



## The Practice of Legalization and Documentation of Genealogy of Sainly Families in Central Asia

*Uktambek A. Sultonov*

*Senior researcher, Al-Biruni Institute of Oriental Studies Associate Professor, International Islamic Academy of Uzbekistan, Tashkent, usultonov@mail.ru*

**Abstract:** The article analyzes the practice of confirming the genealogy of the saintly families in Central Asia. In particular, the official officials in this system and their working mechanism, as well as historical documents related to the process, some historical documents such as nasab-nāmah, fatwa and royal deeds (manshūr, hukm) related to legalization of genealogy were revealed with examples.

**Keywords:** ‘ilm al-nasab, nassābūn, nasab-nāmah, shajarah, naqīb and royal deeds.

### Introduction

The most interesting and controversial point in studying the history of saintly families (sayyīd-sharīf, khwāja) is, of course, presenting the fact that this category is based on origins [Morimoto, 2004: 87]. This fact is reflected in shajara and is presented to the public in narrative works or legal documents. The concept of popular family trees in the Muslim world stems from the code of the social and political status of Arabian tribes before the rise of Islam. During the early Islamic era, the science of genealogy (*‘ilm al-nasab*) developed based on this tradition, and genealogies began being written by professionals (*nassābūn*) in the industry [Szombathy, 2003: 5]. The origin of the northern and southern Arabs, then the Quraysh tribe, and later ‘Alī b. Abū Ṭālib’s family, became the main object of this science. Many of these works, written in Arabic and Persian, are available. But in post-Mongol Central Asia, the *‘ilm al-nasab* genre was not popular. There are no works written in the region of Mawāra’unnahr. However, during the era of the Ṭīmūrīds and Shībānīds, aristocratic members of a large family could commission such works.

Nevertheless, in the region, another way of presenting offspring to the community developed through documents called nasab-nāmah or shajarah (Sultonov, 2021: 207). Some of them were legally valid in their days having been approved with the seals of the rulers or officials from sharia courts. Some of them were not sealed or duplicated for different reasons. It is difficult to give a clear idea of the old copies of the nasab-nāmahs in their legal documented forms. The originals of such nasab-nāmahs approved by ‘Ismā’il Sāmānī or Amīr Ṭīmūr do not survive to the present. For example, all the editions of Ūrūng Qūylāqī’s nasab-nāmah compiled in 690/1291 were dated to the 19<sup>th</sup> century. The originals of nasab-nāmahs from the 17<sup>th</sup>-18<sup>th</sup> centuries are also few, but they have been preserved in later copies. In the 19<sup>th</sup> and early 20<sup>th</sup> centuries, there were many nasab-nāmahs. Among them are also those that emerged with the addition of following generations to the text of the old genealogies. This also led to the increase in the size and length of nasab-nāmahs.

### ii. The Legalization: offices and practice

The documents of nasab were approved by a sharia court or the ruler. However, the authenticity of the genealogy was verified by another official. In Islamic lands, including in Central Asia, this assignment was carried out by a supervisor of the sayyid under the position of *naqīb*. In the 19<sup>th</sup> century in the Emirate of Bukhara, the *shaykh al-islām* also sometimes heard petitions about nasab. In the Khanate of

Khoqand, ‘Umar-Khān introduced the position tasked with considering the circumstances of sayyids and khwājahs in 1815. At that time, Tūra-khwājah Makhdūm-i-‘Azamī (ḥusaynī) and Sultān-khwājah Ahrārī (ṣiddīqī) were appointed to this post.

The role of the naqīb in the military and civilian systems in Central Asia has been broadly analyzed in prof. D. DeWeese’s work [DeWeese, 1996: 612]. The function of the naqīb in the civilian system was to lead the sayyids, hear their claims, and control the sayyids’ genealogy. This is also confirmed by the text of the royal deed – *nishān* concerning the appointment the rank of naqīb in Tīmūrid Herat. The task of naqīb did not change in the 19<sup>th</sup> century. For example, when Muḥammad Raḥim-Bī Manghit regained power in Bukhara, Muḥammad Amin-khwājah Sayyid-Ātāyī was appointed as naqīb and he was assigned to decide the petitions of sayyids and khwājahs <sup>on the nasab</sup>. In the royal deed (*nishān*) that appointed ‘Ubayd-Allah-khwājah, son of Muḥammad Amin-khwājah Sayyid-Ātāyī, as naqīb of Bukhara, the naqīb’s jurisdiction was clearly indicated. According to this deed, ‘Ubayd-Allah-khwājah’s duty was defined as the inspection of Ḥasanī, Ḥusaynī, ‘Alawī and Riḍawī sayyids, identification of ṣaḥīḥ al-nasab from majḥūl al-nasab and real sayyids from fake sayyids, and punishing those who wanted to attach their genealogy to the Prophet’s family with false documentation. This document is named ‘*nishān-i naqābat*’ in the *Maktūbāt-i Amīr Ḥaydar (Rawḍat al-inshā’)* of Muḥammad Rīdā’ Balkhī and as ‘*manshūr-i naqābat-i Bukhārā-yi sharīf*’ in the *Munsha’āt wa manshūrāt* collection of Mīrzā Sādiq munshī, a private secretary of the Manghit ruler, Amīr Ḥaydar (r. 1800-1825). The texts of documents are the same.

