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ii. In the Sasanian Period

The word *wardag* is first attested in the Sasanian inscriptions of the third century in the meaning of "slave", or "captive." Describing the campaigns of King Šāpūr I, the high priest Kirdēr (KARTĪR) tells how the army enslaved, burned, and devastated (*u-šwardag ud ādursōxt ud awērān kard*) wherever it went but that he himself then by the order of the king of kings (re)established (*winnārišn kard*)the Magians and fires in those areas. Thus he did not allow harm to come to them or let them be enslaved, and those that had become enslaved, those he took and sent them back to their own lands (inscription of Kirdēr on the Kaʿba-ye Zardošt at Naqš-e Rostam, lines 12-13; M. Back, *Die sassanidischen Staatsinschriften,* Acta Iranica 18, Tehran and Liège, 1978, pp. 426-29).

The related Middle Persian and Parthian word *wardāz* "captivity" is found in a similar context in the inscription of Šāpūr I on the Kaʿba-ye Zardošt (Mid. Pers. 1.15, Parth. 11.5, 12; Gk. 1.26 has *ēkhmalōtisamen* "We took prisoner [of war]": Back, pp. 296, 315).

The main source of information on institutions of the Sasanian period, which also provides valuable material on the legal and social status of slaves, is the

Pahlavi law book *Mādayān ī hazār dādestān,* a compilation of law cases collected by Farroxmard ī Wahrāmān in the sixth century A.D. Although only part of the chapter on slaves (*Mādayān,* pt. 1, 1.1-17) has come down to us in an unique manuscript of the *Mādayān,*the discussion of different legal aspects of slavery in chapters actually dedicated to other matters enables us to reconstruct to a certain extent the main features and even many important details of the institution. Later Pahlavi sources, especially book VIII of the *Dēnkard,* the *Pahlavi Rivayat Accompanying the Dādestān ī Dēnīg*,and the *Ērbadestān*,supply additional information, which also helps us understand certain complicated passages on slavery in the *Mādayān.* Another legal compilation made for the Christians in Sasanian Iran, the law book of Īšōʿboxt—extant only in a Syriac translation of the Persian original—provides material on the status of slaves in the Christian communities of Iran, in which Sasanian legal norms had been adopted insofar as they were compatible with Christian religious views.

The most commonly used expressions designating slaves in the Middle Persian sources are *anšahrīg,* literally “foreigner,” and *bandag,* literally “bound.” The latter term does not exclusively designate the slave (in the sense of an unfree person having no or only limited legal and civic rights), but is used of every subject of the sovereign, regardless of his social rank and standing as in the phrase *šāhān šāh bandag* “subject of the king of kings.” This use of the word, which calls attention to the fact that each subject was absolutely submitted to the will of the sovereign, is well known in Old Persian (cf. Darius’s *manā ba*^{n}*daka* in the Behistun [Bīsotūn] inscription). Similarly the *ātaxš-bandag* or *ādurān-bandag* “slave of a fire temple” was not a slave in the real sense of the word, but a free person dedicated to the service of a Zoroastrian fire temple, and who had—unlike the slave—complete citizen’s rights.

Another expression of an ambiguous nature, *tan,* lit. “body,” is used in the *Mādayān* to designate a person who is given for a certain time as security for a debt to the creditor and kept by him in bondage for the arranged period of time. The person given as security could be a relative of the debtor (pt. 1, 57.15; the son is named) or a warrantor *(pāyēnān/pāyandān),* who assumed personal, lit. “physical,” liability *(pad tan* “with his body”) for the debt and could be enslaved by the creditor if the debtor failed to discharge the loan. It is not quite clear whether the term *tan* was also used in general to designate the slave, e.g., in the *Dēnkard* passage (Madan, p. 719.13) *abar girān wināhīh ī tan (ī) ēr ō anēr abespurdan* “On the grave offense of delivering an Iranian “body”

(= slave?) to a non-Iranian." A similar statement occurs in the *Mādayān* (pt. 1, 1.13-15) with the unambiguous *anšahrīg: anšahrīg ō ag-dēnān frōxt nē pādixšāy* "One is not entitled to sell a slave to infidels." Despite the similarity between the two passages, it is not unlikely that the expression *tan* was used in the *Dēnkard* sentence in the general sense of "person" or, as elsewhere in the *Mādayān,* in the narrow sense of a person having only limited legal capacity, which could apply not only to slaves, but also to women and minors. It is not certain, whether other terms of an ambiguous nature, such as *rahīg* "youth, young man, servant" (cf. NPers. *rahī* "slave") and *wīšag* "people, plebs," lit. "belonging to a *vis*" (cf. Khotan-Saka *bīsa*-"servant, slave") were also used in the special sense of "slave." The context in which these two expressions occur in the *Mādayān* (pt. 1, 92.10 and pt. 2, 40.3, 5) gives no clue as to their exact meaning.

