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Code of Laws (Yassa) and Rules of Governance and Management of Mongolian Rulers in History of *Jahangosha*

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ABSTRACT

All cultural aspects and customs of nations are reflected in history. Different governments and nations have affected on the history of Iran and establishing new government has led to significant shift in this society. Historical texts written in thirteen and fourteen centuries introduce Mongol's rulers especially Genghis Khan as cruel and unruly kings and these texts do not address to their positive aspects. The study of the historical books uncovers planning and management aspects of Mongol's government. Genghis Khan approved strict code of laws under the title of "Yassa" and he began to attack, develop and expand his territory and secure the commercial roads and military services. He established peace and offered new ways to receive tax. Enactment of these rules caused to establishment and empowerment of the government. Genghis approved rules for all social and military classes, war techniques and rights of captives and division of properties and religions and even succession and inheritance that they were enforceable for all individuals. These rules indicate Mongols and Khan managerial power and vigilance. This article investigates the examples of code of laws (Yassa) mentioned in Joveni *Jahangosha* history.

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INTRODUCTION

Every government needs to rules to establish its governance and manage its affairs accordingly. Undoubtedly, lack of rules causes to chaos and disorganization, so from old times, the rulers have tried to approve rules for management and ruling out purposes. The efficient Mongol's rulers, especially Genghis Khan considered law as a main tool for governance and they were successful in their governments due to execution of the approved rules.

The purpose of enactment of code of laws (Yassa):

Before ruling of Genghis Khan, the Mongols did not have special and defined rules for management of their affairs and they behaved based on their tribal customs. These tribal customs were shifted easily according to the different individuals' opinion and conditions so there was no unified nation and the tribes were in war all the times. Since Genghis was familiar with Mongol's customs he considered rules necessary to establishing administrative and military disciplines and he defined punishment and approve of law important for controlling of unruly people. He sought to possess countries like China and expands his territory. So he needed to unification of different Mongolian nations and secure his country and establish powerful government. For doing so, he required law and rules. Thus he approved code of laws for solving the problems and this code of laws was called Yassa. The rules were written on the scroll in Uyghur Mongolian handwriting and they were called "Great Yassa book". These rules consisted of laws of management of country and military affairs, war, military divisions, transferring information, foreign relations, tax, counseling, marriage, trading and etc. The Yassa book was preserved in the kings' treasury in order to use in case of necessity. *Atamalak Joveini* in *Jahngosha* History writes:

"He enacted code of laws for affairs according to conditions and approved punishment for sins in order to study the rules when a new ruler was coroneted.

They were the code of laws was prepared on scrolls and the affairs were managed accordingly. The principles of management of army and destruction of cities were mentioned there" (Joveini, 1988:17-18).

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Genghis established powerful society by approve of code of laws. The Mongols respected these rules and Yassa was holy for them and they considered Genghis a holy ruler. He ordered to curve Yassa on iron blades and stones on the route of the soldiers in Mongolian handwriting. It is narrated that the first article of Yassa was curved on a big stone in Pamir plateau: "Everybody who disobeys Yassa, he is put in death, as there is one God in the sky; there is no God except Genghis on the earth" (Eshpeoler, 1989: 375).

Genghis khan preserved good customs and banished some of them. In Jahangosha history it is narrated that: "There is one custom and the Mongol tribes were organized and inappropriate rules were abolished and good customs were preserved and the good rules were compatible to religion" (Eshpeoler, 1989: 18).

As Genghis approved Yassa, he considered punishments in order to execute the rules in effective way and prevent its misuse. He exaggerated in execution of the rules. Here it is referred to some social rules and punishment. There was no difference between master and slave, tribes, nations and common people and punishment was the same for all. Harold Lamb points that:

1. Genghis prevented burglary and adultery and the burglars and adulterers were sentenced to death. Even the thief of a horse was sentenced to death.
2. People were prohibited from spying, pederasty, false testimony and witchcraft and the committers were sentenced to death.
3. According to the rules, taking bath, washing hands and clothes and swimming are prohibited when the weather is rainy and stormy. Apparently water was holy for them, so they prevented contamination of water.
4. Every man bought his wife and marriage with close relatives is prohibited.

