



DOCUMENTS

DOCUMENTS, production and registration of.

i. In pre-Islamic periods.

ii. Babylonian and Egyptian documents in the Achaemenid period.

iii. In the modern period. See [DAFTAR-E ASNĀD-E RASMĪ](#).

i. IN PRE-ISLAMIC PERIODS

The function of a notarial institution is not explicitly set forth in the extant records for all pre-Islamic periods, but allusions to procedures for drawing up and executing documents suggest the existence of some sort of notarial practice.

The Achaemenid period. In the Achaemenid period documents related to private and social affairs were registered on clay tablets in Elamite and Akkadian, some with Aramaic endorsements on the sides, and on parchment and papyrus in Aramaic. Tablets found in the treasury and fortifications at Persepolis attest the early registration of documents in the court chancery. The numerous texts from fortifications, written at many sites in the area encompassing Persepolis and Susa and recording transfers of supplies, date from 509 to 494 B.C.E. (13th-28th years of [Darius I](#)), whereas the much smaller



number of Treasury tablets from Persepolis and the vicinity include records of silver payments in the years 492-58 B.C.E. (the 30th year of Darius I to the 7th year of [Artaxerxes I](#); Cameron; Hallock, p. 588). The treasury tablets were written under the supervision of the chief economic official, the Persian Farnaka, who, as head of an extensive administrative apparatus, oversaw the correspondence, most of which bears subscripts naming the scribes (Hallock, p. 590). They were deposited in the chancery, a royal registry. In addition, about 200 broken stone plates, pestles, and mortars inscribed in Aramaic were discovered at Persepolis; the inscriptions are records of the manufacture of these objects by artisans in Arachosia (Bowman; Levine). In addition to clay tablets and stone objects, a number of other documents were written in Aramaic on more perishable materials, which have survived in much smaller quantities (Cameron, pp. 24-31; Greenfield, p. 704). The widespread use of parchment for transactions, agreements, contracts, and the like in the Achaemenid empire may be assumed from the existence of a “guild” of parchment makers in Babylonia (Eilers, p. 49 n. 1; cf. Oppenheim, p. 579). That some scribes were well versed in Aramaic is also clear from a gracefully written parchment translation of the inscription of Darius I at [Bisotūn](#), found at Elephantine in Upper Egypt, and from the “[Aršāma 2](#)) letters,” written on leather in Susa and Babylon (Greenfield, p. 703). The Akkadian and Elamite languages, traditionally written on more cumbersome clay tablets, were in time superseded by the more expedient Aramaic written on parchment, thus promoting the development of the Persian scribal tradition. Tablets continued to be used occasionally until the mid-Parthian period, however (Oppenheim, p. 571). It has been plausibly suggested that bullae were originally attached to documents of this period written in Aramaic (Cross, pp. 46-51). There is also rich economic and legal documentation from ancient Babylonia and Egypt, a substantial part of which is dispersed in various museums and remains unpublished. As the social and economic environments of these highly advanced Achaemenid dependencies were in many respects distinct from those prevailing in Persia, these documents seem to fall into a different cultural category.

The Parthian period. During the Seleucid and Parthian periods Greek was in use concurrently with Aramaic, and eventually the Greek system of preparing documents was introduced into Persia and adopted by Persian scribes. This change is apparent from the [Avroman](#) documents and parchments from [Dura-Europos](#), which together provide the earliest evidence for the registration of deeds and contracts under the Parthians (see [CONTRACTS ii](#)). These documents



attest that a developed law of obligations existed in Parthian domains and that Iranian scribes had already contrived an elaborate system for drawing up contractual agreements. The registry or archive of a royal wine storehouse (*mdwst*) containing more than 2,000 ostraca of the 1st century B.C.E. has come to light at Nisa, the Parthian capital located in what is now southern Turkestan. The documents, written in Aramaic script, are primarily notations not intended to be kept long; their contents were entered into a permanent document, probably on parchment, which constituted a running total of wine deliveries to the storehouse. Among these ostraca are dozens of emphyteutic leases of royal vineyards situated in the precincts of Mihrdādkerd (D'yakonov and Livshits; Lukonin, p. 694). Three Sogdian contracts between private persons have also been preserved among the documents from Mount Mug, drafted in the second half of the 7th or at the beginning of the 8th century (*Dokumenty*). Chinese archeologists have recently discovered another Sogdian document recording the sale of a Samarkand slave woman in 638 (Yoshida and Moriaso).

