

Oaths in the Qalqa Jirum

by Henry Serruys, c.i.c.m.

The *Qalqa* code known as *Qalqa Jirum* dating from the first part of the eighteenth century repeatedly refers to oaths expressed through symbolic actions. Oath or "solemn appeal to God by way of attesting the truth of one's word" apparently is not the exact word to describe those symbolic actions; imprecation (or curse) seems to be a more precise word to describe this rite: the person taking the oath called a punishment upon himself if his statement was not true, or if he did not intend to carry out his promise. As an illustration, it may be recalled that such imprecations occur very often in the *Bible*, for example in 2 Samuel 3:35: "may God do thus and so to me if I eat bread . . .", and 19:14: "may God do thus and so to me if you do not become my general." In these two instances there is no statement of fact under oath, but a promise, and the speaker declares himself ready to accept a punishment from God if the promise is not carried out. The biblical formula "thus and so" is nothing but a euphemism because imprecations were considered efficacious of their own accord (*nomen est omen*), and the name of the punishment "death" is replaced with a euphemistic formula.

Various symbolic actions were used at one time or another by the Mongols to express such imprecatory oaths: breaking of an arrow, drawing a little blood from one's finger, walking between the two halves of an animal cut in two, drinking some blood, planting an arrow in the ground, holding an arrow to the tongue or the forehead, holding a sword over the head or against the neck, kissing a gun, holding a sword against the tongue, etc.¹. These actions must have been accompanied for clarification by one or other formula. In the *Secret History of the Mongols* Ong-qan says: "Now if seeing my son (i.e. Činggis) I conceive any evil idea, may my blood be poured out like this", and pricking the ball of his little finger he let some blood drip into a little bucket². According to the *Man-chou shih-lu*, the Mongols of the early Manchu period put meat, blood, bones (of an animal freshly killed), earth, and wine in separate containers and pronounced the formula: "If I am not faithful, may I become like this meat, like this blood . . ."³.

The *Qalqa Jirum* (QJ) nowhere goes into the description of any symbolic action for an imprecatory oath nor does it provide a formula, which everything considered is not surprising; those concerned needed no such explanation. The terms most often employed in the QJ are *siqa-* "to press", and its nominal forms *siqaya(n)*, and *siqalya(n)* "pressing, pressure". The translator of the QJ, Ts. ŽAMTSARANO, usually renders these words with "oath",

¹ Henry SERRUYS, "A Note on Arrows and Oaths among the Mongols," in JAOS 78, 1958 (279—294) where the relevant bibliography will be found.

² *Yüan-ch'ao pi-shih* § 178; 6. 33b—34a.

³ *Man-chou shih-lu* 2. 102b, 103ab; 4. 10a, 11ab; 6. 38b—39a; these references are to the Mongol text, because the Chinese text summarizes the oaths to brief classical formulas which do not describe the oath themselves.

In two instances, the *QJ* speaks of *sūke adqu-*, "to hold an axe", an expression which Žamtsarano also translates as "to take an oath", and since at least on one occasion the expressions *siqa-* and *sūke adqu-* appear in the same passage, it seems fair to conclude that they refer to the same symbolic action. *Siqa-* "to press", *siqaya*, *siqalya*, "pressure" would seem to mean that the person taking the oath held a weapon, here an axe, against his own head, or neck, indicating his readiness to undergo a punishment, presumably death, by the gods.

A simple oral testimony without the imprecation and symbolic action, quite understandably, was of less value than one accompanied by such an imprecation. But the strange thing in the *QJ* is that some persons were not held to make statements of this kind on their own behalf but could have other persons, of lower social rank, make the oath with action and imprecation in their stead. Also there were places where, at least at one time, it was forbidden to take such imprecatory oaths.

Many articles of the *QJ* are formulated in rather elliptic language, and the precise meaning is not always easy to grasp even if one takes other passages into account. The grammar of the *QJ* often reflects *Qalqa* spoken language, and then the text is not always free of corruptions. I shall necessarily have to limit my comment on linguistic and grammatical questions to the strictest minimum. And needless to say, I am not qualified to go into juridical matters.

I shall review a number of passages with translation; my translation is not a retranslation of Žamtsarano's Russian version, but is based on the original text, although I have consulted Ts. Žamtsarano's translation at every step. This Russian translation exists in two editions: 1. *Qalq-a Jirum; traduit du russe par Dr. Žamcarano*, edited by B. RINTCHEN (hereafter Ž-R)⁴; and 2. *Xalxa Džirum. Pamyatnik Mongol'skogo Feodal'nogo Prava xviii v.*, edited by S. D. DYLYKOV (hereafter Ž-D)⁵. It should be noted, however, that these two editions at times differ from each other; rewordings in the translation apparently due to the two editors.

The Mongol texts are quoted after Dylykov's edition with proper references to its pagination.

1. (p. 127) "ulay-a sigüsü tasuluγad meljibesü. qosiyun-u dotor-a-ača (-ni) noyad-un tula noyad-i qaraču-yin tula sayid-i songyuju siqai-a": "Should (one) deny that he has refused mounts and food provisions [to messengers, etc. on official business], if he is an official⁶, (let) an official⁷ from his banner ('press'); if he is a commoner, choose a *sayid*⁸ and let him 'press'."