It is well-known that the Central Asian naqībs were often nominated from Ḥusaynī sayyids (usually from Sayyid-Ātāyī, Naqshbandī and Makhdūmī-‘Azamī families). But in some cases, there are also some naqībs who were appointed by non-ḥusaynīs. For example, Zangī Āta’s descendants, poet Ḥasan-khwājah Nithārī (d. 1003/1597, ‘Alawī khwājah) in Bukhara, the descendants of Shaykh Aḥmad Qārachūqī in Turkistan, and Shaykh Khāwand Ṭāhur’s descendants in Tashkent took the rank of naqīb.

If there were a man dealing with the issues of saintly families, why is there no document from his court? During the Ottoman era, there were special reports about *naqīb al-ashraf* and they always renewed them. Of course, we cannot compare naqīb from Central Asian khanates with those of the Ottoman Empire, but it is strange that there are no documents of naqībs from before or during the khanates. Also, many remember the revision of saintly families’ histories not by naqībs but by rulers. For example, there are notes that the ruler of Khoqand, ‘Ālim-Khān (r. 1798-1810), took these actions. According to Muḥammad Ṣāliḥ-khwājah, ‘Umarī, Ṣiddīqī and ‘Alawī families from Tashkent gave their nasab-nāmahs to ‘Ālim-Khān for prosecuting. Therefore, prosecutions like this touched not only sayyids but khwājahs too.

### iii. Documentation process and historical documents

#### *Nasab-nāmah.*

What is meaning nasab-nāmah in Central Asia? Nasab-nāmah were prepared for various purposes (such as leaving them for children, or using them in court claims) and was proven to be valid in courts. Nasab-nāmahs appear in full form, as well as sections in narrative works and document collections (*munsha’āt*), which contain genealogical texts or genealogies. Sometimes the seal of the rulers was kept by the owner, further enhancing their legal strength and capabilities (fraudulent seals also occur). In the 19<sup>th</sup> century, some of the descendants, in addition to local courts, received their records of ‘confirmation’ from Baghdad or other ideological centers of the medieval Islamic world.

Based on available nasab-nāmahs, two models are widely used. The first model is to inform and approve the nasab-nāmah of a particular person(s). The writing of nasab-nāmahs by this model required the author to adequately qualify their genealogical and religious knowledge. These professionally-designed nasab-nāmahs usually consisted of prayer and praise, factual knowledge about the prophets, knowledge of the Qur’an, Hadith and fatwās, stories about ancestors and their chain of names and confirmation. Their original paper is distinguished by the quality of handwriting and formatting. The second model was prepared by copyists by rewriting texts that gave birth to

information. During the rewriting of nasab-nāmahs, serious changes occurred in their structures and content. As a result of these changes, there appeared complex ‘nasab-nāmahs’, including genealogy or property claims, sentences, and other types of documents.

The legally valid ‘proof’ of saintly families’ inheritance was not merely restricted to nasab-nāmahs. In addition to shajaras, the royal chancery and sharia courts also had other documents functioning to confirm offspring. Through them, representatives of saintly families not only introduced themselves to society but also protected their socio-economic rights. Although there were differences in their reasons of compilation and composition, the main purpose of these documents was to introduce the social origins of families. I will comment on some of them below.

*Wasiqa-yi nasab-nāmah-yi sādāt.* This certificate of origin came from a representative of a saintly family who was required to determine their origin, which was certified by a witness in a courtroom. *Wasiqa-yi nasab-nāmah* is a typical Central Asian document because it was written and sealed in a sharia court. The text of one such document made on 26 Zu-l-hijja 972 (25 July 1565) survives in a 16<sup>th</sup> century collection of qādī documents. In a Samarqand sharia court, Amīr Tūrsūn Muḥammad managed to prove his sayyid origins through six ancestors with the help of the witnesses in response to his opponents.

Documents of the same form approving genealogy are also found in later centuries. This type of document is often found in two cases. The first are sayyid/khwājah who were demanding their share of income from familial waqf or for proving their connection to a shrine against another descendant-mutawallī. The claimant was required to prove his descent in court in the presence of a trusted person. The second case is related to the fact that members of saintly families sued the people who insulted them by using offensive language. Usually, the insulted sayyid/khwājah filed a case to punish the ‘defendant’. This claim also required the victim to prove his genealogy. In both cases, the claimant of the genealogy proved his origin by means of witnesses who had already existed (if any), the report of their claim from a sharia court, and credible witnesses. The judge, if satisfied with the evidence, issued a certificate of their origins’ authenticity: *wasiqa-yi nasab-nāmah*. The narrations that were made in such situations and the documents of *wasiqa-yi nasab-nāmah* are numerous. They are usually included in the updated or complementary nasab-nāmahs.

