

## CUSTOMS AND TRADITIONS OF THE TURAN PEOPLES IN CHINESE SOURCES.

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**Abstract:** This article analyses the information about the history, customs and legal system of the peoples of Turan contained in ancient Chinese written sources. The records about the peoples of Turan in the official works of Chinese chronicles 'Twenty-four Histories' (二十四史) are investigated. In particular, the origin of the Kyrgyz, their relations with China and the Turkic Kaganate, as well as details of customary law - the system of 'Tere.' are considered. The article also analyses Chinese historians' ideas about social life and the system of governance of the Turkic peoples, revealing the role of such values as justice, honesty, obedience and reward in Turkic society. The article is an important study in the study of the history of Turkic legal and political traditions.

**Keywords:** Töre, 二十四史 "Twenty-Four Histories," Turks 突厥, Penal Code 刑律, Turan, Khagan's laws 可汗法, Tsigu 契骨.

### ***Introduction***

Töre, 二十四史 "Twenty-Four Histories," Turks 突厥, Penal Code 刑律, Turan, Khagan's laws 可汗法, Tsigu 契骨.

In the study of ancient Turan's history, ancient written sources are of great importance alongside archaeological sources. Among these written sources, those left by the ancient ancestors of the peoples we today call Chinese hold particular significance. Currently, there are about 50 identified sources related to this topic in the People's Republic of China.

These sources include information about the ancient period of Turan either in separate chapters or in connection with various interactions between Turan and ancient China. Chinese sources created before the 19th century, while documenting their own history, also paid attention to the history of other neighboring peoples. According to the classical method of categorizing Chinese sources, it is generally accepted to divide them into official and unofficial. The official Chinese source is the dynastic history work 二十四史 [Èrshísì Shí] "Twenty-Four Histories." The work encompasses the official Chinese dynastic histories, covering the period from the earliest dynasty around 3000 BC to the Ming dynasty in the 17th century. It is considered one of the most authoritative sources on Chinese history and is also utilized in research on literature, fine arts, music, military arts, geography, and other social sciences. The foundations for writing official histories were established by Sima Qian and described in his work. Starting from the Tang dynasty, strict

censorship was implemented in the writing of official histories, and a special office was established for this purpose. The main task of this office was to collect and objectively analyze historical evidence during the reign of the current ruler, as well as to compile the history of the ruler's reign after their death.<sup>1</sup> It was believed that such an approach to writing.

history contributes greatly to the objective writing of history. In a sense, such an approach increased the scientific value of official history.

As recorded and edited during the Qing dynasty, the entire collection contains 3,213 volumes and about 40 million words. The adoption of the name of the official history 二十四史 [Èrshísì Shǐ] "twenty-four histories" is associated with the name of the Ming Empire's 明代 emperor Qianlongdry 乾隆帝 [Qiánlóng dì] (1711 - 1799), as the Ming Empire called general official histories in the 40th year of Qianlong's reign (circa 1775), having published a supplementary edition of the history.<sup>2</sup>

Below we will explore the work "Twenty-Four Histories" (二十四史 [Èrshísì Shǐ]):

Nº	Title	Chinese pronunciation	Anglian pronunciation	Author	Writing period
1	史記	Shǐjì	Records of the Grand Historian	Sima Syan 司馬遷	BC-91.
2	漢書	Hànshū	Book of Han	Ban Gu 班固	AD - 82
3	三國志	Sānguózhì	Records of the Three Kingdoms	Chen Shou 陳壽	AD- 289
4	後漢書	Hòu hànshū	Book of the Later Han	Fan Ye 范曄	AD-445
5	宋書	Sòng shū	Book of Song	Shen Yue 沈約	AD-488
6	齊書	Qí shū	Book of Southern Qi	Syao Szisyan 蕭子顯	AD-537
7	魏書	Wèishū	Book of Wei	Vey Shou 魏收	AD-554
8	梁書	Liáng shū	Book of Liang	Yao Silyan 姚思廉	AD-636
9	陳書	Chén shū	Book of Chen	Yao Silyan 姚思廉	AD-636
10	北齊書	Běiqí shū	Book of Northern Qi	Li Bayao 李百藥	AD-636
11	周書	Zhōu shū	Book of Zhou	Lin Xu Lefen 令狐德棻	AD-636