As in other societies of antiquity, the original source of slaves was probably war, which is apparent in the most commonly used expression *anšahrīg* "outlander." The *Mādayān* also mentions other sources, such as the sale of children by their fathers (pt. 1, 33.13-17) and the enslavement of persons given as security for a debt to the creditor for a limited period of time, as already described above (pt. 1, 57.12-58.3). Descent from a slave was another factor, which could—but did not invariably—lead to slavery. In a short and unfortunately not very precisely formulated article (pt. 1, 1.2-4) we are informed that "up to the reign of Wahrām" only children whose fathers were slaves had the status of slaves, not those whose mothers were kept in bondage, i.e., the offspring of slave women and free men had the status of free persons. (There were altogether five rulers named Wahrām. The last one reigned from 420 to 439. Since the compilation of the *Mādayān* must have been completed after the reign of Ḵosrow Anōšīravān, i.e., after 579, any one of the rulers named Wahrām could be meant. Although there are no clues in the text as to which sovereign is referred to, it seems probable that the compiler meant the ruler closest to his own time, i.e., the last Wahrām.) The article continues with an explanation of this regulation by quoting the words of the well-known Avesta commentator and jurist Sōšāns (second half of the third century), who declared that "the child belongs to the father" (*waccag pid xwēš*)and therefore receives the status of the father. Obviously juridical opinion as to the status of slave children changed after the reign of the above-mentioned Wahrām and at the time of the compilation of the law book, since the sentence ends with the statement "now they (i. e., the jurists) say that (the child belongs to) the mother" *(ud nūn gōwēnd kū mād).* From this last passage we may conclude that

in this period, as opposed to “up to the reign of Wahrām,” children whose mothers were slaves also had the status of slaves, even if they were the offspring of union with free men.

Although the slave was regarded in Sasanian law mainly as an object of right, he could be to a certain limited extent also a subject of right. In this respect Sasanian legal praxis did not differ substantially from that of other societies of antiquity. Though the slave was defined as a “thing” (*xwāstag*), it could not be easily ignored that he possessed human faculties, which set him apart from other objects or animals. The human nature of the slave, his possession of reason and speech, made it difficult to place him completely into the category of “things,” especially since the slave’s capacities could be and were used to the master’s advantage. The same double standard in legal thinking is reflected in the juridical norms of all societies of antiquity: the slave was incontestably looked upon as a possession; however, he belonged to the special category of “animated possession,” as Aristotle defined it and was thus also regarded as a person. In Sasanian law limited legal capacity could be conceded to the slave, while he remained at the same time an object of right.

Several cases in the *Mādayān* illustrate the double status of the slave, as object and person, while others deal with him exclusively as a possession. Two articles explicitly designate the slave as a “thing” (pt. 1, 64.9-14; 69.3-9); many others describe him as an object of transactions on the part of the owner: He could be sold, leased, and given away as a gift. He could also serve as security for a loan and be given to the creditor as a pawn (*graw,* pt. 1, 39.2-5, 5-9). Different grades of slave ownership were possible: The slave could belong wholly to one master or be the joint property of two or more persons, each of whom as co-proprietor (*bahr-xwēš*) was entitled to dispose of him according to his theoretical share. Ownership of a slave could also be transferred to another man for an arranged period of time, for example, every second year, the formula for which is given in the law book as “I give this slave to Mihrēn (i.e., such-and-such a person) (to own) for one year every second year” (*kū-m ēn anšahrīg har dō sāl ēw sāl ō Mihrēn dād*; cf. pt. 1, 69.3-6). The slave’s income (*windišn*)belonged to the master, who could dispose of it according to his will and also transfer it separately from his slave to a third party (pt. 2, 2.11-14). Slaves are also mentioned who had the status of *glebae adscripti,* who were bound to the soil and were alienated together with the land (*dastkard*)on which they worked (pt. 1, 18.9-10; pt. 2, 36.16-37.1).

Although in all these cases the slave is described as a “thing,” the legal rights of

the slave owner in respect to the treatment of this "thing" were restricted, which placed the slave on a somewhat different level from other objects or animals in the lawful ownership (*xwēšīh*) of his master. Sasanian law prescribed a penalty *(tāwān)* for cruel treatment and mutilation of slaves (and incidentally women, who were dealt with as subordinate persons with only very limited legal rights), thus protecting them to a certain extent from arbitrary acts on the part of the owners (pt. 1, 1.4-6). It was also forbidden to sell a Zoroastrian slave, whose right to practice his religion was ensured by law, to an infidel. In this case both parties involved in the transaction, the slave owner and the purchaser, were treated as thieves and received the punishment prescribed for theft (*drōš,* pt. 1, 1.13-15). A slave converted to Zoroastrianism could leave his infidel owner and become a "subject of the king of kings," i.e., a free citizen, after having compensated his previous master. An important passage in the *Ērbadestān* indicates that even a loan (*abām*)was granted (probably by a religious institution) to the slave for this purpose (ed. Kotwal and Boyd, 12v. 11-15).

