

## **Difficulties of studying the history of Central Asian Peoples**

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### Historians and Their Problems

To study history is a difficult subject. If you want to study Turkish history is more difficult one. I learned this in my rather long (45 years) research life. Most of the foreign historians did not understand or ignored the importance of learning the Turkish or Turkic languages which are the key of main sources and archives on their history. As a result, that they did not give the true picture of Turkic peoples and their history.

I did not come to blame those historians whom I consider as my colleague worked or still working on the history of Turkic peoples. As I mentioned that the fact is to study history is one of the most difficult subjects in our lives. I spent more than forty years of my academic life by studying history of Turkic peoples and will continue as long as I live. Naturally I learnt about the difficulties of this subject.

Every nation or people had good and bad times in their history. But the Turkic peoples, especially the Kazakhs had lived more painful life. The historians, especially modern historians have to bring out the painful history of the Kazakh people if we are doing this job in an objective way. As a historian we don't have a right to misinform the people.

Here, I have to remind the lawless Mongol tribes and their damages which they inflicted upon the Kazakh people. The Russians who had no respect to international law had invited and colonized the Kazakh lands gave enough trouble. As a result, between 4 and 5 million Kazakhs lost their lives. All we know here, that the Soviet system did not allow the historians to work objectively on the events which took place in the Soviet Union. Many people suffered, including the Russians, but the Kazakhs suffered more than others.

After reminding our problems, I would like to draw the attentions of my colleagues to the true picture of Turkic peoples and importance of their understanding law and administration.

**Historians Who Work on Central Asia Have to Know The Principles And Character of Turkish Understanding of Law and Administration**

**Töre (Law) and Adat in Islam and Early Turkish Society.**

Turkish people lived or organised their lives according to the principles of Töre, which was an unwritten law of Turkish people throughout their history. The Turkish Töre can be compared with the British Magna Carta.

It is appropriate to explain what Töre is or what it meant to Turkish people of Central Asia before Islam and after Islam. Töre meant the organiser of the necessary economic, social and political principles of Turkish life. Töre is explained in this manner in Orkhun Inscriptions, which were written in the first half of the 8th century

by Gök-Turks and is now controlled by the Mongolian Republic, *Divan-ü Lugat'it-Türk*, which was written by Mahmud Kashghari in 1074, and *Kutadgu-Bilig*, which was written by Yusuf Has Hacıp in 1070. However, among the three of these works, *Kutadgu-Bilig* gives more detailed information about Töre. Therefore, we have to start from *Kutadgu-Bilig* to know what Töre meant to Muslim Turks.

Yusuf Has Hacıp in his famous work *Kutadgu-Bilig* wrote: “Töre was justice, knowledge and wisdom. It was a sensible head. When Töre was practising politics and governing the country it never considered personal inclinations in the judgement of events. It considered humans as a whole, therefore, it shone upon the world like a sun and moon. Therefore, Töre’s light was equal everywhere. It considered everybody with complete equality... Being a sovereign (or ruler) is good. But the Töre is better than a sovereign”. “The best ruler is the one who arranges everything in a just and humanitarian way for his people. In such a mechanism even a wolf and a lamb can live side by side”<sup>1</sup>.

The Töre is explained in another interesting way in *Kutadgu-Bilig*: “If an object stands on three feet, it can not slip to one side. To keep this object standing, the feet must stand straight. If one of the feet is crooked or false, the other two cannot stand straight, they will slip. One of the feet is (Könilik) justice, the other one is (Tüzlük) equality, and the last one is (Uzluk) kindness and helpfulness”. If an administration or a country is not standing on these three principles, that country or administration can decline easily. Töre says: “I solve every problem with justice. I make no distinction between an ordinary man and a monarch. Everybody is equal in my eye; my son, my relatives, a strange traveller, a guest or anybody. The principle of a state is justice”<sup>2</sup>.

According to *Kutadgu-Bilig*, the principles of Töre should be as follows: 1- Könilik (Justice), 2- Tüzlük (Equality), 3- Uzluk ve Kişilik (Kindness and Humanity). An administration or ruler must implement these principles in the economic, social and political life of his people<sup>3</sup>.