12	隋書	Suí shū	Book of Suy	Vey Chjen 魏徵	AD-636
13	晉書	Jinshū	Book of Jin	Fan Syuanlin 房玄齡	AD-648
14	南史	Nán shǐ	History of the Southern Dynasties	Li Yan Shou 李延壽	AD-659
15	北史	Běi shǐ	History of the Northern Dynasties	Li Yan Shou 李延壽	AD-659
16	唐書	Táng shū	Book of Tan	Lyu Syuy 劉昫	AD-945
17	五代史	Wǔdài shǐ	Old History of the Five Dynasties.	Syuye Szuchjen 薛居正	AD-974
18	新五代史	Xīn wǔdài shǐ	Historical Records of the Five Dynasties	Ouyan Syu 歐陽修	AD-1053
19	新唐書	Xīn táng shū	New Book of Tang	Ouyan Syu 歐陽修	AD-1060
20	遼史	Liáo shǐ	History of Liao	Togto 脫脫	AD-1345
21	金史	Jīn shǐ	History of Jin	Togto 脫脫	AD-1345
22	宋史	Sòng shǐ	History of Song	Togto 脫脫	AD-1345
23	元史	Yuánshǐ	History of Yuan	Sun Lyan 宋濂	AD-1370
24	明史	Míngshǐ	History of Ming	Chjan Tinyuy 張廷玉	AD-1739

In the aforementioned works, we can obtain valuable information for the history of the Turanian peoples. In this case, the information should serve the unification and solidarity of the peoples of Central Asia, including Turkic peoples.

About the origin of the Kyrgyz, one of the oldest peoples of Turan 周書Chjou<sup>3</sup> There is a special story in this story, in which 契骨 tsigu<sup>4</sup> The ethnonym is mentioned, it is said that the Yenisei Kyrgyz originated from the 契骨 tsigu. Chapter 50 of the work states: "周書Zhou Shu states that the ancestors of the Tun[tujue] Turks 匈奴 [Xiongnu] came from the So district in the north of the Xiongnu. Their tribal leader was Ārè (阿熱) Apanbu. They were seventeen brothers, and the eldest among them was named Nishidu. According to legend, his mother was a wolf. Due to the incorrect political strategies of Apanbu's tribal alliance, their territories soon fell into ruin. Nishidu possessed extraordinary abilities—he could command the forces of nature, summon the

wind, and call for rain. He had two wives: one was the daughter of the Spirit of Summer, and the other was the daughter of the Spirit of Winter. His first wife bore four sons, one of whom, Dà Tiān'é (大天鹅), transformed into a swan. The others settled between the Afushui (阿福水) and Jianshui (建水) rivers, ruling under the name *Tsigu* (契骨), which refers to the Kyrgyz. In the 3rd century BCE, the Kyrgyz lived as nomadic tribes to the north of the Xiongnu (Huns). The historical text *Shiji* (史記) (*Records of the Grand Historian*) refers to them as Gùkūn (鬲昆) or Ge Kun. During the 6th century CE, the Göktürk Khaganate expanded its control over the Tangri Tagh (泰山, Tianshan) mountain range. In this period, Shaboluoke Khan (沙钵罗可汗, Shabalakhon) conquered the Idu (伊吾) tribes in the west, expelled the Khitan (契丹) in the east, and subdued the *Tsigu* (契骨, Kyrgyz) in the north, establishing dominance over all of northern China. More detailed information about the Kyrgyz can be found in the *Sui Shu* (隋書) (*Book of Sui*). As mentioned earlier, Shaboluoke Khan integrated the Kyrgyz into his Khaganate. The *Sui Shu* also records that the Kyrgyz had a distinct customary law (習慣法), which governed their state and society. This customary law is called "tore," and it covers the issues of society and state governance. All citizens of the khanate must abide by it, and those who deviate from it are executed. There is information about the "tore" writing in the Orkhon-Yenisey inscriptions. In this customary law, it is stated: "O my people, be resolute, do not deviate from the laws"<sup>5</sup> – this indicates that the Turks, as mentioned in the "Twenty-Four Histories" (二十四史), were not wild, savage, or lawless. Additionally, the customary norms mentioned in the *Sui Shu* (隋書) can be cited as evidence to support these ideas. Also, another pillar of the Orkhon-Yenisey inscription says: "As a ruler, I have organized your lives with your laws based on my honor"<sup>6</sup> – this shows that the legal norms of the Turkic people have always been of the highest level and were always discussed and resolved by the people, and they relied on the law in their social life.

