

ADAT AMONG EURASIAN NOMADS

Yaroslav Pylypchuk

Drahomanov National Pedagogical University, Kyiv, Ukraine

pylypchuk.yaroslav@gmail.com

<https://orcid.org/0000-0002-9809-3166>

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Abstract: The Kipchaks, also known as Polovtsians in the Slavic chronicles, were notable not only for their nomadic lifestyle but also for their customs, beliefs, and related taboos. These customs, or adats, were the root cause of many of the Kipchaks' cruel acts. This research focuses specifically on the Kipchaks' adats, prohibitions, and the consequences of violating these rules. Violations related to power dynamics, such as treason and insubordination, or personal matters, like homosexuality and adultery, were punishable by death. Similarly, breaching magical prohibitions could also result in the death penalty. In contrast, theft was considered a less serious offense, with penalties typically limited to fines. The existence of the custom of baranta/barimta was not solely due to a lack of ability to enforce rights. Rather, barimta represented a forceful means of restoring violated rights.

Keywords: *Kipchaks, prohibitions, responsibility, death penalty, fine, adat, barimta*

INTRODUCTION

The scrutiny on the specific prohibitions, so-called adats, among the Kipchaks, their cultural significance, and how they were enforced can assist to gain a deeper understanding of the Eurasian nomads of Middle Ages. This research aims to analyze all existing taboos among the Kipchaks, clarify the role of religion in shaping nomadic consciousness, and highlight the significance of baranta/barimta in the legal practices of Eurasian steppe nomads. To reconstruct the Kipchaks' prohibitions, evidence from other nomadic cultures will be considered, employing a comparative method to analyze practices among earlier and later Eurasian steppe nomads.

One of the most intriguing aspects of Kipchak history is the study of the prohibitions within their society and the associated penalties. This topic remains under-researched due to a lack of written sources. B. Kumekov briefly touched on Kipchak law and punishments in one of his works, particularly focusing on their customary legal characteristics [Кумеков (2006)]. Sadri Maqsudi, a Turkish researcher of Tatar origin, examined Turkic law more broadly, primarily in the context of Muslim Turkic states and the Uighurs [Садри Максуди (2002)]. However, he also addressed prohibitions among nomadic Turks. A. Yurchenko's research includes specific fragments dedicated to magical prohibitions, which were linked to Turkic paganism, everyday superstitions, and prejudices. Nevertheless, these prohibitions have not been studied comprehensively [Юрченко (2002); Юрченко (2012)]. This research aims to analyze all existing taboos among the Kipchaks, clarify the role of religion in shaping nomadic consciousness, and highlight the significance of baranta/barimta in the legal practices of Eurasian steppe

nomads. To reconstruct the Kipchaks' prohibitions, evidence from other nomadic cultures will be considered, employing a comparative method to analyze practices among earlier and later Eurasian steppe nomads.

THE MAIN PART OF THE ARTICLE

Like other Turks, the Kipchaks adhered to specific moral and social norms, primarily guided by customary law. Among the highlanders of the North Caucasus, this law was known as *adat*, borrowing from Arabic, while the Turks called it *töre*. Among the Mongols, these legal and social norms were codified in the "Jasaq" of Genghis Khan. For the Kipchaks, these norms existed orally and represented customary law. Beybars stated that the Turkic Yasa was superior to the Mongolian one, considering the Turkic *töre* to be above the Mongolian Jasaq. The saying among the Turks that "the state may perish, but the *töre* remains" underscores the persistence of customary law even in the absence of an imperial or quasi-imperial confederation. B. Kumekov supports the idea that the Kipchaks had social and legal norms similar to those of the Mongols, which is plausible since Mongolian written law was rooted in the customary law of Mongolian nomads [Кумеков (2006): 477].

