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RESEARCH ARTICLE

Gender discrimination in the Tarim Basin: A preliminary examination of the Kharoṣṭhī documents from the Niya site

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Abstract

Background

This article summarises preliminary observations and findings as part of the 'Gender Discrimiation in the Tarim Basin' project, based on an examination of the 'Niya documents', a collection of administrative documents discovered at the ruins of an oasis agricultural settlement in the Tarim Basin region of Western China. The documents, however, were written in the South Asian Kharoṣṭhī script and an associated South Asian language. They have previously been examined linguistically and palaeographically to understand how the script and its associated language arrived and came to be used in Central Asia and to identify the local languages that were in use at the settlement. But there has been limited consideration of society and, more specifically, gender-related issues.

Methods

There is scope to examine the documents both quantitatively and qualitatively, which this preliminary study presents. Different data was collected from the documents, including archaeological and political contexts, legal cases presented as complaints, and the gender make-up of complainants.

Results

Most of the documents came from specific buildings at the site and the ones with dates were created during the reigns of a few kings. Kings and officials were presented with various honorifics, including divine titles. Most of the legal complaints were presented by men and more men were overall presented in the documents than women. Two

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key terms were used in the presentation of cases and the law was defined using specific South Asian terminology.

Conclusions

This initial study suggested that there were social differences based on gender, which then led to selecting a focus and relevant case studies for the research project to consider societal issues involving gender-based discrimination.

Plain language summary

The 'Niya documents' are a set of mainly administrative records found in the ruins of an ancient agricultural settlement called the Niya Site, located in Western China. These documents were written using a South Asian script and language that originated in the Greater Gandhāra region (modern-day northern Pakistan and parts of Afghanistan).

Researchers have previously studied these documents to understand how this script and language made their way to Central Asia, and to identify the local languages spoken at the settlement. They have also used the documents to reconstruct historical dynasties, understand legal and administrative systems, and explore religious practices, particularly Buddhism. However, there has been little focus on societal and gender-related issues.

The article discusses a preliminary study that sets the context for the 'Gender Discrimination in the Tarim Basin' project. It provides background information on the documents, previous and current research, the methods used to analyse them, and some initial findings. This study helped shape the focus of the research project, highlighting relevant case studies from the documents to examine societal issues related to gender and discrimination.

Keywords

Niya Documents, Kharosthi, Tarim Basin, Central Asia, China, South Asia, Ancient History, Gender, Methodology, Data Analysis, Results

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Introduction

The *Gender Discrimination in the Tarim Basin* project (GENDISC) aimed to identify and investigate the presence, types, and extent of gender bias and gender discrimination in a collection of over 900 documents and document fragments known as the Niya documents. These documents are part of a wider corpus of thousands of documents, inscriptions, and manuscripts discovered since the late-19th century in the ruins of ancient oases settlements encircling the Taklamakan Desert, which dominates the Tarim Basin region of Central Asia, now part of the Xinjiang Uyghur Autonomous Region of the People's Republic of China (Høisæter, 2017: 80; Yaldiz, 2003). The Tarim Basin, bounded by three mountain ranges and bordering the Gobi Desert, was a crossroads for the 'Silk Road', connecting China to Central Asia, South Asia, Iran, and beyond (Guang-da, 1996: 293–294; Neelis, 2011: 289–290). At the heart of Asia, the Tarim Basin was therefore an important hub for trade, ideas, culture, languages, and religions, which is reflected in the material remains of the archaeological sites. These networks were possible due to the agriculturally-viable oases in the otherwise harsh terrain (Guang-da, 1996: 282–297). However, the region was also politically unstable from the first century CE onwards: power transferred intermittently between Chinese and regional rulers, some of Indo-European, Saka, Iranian, and South Asian origin (Neelis, 2011: 293–294), before the arrival of the Uyghurs, Islam, and other Turkic-speaking populations from the seventh century CE onwards. Thus, it was a culturally dynamic area, with the documents providing a valuable source to understand the complex history of the ancient Tarim Basin. They have aided in reconstructing historical, economical, religious, and geopolitical conditions in the first millennium CE, but they also provide an insight into life in early historic Central Asia.

Aims and objectives

GENDISC aimed to investigate instances of potential gender bias or discrimination in the ways that people were treated, as could be discerned from the legal correspondence in the Niya documents. The focus was on gender and society using statistical, linguistic, and comparative approaches for an interdisciplinary and comprehensive study. The first objective was to write women into histories that have been dominated by studies of men, elites, religions, and politics, by identifying the societal roles of people and the ways that they came to be associated with the law, using statistical and linguistic approaches to the documents. The second objective was to investigate the issues raised in the complaints and their legal outcomes, to find out if they provide evidence for gender discrimination in terms of the ways people were treated by others, by the law, and in relation to (potential) legal outcomes. The third objective was to investigate and contextualise the attitudes towards (perceived) discriminatory practices in the Tarim Basin in comparison to other cultures and regions. This article addresses the first objective. It summarises the sources used to investigate the documents and collate relevant information and data, with a literature review and consideration of the state of current research. It then presents and discusses some of the observations and findings from preliminary readings and statistical analyses of the documents.

The Niya documents

The full corpus of Tarim Basin documents were written in different scripts and languages, some previously unknown, and on otherwise perishable, organic materials, which were preserved by the arid climate. Subsequent finds, both archaeological and illicit, have added to the repertoire (Baums, 2018). Most of the Niya documents were discovered by the British-Hungarian archaeologist Sir Marc Aurel Stein in the early-20th century at three main sites: the 'Niya Ruins' or Niya site, an ancient oasis settlement on the southern edge of the Tarim Basin, named after a modern settlement but identified as Caḍota in the documents (there was also an ancient settlement known as Niña in the documents referred to as Niya); Endere, an ancient fortified site and military garrison located to the east of Niya, perhaps associated with Saca of the documents; and Lou-lan, also known as Kroraïna and Shanshan, an ancient oasis city settlement and capital of a kingdom of the same name to the east in the Lop Desert, near Lake Lop Nor (Figure 1; see Atwood, 1991: 166; Høisæter, 2020: 84; Rapson & Noble, 1929: 324–325; Walter, 2014: 27). The documents also mention several other settlements and communities. Around three-quarters of the Niya documents were written in the South Asian Kharoṣṭhī script, which developed after the fifth century BCE and was initially used in parts of northern Pakistan and Afghanistan (the ancient region of Gandhāra), and northern India, before spreading into Central Asia (Figure 2). The language of the documents has been identified as a dialect of Gāndhārī, a Middle Indo-Aryan Prakrit language of the Indo-European language family, but with loanwords from Iranian, Greek, Chinese, and a Tocharian language (Salomon, 1998: 42–56, 72–80, 159–160). Chinese documents discovered at the Niya site helped date the larger Kharoṣṭhī corpus to the third century CE (Brough, 1965).

In contrast to earlier South Asian epigraphic and textual sources, the Niya documents consist of administrative documents, detailing public or private business, and correspondence between a king and his officials, detailing legal disputes or complaints that required investigating. This correspondence was private, semi-private (Agrawala, 1955a: 51; Thomas, 1921), and/or semi-official (Thomas, 1934: 62). The wooden tablets on which many of the documents were written were bound with string and sealed. Agrawala (1955a: 50) highlighted that the courteousness of the language and 'conventional phrases', previously noted by Stein (1907) and Thomas (1921; 1934: 63), were Indian in origin and unlike Chinese correspondence. Recent studies have continued to explore the connection of the documents to the language, inscriptions, and manuscripts of Gandhāra, and how and when the language and script were transported to Niya and the Tarim Basin (Kogan, 2017). Suggestions include through political expansion by South Asian rulers who had their origins in Central Asia (Lam, 2013); that they were carried with the migrations of Buddhists and/or refugees after political fragmentation in Gandhāra (Hansen, 2004); or because of interaction and borrowing through the exchange networks established between the neighbouring and interconnected territories of China, Iran, and South Asia (Høisæter, 2017: 81–82). The field has certainly been dominated by philologists, linguists, and those interested in broader Silk Road narratives,

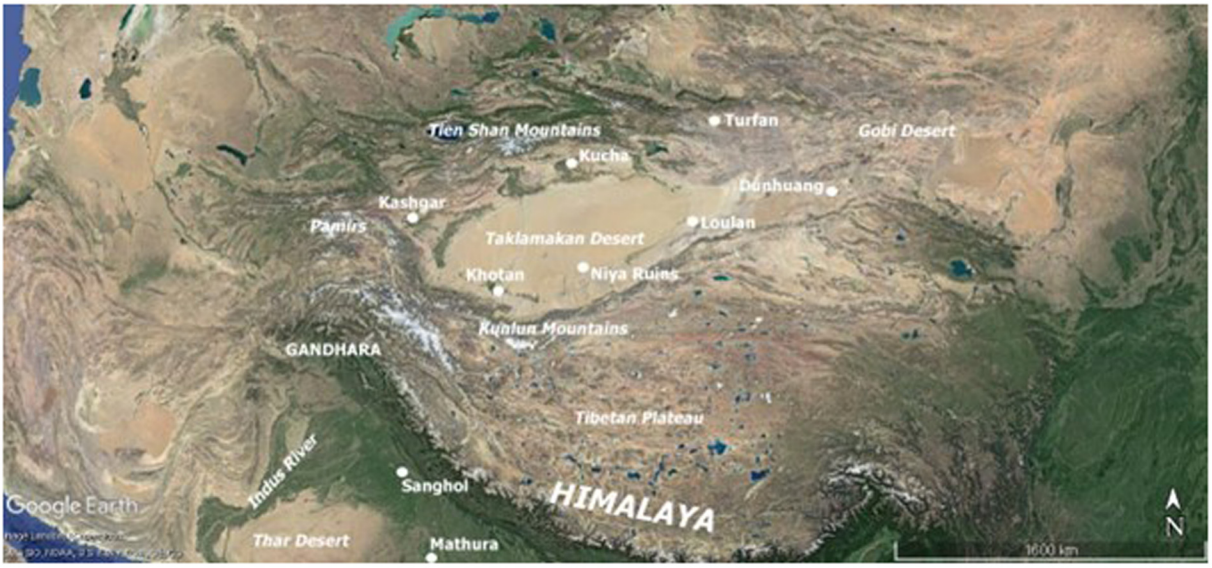


Figure 1. Location of the Niya Ruins in Central Asia. Map data © Google Earth, Landsat / Copernicus, Data SIO, NOAA, U.S. Navy, NGA and GEBCO (2015–2021). Annotated by author (2020). This figure has been produced under fair use guidelines.