During the reign of Emperor Tang Taizong (唐太宗, Tai Zong), the Tang Dynasty<sup>7</sup> grew stronger and began expanding its territories. After solidifying his power, Emperor Tai Zong defeated the Göktürk Khaganate (突厥<sup>8</sup>, Türk Khaganate), and as a result, the *Tsigu* (契骨), who were previously under the khaganate's rule, became citizens of the Tang Empire.

In the 6th century, the governance of the Turk Khaganate and its territorial divisions were closely tied to state integrity and customary laws. Among the Turanian and Pan-Turkic peoples, a collection of customary laws had existed since ancient times. After the establishment of the Turk Khaganate, its administration was based on these customary norms.

Historical sources refer to this legal framework as the "Töre" norm or "Törelik" customs. The existence of such norms is confirmed by Chinese historical records as well as famous steles erected during the era of the Turk Khaganate

In the Turk Khaganate, the fundamental legal concept of "Töre" was the idea that the ruler was the supreme owner of all material wealth within the state's territory. This concept was likely influenced by Chinese political traditions. The khagan's duties and powers were based on this idea, as it allowed him to exert influence over many aspects of ancient Turkic society. The most crucial aspect of Turkic state law was the responsibility of defending the state. The Turk Khaganate had strict punitive measures—attempts to assassinate the khagan or desertion from the military resulted in the execution of the offender along with all close relatives.<sup>9</sup>

The Töre customary norm was the primary mechanism for governing and regulating Turkic society. These norms encompassed all aspects of society and its relationships, reaching the level of formal law. The principle of power succession among the Turks was related to "small Töre" norms.

Upon the khagan's death, an orderly transition of officeholders took place, with all members of the ruling dynasty moving one rank forward in internal hierarchy. Among the Ashina clan, this succession followed a unique structure, whereas among ordinary nomads, an individual's status changed based on age, family standing, and the birth of children and grandchildren. In succession to the throne, a patronymic hierarchy<sup>10</sup> was observed. In the Kul Tegin inscription, this law is described as follows: "After them, their brothers became khagans, and then their sons became khagans." The Chinese chronicles (*Èrshísi Shǐ – Twenty-Four Histories*) frequently mention this tradition. However, Chinese historians struggled to fully comprehend its essence. The main reason for this was that such a customary norm was unfamiliar to the Han court (漢宮殿) and later Chinese dynasties, as the primogeniture system always prevailed in the empire. Sources primarily refer to such traditions using the term "Fēnliú" (分流).

According to the interpretation of T.S. Jumaganbetov, a renowned researcher from Kazakhstan, the "Töre" norm was not a state governance norm. In other words, it did not serve functions such as: Defining the legal sphere, Managing the state, Determining its socio-political functions, Addressing political and territorial issues, Regulating citizens' rights, freedoms, and responsibilities, Establishing the system of state institutions. Instead, Töre primarily embodied the principles of constitutional law.<sup>11</sup> The researcher, through his interpretation, attempted to present Töre laws not as mere customary practices of different tribes but as the fundamental law of the state. In his studies, the scholar explores the question: How did the representatives of a nomadic culture manage to uphold the foundations of the Turk Khaganate for several centuries, despite weak communication and separatist tendencies? As a key factor, he identifies the Töre norms and highlights their main functions, which he outlines as follows:

- Political authority and political traditions;
- Administrative-territorial system;
- State legislation and law;
- Spiritual and moral foundation of the state.

