

Seals and Marks on the Old Uyghur Documents

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Abstract: Scholars interpreted tamğa and nišan on old Uyghur documents as personal seal and mark. However, it is also common that tamğa or nišan is shared by plural principals of a contract. This article argues that tamğa or nišan is also a symbolic mark of a family.

1. Introduction

At the early 19th century, explorers and scholars from Europe, United States and Japan discovered a large number of ancient documents in the Turpan Basin of China. Among those historical materials a great number of documents are written in old Uyghur script. Although most of the original documents are preserved in Germany, Russia, Japan and China, photographic reproductions of those original materials collected by Japanese scholar Nobuo Yamada are available for us. In his book *Sammlung uigurischer Kontrakte* he collected and deciphered more than one hundred contract documents.

A valid contract requires a *tamğa* or *nišan*. Almost every contract has a *tamğa* or *nišan* sealed or drawn on it. It is noted on the documents that “*bu tamğa mining*” (this seal is mine) or “*bu nišan bizning*” (this mark is ours). Scholars explained tamğa and nišan as personal seal and mark[1], and equated them to *yin*(印) and *hua-ya*(花押) in Chinese documents[2]. But there are still some questions about seal and mark to be further explained. One of them is that why in some cases a seal or mark is shared by family members? In order to explain this question this paper reexamines the seal and mark on Uyghur documents.

2. The Original Meaning of Tamğa and Nišan

Originally *tamğa* and *nišan* is used as property mark by tribes and clans. With the development of private ownership *tamğa* and *nišan* generally became family token and then individual's private seal or mark.

Turkish Dictionary records: “they have 22 clans, each with its own unique mark and imprint on livestock. They use these imprints to identify their respective livestock... Since people want to know the clans of these tribes, I have listed them one by one. These marks are the signs of their livestock, and if their livestock are mixed, they are identified by the marks [3].” In this book written in the 11th century the author recorded the *tamgas* of 21 of these 22 clans.

There are only very limited historical records about Uyghur *tamğa*. But *tamğa* is quite common in nomadic ethnics, such as Mongols. B. Vladimircov divided Mongolian society into two stages: the earlier period (11th to 13th centuries) and the later period (14th to 17th centuries) and interpreted *tamğa* as “property mark” in the earlier period and as “seal” in the later period [4]. Historians believe that *tamğa* is originated from tribal totems and served as collective identifier which in practice turned into a sign of individual affiliation [5].

Russian scholar Olkhovsky conducted a systematic study on the *tamğa* and believed that *tamğa* played a similar function in the history of nomadic ethnic groups. In the course of social development, it has gradually evolved from tribal and clan public ownership to family ownership and then into private tokens. *Tamğa's* evolution into a personal token is a relatively late stage. Before that, *tamğa* was a symbolic mark of different groups such as tribes, clans and families [5].

Nišan means “mark, goal” in modern Uyghur language. Etymologically, the word *nišan* came from Persian, and entered Mongolian language through Uighur in Yuan Dynasty [2]. Rashid al-Dīn

records that “Ghāzān first established according to his judgement the pattern of the coinage, set on it a mark (*nīshān*) such that nobody would succeed in imitating it, and ordered that throughout his dominions, gold and silver should be struck according to this pattern [6].” In this sense, *tamğa* and *nišan* have the same meaning (as property mark). Scholars believe that the *nišan* in the Uyghur civil documents is a property mark. Documents with legal effect requires a *tamğa* or property mark (*nišan*). Simple lines of the property mark are drawn with reed brushes [7].

3. The Share of *Tamğa* and *Nišan*

A. One tamğa or nišan shared by plural principals

Among the unearthed Uighur contracts, a considerable number of them were jointly initiated by several principals. They often use the same *tamğa* or *nišan* together, rather than each principal using their separate *tamğa* or *nišan* [8]. For example, in an adoption document (Ad02 SJ O/55 O.8 Inv.1952g, 4135 SPF), it is recorded that:

“Ud yıl sākizinč ay biš ygrmikā mān titso aqam ančuq bilā aytīšip. aqamninh boyuzin yigädgäli älp bolmīšqa inim antsoni tuymīšimz toynaq šilawantiqa sūt säwinči ygrmi stir kümüš alip oyulluq birtimz... bu tamğa biz ikägününg.”

“On August 15, the year of the ox, I Titso and my brother Anchuq discuss, because it is difficult to improve my brother's life, with the price of 20 miskal(liang 兩) silver sell my brother Antso to my relative Toynaq Shilawanti as a son... this tamğa belongs to two of us.”

