



ČAKAR

ČAKAR, a Middle Persian legal term denoting a widow who at the death of her “authorized” (*pādixšāyihā*, q.v.) husband without issue was obliged (see *ayōkēn*; *būdag*) to enter into a levirate marriage (*čakarīh*) in order to provide him with male offspring (*frazand*). (The *pādixšāyihā* marriage, as against *stūrīh/čakarīh*, is *cum manu marito*, i.e., the legal union of a husband and wife enjoying the relevant rights and obligations of lawful wedlock.) The institution of *čakarīh* was, therefore, a special case of *stūrīh* (q.v.) that may be termed “levirate” and not a distinct type of marriage, as some authors have presumed (see below). However, in contrast to the Jewish levirate, when there were no near agnates, the widow could institute a *čakarīh* with any eligible person by appointment (*gumārdagīhā*; see *būdag*). In such a union the wife, husband, son, and daughter are respectively called *zan*, *šōy*, *pus*, and *duxt ī čakarīhā* (for which some late manuscript copies have only *čakar*). In Zoroastrian family law, if the authorized husband passes away without leaving male issue, his successorship devolves upon his authorized wife (*widerd ān mard ān zan šōy abar mānēd*; *Mādayān*, pt. 1, p. 97.7-11), that is, it would be incumbent upon his widow to institute a levirate marriage in order that the begotten *čakarīhā* son might maintain his deceased father’s lineage and name and administer his property (*kē pad ān ī ōy nāmagānīh ud *paywand rāyēnēd ud xwāstag dārēd**, *Dādestānī dēnīg*, ms. K 35, p. 201); and finally to ensure that he had a son by *čakarīh* to help his soul cross the *Činwadpuhl* “the separating bridge” (*Wizīrkard ī dēnīg*, 2.6,17). Hence, only a fruitful (*barwar*) widow would become liable for remarrying as a *čakar*, in which case, according to one provision of the law (*Mādayān*, pt. 1, p. 49), she would be bound by duty to



keep up her *čakarīh* marriage until the age of seventy (for “fifty”?). It was a serious crime (sin) for a man consciously to marry a woman who was under the obligation of *čakarīh* in an authorized marriage; if he were to conclude such a marriage he would be guilty of sin to the degree of one *tanāpuhl* (q.v.), and if the marriage were to endure, he would become “worthy of death” (*marg-arzān*) within a year (*Rivāyat ī Ēmēd ī Ašawahištān*, chap. 21). Although *čakarīh* was a *sine manu* marriage and the *čakar* wife was “in no need of any statement concerning her divorce, since she is divorced by her own status (*pad xwad ēstišnīh abēzār*)” (ibid.), the dissolution of *čakarīh* before an heir to the deceased had been provided was considered a deadly sin, ranked as *marg-arzānīh* (*Pahlavi Rivāyat*, pp. 122-23). However, after the widow had given birth to the desired offspring, the *čakarīh*, though not the guardianship over her, could be brought to an end (*Mādayān*, pt. 1, p. 48). According to a singular point of family law, an authorized husband could even in his lifetime establish a *čakarīhā* marriage in his own favor by saying to his wife: “I have made you your own guardian and given you freedom over your own person,” in which case “she has not been divorced but authorized to marry a *čakar* husband” (*Mādayān*, pt. 1, p. 3). A widowed mistress of the household (*kadagbānūg*) who was not under guardianship (*sālārīh*) was free to cohabit with a man of her own choice, whereupon he would be appointed her guardian. The institution of *čakarīh* did not involve any proprietary rights or claims, nor did it put either party under any special legal obligation other than their obligatory cohabitation and endeavor to produce the desired offspring and the *čakar* wife’s submission to and reverence (*tarsagāhīh*) for the *čakar* husband, who was at the same time her guardian. The management of *čakarīh* by the *čakar* husband was financed from the estate of the deceased for whom the levirate was created. The stipend of the *čakar* husband depended on his legal status or category. The property settled on a designate (*kardag*) *stūr* (see *būdag*; *stūr*) (i.e., a person designated by the deceased himself in his lifetime or by a testamentary disposition to assume the conduct of his *čakarīh/stūrīh*) came to him by inheritance in full ownership. For the near agnates, who were liable (see *būdag*) for the assumption of *čakarīh* and were entitled to a share of inheritance from the estate of the deceased, no remuneration was considered. If there were no near agnates, the minimum amount required to establish *čakarīh* by appointment (*gumārdagīhā*; see *būdag*) was a profit-yielding capital of 60 *stērs*, which was to be held in usufruct. The capital was entailed on the family (*dūdag*) of the deceased for the management of *čakarīh* and had to be delivered to the son born as his successor upon his coming of age. For less than this amount the creation of *čakarīh* was, according to the majority of