Development and Movement of the Kharoṣṭhī Script

5th century BCE > Developed in ancient Afghanistan or Pakistan as an administrative script under the Persian Achaemenid Empire; derived from the Aramaic script.

3rd century BCE: Earliest extant use in the royal edicts of Aśoka, the third king of the Mauryan dynasty, found in Pakistan; geographically delimited from his Brāhmī edicts in India and Nepal.

2nd century BCE to 3rd century CE > Used for coins, religious donatory inscriptions, religious texts, and graffiti across Pakistan, Afghanistan, and north India.

> 2nd century CE ⟶ Travels with Gāndhārī language, Buddhism, and migrating populations to Central Asia, including the Tarim Basin settlements.

2nd/3rd to 4th century CE: Niya Documents created, differing from South Asian epigraphic and textual sources; primarily administrative and legal documents, but with some religious texts.

Figure 2. Development and spread of the Kharoṣṭhī script from South to Central Asia and historical significance of the Niya documents © Author (2020).

political histories, and Buddhist studies, but it has been previously noted that there has been less consideration of life and the social conditions at Niya when the documents have presented an opportunity to do so (Atwood, 1991). Thus, there are still few studies to suggest that the Niya documents have been examined in-depth for their sociological value. This neglect is partly because studies of ancient Asia use modern boundaries as their delimitation. Kharoṣṭhī is thus left to South Asian specialists, rather than incorporated into wider Central Asian and Chinese studies. A disparate opinion, however, questioned how much information the documents could provide on society because they were viewed as a restricted source material (Guang-da, 1996: 286).

Sources to investigate the documents

The publications of Stein provide information on the archaeological contexts of the key sites where the Kharoṣṭhī documents were collected over four expeditions to the region of 'Chinese Turkestan', as it was known then, between 1900 and 1930 (for the expedition between 1900–1901, see Stein, 1907; for 1906–08, see Stein, 1921; for 1913–1916, see Stein, 1928; the last expedition in 1930 was unpublished; see also Stein, 1904 and Stein, 1912 for his personal accounts of the first two expeditions; for a timeline of Stein's life and travels, and a bibliography of publications by or about Stein, see Wang & Perkins, 2008: 48–60; see also Hansen, 2017). Transliterations of most of the documents discovered by Stein and his teams were published

in three volumes: documents numbered 1 to 427, found at the 'Niya Site' on the first expedition, were published by Boyer, Rapson and Senart (1920); numbers 428 to 708 from the second expedition, including documents from Endere and Lou-lan, were also published by Boyer, Rapson and Senart (1927); and numbers 709 to 757 from the third expedition, again including Lou-lan, were published by Rapson and Noble (1929), along with numbers 758 to 763 acquired by Huntington (1907), and an addendum of number 764 to go with number 31. These three volumes were subsequently collated into one volume (Boyer *et al.*, 1997). The documents from the fourth expedition, numbers 765 to 782, were transliterated and translated by Burrow (1937) from photographs, some of which were rediscovered (Falconer, 1998; Jiqing, 1998). Burrow (1940) also provided translations for many of the documents, but not fully. Other fragments and illegible documents collected by Stein were not published. Whilst documents and artefacts from the first three expeditions went to various collections around the world, most of the Kharoṣṭhī documents are housed in the British Library in London; the UK also has other significant 'Stein collections' (see Wang & Perkins, 2008 for a summary). Kharoṣṭhī and Chinese documents from Stein's fourth expedition, along with manuscripts in other languages and various artefacts, were not allowed to be removed from China; their whereabouts are currently unknown (Jiqing, 1998).

All known Kharoṣṭhī written materials have been collated in an online database, the *Catalog of Gāndhārī Texts*, created by Baums and Glass (2002-present). Its primary objective is to create a dictionary of Gāndhārī language vocabulary and, as such, only provides transliterated forms of documents, inscriptions, manuscripts, and coins. The published Kharoṣṭhī documents from the Tarim Basin were added to the database in 2008 in the *Catalog of Kharoṣṭhī Documents* (hereafter CKD), which has been updated with later discoveries and publications of documents from Niya, Endere, Lou-lan, Khotan, Kizil, museum collections, and other known and unknown locations. The catalogue includes references and photographs, where available, and entries partially provide links to the dictionary for individual words. The dictionary can then be viewed to see a list of other documents containing the same word, but this is not complete. Since the earlier expeditions, almost 120 more documents have been discovered, either at Niya or other 'Silk Road sites' (Baums, 2018), bringing the total number of entries in the CKD to 901 (as of 2024). Two documents in the Serindia collection in Russia were only published recently, despite having been known about previously. Remarkably, one of these documents is connected to an already published one (see Ching, 2017). The last four documents (CKD 898 to 901), at the time of writing, have not been transliterated on the database and must be read from their original publication (see Fàn, 2020). Photographs of the site are available to view on a dedicated website for the *International Dunhuang Project*.

Challenges to investigating the documents

Although Salomon (1988: 98) was correct in stating that the earlier expeditions in Central Asia were not exhaustible after other documents in Indic scripts and languages were discovered in Xinjiang, Meicun (1990: 283) was perhaps over-ambitious in claiming that *many* Kharoṣṭhī documents had been discovered in the region from the 1960s onwards. Thus, even though there have been additional discoveries of documents in the field, rediscoveries in museum collections, and cataloguing of documents found from unknown provenances, these later discoveries are not so numerous when compared to the number of documents uncovered by Stein and his teams in the earlier part of the 20th century. Nevertheless, subsequent excavations, chance findings, and reviews of museum collections have added to the corpus. But it is the case that the Niya site and other Tarim Basin settlements have still not been excavated fully, and so there may be more documents yet to be discovered. This leads to a specific challenge: the field of archaeological study has become dominated by Chinese and joint Sino-Japanese expeditions for the most part, meaning that research published in Chinese or Japanese journals and books can be inaccessible to a wider international readership due to language barriers. Furthermore, an expedition in 2011 conducted by the British Library, in conjunction with archaeologists from Xinjiang, re-photographed the buildings at the Niya Site, but there were no new excavations or publications resulting from this trip (S. Whitfield, pers. comm. 2022).

The language of the documents also presents unique challenges due to borrowings and inflections from other languages, which leads to difficulties in interpreting their cultural context. For example, interpretations of the documents from a Chinese perspective include statements such as that Kharoṣṭhī was used extensively in Khotan, Kucha, Shan-shan, Dunhuang, and *other Chinese cities* along the Silk Road (Meicun, 1990: 283, emphasis my own), which ignores periods when some of these cities were not under Chinese hegemony. It has also been suggested that practices found in the documents were different from Chinese ones (Fàn, 2020: 83), but without then considering the other cultural influences present in the region. It is still not entirely clear how the oases cities and settlements in the Tarim Basin were connected to imperial China, although there are theories that local and regional kings acted as vassals for China, with evidence that some settlements were established as or occupied by Chinese military garrisons. It is also not always possible to consider all influences because of constraints to studies, but there is a need to explore intercultural connections more fully to enable a better understanding of life in the Tarim Basin. As Jamison (2000) noted, the language of the documents is connected to that of the Kharoṣṭhī edicts of Aśoka, the early Buddhist donatory inscriptions of Gandhāra, and Gāndhārī Buddhist texts, but their content differs because they were administrative. As such, they were not formulaic. However, as will be seen below, the documents did follow a general structure in which to convey information, and the writers did use some key phrases or vocabulary. And so, there does need to be consideration of how the documents were formulated.

Current research on the Tarim Basin

There has been renewed global interest in Silk Road, Chinese, and Central Asian studies, with the establishment of several

research centres in the past decade (although some appear to no longer be active). But this has perhaps been influenced by global politics and the need for more research on China, which is politically and economically influential. A special focus has been on the 'New Silk Roads' and the 'Belt and Road' initiative, to examine the economic connections between modern nations and China. Environmental research on the Tarim Basin has focussed on tectonics (Xia *et al.*, 2023), natural gases (Liu *et al.*, 2024), oilfields (Wu *et al.*, 2024), and hydrology (Li *et al.*, 2024), indicating the importance of the region for natural resources. Recent archaeological projects have made use of scientific approaches, including radiocarbon-dating to establish the ages of settlements (Ma *et al.*, 2024; Xu *et al.*, 2017), which have contributed to knowledge of how the oases towns developed over time (Mallory, 2015). China leads in this aspect of research, but concerns do exist about nationalistic histories (Millward, 2009). Other projects have re-examined the genomic origins of the famous 'Tarim Basin mummies' (Zhang *et al.*, 2021), urbanism and agro-pastoralism (Dang *et al.*, 2022), trade, exchange, and interconnectedness across the ancient world (Høisæter, 2023a; Høisæter, 2023b), change and continuity in religious practices (Hansen, 2004), material culture in conjunction with the documents (Iyer, 2015), and the atypical behaviour of Buddhist monks who lived at the settlements (van Schaik, 2014). Much research since the discovery of the documents has focussed on linguistics, with a renewed interest in the Tocharian language. Some recent projects include 'Niya Tocharian: language contact and prehistory on the Silk Road' (2014–2016); 'Tracking the Tocharians from Europe to China: a linguistic reconstruction' (2016–2023); and 'The Tocharian Trek: A linguistic reconstruction of the migration of the Tocharians from Europe to China' (2018–2023; Schoubben, 2024). Other studies on the Niya documents have examined the presence of Bactrian etymologies (Schoubben, 2021), the Prakrit phonology and grammar (Schoubben, 2022), and Indo-Iranian sound changes (Schoubben, 2023). A new project, 'The Silk Road Language Web: A linguistic prehistory of the Tarim Basin in Northwest China' (2024–2029), has been established to investigate linguistic development in the Tarim Basin and its connection to migrational histories, which will answer important questions. In addition to the *International Dunhuang Project* and the *Catalog of Gāndhārī Texts* databases, another database project aimed to collate and transliterate the Tarim Brāhmī documents (2018–2021). Høisæter (2020: 103–105, and pers. comm. 2024) also created a searchable database of the Niya documents using FileMaker Pro, which includes entries for individuals detailing their name, gender, titles, group and kinship affiliations, and actions. When made available, this database will be invaluable for research on the documents. Therefore, the GENDISC project filled an important gap in research by offering new perspectives on life in the ancient Tarim Basin.