⁴ *Studia Mongolica*. Tomus I, Fasc. 1, Ulaanbaatar, 1959. This edition does not contain the Mongol text.

⁵ Text and translation by Ts. Ž. ŽAMTSARANO; introduction and notes by S. D. DYLYKOV, Moskva, 1965. Another edition of the Mongol text only: Ts. NASUNBALJUB (ed.), "Qalq-a Jirum", *Monumenta Historica*, Tomus II, Fasc. 1, Ulanbator, 1963.

⁶ *Noyad-un tula*: lit.: "for an official". The plural *noyad* probably has singular meaning here. This is the way ŽAMTSARANO understands it.

⁷ Throughout the *QJ*, an imperative is regularly preceded by a noun with the "accusative" suffix *-i*, *-yi*.

⁸ *Sayid* from *sayin* "good" (cf. the Greek *Aristos*) indicated a class of officials. Since there is no indication as to their specific functions, I prefer to leave this term untranslated.

(p. 16, art. 2). In this case, as in many others to follow, it is not the suspect who is required to testify under oath, but another person, who presumably is supposed to testify to the truth of the suspect's denial.

2. (p. 129) "ulay-a sigüsü tasuluyad meljebesü otoy-un daruy-a-yi siqai-a": "If they deny that they have refused mounts and provisions, let the headman of the district⁹ 'press'." (p. 17, art. 3.)

3. (p. 130, art. 4) "tere emegeltü morin-i kümün-ü bolqula siqay-a-bar ün-en-i (inu) oloyad mön adalıqan mori abqu bii": "(If some should chase their horses away from the messengers¹⁰, no matter how many guilty there are, from each one take one saddled horse, and if they be officials they shall be fined five head of cattle; if they are commoners, give them fifty lashes with the whip); if (any of) those saddled horses (collected from the guilty) should belong to another person, find out the truth through 'pressing' and take (other) similar horses." (p. 17, art. 4.)

4. (p. 153, art. 7) "süme burqan-u qariyatu čimeg ed mal-i ken kümün qulayai kibesü gegen-ü sang sürüg-eče qulayai kigsen-luy-a adali meljegen-ü siqay-a qosiyun dotor-a sayid-i songyuju siqaqu bii": "If somebody steals ornaments, possessions, or cattle belonging to a temple or the Buddha, (the penalty shall be) the same as for a theft from the treasury-herds belonging to the Gegen. The 'pressing' for a denial (of guilt) shall be done by a *sayid* selected within the banner (of the suspect)" (p. 28, art. 7). Here we have the expression *siqay -a siqa-* "to press a pressing". The Gegen mentioned in this article is the Qutuytu of Urga.

5. (p. 155, art. 11) "siqaya-bar toruysan qulayayiči-yi naya tasurdaq": "A thief fined on the strength of a 'pressing', give eighty lashes (with the whip)" (p. 29, art. 11). Žamtsarano translates "convicted of theft through an oath". *Tor-*, *torya-* rather means "to impose a fine in cattle". The expression *siqay-a-bar toruysan* occurs on pp. 157, art. 14; 158, art. 16; 230, art. 4; 231, art. 6. Evidently, it was a "conviction" and fine imposed on the strength of an oath by another than the suspect.

6. (p. 161, art. 22) "torji tayususan qulayayiči-yin dotor-a-ača nige-ni bi ariyun bile gekü bolqula tegün-i süke adqutuyai": "If among thieves definitely condemned to a fine one should say that he is innocent [lit. "pure"], make him hold the axe." (p. 13, art. 22). On p. 107, in note 47, Dylykov explains that this is a form of oath, but he gives no further details. See below Nrs. 11 and 19.

7. (p. 165, art. 28) "qulayayiči-yin mori-du siqaysan sayid ariyun geji siqayan-du oroyad. qoyin-a ariyun gegči qulayayiči anu bujar bolji todorabasu mön nököř aq-a sayid-i inu siq-a. tere sayid jokičaysan ügei. ese

⁹ *Otoy*: DYLYKOV (pp. 104—105, n. 28) takes *otoy* for an "administrative unit"; the meaning of the word has undergone changes throughout Mongol history. See B. VLADIMIRTSOV, *Obščestvennyi Stroï Mongolov, Mongol'skii Kočevoi Feodalizm*, Leningrad, 1934, pp. 130—138. M. CARSOV (trsl.), *Le Régime social des Mongols. Le Féodalisme nomade*, Paris, 1948, pp. 169—178.