The Töre was the main element in the Turkish states. Turkish society never lived without Töre. Kashgharlı Mahmud in his famous work “*Divan-ü Lugat'it-Türk*” wrote: “If violence enters from the door, the Töre escapes from the window. The state can decline, but the Töre can remain”<sup>4</sup>. It was also mentioned in the Orkhun Inscriptions that without Töre the state would not exist. The monarchs wrote their *Fermans* and *Yarlıks* according to the principles of Töre, and the *Yarghans* (the lordchief justice) made their decisions based on it. In addition, the Turkish monarch came to the throne according to the Töre.

According to *Kutadgu-Bilig*, the responsibility of a ruler for the economic welfare of his people was: “It is necessary to give food and clothing to the people. The poor must receive help. You (monarch) must feed and clothe your people. Improve their economic position. If a monarch’s people are still called poor, how can he be a

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<sup>1</sup> Yusuf Has Hacıp, *Kutadgu-Bilig*, trans. And published by R.R.Arat, Ankara, 1956, p. 43.

<sup>2</sup> Yusuf Has Hacıp, *Kutadgu-Bilig*, pp. 68-70.

<sup>3</sup> Ibid.

<sup>4</sup> Mahmud Kashghari, *Divan-ü Lügat'it-Türk*, Turkish trans. B. Atalay, Ankara, 1939-1944, p. 221.

monarch?”<sup>5</sup> “Hey monarch, you must first meet the needs of your people, and then you can look after yourself”<sup>6</sup>.

According to Prof. Dr. İbrahim Kafesoğlu, who is one of the leading authorities on the subject, the principles of Töre (Law) were changeable. The members of the Turkish State Parliament (Toy) could add new articles to the Töre if the conditions changed and circumstances arose<sup>7</sup>. For instance, the State Parliament of the Huns of Asia, Gök-Turks and Danub Bulgars made many changes in the articles of Töre and added new ones<sup>8</sup>. However, some principles of Töre, Könilik (justice), Tüzlük (equality) and Uzluk (kindness and helpfulness), which were considered as the main principles of the constitution, could not be changed.

Professor A. Z. V. Togan, in his famous work “Introduction to General Turkish History” mentions that the Emperor of the Huns of Asia, Mo-tun (Mete), and the Emperor of the Huns of Europe, Attila ruled their people according to the principles of Töre<sup>9</sup>. Therefore so many nationalities lived by side by side in peace and respected each others cultural and religious lives in the Turkish administration. The Khaqans of the Khazar Empire were very careful in the implementation of the principles of Töre in the administration of their country. According to Mes’udî, an Arab geographer and historian, the Muslims, Christians and Jews lived side by side, and traded freely in the capital of the Khazar Empire, Khanbalık<sup>10</sup>. They respected to each others religious and Cultural activities according to the principles of Töre.

Another modern historian, A. Zajaczkowski, wrote on the Khazars: “The population of the towns consisted of Muslims and others: there were mosques, churches, temples... The town Itil (the capital city of Khazars) was inhabited by artisans, traders of various religions: Muslims, Christians, Jews, Pagans.

As long as the Khazars managed to secure peace and safety, the Khazarian towns continued to flourish. Of great importance was the interior policy, a sui generis “pax khazarica” as well as a deeply rooted religious tolerance. By dint of mild policy, mild attitude towards the conquered peoples, and religious tolerance the Khazars managed to create and to preserve for four centuries a great empire which from the Crimea to the river Yayık (Ural) had no natural frontiers at all”<sup>11</sup>

Judaism and Christianity being great religions had already explained their principles based on human rights centuries ago, “Islam has (also) laid down some universal fundamental rights (such as justice, equality, freedom, kindness, tolerance, helpfulness, etc.) for humanity as a whole, which are to be observed and respected under all circumstances whether such a person is resident within the territory of the

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<sup>5</sup> Yusuf Has Hacıp, **Kutadgu-Bilig**, p. 220.