Context of the GENDISC Project

Earlier studies on the documents have highlighted the diverse occupational positions that people had in Caḍota and connected settlements, with the presence of different categories of nobles, aristocrats, officials, 'free people', householders, soldiers, warriors, scribes, artisans, craftspeople, 'persons of the lower strata', such as slaves, servants, labourers, wage-earners, porters, serfs and fugitives, Buddhist monks, Brahmanical priests, and different Central Asian and foreign communities (Agrawala, 1955b). It has also been noted that Caḍota was a rural settlement, with agriculture as the primary occupation of its people (Atwood, 1991: 167–169). Social hierarchies and restrictions existed with a separation between officials and 'serfs' (ibid: 175), which can further be distinguished between elite high officials, freeborn landholders of various wealth-levels, 'half-free' peoples, slaves kept in differing conditions, and the Buddhist monastic community (Høisæter, 2020: 146–148). Social structures were built on marriage, patrilineal descent, and kinship networks (Padwa, 2007; for discussion, see Høisæter, 2020: 142–144, 150). Gender has also been considered by Agrawala (1952), who examined identifiers used for women, but some of the gender issues identified were descriptive, generalised, and contradictory. Atwood (1991) explored gender and kinship, noting that society was 'highly authoritarian', but suggesting that women were perhaps less constrained as in other parts of the world: they could participate in the law as witnesses, own property, and work 'onerous' jobs (Atwood, 1991: 170). Yet, they were still subordinate to men and were part of marriage exchanges between settlements (ibid: 170–172). The issue of the preference of male heirs was also considered in adoption cases, and that girls may have been adopted to fulfil domestic labour needs (ibid: 172–173). Nevertheless, both sons and daughters could inherit property, with the possibility of holding it in common (ibid: 173). This can lead to presenting ideals of equal social participation in the over-enthusiasm for writing women and children into history (for example, Hansen, 2012: 48). One study aimed to understand the roles of lower status women in comparison to higher status women in the Chinese epigraphic and textual sources from the Tarim Basin (Xiaonan, 1999), but this did not make use of other sources. Høisæter (2020), too, has explored many of the documents that mention women, including examples of burials: one suggests that a woman may have been killed to join her husband in death. This study was in the context of understanding trade, exchange, economic life, and networks in the Tarim Basin.

Gender studies as a discipline is still a relatively novel approach to studying ancient civilisations and is somewhat of a niche specialism. Developing in the 1960s as part of 'New Archaeology', it only became prominent as a discussion point from the 1980s onwards (Conkey & Gero, 1997). Inherent biases thus remain when dealing with gendered narratives (Moen, 2019). There is either a tendency to focus on high status individuals, especially adults and men, because they are most represented in written records and wielded the most power, or to exclude them in trying to develop more inclusive narratives. For example, in examining early Buddhist donatory inscriptions from South Asian contexts, I found many studies to have an overarching conclusion that Buddhism was accessible, inclusive, and allowed for the equal participation of all social classes, male and female. Yet, upon further investigation and analyses of the inscriptions, I found that, on the contrary,

there was change over time in who supported Buddhism. This reflected broader socio-cultural, socio-religious, and political developments in South Asia, which restricted ritual access and donatory participation (Kaur, 2021). The Niya documents also indicate that there were differences in the ways that people were treated, with the possible presence of discriminatory practices related to gender, some of which may have been influenced by cross-cultural contacts. The legal cases include criminal acts, such as attempted infanticide, allegations against and murdering of women suspected of being witches, the trading of men, women, and children for adoption, slavery, and marriage, and discrimination against other communities and refugees. Therefore, new perspectives can still be offered in examining social conditions in the Tarim Basin using the Niya documents.

Methods

GENDISC was an interdisciplinary project, incorporating studies of language, religion, gender, society, and law, within the broader fields of archaeology and Asian studies. It was transregional in scope, examining the influences of different cultures on society and the connections between what are now politically and culturally sensitive territories. A sociological approach was taken to address gender-related issues, with the contextualisation of the Niya documents with other textual sources. The historical context of the Tarim Basin region was examined through a literature review to understand the social, political, and religious changes that occurred in the period prior to and during the creation of the documents. This provided necessary background information to understand the complexity of society and the reasons behind societal and political changes, which could have led to the types of attitudes and disputes reflected in the documents.

For the purposes of GENDISC, the difficulty in navigating a large corpus of documents was apparent for identifying relevant material, leading to the creation of an initial working database from which more specific data could be collated or which helped identify additional data that needed to be collected. Therefore, this was the main task in the initial stages of the project, followed by some preliminary statistical analyses and selecting case studies to explore further. The documents were read and summarised in an Excel database using the translations of Burrow (1940), the transliterations of Boyer *et al.* (1997), and the *Catalog of Kharoṣṭhī Documents* (Baums & Glass, 2002-Present). They were divided between the earlier discoveries made by Stein, where proveniences were mostly known, and the later discoveries, where information on findspots was unclear or unknown. Different searchable fields were created in several spreadsheets, including the original document numbers created by Stein, and the numbers in the earlier transliterations, which have been retained in the CKD; the location where the document was found, with site name and building number; who the document was addressed to, including official titles; who the document was from; who was to retain the document; who the complainants were in legal cases, including gender and occupation, where known; what the document was about, with a summary of key words or identifiers; what the resolution or request was; and any dates. Entries that could be investigated as potential case studies were highlighted. The data collected was based on selection and interpretations of the documents in transliteration and translation, which means that any errors can affect the data collected. The Niya documents can also be examined for different criteria, which means that different information can be gathered and contextualised from the same source according to the interests of the researcher, what they are aiming to investigate, which sources they have selected, and how the materials are interpreted and analysed. This also means that replication of results or reproducibility of a study can be limited, more so in the arts and humanities where written or creative materials are being examined rather than numerical or scientific data. As such, the following results and observations reflect that the same documents can be investigated for different objectives.

Results and observations

From the data and information collated, it was possible to conduct some basic statistical analyses. First, it was established where most of the documents were found at the Niya site by building and room number, with the totals for each. Following this, the documents were examined in other ways, such as which kings were named and the titles they used; the types of complaints; the gender of the complainants; and the types of laws mentioned. Some of the findings are now presented.

Location of finds

The first dataset summarises where the documents were found at the Niya site, based on the discoveries recorded by Stein (see Kaur, 2025: 1. Buildings). Most of the documents were found in building N.V. in room xv, with a total of 186 Kharoṣṭhī documents and document fragments. Following this, rooms iv in N.I (94 documents), viii in N.XXIV (78 documents) and i in N.I. (68 documents) were significant. Thus, building N.I was also clearly significant, with around 166 documents discovered there. Stein noted that the buildings were mostly residential, and specific rooms were identified as offices. However, it appears that N.V.xv was repurposed for discarding rubbish because of structural damage (Stein, 1907: 338–341; see also Høisæter, 2020: 36–51, for an overview of the Niya site and significance of these rooms, with many Chinese documents also discovered in building N.V; Hanus, 2021, for a consideration of urban density at Niya and related sites, including the functions of buildings and rooms). Discarded documents were therefore presumably not needed anymore because they were related to cases that had been resolved or were no longer applicable. Conversely, documents that were found carefully stored and archived suggest that the people involved were still alive, that the dispute was still active, or that the record needed to be maintained for reference purposes. These archived documents remained *in situ* when the settlement was abandoned.

Kings, dates, titles, and local officials

Out of the 901 entries in the *Catalog of Kharoṣṭhī Documents*, ninety-nine included the name of a king with a

date (less than 11%; see Kaur, 2025: 2. Kings). Most of these documents can be dated to the reign of Mayiri or Mahiri (total 39), followed by Aṃgoka (total 26, possibly 27), and Vaṣmana (total 16; see Figure 3). According to a chronological summary based on observations made by Salomon (2000), the kingdom of Kroraïna or Shan-shan flourished between 250 and 350 CE, with Mayiri and Aṃgoka ruling during the middle period (approximately the mid-third century CE), and Vaṣmana ruling towards the end (in the fourth century CE). Other kings have only been identified in one example each, except Pepiya, who was perhaps the earliest king and was named in four documents (see also Appendix in Boyer *et al.*, 1997). This suggests that although a written legal and administrative system had been introduced, it was only during the second half of the settlement period of Caḍota when it was fully utilised. There are unnamed kings in the documents too, and therefore this observation is dependent on who they were. It also depends on the preservation conditions: many documents are fragmentary or had their writing erased, and it may well be that there were earlier documents from the reigns of other kings.

When examined according to regnal years, documents mentioning Aṃgoka appear to have been presented one to two years apart, with a break in records in the first five years of his reign and between the years 11 and 16. Typically, one case appears to have been presented per year, with two in the years 17 and 21, and three in the year 34. The cases were perhaps heard and sent out to officials at different times of the year, but most of the surviving documents from his reign appear to have been commissioned in the second month, followed by the fourth and sixth months. It can be suggested the king heard up to two cases per month, except in the second month when he heard more. Most cases were also heard mid-month, increasing in frequency from the 12th to 15th days. A similar pattern can be observed for Mahiri. Cases begin from the fourth year of his reign, and were presented in intervals of one, two, or three years. Most were from the first and second months (12) and prepared throughout the month. Finally, during the reign of Vaṣmana, cases were recorded in almost every year after the first two years. The most popular months were the first, third, sixth, and 12th, and the first half of the month is more frequently represented. This can be examined collectively for all the kings (see Figure 4, Figure 5 and Figure 6). In summary, documents were created throughout the kings' reigns, but it seems that the beginning and middle of reigns were when cases were presented most often. Kings were also mentioned in documents created throughout a given year, but apparently more so at the beginning, middle, and end of the year. The first half and last week of a month were when cases were most likely to be presented.