¹⁰ I understand the text to mean that people might drive away their horses at the approach of official messengers in order to avoid having to provide them with fresh mounts. In ŽAMTSARANO'S translation, the horses driven away belong to the messengers (Z-R, p. 4; Z-D, p. 17, art. 4).

medegsen-i ünən geji oroqula. urida oroyçi (tere) sayid yartuyai. qoyitu (sayid) siqayan-ača bučabasu urida oroyçi (tere) sayid-i dörben mori. tabun sidülen üker-iyer toryoji tere mal-i jasay-tur (inu) ab. [166] sayid ariyun kümün-i bujar geji toryoqula. qoyina tere qulayayıci ariyun-dayan qarçu¹¹ todorabasu mön nökor aq-a sayid-i (inu) siqaqu. toryuli inu mön-kü urida yosuyar. siqayan-du bariysan sayid-un emüne albatu-yin tula (noyan-i) bi orosu¹² ene ariyun bile gegci-yi siqayan-du bariydaysan (sayid) ese oroqula toryuli ügei. yerü sayid. qan kümün-i albatu-yin-i tula emüneben bariqu ügei": "If a sayid in a 'pressing' for an (allegedly stolen) horse of a (suspected) thief, enters the 'pressing' declaring (the accused) innocent, and later on it should become evident that the thief declared innocent was (in fact) guilty [lit. 'dirty']: let an elder fellow sayid 'press': if (this sayid) should enter declaring that the aforementioned sayid had not conspired (with the accused) and declared facts to be true which he did not know about, the sayid who had first entered (the 'pressing') shall come out (free)¹³. But should the second sayid turn away from the 'pressing', the sayid who entered first shall be fined four horses and five three-year old head of cattle to be turned over to the administration. If a sayid should declare an innocent man guilty and (as a result) a fine should be imposed upon him, and later (the matter should) be cleared up and the (alleged) thief vindicate his innocence¹⁴, likewise his¹⁵ elder fellow sayid shall 'press', and his fine shall be the same (as stated above). If, in front of the sayid held to a 'pressing' an official says on behalf of his subject [albatu: serf, here the suspected thief] 'I am ready to enter (a 'pressing'): this man is innocent', and the sayid held to the 'pressing' has not gone into it¹⁶, no fine must be imposed. As a rule, a sayid shall not force¹⁷ a person of imperial lineage before himself (to testify under oath) on behalf of his (own¹⁸) subject." The words oro- 'to enter' and buča- "to return" seem to indicate one's willingness or refusal to take the oath to testify to somebody's innocence. Oro- appears many times in the QJ, but I believe this is the only place where we find siqayan-ača buča- "to turn away, to refuse to take the oath". In the spoken language, buča-, apart from "to return", can also mean "to eat one's words"¹⁹. The two editions of Žamtsarano's translation (Ž-D, p. 33, art. 18; Ž-R, p. 14) differ a little from each other.

8. (p. 166, art. 29) "nengjigül nengjigçi kümün-i urida gereči-dü tusiyaju bei-e inu arilyaju oroyul": "A person (assigned to) conduct an investigation shall first be entrusted to a witness who must enter (a 'pressing') and establish his innocence". Both editions of Žamtsarano's translation (Ž-D, p.

¹¹ NASUNPALJUR'S edition, p. 16: 15: qaraju. For qariju = qari- "to come back?" or yar- "to come out (innocent)?" Cf. notes 13 and 14.

¹² NASUNPALJUR'S edition, p. 16: orobasu which seems less satisfactory.

¹³ The text has qartuyai, which I interpret as yar- "to come out".

¹⁴ Far- "to come out to his innocence", or qari- "to return to his innocence?"

¹⁵ Namely of the sayid whose testimony was the cause of the erroneous decision.

¹⁶ The sayid has not confirmed under oath the noyan's testimony on behalf of his own serf.

¹⁷ Lit. "to seize". Bari- here is for saqayan-du bari-, as in the preceding lines.

¹⁸ Namely the subject of the qan kümün.

¹⁹ Ant. MOSTAERT, *Dictionnaire ordos*, 1941—1944, p. 100b.

33, art. 26; Ž-R, p. 14) formulate this article somewhat differently, and both fail to note the meaning of *oroγul-* "to make him enter (a 'pressing')." In view of the foregoing passage (Nr. 7), there is no doubt about the meaning of *oro-* here. Otherwise the meaning of this article is not too clear, but I take it that it is the witness who must swear to establish the trustworthiness of the investigator.

9. (p. 167, art. 32) "yerü siqayan-du kili kündebečü yai ügei. unayaqula oro ögkü yala ügei bii": "Generally, when performing a 'pressing', even if one should touch²⁰ the 'line', it does not matter; but should he cause it to fall down, he must provide a replacement, but there shall be no fine." (p. 34, art. 32.) The text is extremely difficult to interpret on account of its brevity and lack of parallel texts. Dylykov (p. 34) in a footnote says that another manuscript has "at the time of an oath by *noyad*", Žamtsarano's translation is worded differently in the two editions (Ž-D, p. 34, art. 32; Ž-R, p. 14); in Rintchen's edition, the word *kili* is translated as *tagan* "trivet", and between brackets explained as "hearth". Dylykov leaves *kili* untranslated. *Kili* originally means "line, boundary", but on p. 107, in note 47, Dylykov refers to a note by Žamtsarano (no reference) explaining *kili* as a rope strung between two posts, on which various objects such as old clothes, rags, etc. are hung. The suspect is supposed to pass under this 'door' without touching those 'relics'²¹. But it is not clear whether this passage under the *kili* is an entirely different form of oath, or an integral part of the "pressing" performed with the axe or other cutting weapon. Another reason why this paragraph is so obscure is that we do not know what it was supposed to elucidate. It must refer to the questions treated in several preceding articles dealing with the investigation and search for lost objects. This is the reason, I guess, why the person who overturns the *kili* is obliged to provide a replacement for the lost object.

