



CITIZENSHIP II. IN THE SASANIAN PERIOD

CITIZENSHIP

ii. In the Sasanian Period

In the Sasanian period citizenship was closely bound up with the individual's social class, sex, and religious and ethnic affiliation. It encompassed a wide range of civil rights, of which only the main features distinguishing the various levels of society are treated here.

Socially and legally a wide gap separated the Iranian aristocracy from the lower social ranks and the freeborn from the bondman (see [barda and bardadārī](#)). What is known of the Sasanian code of law is generally related to juridical decisions involving the latter two categories (see [class system](#)).

The Middle Persian term for subject or citizen is *šāhān šāh bandag* (lit. "slave of the king of kings"), an expression traceable to Achaemenid times and employed in reference to all free male residents of the realm without distinction of rank or class (*Dādestān ī denīg*, chap. 56, p. 202; *Mādayān*, pt. 1, pp. 20, 30; cf. *banda*). It is also to be understood in expressions like *dehgān ī šāhān šāh* "landowner (subject) of the king of kings [i.e., Iranian subject]" (*Mādayān*, pt. 1, p. 1). In Middle Persian legal texts the common term for a citizen of the lower ranks is *mard/zan ī šahr* "male/female citizen," with which perhaps *hamāg šahr *mardān* (lit. "all the men of the realm") in Narseh I's



inscription at Paikuli (ed. Humbach and Skjærvø, III/1, p. 32) should be compared; *šahrīg* (pl. *šahrīgān* in *Mādayān*, pt. 1, p. 78), meaning “indigenous, native,” as in *asp ī šahrīg* “a native horse,” is also used. Iranian citizens are called *ērān* or *Ērān šahrīgān* (Nyberg, *Manual* I, p. 118), as opposed to “non-Iranian subjects,” *anērān šahrīgān*. A subject indigenous to a particular province is designated *ādehīg* “fellow countryman,” in contrast to *uzdehīg* “foreigner” (*Mādayān*, pt. 1, pp. 44, 48; *Dēnkard*, ed. Madan, II, pp. 707-08; ed. Dresden, pp. 294-293; tr. West, pp. 55-56; the latter term does not imply a loss of civil rights, as suggested by A. Perikhanian, p. 634).

The exclusive Sasanian class system had created an insuperable barrier between the privileged classes, on one hand, and the peasantry, artisans, merchants, physicians, and the like, on the other. The nobility, with their lineage claims, vast properties, and harems and multiple wives, were generally free of all taxation (Christensen, *Iran Sass.*, pp. 98, 105), whereas the clergy, military leaders, scribes, and others in the immediate service of the king constituted a second level of the social hierarchy, which was exempt from the poll tax (Christensen, *Iran Sass.*, p. 362). The majority of the population consisted of free men (see [class system](#)) on whom both land and poll taxes were levied. They were restricted to one or, in rare instances, two wives each and to ownership only of small plots of land. Their social status is revealed in the numerous precepts enjoining them to save no more than 300 *stērs*, allegedly enough for a comfortable life (*Pahlavi Rivayat*, p. 123); anyone who possessed more than that sum was forbidden to hunt for food (*Šāyest nē šāyest*, p. 105). A passage in the *Dēnkard* (ed. Madan, II, p. 551; ed. Dresden, p. 397; tr. Shakes, p. 59) cautions against excessive wealth or too much nourishment, and the people are repeatedly enjoined to defer to the nobles (*Handarz ī Ādurbād ī Mahraspandān* 4, in *Pahlavi Texts*, p. 58) and admonished not to curse their rulers, who keep watch over them and mete out goodness (*Handarz ī Ādurbād ī Mahraspandān* 4, in *Pahlavi Texts*, p. 67).

The legal status of freeborn women and minors was even more restricted. Whereas women of noble birth could rise even to the highest office of the state (e.g., Dēnak, wife of Yazdegerd II (438-57) and mother of Hormozd III (ca. 457-59), and *Bōrān* and *Āzarmīgduxt*, daughters of Kōsrow II, all of whom reigned as queen of queens), lower-caste women were traditionally regarded in law as a kind of property (*xwāstag*), with an average price set at 500 *stērs* (*Mādayān*, pt. 1, p. 12), or one *wīr-masāy* “man-sized (price).” This amount was supposed to be offered as marriage portion. Instruction in religious precepts



was not binding on women, and a woman's refusal to marry rendered her "worthy of death" (*marg-arzān*; *Šāyest nē šāyest*, p. 139), a fate that did not befall a man in the same position. The social status of women must have been gradually improving, however, for there is evidence of controversy among the jurists on certain issues relating to it (Bartholomae). For example, Pusānweh ī Āzādmardān decreed that testimony was admissible if presented by two women (*Mādayān*, pt. 1, p. 98), in contravention of the orthodox law (*kardag*) that "women, minors, and slaves are ineligible to stand witness in a court of law" (*Mēnōg ī xrad, pursišn* 38.37; ed. Anklesaria, p. 115; ed. Sanjana, p. 59). According to another opinion, a woman who was her own guardian could give evidence and even sit in judgment (*Dēnkard*, ed. Madan, II, p. 708; ed. Dresden, p. 293; tr. West, p. 58); she was also entitled to the absolute ownership of property that had come to her by marriage (*Mādayān*, pt. 1, p. 4; *Persian Rivayats*, ed. Unvala, I, pp. 50, 56). A wife could be given by her husband to another coreligionist in marriage or *stūrīh* (q.v.; marriage by proxy), even against her will (*Mādayān*, pt. 2, p. 9), but a maiden could not be married without her consent (*Mādayān*, pt. 1, p. 36). Jurists also disagreed about the validity of a marriage contracted without the sanction of the woman's father or guardian. Orthodox law did not concede the propriety of such a marriage, but more liberal-minded jurists approved it. In traditional law such a marriage would have resulted in the loss of the husband's paternal legitimacy and right to filial duty from the issue but not of the civil rights of any of the parties; nor would the father's duty to care and provide for his children have been abrogated (*Rivāyat ī Ēmēd ī Ašawahištān, pursišn* 43, pp. 161-62). Marriage, whether *pādixšāyīhā* (q.v.; authorized) or *stūrīh*, had to be contracted between parties in the same social class and even subclass (*Mādayān*, pt. 2, p. 14; *Tansar-nāma*, ed. Dehḵodā, p. 1630; Shaki, 1987, p. 192). A nobleman who concluded a morganatic marriage forfeited his claim to his inheritance (*Letter of Tansar*, tr. Boyce, p. 44) and thus his privileged civil status.