This is a very general examination of the documents and only suggestive of patterns, but it could be that there were certain points in the king's reign when more cases would be presented. He also likely held court at certain times of the year. These audiences could be connected to periods of difficulty, such as war or drought, or to secure the king's authority. They could also have occurred when the king was on tour and heard cases at settlements. Thomas (1934: 41) suggested that the documents reflect a post-war period of hostilities with the kingdom of Khotan. There are references to plundering, attacks, refugees, and the abduction of people, which led to a concentration of people at Caḍota. Some of this concentration of people was due to displacement, but some was also due to enslavement. There were also the sending of envoys and

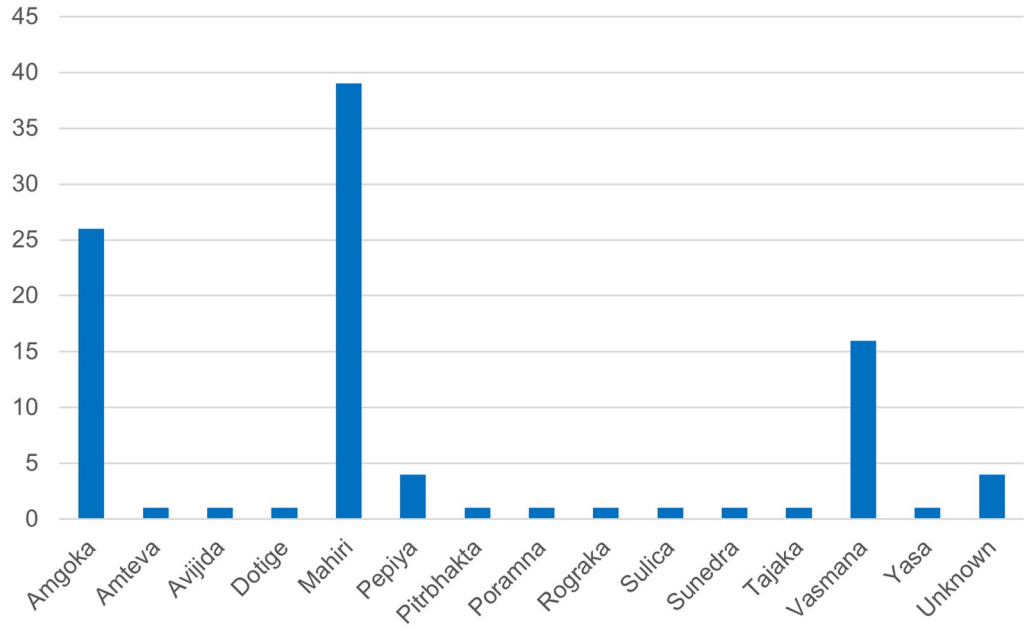


Figure 3. Total number of documents in which kings were named with dates.

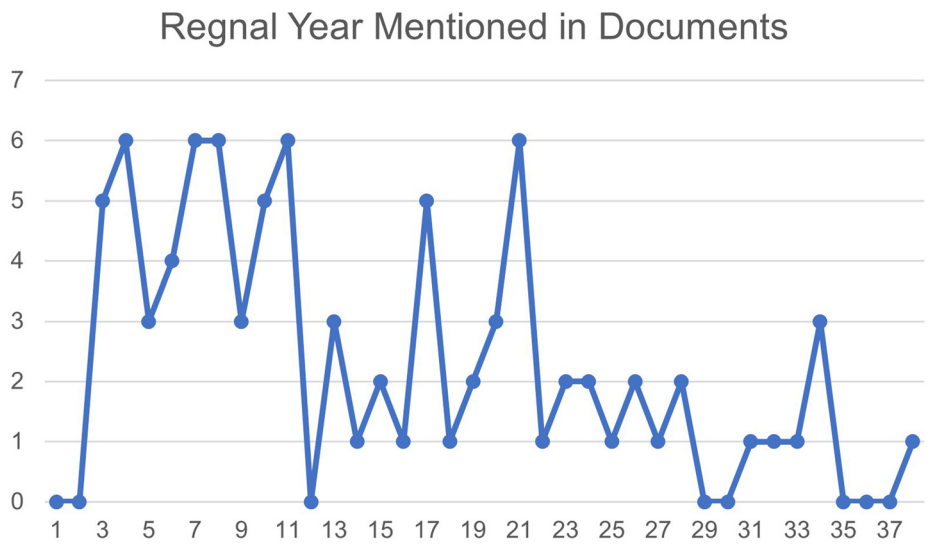


Figure 4. Total number of documents referring to a regnal year of a king when a complaint was made.

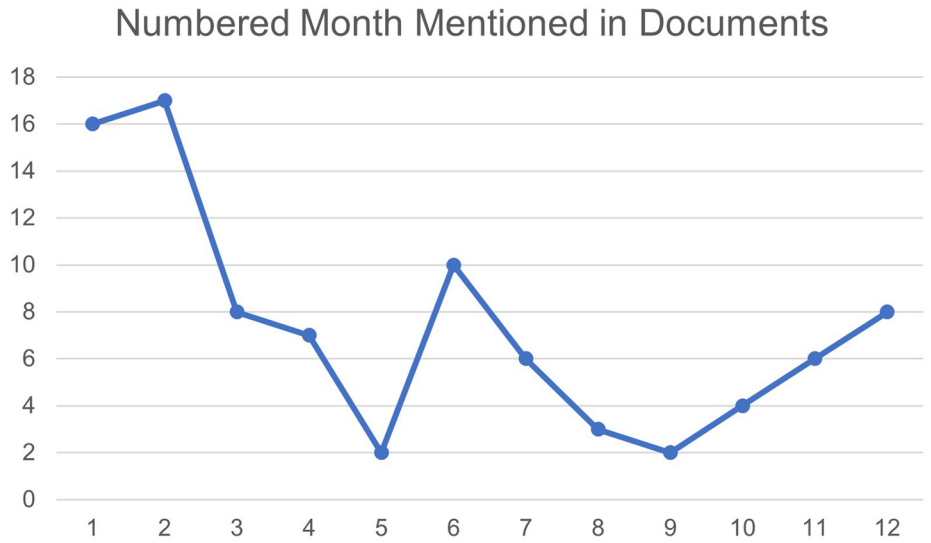


Figure 5. Total number of documents with a numbered month in which a complaint was made or document prepared.

exchanges of goods between the settlement and the kingdom to re-establish relationships. Thus, uncertain conditions and population pressures could have led to more social problems.

The kings used different titles, with variable spellings, which conveyed how they viewed themselves, how they wished to be viewed by others, or how others perceived them. The definitions of these titles, as given in *A Dictionary of Gāndhārī* by Baums and Glass (2002-present), are:

Nuava: abbreviated from *mahanu(bh)ava,* 'having majesty' (see Burrow, 1937: 135)

Mahanuava: from Sanskrit *mahānubhāva,* 'having great majesty'

Raya: from Sanskrit *rājā*, 'king'

Rayatiraya: from *rājātirāja(n)*, 'chief king of kings'

Maharaya: from Sanskrit *mahārāja,* 'great king'

Maharayatiraya: 'great king of kings'

Mahaṃta: from Sanskrit *mahant*, 'great'

Kocimaharaya: 'great king of Kuci' (Kucha)

Khotanamaharaya: 'great king of Khotan'

Jiṭuṃgha: from Chinese 侍中 *shìzhōng*, Old Northwest Chinese *dźətuŋ, 'palace attendant' (a Chinese title bestowed on the king of Kroraïna; see Brough, 1965: 600–601)

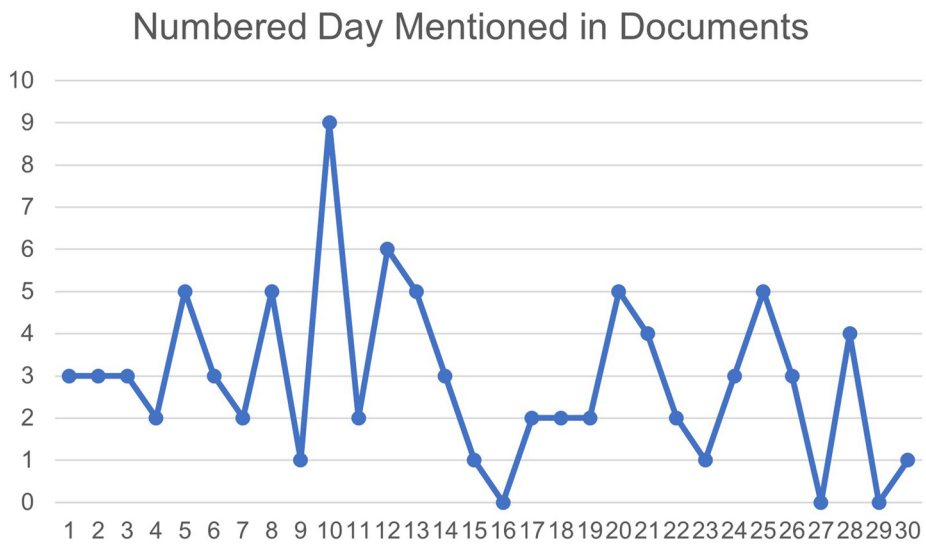


Figure 6. Total number of documents with a day in a king's reign in which complaints were made or documents prepared.

Mahajiṭuṃgha: 'great palace attendant'

Deva: Sanskrit/Prakrit 'god, king'

Devaputra: 'son of a/the god(s)'

Pracakṣadevada: 'having visible divinity'

Jayaṃta: from Sanskrit *jayant*, 'being victorious'

Dharmiya: from Sanskrit *dhārmika*, 'righteous' (a common title found in Kharoṣṭhī Indo-Greek and Indo-Scythian coin legends)

Sacadhamastida: 'firm in the true dharma'

Bhaṭaraga: from Sanskrit *bhaṭṭāraka*, 'master'

Pitṛbhakta: 'devoted to father/forefathers'

Hinaza: Iranian, cf. Khotanese *hīnāysa-* < **haiṇā-Hādza-* (loan translation of Greek στρατηγός, 'general')

The basic formula of titles used by most kings, and in this order, was: *mahanuava maharaya jiṭuṃgha* [name of king] *devaputra*. There were variations with additional titles. Aṃgoka was also referred to as *maharayatiraya mahatma jayaṃta dharmiya sacadhamastida* in two examples, with the addition of *mahajiṭuṃgha* in one of these. Pepiya used these titles, but with the addition of *pracakṣadevada* in one and *raya* in another. Mayiri added *maharayatiraya* in two documents and *bhaṭaraga* in two others, otherwise he kept the basic formula. Vaṣmana only had the main titles. The kings of Kucha/Kuci used *Kocimaharaya devaputra*, with one king either adding or being named *pitṛbhakta* (CKD 883); this and another king (CKD 869) were also described as 'producing compassion'. The king of Khotan used *Khotanamaharaya rayatiraya hinaza deva* (CKD 661). Most kings therefore used, at a minimum, four titles, although in some cases they used more. It appears that after the first two kings, Pepiya and Tajaka, the titles became shorter and standardised, with a few exceptions.