10. (p. 175, art. 37) "ken kümün-dü mör malay-a sijim-ün tedüi oroγad ese yarbasu daruγ-a-yi siqaqu": this is an extremely obscure sentence and Žamtsarano's translation is different in its two editions (Ž-D, p. 37, art. 37; Ž-R, p. 16). Judging from the preceding articles dealing with theft and the

²⁰ *Künde-* is explained in KOWALEWSKI, p. 2567, as "mouvoir, remuer, agiter". In his *Mongol'skie Letopisi xvii veka*, Moskva-Leningrad, 1936, p. 57; Rud. LOEWENTHAL (trsl.), *The Mongol Chronicles of the Seventeenth Century*, Wiesbaden, 1955, pp. 41—42, ŽAMTSARANO commented on this word in connection with a passage in the *Altan Tobči* (*Altan Tobči. A Brief History of the Mongols. Scripta Mongolica I*, Cambridge, Mass., 1952, II, p. 138:8; C. R. BAWDEN, *The Mongol Chronicle Altan Tobči*, Wiesbaden, 1955, p. 76 (75) transcribes *köndečü*, and (p. 165) translates: "cut (marks in the queen's nose and ears)", which certainly is too strong). The word *künde* appears another time in the *OJ* (Ž-D, 80, 293, art. 3): "if the cattle touches (and disturbs) the grave. . ."

²¹ One wonders why this description of the *kili* is found in one edition only and where it came from. The reader will be struck by the similarity of the rite of purification of the relatives of a dead man as described by John de Plano Carpini: A. VAN DEN WYNGAERT, *Sinica Franciscana*, vol. I, Quaracchi-Firenze, 1929, p. 44, § 15; Chr. DAWSON (ed.), *The Mongol Mission, Narratives and Letters* . . . , New York, 1955, p. 14; P. RATCHNEVSKY, "Über den mongolischen Kult am Hofe der Grosskhane in China", in Louis LIGETI (ed.), *Mongolian Studies*, Amsterdam, 1970, p. 435. Was ŽAMTSARANO by any chance thinking of this passage? Or is the *kili* rite a new meaning attached to this ancient custom?

recovery of stolen articles, this article, too, probably concerns the same subject. A tentative translation: "If tracks, a hat, a snare, and things like that point to a certain man, but (the stolen goods) are not forthcoming, let his headman 'press' (to prove the suspect's innocence)."

11. (p. 177, art. 42) "ulayan miq-a čini mini geküle süke-tü": "If a quarrel [lit.: yours-mine] (breaks out) concerning the ownership of raw meat, (the contenders) are bound (to hold) the axe." In Ž-D, p. 37, art. 42, "(compel to hold) the axe"; in Ž-R, p. 17: "then — the axe." The term *süke-tü*, literally "with the axe", or "having an axe" becomes clear if we keep in mind that a fine is often expressed in the same way: *yisü-tü*, *tabu-tu*, etc.: "(if . . . the penalty is) nine / five (head of cattle) . . ."

12. (p. 178, art. 47) "mör ba. aliči siq-a-yi noyad-un tula noyad-i tayiji tabanang-un tula tayiji tabanang-i siqai-a. tayiji tabanang-un köbegüd tula. tayiji tabanang-un abai ügei köbegün-i siqai-a. šabinar-un tus yeke daruy-a-yi siqai-a. quwaray-un šabinar-un tus barayun-i tula barayun-i daruy-yi. jegün-i tula jegün-i daruy-a-yi siqai-a": "(In case of) tracks (leading to a suspect) or for whatever 'pressing'²², officials shall 'press' on behalf of officials; *tayiji's* and *tabunang's*²³, on behalf of of *tayiji's* and *tabunang's*; unmarried sons of *tayiji's* and *tabunang's* on behalf of sons of *tayiji's* or *tabunang's*. In case of *šabinar* (of the Gegen), the great headman shall press; in case of disciples²⁴ of a monk, for (one of) the West, the headman of the West shall 'press'; for (one of) the East, the headman of the East." In Ž-D, p. 38, art. 47, "in conducting an inquiry" corresponds to the first word of this paragraph: *mör*; this is less satisfactory than the translation in Ž-R, p. 17 "with regard to tracks". The expression *abai ügei köbegün* in Ž-D is rendered as "unmarried sons", but in Ž-R, as "sons having no daughters". The word *abai* appears several times in the QJ and Žamtsarano always translates as "wife" (of a prince, qan, etc.). In a few passages of the QJ, *köbegün* has the meaning "slave" but this is not likely to be the meaning here: the wife of a slave would not be referred to as *abai*, but *eme* (appears in several passages). Kowalewski translates *abai* as "mot de politesse, caresse, p.e. monsieur, mademoiselle, papa, maman, madame"²⁵. In Ordos, *abai* means either "father" or "elder brother"²⁶. If *abai ügei köbegün* is not an "unmarried son" it might possibly mean "a young *tayiji* whose father is no longer alive"; but I prefer the first meaning "unmarried", namely a *tayiji's* young son without family responsibilities.

