner (Uy. pomišik, Ru. pomeshik). One of the documents (D) contains four short lines saying: "This is a document received from Tursun Akhund, father of the five-year-old Hurmät Khan, on her sale to pomeshik Gulshada Khan" (5 yašliq Hurmat Hānniŋ famešik Gulšada Hānğa išläš häqqidä atasï Tursun Ahūndnin golidin elingan höjjät ekän). Two charactors of Chinese, nünu 女奴 ("female slave, bondwomen") are written to the right of these lines.

We do not have any further details of this accusation, nor of Gulshada Khan's eventual fate. It is likely that she was repressed during those campaigns, although not necessary killed. Similar cases of accusation of "pomeshiks" on the territory of the three districts in North-Western Xinjiang—Ili, Tarbaghatai, and Altay—usually ended up with their execution, since the campaign was used to liquidate prominent figures of the short lived independent Eastern Turkistan Republic, which was established on the territory of these three districts in 1944–49. One such person was an uncle of the author of this paper—Malik Kamal—who was labelled a *pomišik* and shot in Ghulja in 1952.

#### 2. Contents of the Documents

All four documents belonged to a wealthy woman Gulshada Khan from the town of Qaraqash, a daughter of Mäqsud Akhund Bay. In the document of 1950 her name has additional designation—*hajim*, while the latter is absent in all other documents contracted in 1920–30s, meaning that she probably made a pilgrimage to Holy Mecca during the period between dates of the two latest documents—between 1931 and 1950. One of the documents call her briefly 'Bay Hanim' (wealthy lady). The

<sup>5</sup> D. McMillen. *Chinese Communist Power and Policy in Xinjiang* (Boulder, CO: Westview Press, 1979): 53.

<sup>&</sup>lt;sup>4</sup> Mukhlisov, *Shärqiy Türkistan mözhüzä gülistan (sayahätnamä)* (Almuta: n/a., 1975): 89, 92–3.

document of 1931 gives the name of her husband as Alimjan Akhund Shangzung (Ch. *shangzong* 商總) Bay, who appears at the end of the document as the one providing money to the father of the girl. The contracts indicate the neighborhood where the contracts were signed as Tanay Bashi (presently: Tanay Beshi 塔那依貝 希 in Qaraqash Baziri).

The first document (A) was produced on Friday, the tenth day of the month of Rajab of 1342 (1924), the Year of Serpent. The contract was written on behalf of Aminäbibi, daughter of Muhämmätvar from Oarghilig living in the village of Oafagla. Her husband 'Abid Akhund was a *toqumchi* (weaver). He died leaving her with a two-year old son called Abdurahim. At the time when this adoption contract was drawn up. Abdurahim was six years old, meaning that he was born in 1918 and his father died in 1920. Aminäbibi married someone else named Muhämmät Rozi Akhund, and because "it was difficult... to have [her] son taught to read in his stepfather's house, to pay his maintenance and have him educated in the laws and customs," she had to give the son "as a child to Gulshada Khan." Gulshada Khan "agreed to see to his education, introduce him to the laws and customs, and make a man of him, as her child." For taking the boy to her home for *baliliq*, Gulshada Khan gave 100 tängä to his mother Aminäbibi "as charitable debt," and Aminäbibi agreed not to request her son back. Were she to do so, she would be obliged to return the 100 tängä and additionally refund the expense of maintaining her son, which would "be calculated at half a *tängä* per day." The document says that step-father of the boy Muhämmät Rozi Akhund was present during the signing of the contract.

The second contract (B) is dated to the 27<sup>th</sup> day of the month Sha'ban of 1343 (1925), the Year of the Horse. The contractor is the same Aminäbibi. Now, after one year of the first contract, she gives another son Abdughäni, born of the same late husband 'Abid Akhund, to Gulshada Khan for *baliliq*. The contract says that Abdughäni was seven years old, meaning that he was born in 1918, as his brother Abdurahim given to Gulshada Khan in a previous year. Abdughäni may have been one of a set of twins, but most probably the information on the age of the boy was approximate, and he was younger than his brother Abdurahim. According to the contract, it is agreed that Gulshada Khan would take care of and bring up Abdughäni until the age of ten. It is also agreed that from the age of ten onwards, Abdughäni would serve for three more years at the rate of four *täŋgä* per year. For the total fifteen years of service of Abdughäni his mother Aminäbibi received six *sar* of cash from Gulshada Khan.

The third document (C) is not a contract on adoption of a child, but an additional contract between the servant Abdughäni and his mistress Gulshada Khan. It was produced on the 26<sup>th</sup> day of the month of Jumada l-Akhira of the year 1369 (1950), the Year of Monkey. The document reprises the background of the conflict between Abdughäni and Gulshada Khan. It says that Abdughäni, whose age can be calculated based on previous documents as around 31–32 years, appealed to the

Political Section (*siyāsī bölüm*) with a complaint against Gulshada Khan, saying that he had served Gulshada Khan for 18 years, but she did not treat him as a child and did not pay for his service. It is quite interesting that the contract mentions the *begs* of Xinjiang as potential mediators in the conflict. Before the *begs* considered the case, a certain Turdi Hajim intervened to mediate and following his advice, Gulshada Khan Hajim agreed to pay ten *sar* of money to Abdughäni, who acknowledged that his mother received twenty-five *sar* from Gulshada Khan for his *baliliq* service.