The Sasanian period. A large number of Middle Persian papyri and a few parchments have been discovered in Egypt; they contain fragments of documents and official letters from the period of the Sasanian occupation (ca. 619-28). They are complemented by Greek papyri of the same period. From Persia itself there is a hoard of 199 discovered by Ernst Herzfeld near Ray and dated by him to the 6th century. The texts are related to supplies of wine and other commodities and have been interpreted either as treasury records (Weber) or as authorizations to warehouse workers to issue supplies (de Blois). In addition, repeated references to drawing up, signing, and sealing (*nibišt ud āwišt*) legal deeds confirm the existence of some sort of registry in the highly legalistic Sasanian state. Further confirmation is a complete model Zoroastrian marriage contract (*paymān ī zanīh*) from the Islamic period (*Pahlavi Texts*, ed. Jamasp-Asana, II, pp. 141-43), which, despite a number of modifications and adaptations of the marriage articles to conform to a predominantly Islamic environment, still retains the character of its Sasanian prototype. Consistent with Sasanian tradition, the Yazdegerdī year 627 (the era beginning with the 20th year of Yazdegerd III, i.e., 1278 C.E.) and the Zoroastrian month and day are used; the identities of all participants are to be registered by their names and the names of their fathers and grandfathers and the domiciles (districts and provinces) of the couple specified. At the end the contract is to be signed by three witnesses, whose identities are to be similarly recorded. Although officiation at marriages, divorces, and adoption ceremonies was within the



competence of a priest (*mōbed*), there is no information in the text on whether it was drawn up by the *mōbed* himself or a scribe (see [DABĪR i](#)). There is, however, no reference in the Sasanian law book *Mādayān ī hazār dādestān* to scribal functions, with one exception, in which the emphasis is on the maximum number of scribes to be engaged to record the minutes in tribunals of inquiry (pt. 1, p. 78). The general tenor of numerous legal cases, as well as the social environment of the Sasanians, suggests that documents were, as a rule, drawn up according to prescribed forms by people who were well versed in the subtle phraseology of Middle Persian, especially juridical terminology. They were then signed and sealed by the parties concerned, their witnesses, and in some instances officials like *mōbeds* or *rads* (high-ranking spiritual or religious leader or judge, eminent religious personality; *Mādayān*, pt. 2, p. 18).

Presumably the only literate people who could handle the technicalities of Middle Persian were the religious authorities and the scribes, who formed a stratum of the clergy. There are instances in which documents were only signed and sealed by *mōbeds* or *rads*; the scribal part in the process of registration thus seems to have been indispensable. But, unlike the Achaemenid notaries, who managed registries, checked documents, and stored the copies (*ham-paččēn*) in archives, the function of the Sasanian scribes seems to have been essentially confined to writing. In Sogdian legal documents (contracts and receipts) the names of the scribes are usually given.

A number of formalities and conventions of Sasanian notarial practice are given in the *Madayān*. For example, the cost of preparing documents in duplicate (*uzēnag ī pad nāmag-passāz*) in traditional law (*kardag*) was 2 of every 9 drahms (dirhams) or 3 of every 10 drahms of the value of the property involved, whereas in civil law (*dādestān*) expenses did not exceed 2 of every 18 drahms. The expenses for a condemned person (*marg-arzān*) could not be more than 95 drahms (*Mādayān*, pt. 2, p. 15). When a contract involved two partners with unequal assets or interests the original (*mādagwar*) went to the person with the greater share and the copy to the other (*Mādayān*, pt. 2, p. 33). In accordance with the pronouncements (*pad čāštag*) of eminent jurists, the ordeal document (*yazišn-nāmag*, drawn up by the judge or *rad* recommending or ordering a trial by ordeal) was attested on the day of Ardwahišt but, in accordance with traditional law, on the day of Hordād (*Mādayān*, pt. 2, p. 13). The text of a testament could be changed when formulated and revoked at any time until it was signed and sealed (*Mādayān*, pt. 2, p. 10). A “separate seal” (*muhr-wēxt*), “detached seal” (*muhr-brīd*), or “loose seal” (*muhr-wišād*) in a



document was tantamount to its having been “ripped open” (*wiṣād-dib*; *Mādayān*, pt. 1, p. 102).