Most titles derived from Sanskrit and Prakrit titles used by South Asian kings, as found in inscriptions and on coin legends, although some were derived from Chinese or Iranian. These titles indicated various levels of kingship, with some suggesting military control. There were also titles indicating religious affiliations, particularly with the use of *dharma*, suggesting a relationship with Buddhism, and *pitṛ*, which was most associated with Brahmanism and worship of ancestral forefathers. Over time, there was a reduction in the use of the title 'king of kings', which suggests that the kings were probably not rulers over many kings or kingdoms. Kingship in South Asia was intimately connected to *dharma*, the moral, social or religious law according to which all people should live (see Kaur, 2024a). The Brahmanical ideal of kingship, as conveyed through political and legal treatises, the Sanskrit epics, which were carried to the Tarim Basin, and other religious, historical, and legendary accounts, were also supplemented by Buddhist ideals of personhood. These are reflected in some of the titles local officials used or were addressed with, which were additional to their official job titles and were of a greater variety than those of the kings:

Priyadarśana: 'having a dear look' or 'pleasant to look at' or 'having a pleasing gaze'

Bhaṭaraga: 'master'

Yogyadivyavarṣaśatāyuka: 'having a life of a hundred proper divine years'

Yogyadivyavarṣaśatayupramana: 'having a proper life span of hundreds of divine years'

Sunamaparikirtita: ‘praised for one’s good name’

Priyadevamanuṣasaṃpujita: ‘dear to and worshipped by gods and men’

Devamanuṣyasaṃpujita: ‘worshipped by gods and men’

Pratyakṣadevata/Pracakṣadevata: ‘having visible/illustrious divinity’

Priya -pitu, -matu, -bhratu, -jeṭhabhradu, -spasu, -putra, -dhitarana, -jamata, -sali, -mitra -nivasaga: ‘dear/beloved/favourable -father, -mother, -brother, -elder brother, -sister, -son, -daughter, -son-in-law, -brother-in-law, -friend, -neighbour’

Mahaṃta: ‘great’

Priyamanasu: ‘having a dear heart’

Priyasveta: unclear, perhaps connected to *sveṣṭa*, ‘dear to oneself’, or *śveta*, ‘white/bright’

Priyaapru: unclear, perhaps a title, or connected to *aprāyu*, ‘assiduous, not careless, attentive’

Piṃcaradivyavarṣaśatāyupramāṇana: ‘having a life span of hundreds of worthy and divine years’

Priyaatriptadarśana: ‘having a dear and eager look/gaze’

Pracakṣabodhisatva: ‘illustrious *bodhisattva*’

Mahayanasaṃprastita: ‘having set out in the great vehicle’ (the *Mahāyāna* doctrine of Buddhism)

Atriptapriyadarśana: ‘having an eager and dear look’

Atriptadarśana: ‘having an eager look’

Kalyanakarimitra: ‘virtuous friend’ or ‘friend who causes prosperity/good fortune’

Many of these titles can be connected to South Asian ideals of how a ruler or leader should be perceived, which reflected ideals of beauty and masculinity conveyed through the physical body. In Buddhism, a person had to be reborn as a man and have a perfect physical form to attain liberation from *saṃsāra*, the cycle of birth and rebirth. The ideal body, therefore, became that of a Buddha or a *bodhisattva*, an enlightened being who helps others to enlightenment. Thus, people with disabilities, physical deformities, hermaphrodites, and sexual ‘deviants’, including homosexual people, were (are?) not permitted to become monks or nuns (Powers, 2009: 85; see *Theravāda Khandaka* 1 and 20 for the ordination rules governing monks and nuns). Moreover, a Buddhist narrative states that women, because of their female form, cannot become the gods Brahma or Indra, a guardian deity of the four quarters, a great king, or an irreversible *bodhisattva* who could attain *nirvāṇa*. Only by adopting a male form could people attain these higher male states (Young, 2007: 34–35). Nevertheless, salutations in the Niya documents were also made to women, which indicates the importance of women in socio-political alliances, but they were identified primarily in association with their husbands (the officials) and through their kinship to the person sending the letter (also predominantly men). There are exceptions in the documents where elite women corresponded directly with each other, and there are references to one or more queens (*devi*) who owned property, went on tours, and had settlements established in their honour. For men, having divine titles and titles derived from those used by South Asian kings meant that they wished to be perceived as above other members of the community, and therefore worthy of being exalted. They were to be viewed as akin to the king as his local representative and akin to the gods as their earthly representative.

From the titles used by the kings in the Niya documents, there was a South Asian influence on royal and political ideologies, but whether this originated from South Asian kings or through religions is not clear. It has been suggested that the Tarim Basin settlements, particularly sites where Kharoṣṭhī documents have been discovered, were under Kuṣāṇa hegemony, even though the evidence is circumstantial (see Hitch, 1988; Høisæter, 2013: 5; Høisæter, 2017: 81–82). The Kuṣāṇa, who had their origins in Central Asian tribes, came to rule over northern parts of South Asia and adjacent parts of Central Asia from the first to fourth century CE, although the extent of their control and influence is still a matter of scholarly debate. The settlement of Caḍota, however, was governed by local officials in the name of the king, who was perhaps the ruler of the kingdom of Kroraïna. The royal court was in contact with the officials through the letters represented in the Niya documents or via designated representatives. Thus, ‘locals could appeal their grievances directly to the king or to a local representative who pronounced judgement according to established laws and regulations’ (Høisæter, 2017: 81). Administratively, oases settlements like Caḍota were structured in a way that households were centred around residences that served as public buildings, which housed an official as the local representative of the king (Hanus, 2021: 110). These officials, with various designations, were responsible for collecting taxes (see Agrawala, 1953b for a consideration of the taxation system). But, in the case of Caḍota, there appears to have been a limited concentration of households around administrative buildings because of the agricultural nature of the settlement (Hanus, 2021: 114). This may have had an impact on the extent to which issues were addressed directly within the settlement and the relationships that people had with the officials. It may have been easier or better to appeal directly to the king for a swifter or decisive resolution. But the full site has not yet been excavated nor have all buildings survived, and so the nature of the settlement is not fully understood.

People informing or complaining

Two key verbs were used in the documents to describe how cases were presented to the king, with variations according to the number and gender of the people involved (see Table 1 and Figure 7). In 102 of the documents (67%), the verb *viṃñaveti* (pres. sg. 3rd pers., Sanskrit *vijñāpayati*) and its variations was solely used to describe the complaint. The verb *vijñāpayati* (under विज्ञा in the *Sanskrit-English Dictionary* of Monier-Williams, 1899: 961) means ‘to make known’, ‘to declare’, ‘to report’, ‘to communicate’, ‘to ask or request anything’, ‘to apprise,

Table 1. Documents using verbs for complaining (*garahita*) or informing (*viṃñaveti*) according to gender and number of people.

Gender/Number	Garahita (complain)	Viṃñaveti (inform)	Garahita + Viṃñaveti (complain + inform)	Total
Male Individual	28	92	1	121
Male Pair	9	5	1	15
Male/Female Pair	1	1	0	2
Male Trio	5	0	0	5
Male Plural	3	0	0	3
Unknown/Unclear	2	4	0	6
Total	48	102	2	152

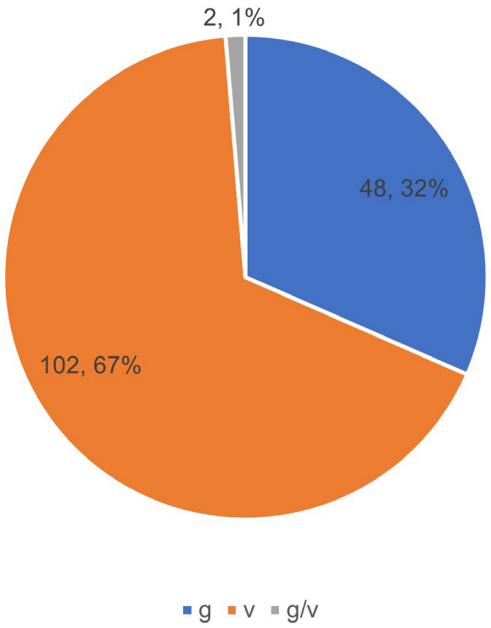


Figure 7. Percentage and total number of documents using the verbs *garahita* (g, complaining) or *viṃñaveti* (v, informing).

teach, instruct, ask, beg', and 'to inform of or about', with the related term *vijñāpti* also having the connotation of reporting or announcing to or addressing a superior. In contrast, the verb *garahita* (Sanskrit *garhati*, *garhate*) was used in forty-eight of the documents (32%). The verb *garhate* (under गर्ह्, ibid: 350) means 'to lodge a complaint before anyone', 'to accuse, charge with, reproach, blame, censure anyone or anything', or 'to be sorry for, repent of', with the related term *garhita* indicating something condemnable or despicable. This differentiates the two verbs and their intended meanings in relation to how complaints were made, with *viṃñaveti* indicating a need to make something known to a superior in order to receive assistance, and *garahita* indicating a need to make known that something unacceptable has happened and thus being more accusatory. Only two documents used both terms. Complaints were also presented with other verbs in some documents, such as variants of the Sanskrit *pṛcchati*, from the root *pṛṣṭa*, meaning 'asked, inquired, questioned, interrogated, demanded' and so forth (ibid: 647), or *utthita*, meaning to arise or come forth (ibid: 180). This shows an oral component to the complaint, where people were asked questions, and a physical action, with people standing up or coming forward to make their complaint. In a few documents, there were many officials who were part of the inquiry. Where the occupations of complainants were specified, these were people in official or administrative roles, including some Buddhist monks. Many documents did not record the occupation of the complainant (see Kaur, 2025: 3. Complaints).