One another sales document(Sa28 TM206,D187,Mainz693,USp 16,SBPK) recorded that:

“qa manga tädmilig qara buqa ikagükä qarcliq käräk bolup qudluc adlic qadun kišimi sadip qudluh tämürtin yüz alig böz aldimiz... bu nišan biz tadmilig qara buqaikaguning.”

“I Tadmilig and Qara Buqa we need some expenses. (we) sold a woman named Qudluh. We received 150 böz(cotton) from Qudluh Tumur... This nišan belongs to I Tadmilig and Qara Buqa.”

The above are examples of the common use of a *tamğa* or *nišan* by plural principals. There are also exceptions. Several contracts were signed in the name of *onluqlar* (ten households), in which cases the members of the ten households seemed to use different *tamğa* or *nišan*. For example, in a sales contract (Sa09 SJ Kr. IV/699 Inv. 1952 g. 3446 SPF) initiated in the name of ten households. There is a *tamğa* and four *nišans* on the original document. The *tamğa* may belong to Misir, the head of the ten households, while the other four *nišans* may be drawn by Tolu Qaya, Misir, Ulugh and Inchqaya. In Lo22 (TM76 U 5253 SBPK), *onluqlar* composed of nine people signed the contract and every member drew his own *nišan*. This document is not preserved well, but the *nišan* mark on the original script can still be identified. There is another one (Mi20 TM220 U 5245 USp 14 SBPK) on which 18 people's names were recorded and more than a dozen of *nišan* that can be identified.

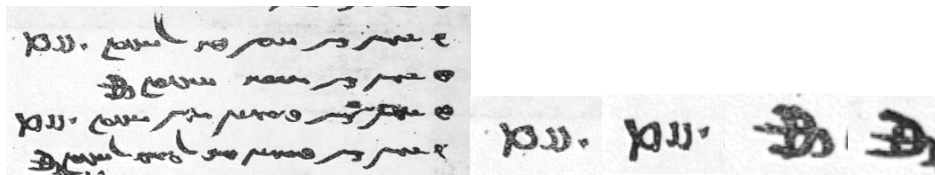
It is common that a *tamğa* or *nišan* is used by plural principals. It is still hard to tell from the content of the contract what the relationship among these principals is, but it is certain that there is a common ownership or other interest relationship. But the contracts signed in the name of *onluqlar* tell us that different families probably use different *tamğa* or *nišan*. In these two cases, we can draw a preliminary conclusion: different families may use different *tamğa* or *nišan*, and there may be a family relationship between several co-contractors who jointly use a *tamğa* or *nišan*. The following example is more illustrative. It recorded the use of *nišan* among different members of a family.

B. The same nišan use by different members of a family

A relatively independent guarantor appeared in a document (Mi17 TM225 USp 12). The guarantor seemed to participate in the contract with his own “independent” will, but the mark of his *nišan* is the same mark with the principal.

In this document, the two guarantors are relatives of the two principals, and all four of them drew *nišan* separately. Six *nišan* marks (two of which were drawn by the witnesses) are identifiable on the original. What is most special in this document is that the two *nišans* drawn by the principal Inch Buqa and his guarantor Asan who is a younger brother of Inch Buqa are exactly the same mark, and the other principal Arugh and his guarantor Qara Tughma who is Arugh's son also drew the

same mark as a *nišan*.



(Mi17 TM225 USp 12)

This is a relatively well preserved document of great significant for learning the social background of that time, and in this document they used the term “*taypaošin*”(代保人 guarantor) which is from the Chinese contract term. This is probably a later stage document, because the term “*taypaošin*” does not appear in other loan documents, and the *nišans* drawn by the two witnesses in this document are relatively complicated, which is influenced by the style of Chinese style. Even in the relatively late stage, there is still no word corresponding to “guarantor” in Uighur, so people use transliteration to replace it. In this document the two contractors used different *nišans* but their guarantors used the same mark as them. We can further conclude that even at a relatively late stage, a symbolic mark is still shared by the family members.

4. Conclusion

A valid contract requires a *tamğa* or *nišan* rather than a signature. Originally *tamğa* or *nišan* is used as property mark of tribes or clans and shared by the members of the group which in practice evolved into family token or personal seal or mark. It is mostly the habit of using a mark that inherited from the nomadic ancestors who used a mark to establish ownership and distinguish property. Even the literate ones draw of five-pointed star as a *nišan* rather than his name, because the mark not only represents himself but also it is valid to his family members. Members of the same family draw the same mark in a contract because it is shared by the family. No wonder it is also common that the dealer sets up contract obligations for his family members [9]. Therefore at least in several cases the mark stamped or drawn on the contract can be interpreted as a family token rather than an individual’s private seal or mark.

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