



DADWAR, DADWARIH

DĀDWAR, DĀDWARĪH (respectively judge, administrator of justice, lawgiver, lit., “bearer of law”; Man. Mid. Pers. *d’ywr*, Man. Parth. *d’db’r*, Inscr. Mid. Pers. *d’twbl*, *d’twbry*, Inscr. Parth. *d’tbr*, *dtbr*, OIr. *dāta-bara-*, Arm. lw. *datavor*, Aram. lw. *dtbr*, Talmudic *dw’r*, *dwwr*; and legal decision, judgment, e.g., *pad dādwarīh andar ēstādan* “to sit in judgment”).

Judges were supposed to be well versed not only in the secular civil code (*dād āgāh*) but in the ecclesiastical laws as well and to judge every case in accordance either with the norms of the civil code, that is, the teachings of prominent legal authorities (*pad hamdādestānīh ī wēhān*) or with the precepts of the *Avesta* and Zand (*Dēnkard*, ed. Madan, II, p. 712). There were two categories of judges in ordinary Sasanian courts of law, senior and junior (*dādwar ī meh* and *dādwar ī keh*), with different executive authority (*Mādayān*, pt. 2, p. 12; *Dēnkard*, ed. Madan, II, p. 713). The *Sakātum Nask* in the Pahlavi epitome of the *Dēnkard* (ed. Madan, II, p. 773) includes assessment of the judge’s proficiency in the law (*dād āgāhīh*) according to the length of his judicial service (from ten to fifteen years) and his mastery of appropriate decisions and administration of justice (*abārīg sāmān ī dād āgāhīh abar wizīr ud dādwarīh*).

According to the *Mādayān* (pt. 1, p. 93), judges were first granted seals of office, which carried executive power (*muhr ī pad kār-framān*) by order of Kōsrow I (531-79; *muhr ī pad kār-framān dāštan ān ī . . . dādwarān fradom pad framān ī Husraw ī Kawādān*). From epigraphic evidence it seems that there were in every district or city judges on whom was bestowed, in addition to



their judicial function, the charitable office of “advocacy of the worthy poor”; accordingly, they received official seals carrying their combined titles *driyōšān jādaggōw ud dādwar* “attorney and judge of the worthy poor.” Many such seals containing indications of provenience have been published by Philippe Gignoux (1978, bullae 1.2 [Abaršahr], 3.30 [Hamadān], 5.1 [Gīlān], 8.1 [Māsabadān], 10.1 [Ray]) and by Richard Frye (seals D199 [Ardašīr-Ķorra], D194 [Bišāpūr]). These two diverse and apparently incompatible functions have led Frye (p. 52) to propose the possibility that *dādwar* signified “legal expert” in this context; he has overlooked, however, the fact that such a judicial functionary could have acted in either capacity at different times. According to the *Mādayān* (pt. 1, p. 93), the title *jādaggōw ī driyōšān* was first conferred on the *mowbeds* of Pārs, not *dādwar*s, by the order of Kavād (488-96, 498-531), son of Pērōz, a statement that has not been confirmed by any other source. Indications in the *Mādayān* (pt. 1, p. 100) that the official seals of the judges symbolized executive authority over a city or a district (*tasūg*) are, however, borne out by the testimony of the bullae (cf. *dādwar ī Gōr/Gawra*).

When a judge or *mowbed* was replaced by another functionary (*az kār guharīg kard*) he was entitled not to hand over the seal of office until he received the document demanding its return (*muhrdād*; *Mādayān*, pt. 2, p. 13; for an example of a *rad*, see Hoffmann, 1880, p. 65, apud Frye, p. 50).

Some legal cases (*dādīg*) were judged by two judges acting together and those with special significance by an assembly of judges (*Dēnkard*, ed. Madan, II, pp. 723-24). The Armenian sources suggest that some social estates or organizations had their own judges; for example, the military jurisdiction was administered by a special “military judge” (*spāh dādwar*; Hübschmann, *Armenische Grammatik*, pt. 1, p. 136; Christensen, *Iran Sass.*, p. 295).

In the 3rd century the head of the state judiciary was the *hāmšahr dādwar* “judge of the whole empire,” who ranked among the highest ecclesiastical dignitaries of the realm. According to the Middle Persian inscriptions of Kartīr/Kerdīr at the Ka’ba-ye Zardušt (KKZ), Sar Mašhad (KSM), and Naqš-e Rostam (KNRm), the chief priest Kartīr who bore the title *hērbed* under Šāpūr I (240-70; KKZ 3, Back, p. 393) and *Ohrmazd mowbed* (KKZ 5, Back, p. 399) under Hormizd I (270-71), was finally promoted to the highest ecclesiastical rank, *hāmšahr mowbed ud dādwar* “priest and judge of the whole empire” (KKZ 8, Back, p. 410) by Bahrām II (274-93). The inscriptions reveal that in the 3rd century the judges occupied the third rank in the religious hierarchy after the *hērbeds* and *mowbeds*, a position that they retained throughout the Sasanian