²² *Siq-a-yi* probably is for *siqay-a-yi*.

²³ The QJ always spells *tabanang* instead of the more regular *tabunang* "son-in-law of nobleman".

²⁴ Following ŽAMTSARANO (Ž-D, p. 38, art. 47; Ž-R, p. 17) I take the first *šabinar* to indicate the *qara šabi*: lay subjects of the Urga Qutuqtu; *quwaray-un šabinar*, I presume, are the monastic disciples (*sira šabi*) studying with a particular monk. See David M. FARQUHAR, "Some Technical Terms in Ch'ing Dynasty Chinese Documents relating to the Mongols", in LICETI, *Mongolian Studies*, pp. 123—124.

²⁵ KOWALEWSKI, p. 40b.

²⁶ *Dict. ordos*, p. 36b. It may be noted that during the Ming, *abai* was also a masculine personal name: e. g. in CH'Ü Chiu-ssu, *Wan-li wu-kung lu* (*Kuo-hsüeh wen-k'u* 38) 8, pp. 204; *Uijing-abai* (again on p. 205) *Dalai-abai-tayiji*; 135, 208; *Abai*. H. SERRUYS, *Genealogical Tables of the Descendants of Dayan Qan*, 's Gravenhage, 1958, pp. 123.

13. (p. 179, art. 48) "qulayayiçi olan çöken gekü. mal bii ügei gekü. keüken bii ügei-yin tus yisün aldanggi-tu ülüg eden-i tus-tu daruy-a-yi siqaqu. tabu aldanggi-aça doroyisi-ki-du siü lengge-yi siqai-a. mal-un ejen-ü mal olan çöken gekü-yin tus mön mal-un ejen-ü daruy-a-yi siqaqu bii": "In cases of disputes concerning the number of thieves [lit. saying the thieves (are) many or few], whether there are cattle or not, whether there are children or not, if upon the possessions²⁷ a fine of nine *aldanggi*²⁸ had been levied, the headman (of the suspect) shall 'press'. In case of (goods) below a five-*aldanggi* fine, the *siü lengge*²⁹ shall 'press'. In case of a dispute about the number of cattle in the possession of the owner, the headman of the owner shall 'press'." In Ž-R, p. 17, the sentence regarding the oath of the *siü lengge* has been omitted.

14. (p. 196, art. 4) "eden-eçe qulayai kigsen kümün meljige bolju siqaly-a bolqula. jañun erüke albatu-tu noyad-aça degegsiki noyad-un qoyar sayid-i songyuju siqaqu. jañun erüke-eçe doroyisiki albatu-tu noyad-un nam-un (noyad-un) sayid-i siqalçaqu bui".

(p. 197, art. 5) "yaryaji ögküle qayas yala ögkü. sayid medeji bayiji oroqula. aqai-yi-i nige temege, qoyar soyolan mori, degüü-eçe-i nige temege abqu": the text of article 4 seems somewhat jumbled. "If somebody who has stolen from these [i.e. aforementioned persons] denies (the fact) and there is (need of) a 'pressing', two *sayid* chosen from officials possessing more than one hundred subject families shall 'press'; and one *sayid* from the group of officials possessing fewer than one hundred subject families shall 'press' together with (the aforementioned two *sayid*)."

(Art. 5) "If (those *sayid*) bring out (the guilty), give them half the prescribed fine; but should those *sayid* enter (the 'pressing') with full knowledge (and make a false statement), from the elder *sayid* take one camel and two five-year old horses and from the younger *sayid* one camel." *Medeji bayiji oroqula*: in Ž-D, p. 44, art. 5, this is translated as "if the *sayid* take a false oath knowing (the guilty)" which I have adopted, because the Mongol text is extremely elliptic. But in Ž-R, p. 22, we read: "if the *sayid* knowingly take the oath" without mention of a possible false statement; but then it becomes hard to see why they should be fined.

15. (p. 208, art. 36) "quwaray-un šabınar keyid sakiyçin. ködelmürçin eden-i siqay-a-yi (sayin) sayid ende-yi yeke sayid tabanang-ud bii bolqula eden-i siqaqu bii": "(In case of) a 'pressing' on behalf of these: a monk's disciples, temple guards, and laborers, let a good *sayid* ('press'); if there are great *sayid* or *tabunang*'s present here, let them 'press'." My translation, however tentative, differs from Žamtsarano's which is also different in both editions (Ž-D, p. 48, art. 36; Ž-R, p. 24); the latter has: "make the best *sayid* or the worst *sayid* and *tabunang* take the oath," which is totally unacceptable.

²⁷ *Ülüg eden* (same reading in *NASUNBALJUR*, p. 18:24) is a misspelling for *ülüg ed* "possessions". The expression reappears in the *QJ*, pp. 157, 229.

²⁸ *Aldanggi* is a unit of fine. See Ž-D, p. 105, n. 30.

²⁹ *Siü lengge*, *Sü lengge* is explained in Ž-D, p. 38, footnote, as "a continuator of the family; tax collector". I hope to publish a note on the origin of this term in the near future.