The fourth document (D) represents a separate case of adoption of a girl by the same Gulshada Khan. It was contracted on the 12th day of the month of Jumada 1-Akhira of 1350 (1931), the Year of the Sheep. It is interesting that the document has a hybrid dating system: alongside the Muslim dating it contains the Chinese system of dating—"on the day of the tenth month of Chinese Republic (1931)" (Minguynin vigirminči vili onunči avnin künidä). The contractor is Tursun Akhund, a son of the late Hasan Khoja from the village of Bashaqchi 巴夏克齊. Because of the death of his wife and his indebted status, Tursun Akhund "was not able to educate" his fiveyear-old daughter Hurmät Khan "in the laws and customs, or provide her with shoes or clothes" and following an advice of certain Kamal Beg, he decided to give her to Gulshada Khan, considering her as "a good Muslim for adoption" of the girl. For this he received fifteen sar from Gulshada Khan's husband Alimian Akhund Shangzung Bay. Gulshada Khan agreed to bring the child up, send her to school and arrange her marriage. For his part, Tursun Akhund agreed to claim back her daughter only after paying forty *pul* for each day she spent at Gulshada Khan's home. The contract even banned him from coming to see his daughter. This contract of giving a girl for service of a wealthy woman was recorded as a case of borrowing money: it stipulated that if for some reason Tursun Akhund was not able to pay back the money to Alimian Akhund Bay, the latter would convert it to zakat and ushr.

# 3. Historical Context of the Documents: Bondage in the Local Turkic Community of Southern Xinjiang

The practice of various types of bondage in Central Asian communities from ancient times until the end of the Qing Empire has been examined in many scholarly works. In the Russian academic literature one can find studies on bondage in the Tocharian society of ancient Kroraina in Eastern Turkistan in the 3<sup>rd</sup>-4<sup>th</sup> centuries AD,<sup>6</sup> in the nomadic societies of the Turkic Khanates,<sup>7</sup> in the Kazakh Khanate of the 15<sup>th</sup>-17<sup>th</sup>

<sup>&</sup>lt;sup>6</sup> M. Vorob'eva-Desiatovskaia. "Kategoriia lichno-zavisimykh v Kroraine," in *Rabstvo v stranakh Vostoka v srednie veka* (Moscow: Nauka, 1986): 304–38.

<sup>&</sup>lt;sup>7</sup> S. Kliashtornyi, "Formy sotsial'noi zavisimosti v gosudarstvakh kochevnikov Tsentral'noi Azii (konets I tysiacheletiia do n.e.–I tysiacheletiye n.e.)." *Rabstvo v stranakh Vostoka v* 

centuries.<sup>8</sup> Study of terminology of slavery and servitude in Turkic written sources done by P. Golden "underscored the domestic nature of slavery in the nomadic world of the Middle Ages."<sup>9</sup>

The issue of bondage in Kashgaria during the Qing imperial period has been discussed by Laura Newby, who ascertained that bondage in this region emerged in the unique geopolitical setting when "the emancipation of Xinjiang's 'British' slaves at the end of the 19<sup>th</sup> century and the gradual decline of bondage resulted from a convergence of local, regional, and global forces."<sup>10</sup> Newby showed that there was no dominant typology of bondage in Xinjiang and it "criss-crossed all social, ethnic, and religious groups, varying in nature from hereditary status to temporary punishment."<sup>11</sup>

Description of the slave trade and various other types of bondage relationship in Qing Xinjiang given by Newby can be supplemented by a story on the slave who accompanied Sayyid Ya'qub, Ya'qub Bek's envoy to Russia. The Russian archival materials on Sayyid Ya'qub Khan's slave Yavar, kept in the Central Historical Archive of Uzbekistan<sup>12</sup> contain correspondence on an incident that occurred during the visit of Sayyid Ya'qub Khan in 1876. We learn from them that Sayyid Ya'qub was accompanied by his slave of Abyssinian origin whose name was *Yavar*. Before the envoy's departure from Chimkent to Auliye-Ata (present-day Taraz in Kazakhstan), Yavar approached the Russian official Vetvenitski asking to release him from slavery. The Russian official advised him to appeal to Sayyid Ya'qub Khan about the release. On doing so, he was not only refused, but taken forcibly and tied up outside Chimkent. Given that slavery was prohibited in Russia, the brutal treatment of the slave was not tolerated by the Russian administration, which released him and took him back to Chimkent. Sayyid Ya'qub Khan then accused Yavar in stealing his valuable belongings. This case became a subject of intense

srednie veka (Moscow: Nauka, 1986).

<sup>10</sup> L. Newby, "Bondage on Qing China's Northwestern Frontier," *Modern Asian Studies* 47, no. 3 (2013): 968.

<sup>11</sup> Newby, "Bondage": 970.