Genghis prohibited disobedience of the children from their parents, elder brother from old brother, lack of trust between spouses and disobedience of wife from her husband, withholding of offering to the poor, disrespect of subordinates to their masters and dispute between Mongols" (Lamb, 1983:59-64).

By investigation the cod of laws approved by Genghis, it is concluded that some rules are conformed by Islamic law and Genghis considered values and good deed and tried to do justice and prevent indecent conduct.

In addition to cod of laws, his daily speeches were considered knowledge and wisdom and respected and enacted even after his death. It can be claimed that these speeches were complementary to Yassa by exalted concept (Eghbal Ashtiyani, 1989: 79).

Genghis ordered his children to learn Uyghur Mongolian handwriting and governmental documents were signed by emperor seal of "Tamga". He established Mongolian court for the first time and played an important role in enactment and execution of code of laws, so these rules were sent to the governors to execution in all over the country. These rules caused to organization among rebellion Mongols that it is unique in history. Rene Grosse quotes from Kaplan:

"The Mongols obey their rules like obedience of our priest their religious heads. They respect their rulers and do not tell lie and they do not dispute and kill themselves. Sometimes insignificant robbery is done. A lost animal is returned to its owner. Their women are chaste and they observe chastity even in pleasure time" (Grosse, 1989: 363).

Genghis changed Mongolians and brought peace in tribes. The Mongolians could attack on other regions and obtain wealth and welfare by enactment of code of laws and Genghis achieved his goal finally.

Enactment and enforcement of code of laws:

The code of laws was not enacted in special time. Some of them were enacted during attack on cities, taking captive and other conducts proportionate with time and requirements. It can be referred to robbery and false witness and witchcraft. So these rules were enforced according to needs.

After death of Genghis, his successors used these rules in governance and management of the country affairs and they enacted new code of laws and tried to prevent alteration of old rules. Ata Malak Joveini points that: after coronation and mourning ceremony of Genghis, Oktai began to documentation of the lands and treasure and he ordered to enactment and prevention of alteration of the rules approved by Genghis. (Joveini, 1988: 149). Kiuk Khan followed Genghis Khan code of laws and tired to prevent alteration of the rules (Joveini, 1988: 211). The other rulers tried to preserve code of laws.

By enactment of code of laws Genghis restored his disorganized society. The princes were satisfied by these rules and they considered code of laws as reason for success in governance. These rules were originated from intelligent and powerful mind that led to success in governance (Madan Kan, 2004: 176).

"I became the ruler of the world due to Yassa so obey the rules" (Lamb, 1983:147). For these reasons the successors of Genghis approved new code of laws proportionate with their time and they tried to prevent alteration of old rules.

Yassa contained constitutional law that country affairs were managed accordingly. Enforcement of the rules by the princes in different areas prevented chaos and dispute and even the foreigners could not interfere in management of the country.

When code of laws was enacted the people were informed by subordinates and the rules were signed and documented so remote areas were controlled by Mongols due to these rules. Enactment and enforcement of rules

in official sessions and informing common people were significant governance styles of Mongols. Harold Lamb addresses to execution of the rules.

“These governance styles were respected by Genghis and it was ordered to read code of laws and enforce them” (Lamb, 1983:111).