period. In subsequent periods the title appeared in modified forms. In the Syriac text *The Life of the Patriarch Mār Abā* (540-52) there is reference to a Mār Qardag (Mid. Pers. *krdg*, *kardag*) who held the titles *ʾynbd* and *šahr dādwar* “judge of the empire” (Bedjan, p. 228; Gignoux, 1982, pp. 259, 261; idem, 1983, pp. 255, 257; idem, 1986, p. 101). This Syriac evidence suggests that *šahr dādwarān dādwar*, designated in the *Mādayān* (pt. 1, p. 110) as a combination of two parallel titles *šahr dādwar* and *dādwarān dādwar* “judge of judges,” was, like *mowbedān mowbed* “high priest of high priests,” probably an innovation under Yazdegerd II (439-57; Boyce, p. 122). In the *Sūr saxwan* (or *Sūr āfrīn*) the guest, after glorifying god (*āfrīn yazdān*) and rendering thanks to the host (*spāsdārīh ī myzadbān*) for the banquet (*sūr*), offers full libation to the supreme judges of the realm (*hamāg zōhr šahr [ī] dādwarān*; *Pahlavi Texts*, ed. Jamas-Asana, p. 157; misread by Tavadia, pp. 44-45, 65-66; Christensen, *Iran Sass.*, p. 524). It is noteworthy that in the *Sūr saxwan* the supreme judge is ranked with the highest dignitaries and state officials, after the crown prince (*pus ī wāspuhr*), the prime minister (*wuzurg framādār*), and the four commanders-in-chief (*spāhbedān*) and before the counselor of the magi (*mowān handarzbed*).

The executive powers and duties of the judges in Sasanian law courts are set forth in great detail in the “chapter on legal competence of officials” (*dar ī ēwarīh ī kār dārān*; *Mādayān*, pt. 2, pp. 25-26). The following is a full translation of this interesting but cramped and involved text: “The judge is competent (*ēwar*) to entertain the nature (*čē* “quality”), extent (*čand* “quantity”), and character (*čeyōnīh* “circumstances”) of the case and specification of the property [involved] (*čē ēwēnag xwēšīh*); [he has legal authority] to accept the witnesses (*gugāy padīrift*), prosecute [the offender] (*hamēmālīh kard*), fix the date [of trial] (*zamān kard*), summon (*āwurd*), detain (*dāšt*), keep or not keep watch [on the accused] (*pād ud nē pād*), [to decide whether] to try a case or not (*kār rāyēnīdan ud kār nē rāyēnīdan*) and [to decide] whether justice is being obstructed (*azišmānd*), and, accordingly, to attend to procedural documents (*čak padisāy dādistān ōdāyīd*); [he is also competent to examine] concealed evidence, false information [message?], distorted [facts] (*nihān būd ud mih-paygām ud waštagīh*), and other offenses pertinent to the process. [He has the right to take cognizance of] darkness or whiteness [of the hair or complexion?], manhood or womanhood; to ascertain the identities of the parties (*hamtanīh*) and the authenticity of names (*hamnāmīh*) and seals (*hammuhrīh*), to record confessions (*xwastūgīh*), to hold a person under arrest or in solitary confinement (*dārišn ī pad widāšt*) and to put him to the torture



(ms.: Parth. *'bg'm*, for Mid. Pers. *'wd'm*), to hear the declarations and defense (*saxwan ud passox*, lit., “speech and answer”), to attend to complaints (*garzīdan ī must*, lit., “complaining of a grievance”), to accept or appeal the court’s ruling (*hunsandīh ud ahunsandīh ī pad wizīr*), to hand over to the court’s archivist (*dīwānbān*) the minutes of the trial (*nāmag*) and decisions (*wizīr*) and to the jailer (*zēndānbān*) the accused person (*tan*), as well as other issues that do not come within the jurisdiction of the judge (*dāwar padīš nē ēwar*); [he is authorized] to postpone the hearing in accordance with the traditional law (*kardag*), to investigate the kind and quantity (*čē ud čand*) of clothing and other things stolen with the guard [on duty] and the patrol going his rounds (*az pās ud rawišn ī gizīrān*). [The judge has the power] to break seals (*muhr škastan*) and to put a mark (seal?) on things (*nišān kardan*) where it is essential to do so. It has also been maintained that the judge has legal power to keep a person under surveillance (*widāšt ī nē pad dārišn*). The followers of the jurist Pēšagsīr (reading uncertain) maintain that the judge is entitled to retain an unclaimed property (*dādwar pad dārišn ī uzīdag ēwar*).”

If a litigant appealed against the verdict of a junior judge, the case would be removed to a higher court at which a senior judge presided (*Mādayān*, pt. 1, p. 3). Judges were punished for miscarriage of justice and partiality, as well as for pronouncing doubtful cases (*dādīstān ī warōmand*) to have been verified (*ēwar*) and verified cases to be doubtful (*Dēnkard*, ed. Madan, II, p. 723). The *Ardā Wīrāz nāmag* (Gignoux, 1984, pp. 130, 210; Vahman, pp. 174, 216; see [ardā wīrāz](#)), in a description of the severe punishment inflicted upon unjust judges in the nether world for mammonism and greed, reveals by implication their right to a fair compensation, on which they lived.

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