<sup>12</sup> The archival file on the Sayyid Ya'qub Khan's slave Yavar includes the following documents: Raport ispravliaiushemu dolzhnost' Turkestanskogo gubernatora ot tituliarnogo sovetnika Vetvenitskogo, 5 Yanvaria 1876 g., g. Auliye-Ata; Raport gospodinu Turekstanskomu General Gubernatoru ot general-leitenanta Kolpakovskogo, Tashkent, #8 ot 14 Yanvaria 1876 g.; Raport ispolniaiushemu dolzhnost' Turkestanskogo general-gubernatorda ot tituliarnogo sovetnika Vetvenitskogo, ukreplenie Naryn, 20 Yanvarya 1876 g.; Raport gospodinu Turkestanskomu general-gubernatoru ot general-leitenanta Kolpakovskogo, #47, Tashkent, 8 Fevralia 1876 g.; TsGA RUz, f. 1, op. 29, d. 133, ll. 23–4, 28–9, 29–30, 33–4, 35–8, 41–2.

<sup>&</sup>lt;sup>8</sup> T. Sultanov, "O nevolnikakh v Kazakhskom khanstve v XV–XVII vv," *Rabstvo v stranakh Vostoka v sredniye veka* (Moscow: Nauka, 1986): 340–52.

<sup>&</sup>lt;sup>9</sup> P. Golden, "The Terminology of Slavery and Servitude in Medieval Turkic," in *Studies on Central Asian History in Honor of Yuri Bregel*, ed. Devin DeWeese. (Bloomington: Indiana University Press, 2001): 54.

negotiations with the Russian officials. Documents dealing with the case also include a letter to Badaulet Ya'qub Bek written by acting General-Governor of Turkistan, Kolpakovskii, on 2 February 1876, from which we learn that Yavar was a slave presented to Sayyid Ya'qub Khan by the Ottoman Sultan in Istanbul in 1864.<sup>13</sup> The story of Yavar demonstrates a particular case of the use of slaves by high-ranking diplomats of the Kashgar Emirate set up by Ya'qub Bek in 1864–77.

During the Qing period forms of bondage such as the child servitude flourished, as described in many sources. In the 1890s Fernand Grenard met a dealer in Khotan, who had approximately 150 boys and girls available for purchase. Mentioning this case, Laura Newby describes the child servitude as follows: "It is significant, however, that according to local lore, children sold into slavery would, on becoming an adult in their early teens, be expected to give their consent if they were to remain in servitude. In other circumstances, children were contracted to serve their owner for an agreed number of years. This may have been because, as Grenard notes, the selling of human beings was generally considered to be forbidden under Islamic law and so parents neatly avoided the prohibition by use of the phrase 'I sell you the use of his/her services for X years.' The consequence of this 'understanding' combined with the practice of those reaching adulthood consenting to remain with their masters, was significant in that many Sunni Muslims, who may have been considered to be held in bondage by outsiders, would, in the eyes of the local people, have been free."<sup>14</sup>

The civil documents discussed in this paper show that the child servitude described above by Newby persisted in Xinjiang during the 1920–30s, in the Republican period. The family contracts narrate stories of how poor people had to give up their children in servitude to wealthy families in order to avoid destitution, and provide details of the arrangements. These contracts tell us three stories of families involved in bondage relationships. The first story is about adoption of two boys and one girl by wealthy woman Gulshada Khan from the town of Qaraqash in the Khotan region. One of the adoptions continued into the first years of the Communist rule, when the young man appealed to the new authorities with accusations against his former mistress. The second family is that of a woman Aminäbibi, who had to give two little sons for *baliliq* to Gulshada Khan in 1924 and 1925, one of them being the complainant mentioned above. The latter case was likely the most serious basis for the accusation against Gulshada Khan of exploiting

<sup>13</sup> On the embassy to the Ottoman Empire, see H. Kim, *Holy War in China: The Muslim Rebellion and the State in Chinese Central Asia 1864–1877* (Stanford: Stanford University Press, 2004): 146–50; T. Zarcone, "Political Sufism and the Emirate of Kashgaria (End of the 19<sup>th</sup> century): The Role of the Ambassador Ya<sup>°</sup>qūb Xān Tūra," in *Muslim Culture in Russia and Central Asia from the 18<sup>th</sup> to the Early 20<sup>th</sup> Centuries*, ed. A. von Kügelgen, M. Kemper, and A. Frank (Berlin: Klaus Schwarz Verlag, 1998): 154–65.

<sup>&</sup>lt;sup>14</sup> Newby, "Bondage": 976–7.

children during the 1952 political campaigns. Finally, the third story related to Tursun Akhund, who had to give his little daughter to the same Gulshada Khan in 1931.

The practice of adoption of children as a part of bondage relations was terminated after the Communist takeover. The last document nominally belongs to the Communist period, but was signed in the first year of the Communist rule when the tradition of Muslim *qadi* contracts persisted. The last has three seals, but the handwriting is not of the same quality as the previous ones.

# 4. Structure of the Documents

The structure of the contracts on adoption of children discussed in this article is similar to that of the traditional documents with *qadi* seals from Xiniiang of the late Oing and Republican periods. As land-related contractual documents studied by Jun Sugawara,<sup>15</sup> these contracts follow the same "first-person narration style" (*bizlärki* (A, D), menin (B), menki (C)). They follow traditional document format, starting with the indication of the date and the word *tārīhqa*. The date is given in accordance with Islamic calendar-the year of hijra and month, accompanied by the year according to the twelve-year zodiacal cycle. Only one of the examined documents (D) additionally gives the year in accordance with the Chinese calendar, i.e. the twentieth year of the Chinese Republic (Minguvnin vigirminči vili) corresponding to 1931. It is quite interesting that the Chinese calendar is given separately in the end of the document, when certifying the fingerprint of the contractor Tursun Akhund. Similar double use of the Islamic and Chinese systems of calendar in the Republican period can be found in the documents published by David Brophy and Eric Schluessel.<sup>16</sup> Jun Sugawara points out that only 8% of the land related contractual documents from Xinjiang give a parallel Chinese date.<sup>17</sup> Similarly, only one out of the four documents on adoption of children examined in this article contains the Chinese date.