The role of code of laws in governance of Mongols:

Genghis code of laws played an important role in Mongols government. It was hard to believe that a nomadic person could enact rules leading to establishment of powerful government and possession and control of foreign countries. These codes of law were based on three principles:

- 1- obedience Genghis and his successors
- 2-means for unity of dispersed tribes that they did not have permanent ruler.
- 3-punishment of anti law conducts and behavior

Genghis Yassa was respected by Mongols and these rules were employed by other governors. Although dynasty of Genghis successors was abolished in Iran, but their rules were enforced in punishment, eating and other affairs (Eghbal Ashtiyani, 1997:78). Harold Lamb addresses to Petite Dolaker view point about the effect of Genghis rules on other governors:

“My ancestors considered Genghis code of laws like religious rules and they held ceremonies and celebrated according to Genghis rules” (Lamb, 1983:198-199).

Types of code of laws (Yassa):

It is referred to types of Yassa addressed in Joveini history:

1. Code of laws of army and wartime:

Military services played an important role in Mongols society. Genghis Khan could enact rules on management of army that led to success in conquer other nations. He and his successors resorted order in army. Sanders refer to war between Jaleledin and Mongols and reasons for success of the Mongols:

“Jaleledin and his army fought bravely but discipline of the Mongols caused to their success” (Sanders, 1984:65). It can be claimed that the army was managed by Yassa of Genghis and his successors and all officers were unified by these code of laws.

1.1. Optimal employment of military discipline:

In order to optimal employment of military services, Genghis Khan tried to prepare them for wartime so he ordered to hunt caribou, goat and zebra in the winter. “It is necessary that the officers and soldiers hunt according to the hunters rules and hunt every time and meet the army needs. The officers and soldiers should learn hunting methods. Khan wants to hunt in the beginning of the winter” (Joveini, 1988: 19).

1.2. Division of the army:

Genghis Khan divided his army into groups consisting ten, hundreds and thousands soldiers and enacted Yassa for each group. Yassa for group involving ten soldiers is different than other groups. “It is forbidden to leave group with ten soldiers and leave injured soldiers” (Lamb, 1983: 65).

1.3. Collaboration of the army commanders in wartime:

Collaboration of the soldiers and commanders was the main principle in victory of the Mongols. “If a group needed to something thousands soldiers were collected in defined time and place” (Mosaviyan, 2005).

1.4. Prevention of refuge of the soldiers:

“No group consisting ten, hundreds and thousands soldiers could go to other places and seek refuge. The refugee and the protector are to put to death” (Joveini, 1988: 24).

1.5. Wartime and alive capturing of enemy:

“Genghis ordered to fight bravely in war and try to capture the enemy alive” (Joveini, 1988: 106).

1.6. Stratagem:

“The soldiers were ordered to wear raincoat under their clothes in the winter and ride their horses for three days” (Joveini, 1988: 152).

“In war between Jaleledin and Mongols, it was ordered to install a sign on the horses and in the early morning the army lined up and since the king army saw other line behind Mongol army they thought that there is assistance” (Joveini, 1988:137).

2.1. Code of laws of management of roads and commerce:

One of the managerial principles of Mongols rulers was security in roads and expansion of commerce. They had established toll houses and appointed watchdogs in order to develop trading with neighbor countries. Since Genghis and his successors tried to direct the Mongols toward welfare, so they had protected the roads by consideration the value of commerce. The Mongols had confined trading and they mostly traded with Chinese merchants and they sold fur and skin and they bought gun, textile and jewelry. The merchant did not trade with Mongols because of insecurity of the roads. Genghis had learned that trading and customs duties enhance their income. So, he tried to secure the roads for expansion of trading and he put to the death the thieves. Ata Malak Joveini writes: "He had appointed the watchdogs called *Garagchiyan* on the roads" (Joveini, 1988: 59).

2.2. Code of laws of security of merchants on the roads:

As before said, Genghis Khan had protected the roads "The merchants travel safely and they offer goods proportionate with Khan Status" (Joveini, 1988: 59). It can be claimed that Genghis established security on the roads in most parts of Asia. The roads of Mongols were protected and they did not need to soldiers so that a woman could carry gold without fear.