<sup>6</sup> Yusuf Has Hacıp, p.399.

<sup>7</sup> Kafesoğlu, **Türk Milli Kültürü**, p. 247.

<sup>8</sup> Kafesoğlu, *ibid*, p. 247-248.

<sup>9</sup> A.Z.V. Togan, *Umumi Türk Tarihine Giriş*, 3. Baskı, İstanbul, 1981, pp.115, 295-296.

<sup>10</sup> Mes’udî, **Murûcu’z-Zeheb**, II, p. 7 as narrated by A.H. D. Yıldız, “Hazarlar’da İnsani Değerler ve Hukuk”, **Türklerde İnsani Değerler ve İnsan Hakları**, p.156-157.

<sup>11</sup> A. Zajaczkowski, “Karaims: Origin and History” in **Turkish-Jewish Encounters, Studies on Turkish-Jewish Relations Trough the Ages**, (ed. M. Tütüncü), Harlem, 2001, pp. 58-59.

Islamic state or outside it, whether he is at peace with the state or at war”<sup>12</sup>. Over the years, these human rights or principles of Islam developed in an interesting pattern and were called “Islamic Adat” by the Muslims. When Turks discovered the similarities between Islamic Adat and Turkish Töre, they willingly accepted Islam in great masses. As a result of this development, Islamic Adat and Turkish Töre had great influence upon each other.

Töre’s principles in social, economic and political life of Turkish people were used in an increasing way when the Turks converted into Islam. If we examine the history of Seljuks and Ottomans we can see how Turkish rulers tried to follow these principles in their administration of the country. As a result of this Turkish attitude, Turks or non-Turks, Muslims or non-Muslims, who lived under Turkish administration, found themselves in an equal world. This also created an equal chance and freedom in the usage of mother tongues and religion for every nationality.

#### Töre (Law) and its Practice Among the Peoples of Central Asia

After summarising the history of Töre and its practices, now we can concentrate on how Central Asian Turks implemented the principles of Töre. Before starting the discussion, there is one point which we must remember – that Töre, as explained, was practised in an established state which the Turkmens, Uzbeks, Kazakhs, Kırghiz did not have for a long time. We must also remember: “the state can decline, but the Töre can remain”.

The first question we have to ask here is: What were the signs of Töre among the Turkmens, Kazakhs, Uzbeks and Kırghiz? However, we have to deal with each group of Turkish people separately as they were rather disunited among themselves. Therefore, we must examine the signs of Töre, first among the Turkmens, then the others. As it was mentioned before, the principles of Töre were: Equality, Justice, Kindnes and Helpfulness.

Equality, which was one of the first principles of Töre, had always existed among the Turkmens. Their chiefs, elders and tribesmen all lived on a footing of perfect equality<sup>13</sup>. Justice, which was another principle of the Töre, existed to a certain extent among them. According to observers, their trust was so great in each other<sup>14</sup>, that no one from outside would be able to destroy this faith among the Turkmens<sup>15</sup>. The duties of the Khan (or the ruler) were clearly understood by them. As the duties of a monarch were explained by Yusuf Has Hacip, the monarch had to feed and clothe his people, or in other words, serve his people<sup>16</sup>. To the Turkmen people, the word “Khan” meant the principal servant of the whole community<sup>17</sup>. As a man of importance, his counsels in fact, orders were obeyed unconditionally so long as they did not violate the Töre. A Khan who tried to do that was deprived of his power. On

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<sup>12</sup> **Human Rights in Islam**, prepared by World Assembly of Muslim Youth (WAMY), Riyadh, 1974, pp.1-5.

<sup>13</sup> “The Turkmens”, Political and Secret Memoranda, C. 23, Part I, 3-4, India Office, London.

<sup>14</sup> “The Turkmens”, Political and Secret Memoranda, C. 23, Part I, p. 4.

<sup>15</sup> N. I. Grodekov, **Voina v Turkmenii. Pokhod Skobelev v 1880-1881 gg.**, Petersburg, 1883-1884, I, p. 65.

