



DĀD (1)

DĀD (Av. *dāta*– “law, right, rule, regulation, statute, command, institution, decision” [AirWb., col. 726]; Mid. Pers. *dād* “law, canon, regulation, rule, principle, justice, decree, ordinance, attribute”), in the Zoroastrian tradition the most general term for law, in contrast to *dādestān* “civil law, justice, judicial decision, judgment” and *kardag* “traditional orthodox law, pronouncement of the ancient sages or eminent religious authorities” (Shaki, pp. 291-92).

It is defined in the *Dēnkard* as “the beneficent regulating principle of the Mazdean religion” (*dād xwābar rastagīh ī māzdēsñ dēñ*; ed. Madan, I, pp. 69-70; de Menasce, p. 83), “the cognition of which is through wisdom” (*šnāxtan ī dād pad dānišn bawēd*; ed. Madan, I, p. 64). Furthermore, “wisdom is the principle of *dād*” (*dād bun dānāgīh*; *Dēnkard*, ed. Madan, I, p. 302; de Menasce, p. 288), and “the mastery of the *dād* is achieved by the knowledge of its quiddity” (*dād pad čēōnīh šnāsīh*; *Dēnkard*, ed. Madan, I, p. 68); hence *dād-šnās* “jurist, theologian.”

Mazdean law (*dād*) is revealed in three main aspects of existence. First, as natural law (*gētīgīg dād*) it pervades the present material world (*ān ī nūn pad tanōmandīh pad gētīg*) in order “to avert death and affliction . . . and accord peace and satisfaction” (*pahrēz ī margīh ud bēš . . . šnāyēnišn ud āsānīh ud āsāy(ēn)išn dādārīh*). As spiritual law (*mēnōgīg dād*) it will pervade the ideal world that will prevail after the end of the material world (*ān ī pas az tanōmandīh pad mēnōg*), “bringing the soul of every man to account” (*āmār ī abar kadār-iz-ē ruwān*). Finally, it will also pervade and substantiate the



renovation at the end of time (*ān ī abdom pad Frašgirdīh*) in the “sagacious judgment of the creator” (*dādār frazānagīh handāzišn*; *Dēnkard*, ed. Madan, I, pp. 69-70; de Menasce, p. 83). According to the *Avesta*, the chief tasks of *Ahura Mazdā*, the lawgiver, and Mithra, the judge and guardian of contracts, are to preside over a regulated and just social order and to support the principles of truth, right, and cosmic order (Av. *aša-*; OPers. *arta-*). In the field of law Ahura Mazdā is assisted by ministering *Aməša Spəntas*, of whom Aša Vahišta “Best righteousness” represents truth (*aša-*), and Xšaθra Vairiia “Best rule” the “wished-for kingdom” to be realized by the rule of divine law on earth. In the legal *nasks* the law regulating individual and social life are set forth (see *Dād Nask*; cf. *Dāta*).

Under the Achaemenids the canon law established by Ahura Mazdā (XPh I. 50; Kent, *Old Persian*, p. 151) had the sanctity of *arta-* “law, justice, cosmic order,” as well as the authority of the king of kings. The divine aspect of law is manifest in Darius’ declaration of his devotion to the rule of law and equity (DSe II. 34-41; Kent, *Old Persian*, p. 141). The law of the land, both canonical and common, was the king’s law (*dāthe d’ malkā*; Esther 1:8), by which the king himself had to abide (Herodotus, 3.31). Its immutability was proclaimed as “the law of the Medes and Persians that altereth not” (Daniel 6:9; Esther 1:19).

Owing to the proliferation of secular laws, Sasanian civil law (*dādestān*), stern though it remained, had lost its canonical associations for most of the population, though it incorporated certain legal terms adopted from religious terminology, for example, *wināh* “sin” for offense, *pādifrāh* “retribution” for punishment, *ēraxtan* “damn” for condemn, *bōxtan* “redeem” for acquit, and *tanāpuhl* “a degree of sin” for a fine of 1,200 *drahms* (see below).

By Sasanian times Zoroastrian law as presented in the surviving lawbooks (*Mādayān ī hazār dādestān*, *Rivāyat ī Ēmēd ī Ašawahištān*, *Rivāyat ī Ādur-Farnbag*, *Dēnkard* [bk. 8], etc.) had developed into an elaborate and sophisticated social institution. It drew not only on Avestan precepts but also on traditional common and civil law, greatly enriched and improved by new legislation from eminent Sasanian jurists. It was inevitable that, despite fundamental differences in the civilizations of Persia and its western neighbors, the Babylonians, Greeks, and Romans, centuries of close contact would have an impact on Persian legal norms. The Persian laws related to “partial slavery” and “retribution” (*lex talionis*) are clear evidence of such interaction (Pigulevskaya, pp. 102-03).