Gender of complainants

Examining the identifiable genders of the people who made the complaints shows that only two documents involved women making complaints directly to the king. Significantly, they made these complaints with a man rather than as individuals. All other documents with people making complaints to the king were presented by men, apart from one case presented collectively by a settlement (which presumably also included women). Individual men made the most complaints, with the verb *viṃñaveti* most used in the documents for these cases. Men in pairs or groups were less represented than individuals, but the verb *garahita* was more likely to be used for their cases (see Figure 8). The difference in language use suggests that individual men had to be more appeasing when making complaints and presenting information, perhaps because they were more vulnerable and helpless, and thus had to be more restrained, whereas pairs or groups of men may have had more confidence to directly accuse people. More complainants equalled more victims and witnesses, which perhaps strengthened claims against the accused. But it is difficult to gauge the emotions people may have felt when making their complaints and this

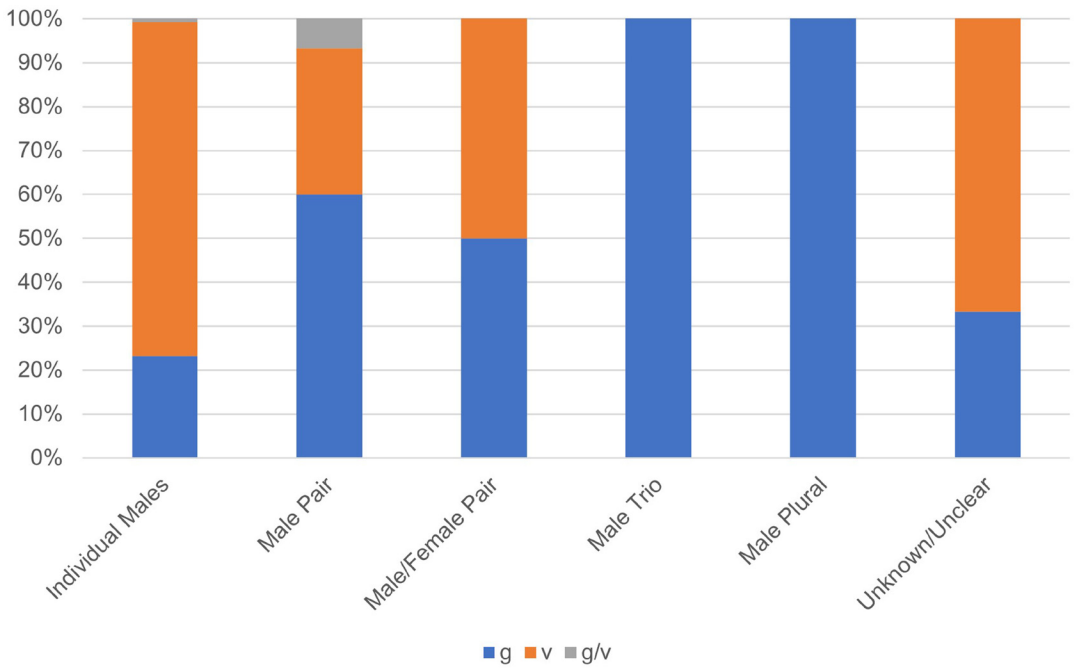


Figure 8. Percentage of people by gender and number making a complaint to the king using the verbs *garahita* (g, complaining) or *viṃñaveti* (v, informing).

can only be inferred from the types of cases presented. Additionally, although women were less represented as complainants in the documents, men did make complaints for cases where women and girls were involved, although the intentions varied. This suggests that the formal legal system, as can be discerned from the documents that have been discovered thus far, was not directly accessible to women. They either had to have male representatives or be present with a man to make a complaint. There may have been other, more informal, ways of dealing with issues within the home or the settlement, but it appears that, formally, only men had primary access to the king to make a complaint. Men also presented cases on behalf of other men, which demonstrates that complaints could have been made indirectly by the aggrieved person through a representative.

Women in the documents

A key component of gender studies has been to investigate the lives of women to redress imbalances in scholarship where male lives have received more attention. In historical studies, gender imbalances are even more pronounced. Thus, it is not surprising that less than 12% of the Niya documents mention women or girls, at least as far as can be identified through interpretations of names and their grammatical genders. Furthermore, women were primarily identified with gender-specific or kinship labels, in contrast to men who also had occupational identifiers. There were exceptions, such as for slaves, witches, and the queen, and there are references to women being associated with work and receiving wages. Agrawala (1952) summarised the different categories of women and their kinship relations according to these labels, before suggesting some ways that women and girls may have been treated differently. But these interpretations are limited because they did not fully compare the differences in the ways that males and females were treated and were not based on a consideration of all documents. For example, Agrawala (1952: 338) stated that slave women could give daughters up for adoption but perhaps not sons, when there are documents that show sons too were given by women for adoption. Likewise, Agrawala summarised that women could be kidnapped and beaten (ibid: 336), but the documents also mention men being mistreated in such ways. Nevertheless, Agrawala did consider more positive aspects, such as women being able to own property and being able to function as court witnesses (ibid: 339). But, in conclusion, Agrawala stated that this was no recompense for the suffering women endured (ibid: 341). Studies of women in the past do have to acknowledge differences in treatment and mistreatment, but the situation was also not so black and white that only women and girls suffered. Conversely, Hansen (2021) overlooked the difference in language use in documents dealing with the sale of people as slaves. The documents clearly state that female slaves could be beaten, something that Agrawala (1953a) highlighted, but there was no such clause in the documents for the treatment of male slaves. Slaves and 'serfs' of different categories may have had different tasks and been expected to behave in certain ways (Agrawala, 1953a), and this may have been dictated by their gender, which then influenced the ways that they were (mis)treated.

Violence and assault

Most cases involving assault and violence involved men as the perpetrators, but with both men and women as victims. Exceptions include a case where a woman burnt a Buddhist

monk's robe, three documents where women were accused of witchcraft, and one related case where poison was alleged to have been used. Witchcraft accusations led to the killing of at least one woman, but men too were accused of practicing witchcraft, including Buddhist monks. This has been explored in more detail in another study (Kaur, 2024b). The reasons behind acts of violence varied and, where these were not stated, can be discerned through the ways that the complainants were treated by others. Some cases suggest extra-judicial punishments, including as a form of revenge, the targeted humiliation of men through direct attacks or indirect attacks on arguably more vulnerable members of the household, such as women and slaves, and jealousy. Violence included abductions, beatings, and breaking bones, and in the worst cases sexual assaults and homicide. One case also involved a woman suffering a miscarriage because of an assault. Some cases therefore suggest that women experienced more extreme sexual or gender-based violence in contrast to men, but men too could experience gendered violence. This will be explored further in another article (Kaur, unpublished).

The roles of Buddhist monks

The documents also detail the roles that Buddhist monks had in the settlement and show that they too were not above the law and could be mistreated by others. They were active members of the community and could both own and become slaves; be punished and fined; accuse others and be accused of crimes; act as witnesses; participate in transactions through buying, selling, leasing, and borrowing; marry and have children; give children up for adoption or arrange their children's marriages; and have administrative roles as scribes and authorisers of documents with seals. They were very much integrated into society and lived somewhat as other citizens, but with the (sometimes) special privilege of being monks. Beyond the rules already existing for the monastic community, they were subject to additional regulations to be administered according to *dharma*, which were laid down and directly administered by the king (CKD 489). These laws came into force after it became apparent that some monks were not following the monastic rules, were disrespecting their elders, and were beating other monks. Fines and punishments were stipulated for not following the rules and for transgressing against their fellow monks. The different categories of Buddhist monks have been summarised by Agrawala (1955b). Although the Niya documents do not provide evidence for the presence of nuns at Caḍota, nuns were certainly present in other parts of the Tarim Basin region (Chunwen, 2010), including Kucha.

Dharma

In the Niya documents, investigations and decisions had to be made according to *dharma* and distinct categories of *dharma* existed that a decision had to be made or that people had to fulfil their duties according to (see Kaur, 2025: 4. Dharma). *Dharma* is a South Asian concept and universal to Indic religions. It can refer to civic, social, and moral duties for people, in addition to religious duties. The king in South Asia was invested with upholding *dharma* and, according to the *Dharmaśāstra* and *Dharmasūtra* texts (see Olivelle, 1999; Olivelle & Davis Jr, 2018), presided over all legal cases. He could also appoint officials to make decisions on his behalf, but there were restrictions as to who could mete out different punishments. In the Niya documents, fines and corporal punishment were standard, including disfigurement and mutilation. There are also indications of local laws where the death penalty could apply. Nevertheless, despite the existence of a legal system, people took the law into their own hands. Around 15% of the Kharoṣṭhī documents from the Tarim Basin mention *dharma*, and around half of these refer simply to *dharma* and do not specify exactly what type of *dharma* it was. Sometimes, it was highlighted when things were not being done according to *dharma*, where it was contrasted with what was thought to be *adharma* or *na dharma* (unlawful or not the law), which emphasised the correctness of the law being enforced. This can be assumed to mean that the case had to be investigated justly and fairly, and this was usually with witnesses who took oaths. Thus, *dharma* in the Niya documents referred to the various laws according to which officials were to make their enquiries, and usually it was the king who indicated to his subordinates to investigate cases. Each settlement and province perhaps had their own legal systems (Atwood, 1991: 167), which were separate from the 'royal' law or the general, unspecified law that officials had to investigate according to. In the absence of a document describing what was legal or illegal, the law(s) can only be inferred and reconstructed from the documents.

Dharma: the law

Adharma/Na Dharma: not the law, against the law

Rajadharma/Na Rajadharma/Rayaka Dharma Mahatva/Amna/Purva: the royal law, with indications of a great royal law, and another and former royal laws.