The slave's human faculties were fully allowed in litigation: He could appear in court not only as a witness, but also as a plaintiff or a defendant in civil suits, particularly those involving disputes over ownership of the slave himself. The double status of the slave as object and subject of right is perfectly illustrated in several articles, which leave no doubt that the slave was accepted as a legal person in court, while remaining at the same time in the category of things. For example, in one law case (pt. 1, 107.9-12) the plaintiff (*pēšēmār*)declares that the defendant (*pasēmār*)against whom he addresses his suit is his slave, i.e., he brings action for the return of his property by suing the thing itself. The slave in this case does not claim to have been manumitted, but declares that he is the property of another man. Although the slave is a party to the suit and therefore a subject, recognized as a legal person in court, his unfree status notwithstanding, he appears at the same time by his own declaration as the property of a third party, i.e., as an object.

Limited legal capacity could also be conceded to the slave by his master. It was possible for the slave owner to assign to his slave the right of disposal over his own income (*pad windišn pādixšāykard*), i.e., to grant him a peculium, thus also enabling him to receive gifts from a third party (pt. 2, 3.6-13). Normally the slave had no capacity for acquisition; a gift from a third party could only be handed to a slave when his master renounced his right of ownership (pt. 1, 106.1-4). Unfortunately it is not made clear whether the power of disposal over

his income enabled the slave to undertake obligations in his own right with or without further authorization on the part of the master. An article in the law book of ʿĪšōboxt confirms the legal right of the slave to dispose of his peculium according to his will. However, law in the Christian communities may have differed in this respect from Zoroastrian law (cf. Sachau, p. 139, par. 16). Even if it were possible for the slave to receive active legal capacity in relation to his peculium, it still remains uncertain whether he had the unrestricted right to enjoy the fruit. In the case cited above (*Mādayān,* pt. 2, 3.6-13) a slave who belongs to two masters is granted the power of disposal over his income by one of the masters, hence also the right to acquire one-half of a gift transferred to him by a third party. The other half belongs to the master, who has not authorized the slave. However, if the title (*nāmag*)to the gift results in opening a new source of income for the slave, the latter master is fully entitled to dispose of the profits.

A slave could receive his freedom from his master by the legal act of manumission. He could be completely liberated, or receive only partial liberation, i.e., be freed to a certain extent (one-half, one-third, one-tenth), which was usually the case when the slave was the joint property of several masters one (or more) of whom gave the slave freedom in relation to his theoretical share. However, it was also possible for one master to whom the slave wholly belonged to manumit him to a limited extent (pt. 1, 103.4-6). Children of a slave who was partially liberated were also free to the same extent as their parent (pt. 1, 1.6-7). A slave who converted to Zoroastrianism and had a non-Zoroastrian master had the right to buy his freedom on his own initiative, as already mentioned above. On the other hand, if a slave embraced Zoroastrianism after his infidel master had already converted, he lost his legal right to manumission once and for all (pt. 1, 1.16-17). After being given a certificate of manumission (*āzād-hišt*), the slave became a free man, a “subject of the king of kings.” Legal authorities had different opinions on the possibility of re-enslaving a freedman. Unfortunately the article in which they are presented (pt. 1, 20.7-10 = 31.15-32.1) gives no clue as to the circumstances: In the opinion of the jurist Rad-Ohrmazd, a return to slavery was possible.

Slaves who were dedicated to a Zoroastrian fire temple were divided into two categories in the Sasanian law book: (a) the *anšahrīg ī ātaxš,* who was—as we may deduce from the very sparse information on temple slavery—a slave in the true sense of the word, i.e., a person with no (or only very limited) legal rights, whose labor was probably mainly used on the temple estates, and (b)

the *ātaxš-bandag* or *ādurān-bandag,* who was a free person, even of noble origin, and only a "slave" in the metaphorical sense of the word, insofar as he was religiously "bound" to the fire. One of the most prominent figures in Sasanian history, the grand vizier (*wuzurg-framādār*) Mihr-Narseh, was given by King Wahrām V (421-39) to the fire temple of Ardwahišt and that of Afzōn-Ardašīr, where he served as an *ātaxš-bandag* for several years. During the reign of Yazdegerd II (439-57) he was punished for an offense he committed in his capacity as "fire slave" by being transferred to the royal estates (*ōstān*), where he worked up to the reign of Pērōz (459-84), who in his turn—after conferring with the *mōbedān mōbed* Mardbūd and other persons in his council—gave him to the service of the fire temple of Ohrmazd-Pērōz (pt. 2, 39.11-17). However, not all "fire slaves" were of most noble origin; a freedman could also be given to the *ātaxš*-or *ādurān-bandagīh,* i.e., religious service of a fire temple by his master, who had liberated him previously for this purpose. A partially manumitted slave could only serve as an *ātaxš-bandag* to the extent in which he was set free (pt. 1, 103.4-6). A man could also dedicate his wife and children to the service of a sacred fire, as we learn from the above-named Mihr-Narseh (pt. 2, 40.3-6).

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