16. (p. 225, art. 34: last four lines) "qar-a kümün bei-e kümün bosqui-dur-ıyan kümün-i alabasu noyad-aça-i kümün-ü oro temege-ber bosqayad. dalan tabun anju-bar torıai-a. noyan inu anju ese güiçebesü siqay-a-bar arilyaju mal-i inu qayaslaji öggüi-e": "If a single man³⁰ during his flight³¹ kills a man, raise³² (a man as) replacement for the (dead) man and a camel from his official, and fine (the official) seventy-five *anju*³³ (units). If the official is unable to pay this fine and through a 'pressing' proves his innocence³⁴, give half of his possessions (to the family of the victim)." (Ž-D, p. 54, art. 34; Ž-R, p. 29).

17. (p. 236, art. 1) "qabçiyur-i yayu-tai iregsen bolqula tegüniyen abqu. tüssigülügçi kümün yayu öggügsen bolqula tegün-ıyen abqu. jabsar-un ürejıgsen-i ijayur-un mal-ıyan kiri-ber qubiyaqu. qabçiyur mini oluısan eyimü yayuma geküle tüssigülügçi-yin daruy-a-yi siqaqu. mön geji oroqula qabçiyur-tu ögkü. ese oroqula urida yosuyar qubiyaqu bii": "When a refugee³⁵ (leaves his place of asylum): what he had brought with him he shall take along. If (his) protector had given (him something in loan), he may take it back. The increase (of cattle during the time) of his stay, (refugee and protector) shall divide according to the size of their original herds. If the refugee should say that (some cattle) were acquired by him (and are not due to natural increase), the protector's headman shall 'press'; should he go into (this oath) declaring (that the refugee) is right, the (cattle in question) shall be given (to the refugee); should (the headman) refuse to take this oath, (refugee and protector) shall divide (the cattle) as indicated above." Ž-R, p. 31, remains close to the original, but Ž-D, p. 59, art. 1 is more a paraphrase than a translation.

18. (p. 242, art. 8) "degere-eçe jarliy-tai siqaly-a bayiısan yajar-a. qan ayula. küseger. tülünggü. kügene. (qoyar) töküm. sibar-tu [243] ongyon-u berke qosıyu. qoyar şaqatu. genen dobi. ongyon. ünjüle. bayan ulayan. joryol. sumum ulayan. adayaçaq. qari. ulayan nayur. ügüi. ede yajar-i ijayurun yosuyar siqaquı bayıtuyai. dabaji siqaqula ayımay-un aq-a-aça-ni tayılay temege. olan-aça-ni nige nige kijalan mori abqu. olan çöken gekü-yin tus-tu ayımay-un aq-a-yi siqaqu. tayiji-nar tabanang-un bei-e-yi siqaqu. gereçilegçi

³⁰ *Qara beye* appears a dozen times in the QJ with the meaning "alone; without others being involved".

³¹ *Bosqu* "to stand up", in the QJ also means "to flee, to run away; to seek asylum". *Bosqul, bosqayul, bosqayuli* is "a refugee, fugitive". KOWALEWSKI, p. 1172b; DILYSKOV, pp. 53, art. 27; 107, n. 60. VLADIMIRTSOV, *Obšč. Stroi*, p. 163; *Régime social*, p. 210; W. HEISSIG, "Ein mongolisches Textfragment über den Ölötenfürsten Galdan", in *Sinologische Arbeiten* 2, 1944, pp. 101, 132.

³² *Bosqa-* "to make stand up" in the QJ can mean not only "to make someone take to flight" but also "to 'raise' a payment in cattle".

³³ *Anju* is a unit of fine: here one head of cattle or one sheep.

³⁴ *Sigay-a-bar arilya-*, lit. "to make pure through 'pressing'". I take this here to mean "to swear that he is unable to pay the full fine". This sentence in Ž-D, p. 54, art. 34, is translated as *pokayat'sya*: "to confess; to purge oneself"; and in Ž-R, p. 29 as *očistil' ego prisyaqoi*: "purify him with an oath". It seems to me that both translations fail to render the precise meaning of the original.

³⁵ *Qabçiyur* and *bosqayul* are synonymous. See VLADIMIRTSOV, *Obšč. Stroi*, pp. 172-173; *Régime social* p. 223, where the first part of this text is quoted. Originally, *qabçiyur* means "pincers": KOWALEWSKI, p. 762b.