Purva/Puranaga Dharma/Na Purva Dharma/Na Dharma Purvi: the former or older law(s)

Klasemnadharma/Kilmidharma: laws related to estates and localities

Anurupadharma/Avaradhidharma/Aziadharma: other, suitable, and oral laws

Logadharma: the people's law, perhaps informal social and community laws

Madudharma: the mother's law, perhaps the law of the maternal locality

Kuladharma: the family or clan law

Palyidharma: the law governing taxes

Pamcaradharma: the law governing fodder

Presidharma: the servant's law

Puranaga Utavala Dharma Na: not the former camel law

Samadharma: the same or equal law

Satammidharma: the law of the one hundred

Conclusions

From this preliminary examination of the Niya documents, along with the existing studies that have been reviewed, it can be discerned that men had a variety of status and occupational identifiers, whereas women were mainly identified through their kinship identifiers. This reflects how people were identified in the early South Asian inscriptions. Kings had various honorifics, some of which elevated their status to the divine, and local officials perhaps created their own epithets to be exalted by others, some of which demonstrate a Buddhist influence. This indicated the desire of the official or the person addressing them to elevate the official's status through divine and spiritual qualities. In contrast, kings had a limited selection of titles to use, and these were more definitively official and hereditary. But, if following a South Asian model of kingship and law, kings and officials delivered earthly justice by divine right. The law was referred to as *dharma*, which also suggests that it was understood according to South Asian conventions. However, there was an understanding of local and former laws too. These different laws were named in some documents according to how cases should be investigated. There were two main ways to describe how cases were presented to the king: informing or complaining. In almost all legal-type documents, men presented cases directly to the king, both on their own behalf and on the behalf of others, with few women represented. Based on the surviving documents, therefore, cases appear to have had a gendered component as to who was allowed to approach the king and appeal for his support to have a matter investigated. Men were also the majority accused, but victims could be both male and female.

Implications for the GENDISC Project

The legal and administrative documents were in various formats, with the king addressing officials or officials writing directly to each other. In some cases, the people presenting cases were the primary complainants, but in other cases they were informing officials about a complaint or information received from a third party (the complainant or other officials). Therefore, it was necessary to establish who the complainants were. The messages were conveyed in the first, second, or third person, which then raised questions as to how the messages were conveyed and by whom. There was clearly an oral component to the documents, which was summarised, and so the full details can only be surmised. Thus, the documents are vague in some details. So what else was being conveyed that we do not know about? What did people want the king to think or believe? How authentic or truthful was the message? Verdicts are also limited in representation in the documents and are more often found in cases that were raised again. Therefore, not all details were recorded, and so 'reading between the lines' became necessary to attempt to understand the societal factors that influenced crimes and investigations.

These observations and findings shaped the way that gender discrimination was investigated through the Niya documents, with a focus on the way that men and women were treated in similar types of legal disputes. An investigation of vocabulary suggested differences in treatment. Cases were therefore examined thematically through a selection of documents describing violence. This also allowed for a consideration of the motivations of accused perpetrators and the potential emotional and psychological impacts on the victims. Religious and historical texts were reviewed to understand theoretical law in the ancient past, including the South Asian *Dharmaśāstra* texts, the *Arthaśāstra*, and various Buddhist and Brahmanical texts; Zoroastrian texts; Classical Greek texts; historical and hypothetical legal cases from the Greek and Roman worlds; and Mesopotamian religious sources. Cases involving the killing of alleged witches and accusations of practicing witchcraft became one case study; other cases involving assault and violence became another. This allowed for a consideration of harmful and negative behaviours, which are still an issue today. The documents are therefore unique as a source for studying the past because they give voices to people, albeit a miniscule percentage of people who have ever existed. They provide a glimpse into how the settlement operated. There is evidence for how people had their lives shaped and controlled by the environment and by other people, especially those in power. We can infer how people tried to navigate their own existence at a particular time and in a specific place. The Niya documents can therefore be used to explore specific challenges that people have faced in the past and continue to face in many parts of the world.

Data availability

Data for the study presented in this publication are available in the following repository:

Social Sciences and Digital Humanities Archive – SODHA: GENDISC Data. https://doi.org/10.34934/DVN/FKH1UY (Kaur, 2025)

The project includes the following data:

1. GENDISC Data.tab

   The data file includes the following sheets:

   a. Buildings (where the documents were found)

   b. Complaints (name, gender and occupation of complainants and the use of specific vocabulary for complaints)

   c. Kings (the titles of kings and dates mentioned)

   d. Dharma (the mention of the law with a summary of document content)

Data is available under a Creative Commons Attribution 4.0 International License (CC-BY).

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?

Rachel Pope
University of Liverpool, Liverpool, UK

This is an important project. It provides a useful comparative study for early China, and is important for archaeology more generally in helping us to understand the origins / variability of gendered social forms. This is to be congratulated.

The piece is well written. In terms of structure, I felt that some of the more general / descriptive background in the first half of the paper might be jettisoned to allow for greater detail on the data.

Demonstrates a good contextual and chronological grasp, each of which I would have liked to see taken further in data analysis - working to plot change through time. I'd have particularly liked to have seen more detail on the types of cases brought forward concerning women/girls.

In general, I'd like to see more of the data quantified, presented.

As preliminary findings, I wondered whether the framing at the start was entirely helpful, as much here is on kingship, monks, dharma. In that sense, it felt like the piece didn't entirely achieve its own objectives. My advice would be to do one of two things: Either, give us more detail on the cases involving women; or instead give the piece a wider framing to include also gender discussion around masculinity.

Interesting results on the relative confidence of individuals/pairs/groups - can this be taken further by analysing the detail of these cases?

In conclusion, this an important article and very much worth indexing - it simply requires reframing, with less general background, and more detail in data analysis. It just needs a bit more. Keep at it!

Is the work original in terms of material and argument?

Yes

Does it sufficiently engage with relevant methodologies and secondary literature on the topic?
Partly

Is the work clearly and cogently presented?
Partly

Is the argument persuasive and supported by evidence?
Partly

If any, are all the source data and materials underlying the results available?
Yes

Does the research article contribute to the cultural, historical, social understanding of the field?
Yes

Competing Interests: No competing interests were disclosed.

Reviewer Expertise: Expertise in contextual archaeological method, applied gender archaeology, and complex data analysis.

I confirm that I have read this submission and believe that I have an appropriate level of expertise to confirm that it is of an acceptable scientific standard, however I have significant reservations, as outlined above.

Reviewer Report 26 March 2025

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Tomas Larsen Høisæter
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The article “Gender discrimination in the Tarim Basin: A preliminary examination of the Kharoṣṭhī documents from the Niya site” sets out to investigate the role of women in the legal system of the kingdom of Kroraina (Shanshan in Chinese), with a particular focus on gender discrimination/bias. To do this it draws upon the rich corpus of documents written in the Kharoṣṭhī script found at sites that once made up the kingdom of Kroraina, and in particular documents from the Niya site.

As put in the section “Aims and objectives” the goal of the article is “... identifying the societal roles

of people and the ways that they came to be associated with the law, using statistical and linguistic approaches to the documents.". The article begins by giving a detailed presentation of its sources, a literature review of relevant scholarship, and presents its methodology. Turning to a discussion of the documents the article first looks briefly at finds sites, before presenting a number of observations related to the kings and the dating system of the documents, which in turn leads into a discussion of royal titulatur and the titles used by others in the documents. The article then looks at the language and role of complaints in the Krorainan legal system, as well as discussing the gender of those complaining/informing. The article next turns to a discussion of women in the documents and looks in particular at cases of violence against women. Finally, the article turns to the role of Buddhist monks and the concept of Dharma/law as expressed in the documents.

As I see it, the article approaches the documents from the kingdom of Kroraina from an interesting angle and its intentions of examining the Kharoṣṭhī documents from a gender studies perspective is clearly quite novel. The sources are well suited to such an approach, as the perspective they afford on Krorainan society is less elite dominated, and quite nuanced and granular. (Though as noted by the author still heavily male dominated.)
Despite its novel approach, however, the article as it stands does not manage to do what it proposes. This review therefore recommends that the article should go through a major rework and re-submission.

Such a rework should address four major problems:

1. The lack of focus and a clear thesis/argument.
2. The lack of depth in the analysis and a closer engagement with the sources.
3. The lack of clear referencing to sources.
4. The problem of Kucha and Khotan in the database.

The lack of focus and a clear thesis:
The main problem of the article is that it lacks a clear focus and does not present a clear thesis/argument which can be followed throughout. Instead, the article covers a very broad range of topics, as illustrated by the summary above. Many, if not most, of these topics have little or no relation to the questions of gender roles/discrimination which the article set out to discuss.

The clearest example of this is the lengthy discussion of the Krorainan kings, the dating system of the documents, the royal titles, and the greetings used in the documents. This section, with figures, covers the entire span from page 9-12, thus taking up a sizable part of the article. It is, however, only in some short passages on page 12 that these topics are in any way related to the core questions of gender and gender roles. Almost all of page 9, meanwhile, is given over to a discussion of the dates of the documents and question of whether there is a temporal pattern as to when petitions to the throne were made. (Which is also covered by three of the four figures in the section.) This is certainly an interesting topic, but it is in no way related, nor made relevant, to the articles stated aim of discussing gender, gender roles, and discrimination.
Other good examples of sections which does not relate to or inform the core question of the article is the section on find sites and the section on dharma/law, as well as parts of the source survey.

The result of the breadth of topics covered and the lack of a coherent thesis or argument is that

the article in part reads more like a survey/summary than a research article. The many topics covered and their loose relation to each other also obscures the strong and relevant sections of the article, such as the section on violence and women, and prevents the article from exploring its sources with the depth and detail needed to make a convincing argument.

The lack of depth and close engagement with the sources:
The second major problem of the article as it stands is a lack of depth in its discussion and an insufficiently close engagement with the sources at its disposal. The primary reason for this is the breadth of topics covered, as discussed above, which prevents the article from developing a clear argument/thesis and exploring it in detail. The exception to this is the two sections on "women in the documents" and "violence and assault", which are more clearly linked and related to the articles stated topic.

Even in these sections, however, the arguments remain brief and often largely based upon secondary literature, even where they would clearly benefit from a closer engagement with and showcasing of the sources. On page 14, for example, a point is made of the difference in language used in contracts concerning the rights of slaveowners vis-à-vis their slaves, where female slaves can be beaten and males cannot. This argument seems largely drawn from Agrawala's work. While on the surface this point holds true a closer engagement with the sources should lead one to realize that this argument is based upon only three contracts, the documents n.590-592. While other contracts on slaves do exist in the corpus, these are the only three with a full "rights clause". This is itself a problem, as three documents is hardly enough to establish a definitive pattern. Furthermore, when looking at the documents themselves it is worth noting that the two contracts concerning female slaves (590 and 592) were both written by the same scribe, namely Mogata son of Tamasṕa, while the one concerning a male slave (591) was written by Sugaṃta son of Ramṣotsa.
The question then becomes, are we here dealing with different gender based rights or simply different scribal standards/habits?

On the whole, the article would therefore strongly benefit from covering fewer and more clearly related topics in greater detail, which in turn would allow more space for a closer engagement with and showcasing of the sources themselves.