Some chroniclers of the time attempted to negatively portray the Kipchaks, often attributing sexual immorality to them. It is important to note that conceptions of sexuality differed significantly among Christians, Muslims, and pagans. Byzantine Emperor Alexius Comnenus wrote to the Flemish count Robert, mentioning that Pechenegs and Turks converted churches into stables and committed acts of sexual violence during invasions. However, Roger of Hungary, in his description of the migration of Kipchaks to Hungary in 1239, made no mention of such incidents, stating only that the Kipchaks abducted Hungarian women, a practice reciprocated by the Hungarians, who abducted Kipchak women as well [Василевский (1908); Рогерий (2012): 19].

The Bashkirs fashioned phallic symbols out of wood and wore them as amulets, justifying their belief in being born from the union of a man and a woman. Ibn Fadlan reported incidents of sodomy among the nomads. However, this was likely an isolated case, as homosexuality was harshly punished among the Turks. In one account, a Khwarazmian man seduced the son of a Turk, but when the father caught them, the Khwarazmian man was spared after paying a ransom, while homosexuality remained strictly condemned and was often punishable by death [Ибн Фадлан (1939)].

The nomadic dwelling (yurt) was divided into a right (female) and left (male) side. Similarly, among the Turks, buildings were divided into male and female sections. The male section was called *ak ey*, where the head of the family resided. In the yurts of Turkic nomads, such as the Nogais, Bashkirs, and Kazakhs, a man could hang his quiver only on his side and enter through the male-designated entrance. The female section, called *kara ey*, was where the mistress of the house lived. Roles and duties were clearly divided between men and women. In addition to his legal wife, a Kipchak man could also engage in sexual relations with a concubine or slave. Polygamy was common among the nomads, with a man having as many wives as he could afford. Homosexuality, considered unnatural, was condemned and punishable by death [Вайнштейн (1991): 78-79].

Giovanni de Plano Carpini noted the chastity of women in nomadic society. Adultery was severely punished for both men and women. Similar customs existed among the Volga Bulgars, as recorded by Ibn Fadlan, who mentioned that they also punished adultery. According to Sadri Masqudi, instances of adultery were rare among the Turks, as they adhered strictly to established moral codes [Ибн Фадлан (1939); Садри Максуди (2002): 274-275].

In addition to prohibitions related to the intimate sphere, the nomads were also governed by restrictions aimed at avoiding the wrath of higher powers. One such prohibition was stepping on the threshold of a yurt, as it was believed that a good spirit protecting the family resided beneath it. Foreigners were often warned against this action. If someone intentionally stepped on the yurt's threshold, they were sentenced to death, as it was thought that such an act would invoke the anger of Heaven and cause lightning to strike the yurt. If the action was accidental, such as when someone was intoxicated, no punishment was imposed. It was also forbidden to walk against the wind inside the yurt or to spill urine on fire or water, as these actions violated the nomads' hygienic beliefs and their reverence for sacred elements like fire and water. Among the Altai peoples, fire was considered a purifier. Spilling urine on water could invoke the wrath of the deity *Iduk-Yer Sub* (Sacred Earth-Water). However, nomads were most fearful of offending *Tengri* (the Sky God), a fear recorded in the chronicle of Movses Kaghanatvatsi [Юрченко (2012): 126, 130-132, 138-139; Вайнштейн (1991): 80].

Chokan Valikhanov noted that the first spring lightning was held in high regard by the Kazakhs, as it symbolized purification for both people and animals. The Chinese chronicle *Wei-shu* recorded that the Gaoju (a Turkic tribe) revered thunder. Among the Altai peoples, lightning was considered heavenly fire, while the spot where lightning struck was seen as impure. Ibn Fadlan reported that among the Volga Bulgars, if lightning struck a yurt, neither the dead person nor their belongings were touched. The site of the lightning strike was considered unclean, and people would circle it on horseback to perform a purification ritual. Similar customs were recorded among the Mongols by Plano Carpini and C. de Bridia [Юрченко (2002): 312-314, 317-318].

