



## AYŌKĒN

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**AYŌKĒN**, a Middle Persian legal term denoting the category of persons to whom descends the obligation of *stūrīh* (marriage by proxy or substitution; q.v.). The term is from the beginning words of the Avestan technical phrase *yō hē pasčaēta* “he to whom afterwards” (i.e., after the passing of a man without male issue). The entire Avestan phrase is found transcribed in the Pahlavi alphabet in the *Mādayān ī hazār dādestān* (pt. 1, p. 22.8), but more commonly the formula was reduced to the two words *yō hē*, transcribed as *ayōk-hē* and then corrupted to *ayōkēn* in the *Riwāyat ī Ēmēdī Ašawahištān* (chap. 4). Other spellings found in the *Mādayān* are *yōk hē* and *ayōk-kēn*; the Pahlavi model marriage contract (*Paymān ī zanīh*, in *Pahlavi Texts*, p. 141-43) has *ayōkānīh*; in the *Persian Rivayats* (ed. M. R. Unvala, *Dârâb Hormazyâr’s Rivâyat*, Bombay, 1922, I, pp. 180f.) it is written *ayūk*, *ayūkan*, and *ayūkī*.

The persons referred to as *ayōkēn* are one’s own (*pādixšāyīhā*) “virile” (*zahāg*) son, who is an immediate and direct progeny and successor, and then in the order of priority a *pādixšāyīhā* widow whose *ayōkēn stūrīh* for her deceased issueless husband is also called *čakarīh*; an adopted son (*pus ī padīriftag*); a designate *stūr* (*stūr ī kardag*) who is instituted by the deceased in his lifetime to undertake his successorship; and an associate brother (*brād ī hambāy*). In default of these, the obligation of *stūrīh* descends to the eldest *pādixšāyīhā* daughter, or to the one who has not yet married, and finally to a sister.

An obligated successor (*ayōkēn*) assuming an *ayōkēn stūrīh* enjoys special proprietary rights. That is the reason why *ayōkēnīh* is referred to as a special form of marriage in the Pahlavi marriage contract (*Pahlavi Texts*, p. 141) and



why the *Mādayān ī hazār dādestān* has devoted a separate chapter to it: *Dar ī ayōkēn yō hē pasčaēta* (pt. 1, p. 21.4-5).

The case of an only *pādixšāyihā* daughter, succeeding to her father's obligated successorship, is erroneously given by the *Riwāyat ī Ēmēd ī Ašawahištān* (chap. 44) as the only case of *ayōkēnīh* (ed. B. T. Anklesaria, *Rivāyat-ī Hēmīt-ī Asavahistān*, Bombay, 1962). This idea was repeated by the *Persian Rivayats* (I, pp. 180f.) and provided the basis for the various faulty readings and interpretations of the term as *yūkān* "the only child" (West, in *SBE* 18, p. 185 n. 3); *aēvakkīn* "marriage in condition of the only child" (Bulsara, *The Laws of the Ancient Persians*, p. 153); *ēvakēn* "le mariage de la fille unique" (J. de Menasce, *Feux et fondations pieuses dans le droit sassanide*, Paris, 1964, pp. 35-57); *ēwgānīh* "submission" (see D. N. MacKenzie, "The Model Marriage Contract in Pahlavi," in *K. R. Cama Oriental Institute Golden Jubilee Volume*, Bombay, 1969, pp. 103-09, and with A. G. Perikhanian, *ibid.*, p. 110); as derived from Av. \**aēnō.kaēna* "expiator," interpreted as *epīklēros* "(the only) heiress" (Perikhanian, in *W. B. Henning Memorial Volume*, ed. M. Boyce and I. Gershevitch, London, 1970, p. 352, and with MacKenzie, in *K. R. Cama Oriental Institute Golden Jubilee Volume*, pp. 110-12); and *ēnōkēn* "under the obligation to continue her father's line" (D. N. MacKenzie, *A Concise Pahlavi Dictionary*, London, 1971, p. 30).

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See also M. Shaki, "The Sasanian Matrimonial Relations," *Archiv Orientalní* 39,



1971, pp. 332-33.

Idem, "The Concept of Obligated Successorship in the Mādiyān ī Hazār Dādistān," in *Monumentum H. S. Nyberg II*, Acta Iranica 5, Tehran and Liège, 1975, pp. 227-42.

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