Overall structural elements of the contracts include: 1) full date; 2) name of a contractor, location, and additional personal information; 2) a statement that the following is sworn on the Holy Law (*bizlärki/men* [name, place of origin] *iqrār-i* 

<sup>&</sup>lt;sup>15</sup> J. Sugawara, "Tradition and Adoption: Elements and Composition of Land-related Contractual Documents in Provincial Xinjiang (1884–1955)," in *Studies on Xinjiang Historical Sources in 17–20th Centuries*, eds. James A. Millward et al. (Tokyo: Toyo Bunko, 2010): 124.

<sup>&</sup>lt;sup>16</sup> Brophy, "The Qumul Rebels' Appeal"; E. Schluessel, *The World as Seen from Yarkand: Ghulām Muhmmad Khān's 1920s Chronicle Mā Tīţayniŋ wāqi asi* (Tokyo: The University of Tokyo, 2014).

<sup>&</sup>lt;sup>17</sup> Sugawara, "Tradition and Adoption": 126.

*šar iī qildimki*; 3) the reason of giving the child for *baliliq* adoption; 4) terms of agreement and responsibilities of both sides, including amount of money received by contractor from adopter of the child and terms of refund of money and compensation of expenses of adoption of a child if the contract is broken up by parents or relatives of the child; this part of the text ends with the formulation "if...then our words will be groundless [according to Holy Law]" (*sözimiz/sözüm bāțil, sözimiz...šarī a bāțil, šarī a bāțil olğay*); 5) representation of the payment as a debt (*qarż*) or conversion of the debt into *zakat* and *ushr*; 6) names of witnesses who were present in the gathering (*hużzār al-majlis*). One document has registration numbers in Arabic script 211 (D). As Jun Sugawara has noted, "the existence of this number suggests that there might have been related copies of transcripts held by the *qadi* who registered the deal and arranged his copies according to this number."<sup>18</sup>

#### 5. Prices in Contracts on Adoption of Children

In all cases described in these contracts, the adoption of children is represented not as a sale, since selling human beings was prohibited by Islamic and Republican laws. Therefore, the financial operations related to the adoption of children were depicted as a charitable debt (*qarż-i hasana*) or money received for personal needs (*ful alïp öz hājatimgä şarf qildīm*), or a debt which should be returned, or else be counted as Muslim tax (*zakat* or *ushr*; *ful aldīm*, *mazkūr fulni bersäm hof*, *mabādā berälmäsäm Bay 'ušra zakātğa badal qilur boldī*).

The sums recorded in the documents do not allow an examination of trends in the changing price for the adoption of children. They must be studied in light of the monetary situation, which fluctuated during the Republican period due to political changes in the province. The first two contracts (A and B) were signed respectively in 1924 and 1925, when the rule of Yang Zengxin provided the province with political stability, and as such the sums paid by Gulshada Khan to contractor Aminäbibi during those two years seem to be comparable. However, the fourth document (D) was produced after assassination of Yang Zengxin, during the rule of Jin Shuren, which was an unstable period, not to mention the third document (C), which was produced in 1950, in a time of political and economic turmoil in the province and following the end of World War II.

In calculating the price of child servitude in 1924–25, Russian archival documents on trade in Xinjiang are of great importance. Based on one such document entitled "Torgovlia v Sin'tsziane" (Trade in Xinjiang) kept at the State Archive of the Almaty Oblast, we can conclude that in 1924–25 one *täŋgä* in Xinjiang was equal to 13–13.3 Russian kopeks, one *sar* was equal to 2 Russian gold rubles, and 1.5 *täŋgä* 

<sup>18</sup> Ibid., 126.

was equal to 20 kopeks.<sup>19</sup> Thus, we can calculate that one *sar* was approximately equal to 15 *täŋgä*.

- 1. 1924: Gulshada Khan paid 100 *täŋgä* to Aminäbibi for her first son Abdurahim (~6.67 *sar*).
- 2. 1925: Gulshada Khan paid 6 sar to Aminäbibi for her second son Abdughäni.
- 3. From the document C (1950) we learn that Aminäbibi received from Gulshada Khan a total of 25 *sar* for Abdughäni's service.
- 4. 1931: Gulshada Khan's husband Alimjan Akhund Bay paid 15 *sar* for Tursun Akhund's daughter Hurmät Khan.
- 5. 1950: Gulshada Khan paid 10 *sar* to Abdughäni as a compensation for his service.

The only conclusion we can make from the above prices is that during the years 1924 and 1925 there was a relatively stable price for a child's service (6.67 *sar* and 6 *sar*). The other figures cannot easily be compared with each other due to the different dates of contracts, different political circumstances, and difference in gender of the children adopted for *baliliq*. As we learn from document C (1950), Aminäbibi, the mother of a young man Abdughäni who spent eighteen years in the household of his mistress, received for his service a total of 25 *sar* of money, while in 1925 she received only 6 *sar*. This means that terms of contracts could be changed and supplementary contracts could be drawn up after a certain period.