juridical cases, not binding upon his relatives. However, once such a marriage had been instituted, an indigent *čakarīhā* father was to be maintained from the private resources (*wāspuhragān*) of the *čakarīhā* wife and children, which was supposed to be reimbursed by the *čakarīhā* father (*Mādayān*, pt. 1, p. 32). Reciprocally, those *čakarīhā* children who could not be supported by the family were to be maintained by their *čakarīhā* father (*Mādayān*, pt. 1, p. 32). Neither member of the *čakar* couple had the right to inherit the estate of the other; the *čakar* children succeeded only to the legacy left by their mother.

The Zoroastrian jurisconsults were divided on the legitimacy or propriety of changing the status of *čakarīh* into that of *pādixšāyīhā* by adoption. It was practiced by the office of *mōbeds* at Dārābgerd (*Mādayān*, pt. 1, p. 70) and conceded by Pusānweh, son of Burzādur-Farrbag, and Māhdād-Gušnasp, son of Yazdānabzūd, but it was disputed by the office of *mōbeds* of Ardašīr--Xwarrah (*Mādayān*, pt. 2, p. 40).

If the *čakarīhā* wife passed away leaving only a daughter, all the estate of the mother and the obligation (*ayōkēnīh*) of *stūrīh* for the deceased authorized father descended to her. On the death of the *čakar* father, if there were two surviving daughters, the eldest succeeded to the *ayōkēnīh* of the authorized father, whereas the other, if unmarried in the lifetime of the *čakar* father, became eligible to assume the *stūrīh* of the *čakar* father by appointment. A *čakar* father who had no *pādixšāyīhā* children was, by virtue of his “natural” paternity, conceded certain “preferential” rights in regard to his own *stūrīh* by his *čakar* children, which are circumstantially treated in the *Rivāyat ī Ēmēd ī Ašawahištān* (chap. 23).

Following the *Persian Rivayats* (I, p. 180), which erroneously advance five types of Zoroastrian matrimonial arrangements, some authors have wrongly considered *čakarīh* a discrete type of marriage and misapprehended the legal term *čakar*. W. E. West took *zan ī čakar* as “serving wife” (*Sacred Books of the East*, vol. 18, p. 189), which is its New Persian meaning rather than its Middle Persian, juridical, denotation. C. Bartholomae interpreted *čakar* as “Nebenfrau” (*Zum sasanidischen Recht* I, p. 32) and was followed by J. C. Tavadia, who translated it “subordinate wife” (*Šāyast nē šāyast* 10.21). J. de Menasce (p. 7) confined his description of the term to its difference from that of authorized (*pādixšāyīhā*): “une femme qui n’est pas *pādixšāyīhā* (selon le droit, légitime au sens plénier).” M. Macuch explains *čakar* as “Hilfsehe” (p. 7).



Middle Persian *čakar* is, in the opinion of the present writer, derived from Indian *chakra*– “boy (slave)” (see R. L. Turner, *A Comparative Dictionary of the Indo-Aryan Languages*, London, 1966, I, p. 279); cf. NPers. *čāker* “humble servant, bondman,” Ossetic *cayar* “slave.” Bartholomae’s derivation of the word from Av. *čarāitī*– “young woman” (*AirWb.*, col. 581), as well as K. Brugmann’s suggested derivation from a reduplicated form of *kar*– “do” (*Grundriss* II, 2a, p. 425), followed by Perikhanian (1970, p. 357), are untenable.

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