If the nasab-nāmah was lost or became invalid, it would be reconfirmed by a court and restored by witnesses. Some also tried to make copies of their genealogy and have them kept by their relatives and left for their children. The consequences of ignorance and the loss of nasab-nāmahs are explained in the 19<sup>th</sup> century as follows: ... *khwājahs and sayyids, who do not know why they are sayyids and whom their nasab will reach, are less honorable to the kings and the people. On the contrary he will see a lot of humiliation. Afterwards they will lose their genealogy.*

#### *Riwāya or fatwa*

The fatwās of religious scholars also played an important role in justifying nasab related claims. In post-Tīmūrid Central Asia, fatwās appeared more commonly as *riwāya*. In particular, it became standard to start *riwāya* in the 18<sup>th</sup> century with the phrase ‘*dar in mas’ala ke*’ (“regarding this matter”). According to the structure of the *riwāya*, it consisted of a certain problem, a short answer (yes or no) from scholars about its solution, and quotes from famous fiqh works as evidence for the answers [Isogai, 2011: 259]. There are two main forms of *riwāya*. The first is in the form of an independent document that has been issued on a certain case. The second form of the work carried out the function of substantiating the accuracy of the transaction in the main text as part of other types of documents (such as nasab-nāmah, waqf-nāmah, rent contracts, deed of sales etc.) [Sultonov, 2016: 80].

The issues related to nasab are found in both of these types of *riwāyas*. Their function is to protect the socioeconomic rights of the sayyids/khwājahs. Of course, most of the *riwāyas* are devoted to topics such as getting shares from the incomes of familial waqfs or ancestral shrines, gaining exemption from taxes and obligations, and bringing to justice people who insulted one’s family. However, it can be observed from the content that attention is given to theoretical questions, such as the authenticity of the

nasab as well. For example, the *riwāya* reported by Bukharan scholars in the first half of the 18<sup>th</sup> century discussed whether or not Talha's mother, 'Aisha, was a 'ṣaḥīḥ al-nasab', and if she were, would Talha then also be a sayyid. Many *riwāya* focus on proving that sayyid/khwājahs' are of a higher ranking than the ordinary population and the justification of their reasons.

*Royal deed on nasab: manshūr and ḥukm*

These deeds, issued by a royal chancery, appear as legal acts in Central Asian politics [Sultonov, 2016: 74-75]. The form and name in the document collection (*munsha'āt*) are called *ḥukm-i jihat-i siyādat* or *manshūr-i-ke jihat-i imdā-yi nasab wa rī'āyat-i ahwāl-i sādāt*. It does not describe a person's detailed genealogy. It only describes the relatedness of the holder of the document to a saintly family that has been recognized by the authorities, and it provides privileges (to be given respect, to waive payment of taxes). Naturally, the recipient's reputation in the community and service to the ruler was the basis for the creation of this document. In Central Asian politics, it was again referred to as *sijill al-nasab, isbāt al-nasab*. However, they were given to clarify the applicant's relatedness in the issue of inheritance or specification of origin.

**iv. Conclusion**

In the western part of the Islamic world for saintly families was existed sayyīd-sharīf system. Here saintly families formed from 'Alī ibn Abu Tālib's descendants and relatives (Hasanī, Husanī, 'Alawī, 'Abbāsī, Tālibī sayyīds and sharīfs). But in Central Asia, saintly families and their genealogical system are more complicated. It is quite different from the sayyīd-sharīf system in the real sense. That is, in this region, the concept of saintly families covers the descendants of 'Alī ibn Abu Tālib, caliphs Abu Bakr Ṣiddīq, 'Umar, 'Uthmān and some Arab generals. The genealogy was presented to the society not only in works of the genealogical genre (*anṣāb*), but through official documents (*nasab-nāmah/shajarah*). In addition, there was a practice of legalizing the genealogy of saintly families with various documents.

**References**

1. DeWeese D. The Descendants of Sayyid Ata and the rank of naqīb in Central Asia // Journal of the American Oriental Society. Vol. 115, No 4 (Oct. – Dec., 1995). P.612-634.
2. Isogai K. Seven Fatwa Documents from Early 20th Century Samarqand. The Function of Mufti in the Judicial Proceedings Adopted at Central Asian Islamic Court // Annals of Japan Association for Middle East Studies. 2011. 27–1. P.259-282.
3. Morimoto K. toward the Formation of Sayyido-Sharifology: Questioning Accepted Fact // The Journal of Sophia Asian Studies 22 (2004). P.87-103.
4. Morimoto K. (Ed.). Sayyids and Sharifs in Muslim Societies: The Living Links to the Prophet. – London-New-York, 2012. 276 p.
5. Sultonov U.A. Traditions, reforms and problems in the Tashkent waqf economy (on the basis of historical documents 16 - early 20 centuries). Abstract of postdoctoral Dissertation. Tashkent, 2016. 92 p. (in Uzbek, Russian and English).
6. Sultonov U.A. Three Versions of Siddiqi-Khwaja Family Legitimation in Central Asia // Central Asian Journal of Social Sciences and History, 2021, (12). P.206-211.
7. Szombathy Z. The Roots of Arabic Genealogy – A Study in Historical Anthropology. – Piliscsaba, 2003. 224 p.