# 6. Transcription

# **Document** A

(1) tārīha bir mīŋ üch yüz qirq ikki [1342] yilan yili māh-i rajab onī jum'a künidä bizlärki (2) Qafaqla käntdä olturuqluğ Qarğīlīqdīn Muhammatyār Hojaniŋ qīzī 'Āmina Bībī (3) durmen, bu nav'-i iqrār-i šar' qīldīmki mutavvafá kiyävum 'Ābid Ahūnd bilän bu mamlakatkä (4) kelip körkütčīlīq hunarini qīlīp turup qaža qīlīp ketib ikki yašdaki oğul (5) bilän qalīp edim. balam 'Abdrahīm alān altä yašqa kirdi. balamni ögäy (6) dadasīnīŋkidä oqutub nafaqa qīlīp amūr-i šarayi'ni bildūrmäkdin (7) 'ājiz kelip, šahrlik Maqsūd Ahūnd Baynīŋ qīzī Gulšāda Hānğa bala qīlīb (8) berdim. mazkūr Gulšāda Hān oqutub amūr-i šarayi'ni bildūrüp adam qīlīb (9) bala qīlīb aladurğan boldi. men muqqir Amīna Bībī ušbu majlisda Gulšāda Hān-(10)-dīn yüz taŋga ful qarż-i hasana aldīm. qačankim balam 'Abdrahīmni men va hʷāh (11)

<sup>19</sup> "Torgovlia v Sin'tsziane." GAAO, f. 94 s/r, o. 1, d. 36, s. 3 (k-6), ll. 29–89, 96–102, 119–36.

menïŋ ahl-i avlādīmdīn birdā bir kiši va ḫwāh mutavvafá dadasī ʿĀbid Ahūndniŋ (12) ḫwīš aqrabālarīdīn birdā bir kiši faydā bolub kelip yandurup almaqnī ḫwāhiš (13) qīlsaq Gulšāda Ḫānniŋ bala baqğan nafaqasigā künlükigā yarīm taŋgadin (14) ful ḥisāb qīlīp berip, men muqqir qarż-i ḥasana alğan yüz taŋga ful bilān berip balanī (15) qolīmīzğa alur bolduq, ḥadd-i bulūğidin keyin ijra talab qīlsaq sözimiz ʿinda l-šarʿ bāțil. bizlarki (16) Tanay Beshi maḥallasidin Ḥamīd Aḥūnd Nānvāy, Rōzī Aḥūndlar durmīz, jumʿa ʿarz kötärip muhr basturduq.

Right margin: ögäy dadasï Muhammat Rozī Ahūnd šāhid

# Seals:

- 1) 'Alā'd-dīn ā'lam ibn Ahmad märhum / Mutavvakul A'li Alqäm;
- 2) Muhammad Niyāz ibn märhum Ahmad / Haq šär í ämjäd šud āz lutf muftī;
- half of the seal: [Muḥammad Niyāz ibn] märḥum Aḥmad / Haq šarʿ amjad šud āz luţf muftī.

# **Document B**

(1) tārīhgā bir mīn uč yuz gīrg uč [1343] at yili māh-i ša bānnin yigirmā yettāsi menki Qarğïlïq (2) käntlik alān Qaraqaš šahr Tānāy Bašï mahallasidä mutavattan-i mutavaffá Muhammatvār Bay gizi Amīna (3) Bībī durmen igrār-i šar'ī gildimki küyuvkum (kuyivïm) mutavaffá 'Ābit Ahūndin bolğan yettä yašga kirgän oğul (4) balam 'Abd Ğanī balamnī mazkūr Qaraqaš šahrlik Gulšāda Hanïmdïn altä sar ful alïp (5) öz hajatimga sarf qıldım. mazkur balam 'Abd Ganı on yaşqa kirgunčalik balamnin hālidin (6) Gulšāda Hanim habar alib farvarīš gilip bagip berur boldi. On yašqa kirgändin (7) iptida qïlïp bir yilliqi tört tangadin öčurät tohtatïp balamnï üč yil baqïp (8) bergänigä üč vil hizmat qïlïp bermakči bolub jam' on beš villig qïlïp berädurğan (9) hizmat öjräasigä altä sar fulni naqd qolumğa tafšurup alïp balam Abd Ğanīni (10) mazkūr Gulšāda Hanïmğa tutturup berdim. gačanki mazkūr balam on yašqa kirgändin (11) kevin on beš villig äjrisidä asla haqqïm bāqī galmadī. mazkūr bu muddatniņ (12) ičida qazā va qadar yetsä men hwāh meniņ ahl-i avlādlarīmdīn hwāh balamnīn avlād-(13)-larīdīn mazkūr hanīmga har nav līg söz bilän da'vā yetkürsak 'inda l-šar' bāţil olğay (14) dep öz iqrārïmdïn muhrluğ haţ-i šar iyya qïlïp berdim. hużżār al-majlis-i, amūğdin (15) Rōzī Ahūnd Mullām, Hamīt Ahūndlar šāhid. Menki muqqir 'Amīna Bībī mazkūr muddat-i qarārniņ (16) ičida balamnï golumğä yandurup alamen dep gaf söz gïlsam ham bātil. 1111 (signs filling space?).

