



BŪDAG

BŪDAG, a Middle Persian philosophical and legal term with specialized meanings. Formally it is a nominal derivative in *-ak/g* of the perfect participle of *būdan* “to become,” meaning “be/become (liable), becoming.”

The philosophical aspect. *Būdāg* occurs in Mazdean theological and philosophical texts in the sense of “material becoming, genesis,” the counterpart of *āfrīdag* “spiritually/ideally created,” cf. *Čīdag handarz ī pōryōtkēšān*, par. 2: *āfrīdag hom nē būdag* “I am spiritually created, not materially fashioned.” In syncretistic Mazdean cosmogony, explicating the Aristotelian process of becoming and evolution of the material world, *būdāg* is attested as a calque on Greek *genesis*. The *Dēnkard* has preserved two important philosophical passages in which Being (Mid. Pers. *bawīšn*), identified with the generative principle of the material world, and its two ensuing Forms (Mid. Pers. *dēsag*), i.e., the elements (Mid. Pers. *zahāgān*) and the four complexions or humors (Mid. Pers. *ristagān*), are referred to as *būdāg*: *bawīšn xwad hast tōhmagān tōhmag ī gētīg, bun būdag, ī az rah* “Being in itself is the substratum par excellence of the material world, the primeval becoming, which (arose) from the firmament” (*Dēnkard*, ed. Madan, I, p. 207); *tōhmag ī gētīg būdag ī az dādār āfurišn ud dahišn pad rah ōz ud abzārīh. u-š nām bawīšn ud pad nāmčīšt garm-xwēd, bun gētīg-dahišnān, mādag-iz dānīhēd. u-š dēsag ī fradom būdag ī pad dādār paymānkārīhā az bawīšn, u-š dēnīg nām bawīšn-rawīšnīh, u-š (pad) nāmčīšt čahār zahāgān ī hēnd wād, ātaxš, āb, gil, bun gētīgān čīhr. ud dēsag ī didīgar būdag ī pad dādār frazānagkārīhā az bawīšn-rawīšnīh, u-š dēnīg nām bawīšn-estišnīh, u-š pad nāmčīšt čahār ristagān*



āmēzišn ī zīndagān “The substratum (lit. seed) of the material world is (the primal) becoming, which (arose) from the ideal and material creation of the creator through the power and by the instrumentality of the firmament; and its name in the Religion is Being. It is specifically the hot-moist, the primeval principle of material creations; it is also considered to be Matter. And the Form of its first becoming (arose) from Being through the creator’s moderating activity, whose name in the Religion is the movement of Being. It is specifically the four elements, which are Air, Fire, Water, and Earth, the origin of the essence of the material objects. And the Form of its second becoming (arose) from the movement of Being through the creator’s wise dispensation; its name in the Religion is the actualization of Being. It is specifically the four complexions (or humors) of the living (creatures)” (*Dēnkard*, ed. Madan, I, pp. 120-21).

The interpretation of these passages by Bailey (pp. 82f.), Zaehner (p. 142), de Menasce (1968, pp. 194-96, and 1973, pp. 125, 201), and Shaki (1970, pp. 280-83) contain various misapprehensions notably in respect of *būdāg*.

The legal aspect. In Western legal terminology *būdāg* may be rendered by “liable, -at-law, obligated” in accordance with the legal status of the person concerned in reference to family guardianship (*dūdāg-sālārīh*) and *stūrīh* (q.v.). The term implies “who has become liable” either by blood or by familial obligation or as a result of an antecedent contract for the assumption of guardianship or *stūrīh*. Juridically three categories of guardians and *stūrs* are distinguished by Sasanian law: *būdāg*, *kardāg* “designated” (i.e., by the deceased himself in his lifetime), and *gumārdāg* “appointed” (i.e., by the members of the family, preferably from among the nearest agnates, in default of the first two categories). Therefore, in contrast to the other callings, a *būdāg* person is liable for undertaking his responsibility automatically without a formal disposition. Each of these callings has its own specific legal and proprietary rights. Zoroastrian law reckons the following as *būdāg* guardians: a “legitimate” son (*pus ī pādixšāyīhā*), who has come of age (i.e., is fifteen years old), an associate brother (*brād ī hambāy*), an adopted son (*pus ī padīriftag*), and a designate *stūr* (*stūr ī kardāg*; *Mādayān*, pt. 1, p. 26). Thus, a legitimate son as a direct and immediate progeny by right of successorship and an associate brother for his close agnatic relationship as well as his binding duty to administer the joint holding are guardians-at-law, and an adopted son and designate *stūr* become “liable” for family guardianship by virtue of their contracts concerning adoption and *stūrīh*.