According to the scholar, the unity of the Turkic peoples was regulated and developed based on the above-mentioned principles.

The fundamental principles of ancient Töre were as follows:

1. Justice;
2. Truth and integrity;
3. Respect and obedience;
4. Punishment and reward.

The views of T.S. Jumaganbetov are also confirmed in the works of L.N. Gumilev and P. Golden. That is, the Khagan could only rule based on Töre – no one had the right to violate it or issue decrees contrary to it. If a ruler broke or failed to uphold Töre, his authority would weaken, or he would be overthrown.<sup>12</sup> In Töre, lies and deceit were strictly condemned, and people were required to lead an honest and pure life. Respect for elders, tribal, and clan leaders was obligatory, and obedience to their decisions was mandatory. The responsibility of teaching and instilling Töre's principles in the younger generation fell on the elders. The greatness of Töre lay in its dual nature—it both punished and rewarded. There were special rewards in Töre for bravery in battle and loyalty to the homeland.<sup>13</sup>

According to Chinese chronicles, the Turks did not write down their laws and regulations but transmitted them orally from generation to generation. This was one of the fundamental characteristics of the Töre system, which was based not on written documents but on traditions, customs, and decrees of the Khagan. For instance, in the *Suishu* (隋書), it is written: "The Turks (突厥) govern their state based on strict customs and traditions. They pay special attention to justice and honesty, and they impose severe punishments for any crime. Although their laws are

not written, they are *memorized by all* and passed down through generations as *unbreakable rules*.<sup>14</sup> A Khagan who violated the Töre could be deprived of power. In governing the state, Töre had to be based on the principles of humanity and justice. This highlights the fact that Töre was a crucial factor in determining the internal order of Turkic society.

The historical significance of Töre lies in the fact that its legal norms did not disappear after the disintegration of the Turkic Khaganate. On the contrary, they continued to exist through the reigns of great rulers such as Amir Timur, the Chinggisid sultans, and even until the last Ottoman period, persisting to this day.

Some Chinese historical sources refer to Töre as the "Khagan's Laws" (可汗法 [Kèhán fǎ]). In these sources, it is recorded as "Khagan's Laws" (可汗法 [Kèhán fǎ]) or "Turkic Laws" (突厥法 [Tūjué fǎ]). According to Turkic tradition, the Khagan would create laws together with the people, abide by them, and ensure they were upheld based on public approval. In Bei Shi (北史 [Běi shǐ]), it is written: *"The Turks (突厥) accept the laws (法) of their Khagans (可汗), and no one is allowed to violate them."*<sup>15</sup> These writings indicate that Töre served as the supreme legal system enforced by the Khagan.

The ancient Turks were distinguished by their strong military discipline. According to Chinese chronicles, Turkish soldiers were highly disciplined, and those who violated the rules were severely punished. Among the military ranks, the most loyal warriors were called "wolves", serving in the defense of the state.<sup>16</sup> Chinese historians who wrote about the Turks particularly focused on their military discipline and punishments. In Chinese chronicles, military law was referred to as 军法 [Jūnfǎ], while the code of punishments was called 刑律 [Xínglù].

According to 军法 [Jūnfǎ] (military law), the punishment for violating the law was as follows:

1. Panic before battle – death;
2. Failure to fulfill diplomatic duties properly – death;
3. Giving inappropriate advice to the ruler – death;
4. Banditry – death;
5. Treason – death;
6. Desertion from military service – death;
7. Rebellion – death.<sup>17</sup>

This demonstrates that To're placed special emphasis on military laws and discipline.