<sup>16</sup> Yusuf Has Hacip, p. 399.

<sup>17</sup> Grodekov, I, p. 65.

this, Grodekov, the author of “Voina v Turkmenii” wrote: “The power of Töre is so strong among the Turkmens that they look upon anyone attempting to change their customs (Töre) as a criminal, whom they drive out of their community or force to obey the customs (Töre); and this is why the Turkmens so seldom fail to obey the counsels of a Khan, to whom the people have always referred for the settlement of their affairs”<sup>18</sup>. Grodekov’s explanation supports the view, which was stated in Orkhon Inscriptions, discovered in Mongolia, if the ruler was not successful, he resigned from his post, or he could be made to resign by force<sup>19</sup>.

Here, one can still ask these questions: How purely did the Turkmens keep their Töre throughout the centuries? Was there not any foreign influence upon their Töre? As far as the evidence is concerned, the Turkmens kept and followed their Töre as it was, without any noticeable foreign influence.

Here, once again, one has to ask these questions: How did the Uzbeks, Kirghiz, Taciks and Kazakhs keep their Töre throughout the centuries? Was there any foreign influence upon their Töre? It is difficult to give the same answer as we gave to the Turkmens. The Kazakhs, due to their nomadic life, were the only Turkish people who could keep their Töre in the sense as the Turkmens did. But, the Uzbeks, Kirghiz and Taciks were not able to keep their Töre pure. As far as the evidence is concerned, there has been a Mongolian influence upon the social life of the Uzbeks, Taciks and Kirghiz as they had to serve under Mongol administration according to Chingis Khan’s Yasa. Even the Uighurs, the great and grandchildren of Yusuf Has Hacip who wrote mostly on Töre, were under the influence of the Mongol Yasa as they were the first to serve Chingis Khan. Most of the leading personages in Mongol administration were Uighurs. Naturally, they were also under the influence of Mongol Yasa. Nevertheless, it is appropriate to give a brief account of early history of Mongol and Turkish peoples, who lived side by side, in order to understand the influences of both sides upon each other.

One has to remember that the domination of the Turks was so great in the area up to the 12th century, and the practice of their Töre, which was mentioned in several Turkish sources, and yet there was no sign of the Mongol Yasa. It is very difficult to see any sign of the influences, not only Mongol but also of other foreign customs upon the Töre of Turkish people.

Here, one can assume that there can be some similarities and influences upon each other to some extent between the social structures of the Turkish and Mongol peoples as they lived side by side for centuries. This, particularly, as has been mentioned, can be the case for the Uzbeks, Kirghiz, Kazakhs and others as they were very close to the Mongols<sup>20</sup>. But the case of the Turkmens was very different that their country, from the Amu-Darya to the Caspian, was a far greater distance from the country of the Mongols.

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<sup>18</sup> Ibid,

<sup>19</sup> **Orkhon Inscriptions**, pp. 58-67.

<sup>20</sup> A. E. Hudson, **Kazak Social Structure**, Yale Univ. Publications in Anthropology, No: 20, London-New Haven, 1938, p. 75; L. Krader, **Social Organization of the Mongol-Turkic Pastoral Nomads**, The Hague, 1963, pp. 181, 243.

Consequently, one can argue the difference between Töre and Yasa: The Töre was an unwritten law with principles, which had been passed down from one generation to the other in Turkish societies. On the other hand, the Yasa of the Mongols was a written law. It was written on the orders of Chingis Khan<sup>21</sup>. The principles of Mongol Yasa were also different from the principles of the Turkish Töre; for instance, the Yasa of the Mongols never gave an absolute equality to people, but the Turkish Töre did. “Everybody is equal in my eye: my son, my relatives, a strange traveller, a guest of anybody”. Another example is that the Turkish monarch had to resign if he was not successful, but the Mongol monarch was an absolute authority and had limitless power<sup>22</sup>.