The lack of clear references to sources:
A related problem which must be addressed is the unevenness and often lack of clear references to sources used. For while a few parts of the text do give explicit references to sources, such as on page 11 when giving royal titles, most examples and mentions of cases/documents are not accompanied by explicit references to the document in question.
To give but a few examples:

- On page 13, two documents are said to contain female plaintiffs but the documents in question are not named/numbered.
- On page 14, when discussing the cases of "right clauses" of slave owners mentioned above, the documents in question are not named/numbered.
- On page 15, under "violence and assault" cases are mentioned of a woman burning robes, three documents detailing cases of witchcraft, and a case of poisoning. None of the documents in question are named/numbered.

As part of the reworking of the article, all such mentions of specific documents ought to be

accompanied by a direct reference/number.

The problem of Kucha and Khotan in the database:
Finally, the last major problem of the article has to do with the fact that while almost all of the documents are from the kingdom of Kroraina/the Niya site, a number of documents from Kucha and Khotan have also been included in the database used. This is problematic and causes a large amount of unnecessary confusion. It is a problem because the dating of the Kuchean/Khotanese documents cannot be as securely established as the Krorainan corpus. The author, in the discussion of kings, dates and titles also mixes the kings from the three kingdoms together, which makes any analysis necessarily flawed. More importantly the Kuchean and Khotanese documents cover different societies, possibly also from different periods, with different (though likely related) social and legal institutions. As such, they cannot really inform a discussion of gender, gender roles and gender discrimination in Kroraina/Niya.

In reworking the article, these documents should be removed from the database and the analysis, at least as far as statistical analysis is concerned. (They can, of course, be an interesting point of comparison.)

Furthermore, I have included a number of comments/suggestions that might be worth considering when reworking the article. I have numbered them by pages in the print version of the article, for ease of reference.

Comments on specific parts of the text:
P.4 – Introduction: Towards the end of the paragraph, it is claimed that the region (Tarim Basin) was politically unstable from the first century CE onwards. I find this a rather peculiar statement, given that from about the second century CE the rough borders and in many cases also the ruling elites of a number of Tarim kingdoms appears to have remained stable for centuries. Khotan is the best example of this, its borders remaining roughly the same from at least the 2nd to the 6th century, arguably longer. Furthermore, in the Kharoṣṭhī documents under consideration we can observe large institutional and elite stability for a period of close to a century.
By any metric this must be characterized as a high level of political stability. Compared for example to the far more fluid political situation in China or India for most of the 1st millennium CE.

Figure 2: Under the 2nd century CE line is mentioned migrating populations to Central Asia and the Tarim Basin. Which are these and where is the evidence for them?

P.5 – Examination for sociological value: In the first paragraph it is suggested that there has been little study of the Kharoṣṭhī for their sociological value. This is not really correct, as it ignores several important contributions, in particular that of Mariner Ezra Padwa. Works that ought to be considered in this regard is:
- Padwa, Mariner Ezra (2007) An Archaic Fabric: Culture and Landscape in an Early Inner Asian Oasis (3rd-4th century C.E. Niya) (PhD thesis)
- Padwa, Mariner Ezra (2010) “Persons and Places within the Niya Oasis: Some Basic Associations” in Irisawa (ed), "The Way of Buddha" 2003: The 100th Anniversary of the Otani Mission and the 50th of the Research Society of Central Asian Cultures
- Li, Yanling (2014) “The Study of Agricultural Production in the Oasis Kingdoms of the Western Regions in the Third and Fourth Centuries: Case Study of the Shanshan Kingdom based on Kharosthi Documents” in Eurasian Studies.

- Bertrand, Arnaud (2012) “Water Management in Jingjue Kingdom”.
Though less accessible, there are a number of Chinese and Japanese works that also ought to be considered. The reports from the Sino-Japanese team contain a number of important articles, and of particular note is also the book by Nagasawa Kazutoshi (1996) 楼蘭王国史の研究 (rouranoukokushi no kenkyu, Research on the History of the Loulan Kingdom).

P.5 - Sources to investigate the documents: In case you do not already have it, Brysac, Shareen (2004) Sir Aurel Stein’s Fourth ‘American’ Expedition, gives a good overview of the fourth expedition.

P.6 - Challenges to investigating the documents: In this section it is suggested that the relationship between the Tarim Oasis and the various Chinese empires in the first millennium CE is unclear. This is not really the case, at least in the case of the Kingdom of Kroraina we can say quite a lot. (And also about later cases, such as Khotan and the Turfan kingdoms, we know quite a bit.) For more on the Kroraina situation see Høisæter (2020) where quite a lot is said of this in chapter 3 and 4. See in particular 4.1.3.

P.7 – Certainly Mariner Ezra Padwa, and ideally also works such as that by Nagasawa, ought to also be included here in order to correctly represent the state of the field. See above for references.

P.8 – Methods: It is mentioned that dates are recorded in the database. Are these the dates of the documents themselves or dates in the Christian Era? If the latter it would be worth noting how these were determined, as there is some debate on this in the literature.
The issue of dates is also brought up again a little later in the text, and this could also be discussed there in some more details.

P.9 - Kings, dates, titles, and local officials: After noting that there is only one document dated to the reign of the king Pepiya it is suggested that this shows that the written legal and administrative system of Kroraina only came into use during the latter part of the settlement’s (Niya?) occupation.
I do not find this convincing, however, as surely it rather simply reflects that older documents would be less likely to survive (as they were less useful/had more time to get destroyed/reused) than those produced closer to the abandonment of the site.
Also, Pepiya was likely the king that reigned before Amgoka and thus not the earliest. This is likely given the careers of officials and scribes mentioned in the documents. See Høisæter (2020) Appendix V and Chapter 3.

Figure 3 – In this figure the problem of mixing Krorainan, Kuchean and Khotanese documents becomes apparent, as a number of kings listed here were not kings of Kroraina (Mahanuava maharaja) but rather of Kucha or Khotan (Kocimaharaya and Khotanamaharaya). Surely these ought to be removed from the listing if one wish to discuss the situation in Kroraina? Or at least it should be marked clearly who were kings where.

P.12 – Here the titles and greetings used in the documents are compared to South Asian ideals and used to argue that the Krorainan/Tarim elites who used them shared these ideals and ideas. This is an intriguing point that seems very fruitful and worth pursuing in more details.
But are these same greetings/titles found in any surviving South Asian context? Or are merely

similar ideals expressed? This point would benefit greatly from being developed in more detail with textual comparisons etc. (Because certainly, the idea of wishing good health/beauty etc is not a uniquely South Asian concept, in this period or others.)

P.13 – Gender of complainants: This section starts by noting that only two cases have women complaining, in both cases accompanied by men. This seems reasonably correct, though direct references to the documents in question are here needed. (And more details from the documents would certainly strengthen the discussion.)
Furthermore, document 677, found at the L.A site, is worth considering here. In form it is a sort of contract/legal document, rather than a report of a complaint in the royal bureaucracy. In n.677, however, a dispute is settled between a woman Kosenaya/Kosenae and her sons, presumably by some official. But the document explicitly states that it was made at the request of Kosenaya.
Is this a case of an exception to the rule?

P.14 – Gender of complainants (continued): There is however another document which supports the authors assertation that the legal system, at least in most cases, was not accessible to women. This is Document CDK832. It is said to be from Toyuq, but given the mention of Cozbo Tamjaka I think it most likely originates at Niya, as he is repeatedly attested there. In either case, in the document, a woman is being informed that her case will be brought before the court by the same Cozbo Tamjaka on her behalf.

P.14 – Women in the documents: Does the 12% figure cited include or exclude all the lists and fragments in the collection. Both these would skewer the numbers, as the lists are usually tax lists and therefore only lists heads of households, while many fragments contains no discernible people at all.
Also, pertaining to the discussion of female slaves and a potential difference from male slaves, see my points above on the major point 2.

P.15 – Dharma: I have discussed the questions of law in Kroraina in some detail in my PhD (Høisæter (2020) 5.5), a text which I think merits some engagement with in this section.

P.16 – One final document which I would recommend including is document n.788, found in Lin 1990 and revised in Wu 2016. (Lin Meicun 1990 (Ref-1). “A New Kharoṣṭhī Wooden Tablet from China.” Bulletin of the School of Oriental and African Studies 53: 283–91. and Wú Yūnpéi (吴赟培). 2016. “Hétián bówùguǎn cáng Qūlúwén chǐdú fàngqī shū zài shìyì 和田博物馆藏佉卢文尺牍放妻书再释译.” Xīyù yánjiū 西域研究 : 75–83.)
This document is a legal document dealing with a divorce settlement with a number of interesting features. For example, the woman seems to have taken (most of?) the children. This is particularly interesting in relation to the matrilineal tendencies discussed by Padwa.
Both this document and Padwa’s discussion, I think, merits a place in this article.

To summarize, I find this article to have great potential but still be in need of some major reworks. I look forward to seeing it reworked, however, as the core question it asks is an interesting one and in many ways a novel one. I hope these comments will be of some use.

References

1. Meicun L: A new Kharoṣṭhī wooden tablet from China. *Bulletin of the School of Oriental and African Studies*. 1990; **53** (2): 283-291 Publisher Full Text

Is the work original in terms of material and argument?
Partly

Does it sufficiently engage with relevant methodologies and secondary literature on the topic?
No

Is the work clearly and cogently presented?
Partly

Is the argument persuasive and supported by evidence?
Partly

If any, are all the source data and materials underlying the results available?
Yes

Does the research article contribute to the cultural, historical, social understanding of the field?
Partly

Competing Interests: No competing interests were disclosed.

Reviewer Expertise: I wrote my PhD on the kingdom of Kroraina, using the corpus of locally written Kharosthi and Chinese documents together with archaeological sources, as my sources. My PhD was primarily concerned with economic matters, but in order to discuss these I also spend quite a bit of my thesis discussing social conditions, local institutions and laws. I have since written several articles on various aspects of Kroraina and its sources, and I am working on a book covering the history of the kingdom. I am currently also researching Khotanese and Kuchean history, with a particular view for comparing with the Krorainan material. I have only a basic knowledge of gender studies and various related historical fields. As such I have not commented upon the theoretical underpinnings this article could draw from those disciplines.

I confirm that I have read this submission and believe that I have an appropriate level of expertise to state that I do not consider it to be of an acceptable scientific standard, for reasons outlined above.