There is ample evidence for a gradual mitigation or modification of the ancient harsh civil and penal code during the Sasanian period. The author of the *Letter of Tansar*, which was in all likelihood composed or thoroughly revised in the 6th century C.E., after the suppression of the Mazdakite insurrection, referred to the abolition of *lex talionis*, elimination of mutilation for most crimes, and substitution of fines for corporal punishment: “[I]t was formerly the custom that a man who gave a blow received one, and a man who inflicted a wound suffered one, and the brigand and the thief were both mutilated, and the adulterer likewise. He (Ardašīr ī Pābagān) has laid down a law whereby for a wound there is a fixed fine in proportion to it, so that the wrongdoer may suffer from that and the victim receive benefit and comfort” (*Nāma-ye Tansar*, 1354 Š./1975, pp. 62-63; tr. p. 42). Apart from occasional assessment of mortal sins or capital offenses punishable by death (*marg-arzānīh*), penal laws are almost entirely missing from the surviving lawbooks. The ancient pre-Sasanian penal code has been preserved in the *Vidēvdād* (chaps. 4, 6, 14, 15) and in the Pahlavi epitome of the *Nikātum Nask* (*Dēnkard*, ed. Madan, II, pp. 693-721) and the *nask* of *Duzd-sar-nizad* (*Dēnkard*, ed. Madan, II, pp. 721-34; West, pp. 35-92). A measure of these changes is clear from the substitution of a fine of 1,200 *drahms* for 200 stripes, the former punishment for the sin of *tānapuhl* (Darmesteter, p. 40), adultery with a married woman (*Mādayān*, pt. 1, p. 73).

Already in Achaemenid times *dātu* “the law of the king,” mentioned in Babylonian records, had become a synonym for Akkadian *dīnu* “religion” (Oppenheim, p. 547 n. 3), a sense that has continued into Middle Persian: *dād ī Ohrmazd* “the law/religion of Ohrmazd”; *ēd pad dād gōwēd* “this is said in the religion” (Pahlavi *Vidēvdād*, 18.9). *Dād* referred predominantly to canon: *dād pad gōwišn was ud wuzurg stāyišn, pad kunišn abāz waštag kardan* “in word greatly praising the canon and in practice distorting it” (*Dēnkard*, ed. Madan, I, p. 221; de Menasce, p. 212); *az paymān dād zāyišn, az dād humad huxt ud huwaršt* “from the mean develops the canon, from the canon derive good thought, good speech, and good deed” (*Dēnkard*, ed. Madan, I, p. 251; de Menasce, p. 239). *Dād* was also the term used for the law, creed, or principle of the *daivas*: *dād ī dēwān* “the creed, law of the demons” (*Mēnōg ī xrad*, ed. Anklesaria, 1. 40); for non-Zoroastrian revealed religions (*agdēnīh*): *dād ī yahūdīg kēš* “the law/canon of the (false) Jewish religion” (*Dēnkard*, ed. Madan, I, p. 213); and for heretical beliefs: *dād ī mazdakīh* (*Bundahišn*, DH, p. 93). *Dād* frequently occurred as an element in hendiadys with *dēn*: *dād ī ērīh ud dēn ī pōryōtkēšīh* “the principle of the Iranian faith (a 9th-century extended



meaning) and the dogmatic teachings of the ancient sages.” By extension *dād* signified attribute: *dād ī Ohrmazd mardōm-dōstīh* “The [main] attribute of Ohrmazd is the love of people”; *dād ī Wahman āšt-xwāhīh* “the attribute of Wahman is the desire for peace”; *dād ī Ardwhišt rāstīh* “the attribute of Ardwhišt is truthfulness” (*Dēnkard*, ed. Madan, I, p. 498; Shaked, pp. 46-47). It also meant justice: *dādīg dādwar* “a just judge”; *pēšagkārān xwēškārīh ān ī . . . mizd dādīhā xwāhēnd* “the duty of the artisans . . . is to demand reward justly” (*Mēnōg ī xrad*, ed. Anklesaria, 30.6); *adād wimuštīg* “unjust destroyer” (*Dēnkard*, ed. Madan, I, p. 214), as well as a code of law: *dād ī šahr* “the law of the land” (*Mādayān*, pt. 1, p. 35); *dād ī haft kišwar* “the law of the seven climes” (*Zādspram*, p. 65); *dādwar ī dād-āgāh* “a judge well-versed in judicial law” (see [Dādwar, Dādwarīh](#)). In Middle Persian civil law *dād* (perfect past participle of *dā-/dādan* “to give”) denoted “grant.”

See also [Judicial System](#).

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