Seal: Muhammad Niyāz ibn märhum Ahmad / Haq šär ' ämjäd šud āz lutf muftī.

# **Document** C

(1) tārīh bir mïn üč yüz atmiš togguz maymūn vili mā[h-i] jumadá l-ahir-(2)-nin altäsi menki šahri Tanay Bašïdïn mutavvafá 'Ābit Ahūnd-(3)-niŋ oğlï 'Abduh Ğanī Hājjī durmen, igrār-i šar'ī gildimki (4) Sizvalīg Gulšāda Hān Hājjīnin ustida da'vā gïldïmki, (5) meni tört vašïmdïn bala čirav alïp bagib čon bolup (6), on säkkiz vil hizmatini qïldïm, yaki bala tarīga hizmitim-(7)-gä garab bala gïlmadī yaki u öjürämmni bermädi dep (8) sivāsī bölümgä arzi gilganimda kiši čiggunčilik jin-(9)jan beglärimizgä favlanïp jinjan beglär-(10)-imiz tekiršip [sic] sorïğunčilik otturağa Turdi Hājjim tüšüb hwāh-(11)-lašturup haqqï bolsun va hwāh haqqi bolmasun u tola hizmat (12) gilğan ekän, sīla-i rahimi üčün bir närsä bersälär dep dalālat (13) gïlğanlaridä mazkūr söz tarafigä ma'gūl kelip Gulšāda Hān Hājjim-(14)-din on sar tanga alïp, qïlğan da'vāyïmnï qat' qïldïm. anam alğan (15) yigirmä bäš sar tanga fulni alğanğa taslīm gilip gandim. Hājiī Hanimda (16) hwāh bala-bargasida galīl kasīr jinsdin nigida haggi hugūgum bāgī (17) galmadī, ba'd al-vavm kevinki künlärdä bu bāradīn özüm hwāh menin (18) ahl-i avlād bala-bargalarīm gaf-söz gilsag sözimiz bātil (19) va gavlīmīz nā-masmū<sup>c</sup> olgav dep öz igrārīmdīn muh[rlik hat-i šar<sup>c</sup>ivva] (20) qïlïp berdim. hużzār al-majlisda Bojan Turdi Ah[ūnd...] (21) Yaʻqūb Ahūndlar šāhid dur (corner of the paper in the left bottom is torn off).

# Seals:

- 1) Illegible: only "'Alā' ad-dīn" can be read.
- 2) Mullā Niyāz...stjur (or: jivar) / lutf Ahūnd ğani bin frazi ???/;
- Qādī bin Muhammad šärīf Rozī dāmulla Muhammad Ahūnd "o" (Arabic figures: 1353).

# **Document D**

(1) ta'rīņqä bir mïŋ üč yüz ellik qoy yili mā[h-i] jumādá l-aḥirniŋ on ikkisidä bizlärki
(2) Zavaniŋ bir Bašaqčī kentlik mutavvafā Hasan Hʷājaniŋ oğlī Tursun Aḥūnd durmen, iqrār-i (3) šar' qïldïmki tört yašdaki qïzïm Hurmat Hānniŋ anasī qażā bolup ketib edi, qïzïm (4) Hurmat Bībīgä amūra-i šarāyi 'lärni bildürüp igin ayaq kisvatlärni bermäktä 'ā-(5)-jiz kelip ham özüm qarżdār bolup balanï baqalmağanïmdïn, Kamāl Begim musulmān yahshi kišigä (6) bala čalay beräli degän mażmūnluğ beš yašdäki qïzïm Hurmat Hānni šahrlik 'Ālim Jān Aḥūnd (7) Šaŋzuŋ Bay ahliyaläri Gulšāda Hanïmlärgä bala čalay *fī sabīl allāh* masjidkä (8) salïp nazra-i muʿalliq qïlïp balalïqğä muʿalliq tutub berdim. bala vajhdin ilgäri keyin (9) gaf söz qïlmas boldum. Bay Hanïmlar balanï čoŋ qalïp [*sic*] maktabğa berip toylab bala qï-(10)-lïb alsa tajāv[uz] im yoq. ikkinči: balamğa ičim ağradi, balamnï qolumğä bersun dep fašīmān (11) qïlsam balanïŋ har bir künlikkä qïrq fuldin fulni ḥisāb qïlïp fulni berip andïn qolumğa

(12) alur boldum. balāğa at ulağdin yoqalīp ağrīb silab ölüb (13) ketsä öz ajalida ölgän boladur. sabab-i da vāsī qīlsam sözüm bāțil. menki Tursun (14) Ahūnd durmen 'Ālim Jān Ahūnd Baydīn hāliş on beš sar ful aldīm. mazkūr fulni bersäm (15) hof, mabādā berälmäsäm Bay 'ušra zakātǧa badal qīlur boldī. balam bar edi körgüm (16) bar edi dep Baynīŋkidä kirmäs boldum. bala yolda hā[h] böläk yerdä bolsa alīp qačmas (17) boldum dep iqrārīmdīn hujjat berdim. menki Muhammad Ibrāhim Ahūnd hā[h] balaǧä ha fulǧa kafīl-dar boldum. (18) hużzār al-majlis Kamāl Begim, Bola Ḥajj šāhid. Minguyniŋ yigirminči yili onunčī aynīŋ künidä.