This shows that To're laws were not only directed at the military but also regulated civilian conduct and social order. According to Chinese sources, the Penal Code 刑律 [Xínglù] was primarily used to regulate relations within society. Under this law, crimes were punished as follows:

- Treason – Those who rebelled against the state or the khagan were executed.
- Murder – Resolved through either revenge or compensation.
- Theft – Stolen property had to be returned, and severe punishment was imposed.
- False testimony – Harshly punished, sometimes leading to exile from society.
- Immorality and violation of family rules – Punished by execution or penalties decided by the tribal council.<sup>18</sup>

The legal system of the Turk Khaganate also dictated that if a criminal was executed for a serious crime, his father was required to carry his son's severed head around his neck until his own death. Punishments were usually discussed at tribal assemblies or kurultais, where beys and elders made the final decisions.<sup>19</sup> The Táng shū (唐書) contains valuable information about the Turks' system of justice. For example, it states: *"The Turks punish criminals harshly, but their laws are just. If a person commits murder, they are executed immediately. If a person commits theft, they must pay a fine three times the value of what was stolen. For major crimes, the rule of exile or execution is applied."*<sup>20</sup> This information shows that the Töre system was based on justice and strict order, with an uncompromising approach to crimes. At the same time, this system served to maintain discipline and legal order in society. Any violation of the law was severely punished, which compelled citizens to comply with the laws.

This information shows that the ancient Turks were distinguished by strong military discipline. According to Chinese chronicles, Turkish soldiers were highly disciplined, and those who violated the rules were severely punished. In Bei Shi 北史 [Běi shǐ], Turkish military discipline is described as follows: "The Turks severely punish soldiers who break the rules in battle. Whoever flees is immediately executed. Whoever fails to lead their warriors properly is subjected to punishment."<sup>21</sup>

The ancient Turkic states had a strong political and military system. Their governance was not based on a highly centralized monarchy but instead relied on a collegial system where the khagan, council, and customary laws played a crucial role. Military strength and strict discipline contributed to their ability to establish great states.

In conclusion, Chinese sources provide valuable information about the customs and traditions of the Turan peoples, especially regarding the culture, state structure, legal system, and military discipline of ancient Turkic peoples. Chinese chronicles, particularly the "Twenty-Four Histories" (二十四史 [Èrshísi Shǐ]), offer extensive details on the history of the Turkic peoples, their societal structure, and their relations with China. These sources thoroughly describe the Turkic legal system known as "Töre," their state governance, military discipline, and social regulations.

1. **Töre Legal System:** For the Turkic peoples, "Töre" was not just a set of legal norms but the primary means of governing the entire society. Töre was based on principles such as justice, honesty, respect, and obedience, regulating societal behavior. In this system, even the ruler (khagan) was subject to the laws and could be deprived of power if he violated them. The Töre system played a crucial role in maintaining the unity of the Turkic peoples.
2. **State Structure and Military Discipline:** Turkic states had strong military discipline and a centralized governance system. Military laws were strict, with crimes such as desertion in battle, treason, or rebellion punishable by death. Military discipline and strict order contributed to the strength and stability of Turkic states.
3. **Social Order and Penal System:** The punishment system in Turkic society was clearly defined, with crimes such as murder, theft, and false testimony severely punished. Punishments were usually determined in tribal assemblies or kurultais. This system ensured order and justice within society.
4. **The Importance of Chinese Sources:** Chinese chronicles serve as crucial sources for studying the history, culture, and legal system of the Turkic peoples. These records provide valuable insights into the ancient lifestyles, traditions, and interactions of the Turkic peoples with China.

In conclusion, Chinese sources play an essential role in exploring the ancient history and culture of the Turkic peoples. Through these records, one can gain in-depth knowledge about the state

system, legal structure, military discipline, and social regulations of the Turkic peoples. The Töre system was a significant factor in ensuring the unity and stability of the Turkic peoples, and its influence persisted in later periods.

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