#### The Political Economic Principles of Töre in the lives of Turkmens and Kazakhs

The authorities and the observers, who visited Turkmen people, were often confused on the political system of the Turkmens, as they did not know the principles of Töre and their role upon the lives of Turkmens. One of the observers on the political lives of the Turkmens was Baker, a British officer. About this, he wrote: “It is difficult to define the Turkmen Government, as they are nearly the only people in the world who really appear to rule themselves”. He said that the Turkmens were ruled by an unwritten law. He concluded: “Certainly, they live under the very essence of a Republic”<sup>23</sup>. In fact, the term “Republic” was often used by the Turkmen leaders in their correspondence. When Nur Verdi Khan was elected as the Khan of Turkmens, he wrote to the Persian Governor of Bujnurd: “All the population of the Republic (Jum-Gurie) of Akhal from one end to the other, are united, and have with one accord in public assembly given the supreme power over the country”<sup>24</sup>.

The Turkmen Assembly or Parliament and its proceedings were very interesting. Every tribe was represented in an equal way by their Elders (Aksakals), Chiefs, Ishans and Mollahs at this small parliament. Each settlement (obah or aul) elected its own council (maslahat) of notable men of each class represented in it, and the decision of this body was represented by the whole community, and could not be appealed against. About the proceedings of this parliament, Grodekov, author of “Voina v Turkmenii” wrote: “In such an assembly are decided not only political matters concerning the offensive and defensive measures, but also matters of home policy and common law, and many questions of justice arising from every-day relations. For all decisions an effort is made to receive a unanimous vote of those present. In cases where there is a difference of opinion, the decision is put off for three days, in the hope of securing unanimity; and if, even then, this hope is not fulfilled, the question is left upon for an undefined time. In cases where there is a visible majority for one side of a question of public importance, the assembly is

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<sup>21</sup> L. Krader, “Feudalism and the Tatar Policy of the Middle Ages”, in **Comparative Studies in Society and History**, Vol. I, 1958-1959, pp. 85-86; V. Barthold, **Turkestan: Down to the Mongol Invasion**, 2nd ed., London, 1928, pp. 39-42; G. Vernadsky, **The Scope and Contents of Chingis Khan's Yasa**, Harvard Journal of Asiatic Studies, 1938, pp. 337-360.

<sup>22</sup> L. Krader, “Feudalism and the Tatar Policy of the Middle Ages”, p. 85; **Orkhun Inscriptions**, pp. 58-67; B. Ya. Vladimirtsov, **Obshchestvennyi Stroi Mongolov. Kochevoi Feodalizm**, Leningrad, 1934, pp. 129-130.

<sup>23</sup> V. Baker, **Clouds in the East**, London, 1876, p. 212.

<sup>24</sup> N. I. Grodekov, **Voina v Turkmenii, Pokhod Skobeleva v 1880-1881 gg.**, Petersburg, 1883-1884, Vol. I, pp. 163-164.

prolonged for three days; and then if the minority persist in their opinion, the question can only be settled by the general feeling of the whole community”<sup>25</sup>.

According to the contemporary sources, the Kazakhs had revolted against the authority of Abul Hayr Khan because he was unable to defend the country against the attacks of Mongol tribes and emigrated to the north and made a new homeland for themselves. One of the principles of Töre was the safety of people against an outside danger. Töre laid down the duties of the Khan or Ruler. These duties briefly were “to defend the country, to provide food and clothing for the people” (Yusuf Has Hacıp, p.. 399). But they never forget the Fargana Valley. The Kazakhs soon established their own system of administration for their economic and administrative lives. Tevke (Tauke) Han, invited the leaders (Aksakals, Hojais, Begs) of the Kazakh tribes in an assemble to discuss the principles of their economic and administrative lives. After long discussions with the leading people Tevke declared principles of Jhety Jharga (Seven Principles) which arranged the economic and administrative lives of the Kazakhs. It was decided to form a special force to implement the principles of Jhety Jharga.

**For detailed information see, Mehmet Saray, Kazakların Uyanışı. TİKA basımı, Ankara, 2004, pp.51-55**

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<sup>25</sup> Ibid,