Margin: Tursun Ahūnd menin qolum \\Y (Arabic figures: 211), fingerprint.

Seal: Muhammad Niyāz ibn Ahmad Mukärräm / Tahmid vä lutf al-hi sad 'ilm 1349.

*Reverse side*: 5 yašlïq Hurmat Hānnïŋ famešik Gulšāda Hānğa išläš häqqidä atasï Tursun Ahūndnïŋ qolïdïn elïnġan höjjät ekän.

### 7. Translation

#### **Document** A

In the year 1342 [1924], the Year of Serpent, on Friday, the tenth day of the month of Rajab, we, Aminäbibi, daughter of Muhämmätyar from Qarğïlïq, living in the village of Qafaqla, testify under the Holy Law that I and my late husband [?] 'Abid Akhund came to this country, and were engaged in the craft of weaving, until he died and I was left with our two-year-old son. My son Abdurahim is now six years old. Because it was difficult for me to have my son taught to read in his step-father's house, to pay his maintenance and have him educated in the laws and customs, [therefore] I gave him as a child to Gulshada Khan, a daughter of Mäqsud Akhund Bay, a resident of the town. This Gulshada Khan agreed to see to his education, introduce him to the laws and customs, and make a man of him, as her child. I, Aminäbibi, testifying at this meeting, that I have incurred a charitable debt of one hundred tängä to Gulshada Khan. If at any time I myself or someone from my family or any relative of his late father 'Abid Akhund, should come forward and request for him to be returned, then the expense incurred by Gulshada Khan for taking care of the child should be calculated at half a *tängä* per day, and this should be given along with the hundred tängä that I have incurred as charitable debt, and we will receive the child back. If we request this after he has reached maturity, then our words will be groundless in terms of the Holy Law. We, Hamid Akhund the Baker and Rozi Akhund from the neighborhood of Tanay Bashi, have collectively present this testament and affixed our seals.

Margin: Stepfather Muhämmät Rozi Akhund is a witness.

Seals:

- 1) 'Alā'd-dīn ā'lam ibn Ahmad märhum / Mutavvakul A'li Alqäm;
- 2) Muhammad Niyāz ibn märhum Ahmad / Haq šär ' ämjäd šud āz lutf muftī;
- 3) half of the seal: [Muḥammad Niyāz ibn] märḥum Aḥmad / Ḥäq šärʿ ämjäd šud āz luṭf muftī.

### **Document B**

In the year 1343, the Year of Horse, on the twenty seventh day of the month of Sha'ban [March 23, 1925], I who am Aminäbibi, daughter of the late Muhämmätyar Bay from Oarğilig, who lately resided in the neighborhood of Tanay Bashi in the town of Oaragash, testify under the Holy Law that I gave my seven-year-old son Abdughäni, who was born to my late husband 'Abid Akhund, to Gulshada Khanim from the above-mentioned town of Qaraqash for six sar, which I spent on my own needs. Until my son Abdughäni reaches the age of ten years, Gulshada Khanim will take care of him and bring him up. From the age of ten onwards, the rate of four tängä per year, and for this he will serve [her] for three years, in recompense for the three years that she took care of him. For the total of fifteen years of service to be provided I received six sar in cash and presented my son Abdughani to the aforementioned Gulshada Khanim. After my son has reached the age of ten, I will not have any claim to him for fifteen years. If during this period some misfortune occurs. I or someone from my family or any offspring of my son make a complaint of any nature against the said lady, then their words will be groundless in terms of the Holy Law. I have made this testimony a sealed legal document. Those present in the gathering Rozi Akhund Mollam, Hämit Akhund are witnesses. Should I, the testifier Aminäbibi, wish to obtain my son back, my words will also be groundless. (signs filling space?).

Seal: Muhammad Niyāz ibn märhum Ahmad / Haq šärʿ ämjäd šud āz lutf muftī.

#### **Document** C

In the year 1369, the Year of Monkey, on the sixth day of the month of Jumada I-Akhira [March 23, 1950], I who am Abdughäni, son of Abid Akhund, from the town of Tanay Bashi, testify under the Holy Law that ... I have appealed to the Political Section with a complaint against Gulshada Khan Hajim from Sizi, [who] took me and raised me as a child from the age of four, and I served her for eighteen

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years, [but she] did not treat me as a child in accordance with my service, nor did she give me any payments. Before someone was sent [to investigate], [I] appealed to our village chiefs (Ch. *zhenzhang* 鎮長); while our village chiefs were looking into it, Turdi Hajim intervened to mediate, and advised that "Whether or not he has the right to the claim, he did considerable service, and she should give him something as a charity." Gulshada Khan Hajim complied with these words, and I received from her ten *sar* and terminated my complaint. I acknowledge that my mother had received twenty-five *sar tänggä*, and am satisfied. I now have not even the slightest claim against [Gulshada] Haji Hajim, or her family. I swear that if in future I myself or my descendants make some claim to do with this, our words will be groundless, and should not be heeded. To this end I have provided legal document with my stamp. Present at the meeting as witness were Baozhang (Ch. 保長) Turdi Akhund and Ya'qub Akhund.