kümün-dü arban-ača nigen-i ögkü. Ƴurban ayımay-ača elči Ƴarču abqu. Ƴurban ayımay-un elčid arba-ača nige-yi idekü. nige ayımay-ača keltegei sıqabaču [244] Ƴurban ayımay-un elči Ƴarču abqu. Ƴurban ayımay-un elčid arba-ača nigen-i ide. bayatan-du kürügsen-ü qoyına. bayatan-ača erke berke ügei unuqu. baƳa ügei kümün-eče unuqu ügei bii": Localities where 'pressing' has been discontinued by order from above:³⁶ Qan aƳula, Küseger, Tülünggü, Kügene, the Two Töküm's, Sibar-tu, OngƳon-u berke qosıƳu, the Two Şaqatu's, Genen Dobi, OngƳon, Ünjüle, Bayan ulayan, Joryol, Sumun ulayan, AdayačaƳ, Qori, Ulayan naƳur, Ügüi:³⁷ in these places³⁸ (the practice of) 'pressing' according to the old regulations must be discontinued. If in contravention (of this order) 'pressing' is practiced, take one three-year old camel from the elder of the community,³⁹ and one four-year old horse from every inhabitant. If a question arises with regard to (the number of horses to be collected), the elder of the community shall 'press' (on behalf of commoners), but *tayiji's* and *tabunang's* shall 'press' personally. Out of ten (horses collected) one shall be given to the witness. Representatives of the Three Ayımay's⁴⁰ shall come to collect (the fines), and out of (every) ten (horses collected) the representatives will receive⁴¹ one. Even if (a representative) from one *ayımay* should 'press' independently,⁴² the representatives of the Three Ayımay's shall come out and collect, and out of (every) ten (horses collected) the representatives shall receive one. After reaching (the place) of those obliged to pay the fines, by all means let (the representatives) ride (only) horses taken from them. They must not ride (horses taken) from those who are not subject to the fine." (pp. 62—63, art. 8).

19. (p. 259, art. 2) "toyın kümün-i qara kümün kögeji orkiƳulqu. yeke ügeber güjirleji. toyın süke baƳu⁴³ adquƳad ariƳun-dayan qarqula.⁴⁴ tere kümün-eče Ƴurban Ƴayun anju abqu. Ƴayun tabin-i boda. Ƴayun tabin-i qoni bii. anju-

³⁶ Namely of the QutuƳtu of Urga.

³⁷ Only a few of these names appear in Magadbürin HALTOD, *Mongolische Ortsnamen*, Wiesbaden, 1966, pp. 186: *Tülengki oboya* in Sečen-qan; 86: *Kögen-e nırıƳu* in Tüsiyetü-qan; 184: several Töküm's, but no *Qoyar tökü*m; 165, 169: several *Şabartu*, *Şabartai*, *Sibartai*, *Sibartu*, a popular name in many parts of Mongolia; 121: *OngƳon* in various combinations, but no *OngƳon-u berke qosıƳun*; 25—26: *Berke* in various names of mountains; 92: *Joryol*: river in Sečen-qan; 190: *Ulayan naƳur* in TurƳüd, and one in Sili-yin Ƴool, neither likely to be the one referred to in the text; 140: *Qari*: a lake in Tüsiyetü-qan.

³⁸ Reading *yafar-a* instead of *yafar-i*.

³⁹ *Ayımay*: ZAMTSARANO (Z-D, p. 62, art. 8; Z-R, p. 32) leaves the word untranslated. I am not sure of its exact meaning here.

⁴⁰ The "Three Ayımay's" must be the same as the "Three Banners" (Z-D, pp. 125, 209, art. 2; 210, art. 3) explained by DULYKOV (p. 102, n. 18) as an expression from the seventeenth and eighteenth centuries to indicate the Qalqa territory in general: Tüsiyetü-qan, Sečen-qan, JasaƳtu-qan, and Sayın-noyan-qan. However, since Sayın noyan-qan was not one of the original subdivisions of the Ch'ing period, probably "Three QosıƳun / Ayımay's" originally referred only to the three earlier ones. The Qalqa were also referred to as the Seven OtoƳ's, and the Seven Banners, reflecting an earlier organization.

⁴¹ ZAMTSARANO always translates *ide-* as "receive as food provisions", but this too literal: *ide-* "to eat", can also mean "to appropriate".

⁴² *Keltegei*: "biased, unequal, etc." *Dict. ordos*, p. 257a also lists the meaning "independently".

⁴³ NASUNBALJUR's edition, p. 31: 20: *barıyu*.

⁴⁴ NASUNBALJUR's edition, p. 31: 21: *qarıqula*.

ban ese güiçebesü qalayun ami-i mal-tai-ni tere toyin-du čöm bariju ögkü bii, tere toyin siqalyan-du kürül ügei ügeber ariyun-dayan qarqula.⁴⁵ tere kümün-eçe jayun tabin anju abqu. qayas-i boda. qayas-i qoni bii. mal ügei gekü-yin tus-tu albatu-yin tus daruya-ni. tayiji [260] tabanang-un tus abai ügei tayiji sigčün köbegün-i siqaqu": "If a layman should chase a monk (into the desert) and abandon (him), and with fierce words slander him, and the monk should hold the axe to vindicate his innocence,⁴⁶ take (a fine of) three hundred *anju* from the (lay)man: 150 shall be cattle, and 150, sheep. If he (is unable to) pay the fine in full, seize his warm life⁴⁷ with his cattle and hand everything to the monk. If the monk without coming to a 'pressing', orally declares his innocence, take 150 *anju* from the (lay) man: half cattle, half sheep. In case he claims that he does not possess any cattle: if he is a subject (*albatu*), his headman shall 'press' (to testify to that fact); if he is a *tayiji* or a *tabunang*, an unmarried *tayiji*, or a *sigčün*, or a slave shall 'press'." In Ž-D, p. 68, art. 24, the last sentence is rendered: "for an *albatu* make a *daruya* take the oath; for a *tayiji* or a *tabunang*, a *tayiji* who has neither daughter nor servant;" in Ž-R, p. 36: "for a subject, make his *daruya* take the oath; for a *tayiji* or a *tabunang*, a *tayiji* who has neither daughter, nor *sigčün*, nor *köbegün*." Both translations are indefensible, because *ügei* refers to the word *abai* only. As has already been indicated, Žamtsarano in other passages always renders *abai* as "lady", and there is no reason to translate differently here. *Abai ügei* refers to *tayiji* only, not to *sigčün* and *köbegün*. As already indicated under Nr. 12, *köbegün* in a number of passages of the QJ has the meaning of "slave" and this seems to be one of them. *Köbegün* may have been a slave or servant lower than the *sigčün*. *Sigčün* originally is a title of a lower official but by this time it indicated some sort of servant in the household of noble families⁴⁸.