All children, whether born in lawful wedlock or not, were entitled to support from their fathers during their minority (*Mādayān*, pt. 1, p. 36). In some respects the legal status of minor children was very similar to that of slaves, however, for under adverse circumstances the father could sell them into slavery or put them up for adoption (*Mādayān*, pt. 1, pp. 33, 69; Shaki, 1971, p. 337; see also [children](#)).

A large proportion of the Middle Persian legal texts deals with slavery and slaves, who constituted a vast class of noncitizens in Sasanian society. Various



categories of bondman, each having a specific social status, were recognized (see [class sytem](#)): *bandag* literally “bound,” *anšahrīg* literally “outlander,” *wardag* literally “captive,” *tan* literally “body” (see [barda and bardadārī](#)). Although the slave was reckoned as property, with an average price comparable to that of a woman, 500 *stērs* (*Mādayān*, pt. 1, pp. 12, 33; *Vidēvdād* 4.2), he nevertheless had certain rights. A Persian slave could be partly (one half, one tenth, and so on) free and could thus gradually buy himself out of slavery from his own income. The rather benign patriarchal attitude prevailing in Sasanian society somewhat alleviated the severities of slavery, in that slaves were accorded significant rights. In instances of ill treatment or legal disputes, for example, slaves were entitled to bring actions against their owners (*Mādayān*, pt. 2, p. 31). A manumitted slave became a subject of the king of kings (*šāhān šāh bandag*) and, according to the jurist Syāwaxš, could not again be reduced to slavery (*Mādayān*, pt. 1, p. 20). In some parts of Persia, however, an enfranchised slave remained the client of his former owner, who had a right to inherit his property, a circumstance that continued in the early Islamic period (Yišō‘-boxt, III, p. 178).

Throughout the Sasanian period there were various heretical sects, groups of nonconformists, refractory elements, freethinkers, and atheists whose civil status must be surmised from censorious statements in texts, in the absence of more satisfactory documentation. There were injunctions to oppose and even to fight with heretics (*Dēnkard*, ed. Madan, II, p. 719; ed. Dresden, 284; tr. West, p. 72), who were to be beaten and killed like wolves (*Dēnkard*, ed. Madan, II, p. 652). Nevertheless, numerous surviving accounts of disputations between orthodox *mowbeds* (religious leaders) and heretics recounted in the beginning chapters of *Dēnkard* (bk. 3) cast some doubt on the effectiveness of such rigorous injunctions. Only when the so-called “arch heretics,” the Mazdakites (properly *drīst-dēns*), after several centuries of toleration, threatened to subvert the foundation of Sasanian aristocracy were they outlawed and relentlessly persecuted (see *drīstdēnīh*). As for the Manicheans (*zandīgs*), it is explicitly stated that their property should be confiscated and transferred to the royal treasury under the “royal decree concerning instructions for (the management of) the state” (*Mādayān*, pt. 2, p. 38). Instances of blasphemy (*yazdān dušmenīh*), disloyalty to the sovereign (*xwadāy dušmenīh*), and atheism (*anhast-gōwišnīh*) were tried, recorded, and punished, apparently by death (*Mādayān*, pt. 2, p. 34). Yet, according to the evidence of Paulus Persa (cited by Casartelli, tr. JamaspAsa, p. 1; Shaki, 1970, p. 297) and Borzūya (*Kalīla wa Demna*, pp. 48-49), in the time of Ƙosrow I (531-79) Persia was rife with



various materialist and nonconformist views.

Non-Zoroastrian citizens of Persia (*ag-dēnān* “people of evil religion”), mainly Christians (Asmussen, pp. 928-29) and Jews (Neusner, pp. 911-12), who had enjoyed great liberty and autonomy in Parthian times, were forced to adopt all Sasanian legal norms except *stūrīh* and the maintenance of lineage (*Mādayān*, pt. 1, pp. 60-61; Shaki, 1974, p. 332; Yišo‘-boxt, III, pp. 99, 309). Throughout the Sasanian period their franchise was subject to religious caprice, depending on the lenience or fastidiousness of successive sovereigns. Nonetheless, many non-Zoroastrians and foreigners are known to have attained the rank of court attendant or royal physician because of personal merit; Jewish or Christian women were often taken as royal consorts, though the Zoroastrian common people were advised against coming into contact with them, in order to guard against the polluting of fire and water (*Dēnkard*, ed. Madan, II, pp. 703-04; ed. Dresden, p. 297; tr. West, pp. 51-52). Despite recurrent harassment and persecution, especially the gruesome massacres of Christians under Šāpūr II (309-79) and Jews in the mid-5th century, religious minorities were generally permitted to perform their rites freely and not restricted in their civil rights.

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