It was forbidden to bathe in natural bodies of water during the summer, as the Mongols believed that this could lead to magical harm. During a Mamluk embassy to the Middle Volga region, the envoy was advised by locals not to iron his clothes in public. The people washed their clothes in secret, often using snow instead of water. Ibn Fadlan made an interesting observation during his stay with the Oghuz Turks: the Arab envoys were forbidden from performing ritual ablutions because the Oghuz viewed such actions as potentially harmful magic. As a result, the Arabs conducted their ablutions in secret, at night, when no one could see them. Among the nomads, it was also forbidden to wash one's hands before eating. According to sources describing the Mongols, Jurchens, and Oghuz, simple nomads did not change their clothes until they fell apart. Spilling milk inside the yurt was also forbidden, as it was believed that this could summon lightning as divine retribution. Sitting on a whip was also prohibited, as the whip was believed to have magical powers. Among the Turks and Mongols, the whip could be used to strike the wind in hopes of calming it or to chase away evil spirits and resurrect the dead. Shamans used the whip during healing rituals. Breaking bones was also forbidden, as bones were believed to be connected with the essence of life [Хуббутдинова (2009):

193; Юрченко (2012): 121-123, 126-128, 135-138; Ибн Фадлан (1939); Юрченко (2002): 310-313].

Kidnapping, particularly of women, was often viewed as a serious offense, as it threatened the social fabric and the alliances between tribes. The consequences for such acts would typically depend on various factors, including the circumstances of the kidnapping, the status of the individuals involved, and the customs of the specific tribe. So, kidnapping women was also most likely punishable. Kidnapping could lead to feuds or retaliatory actions from the victim's family or tribe, affecting a perpetrator's reputation. Unfortunately, specific examples related to the Kipchaks are unavailable. However, there is an interesting account concerning the Mongols before they had codified law. The *Secret History of the Mongols* mentions that the Merkits attacked Temüjin's camp and kidnapped his wife, Börte-Fujin. In response, the future leader of all Mongols, along with his allies, Kerait leader Wang Khan and his blood brother Jamukha, launched a campaign of retribution. The abduction of women could lead to intertribal and inter-clan conflicts [Сокровенное сказание (2002): 29-40].

The theft of livestock could also trigger acts of revenge. Livestock was marked with a *tamga* (brand), which identified its owner. If a thief was caught with stolen animals, they were required to compensate the victim with ten times the amount of the stolen livestock. If the thief did not own any livestock, they had to give one of their children as a slave. If they had no children, they themselves would become a slave. The custom of livestock theft was typical among nomads, even though it was prohibited. In cases of theft, the perpetrator had to pay restitution amounting to tenfold the stolen goods (known as the *kun* fine). If the culprits refused to pay the *kun*, the council of *biys* (tribal judges) could authorize the victim to recover their losses by force, which was known among the Kazakhs as *barimta* (from the Chagatai word *baranta*, meaning a raid to recover stolen property). Among the Kipchaks, the equivalent might have been the *bek* court. The aristocracy held power and had the authority to make legal decisions. Disputes were resolved by a council of aristocrats [Кумеков (2006): 477; Хуббутдинова (2009): 134-137; Федотова (2006): 134-137; Ибрагимов (2012): 118-122].

In addition, *barimta* allowed for the recovery of property and women. Crimes against individuals were also punishable by fines, a practice that closely resembled the laws of early medieval Germanic tribes. For example, in the *Secret History of the Mongols*, the Merkit tribe considered themselves justified in kidnapping Börte-Fujin because Temüjin's father, Yesugei-Baghatur, had previously abducted Hoelun, who became Temüjin's mother and Yesugei's wife. It's worth noting that there were different kinds of abductions. If a man kidnapped his bride-to-be, he might only face a fine. However, if a man abducted someone else's bride, or one who had already been promised to another, this was an insult to the entire clan of the bride, and *barimta* could be used to recover the woman. The matter could be settled with a *kalym* (a form of compensation), which usually involved the payment of goods. Interestingly, the abduction of women was not considered extraordinary among the Kazakhs, and it's likely that the same attitude existed among the Kipchaks. Evidence suggests that during their migration into Hungary, the Kipchaks abducted Hungarian women in response to the Hungarians abducting Kipchak women. They could also abduct Hungarian women without provocation. Michael Choniates wrote about the Scythians (i.e., Kipchaks) paying ransom for women.