20. (p. 261, art. 1: second paragraph) "öber-e noyad (-un) (albatu-yi) alabasu mön kümün alaysan (-u) anju-bar boluyad. kümün-ü oro-yi kiri-yin kümün-iyer bosqaju. kümün ügei noyan bolbasu sayin temege mori qoyariyar [262] bosqatuyai. kümün mal (ügei bolbasu. ügei) gekü-yin tula nam-ača-ni noyad-i siqai-a": "If (an official) should kill the subject of another official, the fine shall be as for the murder of an (ordinary) man, and as replacement of the (dead) man, he shall provide [lit. 'raise'] a man of (comparable) quality. If the (guilty) official has no subjects (of his own), he must provide a good camel and horse. Should he be without subjects and cattle, and claim to be poor, officials from his group shall 'press' (to confirm his claim)" (p. 69).

21. (p. 269, art. 14) "(noyad) noyad-tu ama yarču yar kürbesü yala anu ene yosuyar. bei-e-yi inu dayariydaysan noyad(-un) [270] albatu dotor-a mayu kümün-dü bariju ögkü. tasiyarabasu. tasiyaray san-i bodatai bolqula qayas-

⁴⁵ NASUNBALJUR's edition, p. 31: 23: *qarqul*.

⁴⁶ ŽAMTSARANO's translation contains no clue as to how he reads *qarqula*: *qariqula*, or *yarqula*. On the strength of NASUNBALJUR's reading I take the verb to mean "to come back to one's innocence" (Ž-D, p. 68, art. 24; Ž-R, p. 36).

⁴⁷ The expression *qalayun amin* occurs a dozen times in the QJ always when a person is reduced to the state of slavery.

⁴⁸ For the term *sigčün*, see my forthcoming article "Mongol *sigčün* / *čigčün*", in *Monumenta Serica*, where I also briefly discuss this passage.

iyar torqu, meljebesü noyad-un tula noyad-i. qaraču-yin tula sayid-i (qosiyun-u dotor-a) songyuju siqaqu bii": "If somebody should have an altercation with an official and they come to blows, the fine (of the guilty) shall be according to this [i. e. the above], and (the guilty) shall be seized and handed over to (become) a lowly person⁴⁹ among the subjects of the official who has suffered bodily injury. If (the injury) was caused inadvertently, being (liable to a fine) in cattle for inadvertent injury, he shall be fined half (the prescribed penalty). Should he deny the fact, if he is an official⁵⁰, an official shall 'press'; and if he is a commoner, a *sayid* must be chosen inside the banner to 'press'." The first *noyad* of this article which Dylykov puts between brackets, although it appears also in Nasunbaljur's edition (p. 33:13), is unnecessary. Any way from the last words of this article where it appears that the attacker could be a commoner, we may safely conclude that there is no question of fights between officials only. With regard to the expression *mayu kümün-dü bariju ögkü*, Žamtsarano translates "to hand him over to the worst of the subjects" (Ž-D, p. 72, art. 14; Ž-R, p. 39), but in article 13 immediately preceding this one, we find exactly the same construction: *čöm albatu-yin dotor-a köbegüd-tü bariji öggüi-e*, and Žamtsarano translates: "turn (him and his family) over as *köbegüd* of the subjects" (Ž-D, p. 72, art. 13) and "turn (him and his family) over as lads [*otrok*] among the subjects" (Ž-R, p. 39). I think that *köbegüd* simply means "slaves". The meaning of this expression becomes clear when we compare it with a similar expression *qosiyun dotor-a kitad-un kitad-tu bariji ögtügei* "turn them over as slaves of slaves in the banner" (Ž-D, pp. 30, 159, art. 17; 50, 213, art. 9; 70, 263, art. 2; Ž-R, pp. 12, 26, 37); it has the same meaning as *-dur loya-*, and *-dur bodo-*: "to count as . . ."

Summary. Mongols could be compelled to take an oath, accompanied by such symbolic action as holding an axe, or walking under a *kili*-line; this imprecatory oath could be taken either to corroborate their own claims, or on behalf of others: the headman of a community for his subjects; a *tayiji* or *tabunang* on behalf other *tayiji*'s or *tabunang*'s sometimes unmarried younger members of the nobility, or persons of low status such as servants and slaves on behalf of members of the nobility.

⁴⁹ Lit. "a bad man".

⁵⁰ Lit. "on behalf of an official".