Instances of *būdāg stūrs* are given in the *Dādestān ī dēnīg* (chap. 57) as one's legitimate wife (*zan ī padīxšāyīhā*) and an *ayōkēn* daughter: *stūr ī būdag ēdōn čēōn zan ī pādīxšāyīhā ad duxt ī ayōk-hē kē pad xwad estišnīh stūr* "A *stūr*-at-law is such as one's legitimate wife or an *ayōkēn* daughter who is liable for *stūrīh* by her own status." Since a *pādīxšāyīhā* wife is also reckoned as an *ayōkēn*, the concept of *būdāgīh* is tantamount to *ayōkēnīh* in several cases.

A *būdāg*, unlike a *gumārdag* (appointed) guardian, may transfer the guardianship to a third party and the property settled on him passes into his absolute ownership and comes down to him by inheritance, whereas an appointed guardian has to hold in usufruct the capital (*bun*) from the profit of which he draws his stipend.

Following Pagliaro (p. 64) other authors, such as de Menasce (1964, p. 35) and Perikhanian (1973, glossary s.v., and 1970, p. 355), have rendered *būdāg* by "natural," which neither as a juridical term nor in its current usage expresses the legal import of the calling.

BIBLIOGRAPHY

Texts: *Čīdag handarz ī pōryōtkēšān*, ed. M. F. Kanga, Bombay, 1960.

Dādestān ī dēnīg, chap. 57, ms. K 35, ed. A. Christensen, in *Codices Avestici et Pahlavici III*, Copenhagen, 1934, p. 203.

Dârâb Hormazyâr's Rivâyat, ed. M. R. Unvala, Bombay, 1922, I, p. 175.

Mādayān ī hazār dādestān, pt. 1, ed. J. J. Modi, *Mādigân-i-hazâr Dâtistân* (facs. of fols. 1-55), Bombay, 1901.

The Pahlavī Rivāyat of Āturfarnbag and Farnbag Srōš, chap. 27, ed. B. T. Anklesaria, Bombay, 1969, p. 18.

Rivāyat ī Ēmēd ī Ašawahištān, chap. 5, ed. B. T. Anklesaria, *Rivāyat-ī Hēmīt-ī Asavahištān*, Bombay, 1962, pp. 12-22.



Studies: H. W. Bailey, *Zoroastrian Problems in the Ninth-Century Books*, Oxford, 1943.

J. de Menasce, *Feux et fondations pieuses dans le droit sassanide*, Paris, 1964.

Idem, "Un chapitre cosmogonique du Dēnkart," in *Pratidānam. Indian, Iranian and Indo-European Studies Presented to F. B. J. Kuiper*, The Hague, 1968.

Idem, *Le troisième livre du Dēnkart*, Paris, 1973.

A. Pagliaro, "Note di lessicographia pahlavica," *RSO* 23, 1948, p. 64.

A. Perikhanian, *Sasanidskiĭ sudebnik (Mātakdān ī hazār dātastān)*, Yerevan, 1973.

Idem, "Some Pahlavi Legal Terms," in *W. B. Henning Memorial Volume*, ed. M. Boyce and I. Gershevitch, London, 1970, pp. 349-57.

M. Shaki, "Some Basic Tenets of the Eclectic Metaphysics of the Dēnkart," *Archív Orientální* 38, 1970, pp. 277-312.

Idem, "The Sasanian Matrimonial Relations," *Archív Orientální* 39, 1971, pp. 322-45.

Idem, "A Few Philosophical and Cosmogonical Chapters of the Dēnkart," *Archív Orientální* 41, 1973, pp. 133-64.

R. C. Zaehner, *Zurvan. A Zoroastrian Dilemma*, Oxford, 1955.

Search terms:

□□□□ budag bodag