#### Seals:

- 1) Illegible: only "'Alā' ad-dīn" can be read.
- 2) Mullā Niyāz...stjur (or: jivar) / lutf Ahūnd ğani bin frazi ???/;
- Qādī bin Muhammad šärīf Rozī dāmulla Muhammad Ahūnd "o" (Arabic figures: 1353).

#### **Document D**

On the one thousand three hundred fifty (1350) of history, the Year of the Sheep, on the twelfth day of the month of Jumada l-Akhira [October 25, 1931], I who am Tursun Akhund, son of the late Hasan Khoja, from the village of Bashaqchi of Zava (Ch. 扎瓦鄉) hereby testify under the Holy Law that because the mother of my fouryear-old daughter Hurmät Khan died, I was not able to educate her in the laws and customs, or provide her with shoes or clothes, and because I myself was indebted and unable to care for her, Kamal Begim said that we should give [her] up to a good Muslim for adoption. Thus, for the sake of Allah, I took my five-year-old daughter Hurmät Khan to the mosque, swore a contingent oath, and presented her provisionally as child to Gulshada Khan, wife of the townsman Alimjan Akhund Shangzung (Ch. *shangzong* 商總) Bay. Whether now or in the future, I have resolved not to say anything about the child. As long as [Gulshada] Bay Hanim brings the child up, sends her to school, and sees to her marriage, I have no right to intervene.

Secondly: Should I in the future feel pity, and regret my decision and ask for my child back, I will be able to have my child back after having paid an amount calculated

at forty *pul*<sup>20</sup> for each day. If she meets with some accident, or falls off a horse or dies because of illness, this will be considered as a natural death. If I make this the reason for a complaint, my words will be groundless. I, Tursun Akhund, have received fifteen sar from Alimjan Akhund Bay. If I pay back the said amount, well and good. If for some reason I am not able to pay it back—[Alimjan Akhund] Bay has agreed to convert it to *zakat* and *ushr*. I will not come to [Alimjan Akhund] Bay's [place] saying that my child is there and I want to see her. Should I meet my child on the road or somewhere else, I will not abduct her. To this end I have made a document of my testimony. I, Muhammad Ibrahim Ahkund, have become guarantor for both the child and the money. Present at the meeting as witness were Kamal Begim and Bola [?] Haji. Signed, Tursun Akhund, on the [?] day of the tenth month of the 20<sup>th</sup> year of the Chinese Republic.

Margin: [This is] my, Tursun Akhund's, hand 117 (Arabic figures: 211), fingerprint.

Seal: Muhammad Niyāz ibn Ahmad Mukärräm / Tahmid vä lutf al-hi sad 'ilm 1349.

*Reverse side*: This is a document received from Tursun Akhund, father of the fiveyear-old Hurmät Khan, on her sale to pomeshik Gulshada Khan.

# Conclusions

Civil documents from Southern Xinjiang of the Republican period examined in this article characterize a specific type of bondage relationship involving child servitude, which I call *baliliq*. Poor families had to give up their children to wealthy people due to economic hardship, usually after the death of one of the parents or the difficulty of staying with the family of a stepparent. Children stayed with their masters or mistress for quite a long time—one such individual claims that he was in the service of his masters for eighteen years, since the age of 4 (according to the contract: since the age of 7). The sale was contracted according to Islamic law in the presence of judge and witnesses, and sometimes a guarantor, but because the sale of human beings was not allowed by Islamic law, or by the Chinese government, it was represented in the contracts as deals on giving money as a debt (*qarż*) which was supposed to be counted as Islamic tax (*zakat* and *ushr*) by the adopting side if not returned. The *baliliq* contracts could be supplemented by additional agreements on changing the

<sup>&</sup>lt;sup>20</sup> On *pul* as a local currency in Kashgaria during the Qing rule, as well as the Qing monetary politics in Xinjiang, see V. Kuznetsov, *Ekonomicheskaia politika Tsinskogo pravitelstva v Sin'tsziane* (Moscow: Nauka, 1973): 151–7, 160–1; Ch. Valikhanov, *Izbrannie proizvedeniia* (Moscow: Nauka, 1986): 223–5.

terms of contracts as a child grew up. The contracts formulated the obligations of both sides: while the adopter agreed to provide living conditions for children to be socialized in Islamic society (making a man of them) giving them education (sending to school), introducing them to laws and customs, taking care of them and bringing them up and even marrying off girls, a parent and relatives should not intervene in the life of their children, not requesting to give them back and not taking them away until certain age fixed in the contracts. In case of violation of the contract terms, the child's side should return money received as a "debt" and give additional compensation for the entire period of stay of the child at the adopter's place. From these contracts, we cannot determine which kind of "service" the adopted children were expected to provide to their masters. Based on the complaint (D) of one of those children against his mistress, we can only assume that they were employed as domestic servants. Social groups involved in the *balilig* relationships might have conflicts, in case of which they could appeal to local begs for mediation. For a few years after 1949, these relations continued to be regulated on the basis of Islamic law, but now the contractors had resort not only to the begs, but to new authorities (Political Section). This practice of child servitude was terminated in the first years of the PRC, at which point the accusation of exploiting child labor was raised in the persecution of some wealthy members of society.

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Figure 6. 1. Document A

Figure 6. 2. Document B

Figure 6. 3. Document C (Top)

Figure 6. 4. Document C (Bottom)

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Figure 6. 5. Document D (Recto)