The custom of *barimta* also existed among the Caucasian highlanders, likely borrowed from the Turks. Among the highlanders, it was called *ishkil*, where a creditor could forcibly take a debtor's property if they failed to pay. Similar legal customs existed even among Indo-European peoples, such as the Irish. Thus, *barimta* can be seen as a legalized form of violent recovery of violated rights. *Baranta* was a common phenomenon among the Muslim Turkic peoples of Central Asia, originating before their conversion to Islam. F. Nazarov referred to *baranta* as a nighttime cattle raid. *Barimta* was viewed as a crime by the sedentary neighbors of the nomads [Сокровенное сказание (2002): 29-31; Федотова (2006): 134-137; Ибрагимов (2012): 118-122; Исмаилов (2010): 139-150; Хониат Михаил (2009); Стасевич (2009): 96-97; Ларина, Наумова (2010): 3-20; Рогерий (2012): 19; Назаров (1968); Бобровников (2010): 78-79; Martin (1995): 32-34; Martin (2001)].

Blood vengeance was a significant social practice among the Kipchaks, acting as a means of upholding family honor and tribal loyalty. When a member of a tribe was wronged or killed, it became the duty of the family and clan to retaliate against the perpetrators, often leading to cycles of violence that could persist for generations. Both al-Nuwayri and Ibn Khaldun recalled a long-standing feud between the Toksoba tribes. It was recorded that Kotyan's son, Mangush, was hunting and was killed by Ak-Kubul from the Toksoba tribe, likely outside his tribe's territory. This incident sparked a war, prompting the Toksoba to seek help from the Mongols [Тизенгаузен (1884): 541]. In general, murder in Kipchak society was punishable by death. According to Michael Choniates, no harm could be done to someone who had been pardoned by a tribal leader. Pardoned individuals were given an arrow as a symbol of protection, akin to the *paiza* used by the Mongols. The arrow held significant meaning for the Turks, much like the Mongolian *paiza*. For instance, the kagan of the Western Turkic Khaganate gave each of the ten tribal leaders of the Dulu and Nushibi tribes an arrow as a symbol of delegated power. The Turks who controlled the ten tribes were referred to as the "Ten Arrows Turks." In Kipchak society, harming a person holding the khan's arrow was dangerous, as it indicated a failure to observe proper subordination. A Byzantine Orthodox cleric once commented that the Kipchaks adhered more strictly to the teachings of the Gospel than Christians. The enforcement of customary law was driven by fear of retribution. Disobeying the khan's will was considered rebellion or treason, punishable by death. The khan's authority was seen as divinely granted, and any act of rebellion was viewed as a violation of *Tengri's* will. Subordination in society was thus tied to heavenly order. Abductions, cattle raids, and blood feuds between clans or tribes were common occurrences and were not regarded as unusual. The Kipchak tribes were in a state of perpetual warfare, and only imperial authority, such as that of the khans of the Jochi Ulus, could ensure relative order in the Desht-i Kipchak [Назаров (1968); Хониат Михаил (2009); Гумилев (2002): 238; Кумеков (2006): 477; Aliyeva (2006): 97]. It is not without good reason that they developed their own art of besieging fortress cities, settlements, and military garrisons. [Pylypchuk (2024): 49-59]