2.3. Code of laws of closing the roads:

One of the rules was closing the roads during important events like death of Khan. They prevented chaos and riot by closing the roads; since they mourned they wanted to take notice of the roads. "According to the rules when Kiuk khan died, it was ordered to close the roads and everybody stays in place that he was" (Joveini, 1988: 217).

3. Code of laws of religions:

Genghis ordered to respect religions. Since he wanted to expand his territory so respecting others religion was his tactics. The Mongols were idolater and they got familiar with other religions and even they converted their religions (Liu, 1997). Genghis Khan did not believe in special religion and indeed he respected all religions and he did not fight for religion. He participated in ceremonies of Buddhists, Christians and Muslims. By this tendency, the great conquer ordered his successors to respect other religions. "In Genghis code of laws there is no difference in tribes and they are considered the same" (Liu, 1997: 18).

4. Code of laws of protestors of the government:

After establishing governance, the protestors were suppressed. According to the rules if a prince tried to coronate he was punished crudely. Otgin, the elder brother of Genghis struggled to rule out after death of Oktai to coronation of Kiuk. He and his officers were investigated and their goals were identified. "Since his conducts were investigated he was punished according to the rules" (Liu, 1997: 210).

5. Code of laws of succession:

It was common that the elder son of Khan that his mother was main wife became Khan. Ata Malak Joveini refers to this custom:

"According to code of laws the elder son of Khan's main wife became ruler" (Liu, 1997: 3,146).

5.1. Code of laws of succession to crown:

Genghis Khan decided to choose his successor. After reasoning, he concluded to introduce Oktai as his successor. "Oktai was introduced as the successor" (Liu, 1997)

6. Code of laws of tax:

From old times the rulers had enacted tax for management of the country and army and it was common before Islam. There was special tax system in every country. The Mongols enacted tax after possession of the cities and tax was usually spent for war, toll houses and military purposes. Tax was begun since Genghis Khan Period and it was continued. There was difference in tax system in other Khans periods.

6.1. Tax exemptions:

Some individuals were exempted from tax in Genghis Khan and his successor's period. It can be referred to widows, orphans and religious scholars and priests.

"According to code of laws, some widows and orphans were exempted from paying tax" (Liu, 1997: 275).

Exemption of tax was of the characteristics of Genghis and his successors. It is worthily to note that Genghis did not receive tax from orphans and he offered them share. This conduct is addressed in secret history of Mongols: "due to the services of the dead soldiers their children should receive their share like share of the orphans" (Liu, 1997: 115).

6.2. *Enactment of tax by Mankogaan:*

After coronation of Mankogaan, he enacted other laws for development of the country. He changed tax rules according to needs. Joveini writes:

“He ordered to receive ten dinar from rich and take one dinar from poor for expenditure of the army and ambassadors. The officer had to receive defined amount and receive bribe was illegal and there were rules for everything” (Joveini, 1988:255).

7. *Code of laws of inheritance:*

The Mongols had enacted laws for inheritance. The property of the dead person did not affect on these rules. These rules were not breached and nobody could take possession of the dead person properties. These properties were usually transferred to the children and family. If a person did not have any heir, his property was transferred to his servants. “If an officer or peasant died his properties were transferred to his heir and if he did not have children the properties were transferred to his servant. These properties were not transferred to treasury since it was considered unpleasant” (Joveini, 1988: 25).

Conclusion:

According to the above mentioned it is concluded that Yassa preserved the Mongols government and it led to obedience of the subordinates and progress of Genghis and his successors. It can be referred to positive effects of Yassa in Mongol society as important elements of ruling and management:

1. Establishing peaceful and lawful society
2. Expansion of commerce and trading
3. Winning in attacks due to following Yassa
4. Necessity of following rules even by rulers and greats
5. Organizing tax system and tax exemption of some classes
6. Elimination of robbery, telling lies, stealing and plundering, adultery and etc
7. Solving disputes on power after death of Khans
8. Freedom of religions and respect to other religions

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