In understanding the Kipchaks and their customs, it's crucial to recognize the interplay between honor, revenge, and social stability, which profoundly shaped their interactions both within their societies and with neighboring groups. However, some sources suggest that nomads often broke promises they made. Anna Comnena reported

that the Romans took hostages to ensure that the conditions of agreements were upheld before the Battle of Levounion. Theophylact of Bulgaria noted that earlier nomads, such as the Pechenegs, were prone to breaking agreements. However, they were not the only ones to suffer the consequences of broken treaties. On one occasion, the Pechenegs and Kipchaks agreed to a joint campaign against the Romans. The Kipchaks agreed to participate for a share of the spoils. However, the Kipchaks arrived late to the battlefield, forcing the Pechenegs to fight the Romans alone. After the Pechenegs won the battle, the Kipchaks arrived and demanded their share of the loot. The Pechenegs refused, arguing that the Kipchaks had not fought in the battle. This disagreement led to a war, which ultimately resulted in the defeat of the Pechenegs. The nomads often disregarded legal norms, relying on their strength to back their actions. As a result, long-lasting feuds and wars were commonplace among the Turkic nomads [Хониат Михаил (2009); Анна Комнина (1965)].

Magical rituals played a crucial role in preventing nomads from violating oaths. Sacrificial animals, usually dogs or horses, were often involved in these ceremonies. Deals were typically made orally and sealed with an oath. Nomads swore that they would meet the same fate as the sacrificial animals if they broke their word. Such oaths among the Kipchaks were reported by Jean de Joinville and Rabbi Petachia. Similar oaths were observed among the Yakuts and Yenisei Kyrgyz during the Russian colonization of Siberia [Хониат Михаил (2009); Анна Комнина (1965); Golden (1997): 96; Садри Максуди (2002): 281-282]. The choice of animal for sacrifice held significant meaning; for instance, dogs were often seen as loyal companions and guardians, symbolizing fidelity and trustworthiness. Horses, on the other hand, represented strength and status, establishing a connection to the warrior culture of many nomadic societies. The act of offering these animals was seen not only as a form of appeasement to the supernatural but also as a demonstration of commitment to the community and its shared values.

In addition to the rituals themselves, the memory of these sacred acts played a vital role in the collective consciousness of the nomadic people. Tales and legends surrounding the consequences of breaking oaths, often featuring supernatural retribution, contributed to a culture where honoring one's word was paramount. This emphasis on oaths and rituals not only helped maintain order within the tribe but also served to enhance their reputation in dealings with neighboring groups, establishing a strong foundation for trade and alliances.

CONCLUSION

Thus, we have arrived at the following conclusions:

Legal norms existed in nomadic societies in the form of customary law. The Kipchaks, like the Pechenegs, pagan Volga Bulgars, and Oghuz Turks, did not have a written legal system. Agreements and prohibitions existed orally, and punishments varied depending on the violation of social norms. Death was the penalty for violations involving insubordination and treason. Homosexuality and adultery were also punishable by death. Magical prohibitions were seen as particularly serious, as nomads believed that violations could invoke the wrath of *Tengri* (Heaven), such as lightning striking a yurt. This was perceived as divine punishment for breaking established norms.

Crimes involving property or the abduction of brides were typically punished by fines. If the fine was not paid, the victim had the right to restore the violated right by force (a custom known as *baranta/barimta*). This method of resolving disputes was not exclusive to the Turks; violent restitution of rights was a universal practice among many societies. However, peaceful resolutions, such as compensation in the form of property, were also possible. The aristocracy had the authority to enforce and deliver legal judgments. At the same time, the custom of *baranta/barimta* was a frequent cause of clashes between nomadic groups. Nomads, confident in their strength, often ignored prohibitions. They could only be restrained by the power of a strong leader or the fear of divine punishment. Research into the prohibitions among the Kipchaks is highly promising, as this area remains underexplored and has the potential to fill gaps in the social history of Eurasian nomads. Studying the legal aspects of these issues will also shed light on the worldview and perception of the Kipchaks.

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