Middle Persian legal terminology is rich in distinctive technical terms, which were, however, not always strictly respected by scribes. The least specific term is *nibēg* “letter, writing, book” (*Mādayān*, pt. 1, p. 110). *Nāmag* generally meant “book, account, chronicle” and legally “decree, unsealed document,” which when sealed became *wizīr* “executed document.” *Wizīr* is defined as “the sealing wax plus document” (*gil ud nāmag*; *Mādayān*, pt. 2, p. 34). *Nāmag* was also used for “edict” (*nāmag ī kār-framān* “edict of executive office”; *Mādayān*, pt. 2, p. 38). It occurs as an element in various compounds: *hilišn-nāmag* “certificate of divorce,” *āzād-nāmag* “deed of manumission,” *uzdād-nāmag* “ordeal warrant” (*Mādayān*, pt. 1, p. 78), and *nāmag-niyān* “archives” (lit., “document store”; *nāmag-niyān ī ātaxš ī Ĥuram-Ardašīr* “archives of the fire of Ĥuram-Ardašīr,” *Mādayān*, pt. I, p. 78). *Dib* was “a decree, a binding official document,” as in *dib ī pādixšāy-kard* “decree of executive authority” (*Mādayān*, pt. 2, p. 38). *Frawardag*, synonymous with *nāmag*, most often meant “letter, epistle” and generally also “document, edict.” *Nibištag*, literally, “a writing,” legally denoted “report, record” (cf. *nibištagkardan* “to record (an offense)”; *az nibištag hištan* “to remove (an offense) from the official report”; *Mādayān*, pt. 1, p. 97). *MGLT* (Aram. *megiltā*), interpreted as “*nāmag*,” denoted “scroll.” *Git*, *gitāk* meant “legal document, testament” (cf. Ak. *giṭtu* “tablet,” Aram. *giṭā* “document,” Syr. *geṭṭā* “testament”). *Pādixšīr* meant “treaty, covenant giving title to transfer of property for religious purposes” (inscription of Kerdīr at Ka’ba-ye Zardošt, 2-3; Back, pp. 389-92).

In Middle Persian legal texts various seals with distinct legal force are mentioned: “personal seal” (*muhr ī xwēš*), “seal of office” (*muhr ī pad kār-framān*); and “trustworthy seal” (*muhr ī ēwar*), “authentic seal” (*muhr ī wizurd*), and “credible seal” (*muhr ī wābarigān*), providing different degrees of reliability as evidence.

See also [CONTRACTS](#).



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ii. BABYLONIAN AND EGYPTIAN DOCUMENTS IN THE ACHAEMENID PERIOD

No documents composed in Old Persian and other Iranian languages are known. In Persia and Media private parties apparently did not conclude written transactions, though some Persians and other Iranians who lived in Babylonia actively participated in business and made various deeds with local individuals following traditional Babylonian legal norms. The documents of the royal household in Persia were written partly in Elamite and partly in Aramaic.

About 6,000 legal, economic, and administrative documents from Babylonian private and temple archives of the Achaemenid period have so far been published. They are written on clay tablets in the late-Babylonian dialect of Akkadian. These documents include promissory notes; mortgages; contracts for the sale and lease of land and houses; receipts for tax payments; records of court proceedings; and so on, including about 500 official and private letters. The majority of these texts belong to the reigns of [Cyrus](#), [Cambyses](#), and [Darius I](#) (539-486 B.C.E.). About two dozen of them were drafted in Ecbatana, Persepolis, Humadeshu (in the vicinity of Persepolis), Susa, and other cities of western and southwestern Iran. They represent transactions by Babylonians



who came to Persia as merchants and businessmen or, in a few instances, had settled there.

From the archives of the Eanna temple in Uruk and the Ebabbar temple in Sippar, both in Mesopotamia, there is especially abundant information about the economy and social institutions of Babylonia. Among private archives the most important are those of the Egibi, Murashû, and several other business houses. Most of the Egibi documents were drafted in the vicinity of Babylon, but some were composed in other cities, including Ecbatana, where the firm was engaged in business (Dandamayev, pp. 12-22). The Murashû documents come mainly from the region of Nippur, but a certain number were composed in Babylon, Susa, and other cities. They constitute the largest single source for the economic history of Babylonia in the second half of the 5th century B.C.E. and for changes introduced by the Achaemenid administration into policies on property and the system of land tenure. They also provide extensive information on Persian and other Iranian soldiers and officials settled around Nippur (Stolper, pp. 1, 23-24).

Various documents written in Egyptian demotic on papyrus have been preserved from Achaemenid Egypt. Among them the Ryland Papyri comprise a number of documents of various periods, one of which, the “petition of Petesi,” concerns the illegal appropriation of property by priests in the early Achaemenid period. It provides valuable insight into the Egyptian legal system. Cambyses’ decree limiting the property of Egyptian temples and Darius I’s edict codifying Egyptian laws are also of great importance. The correspondence of local priests with Pherendates, satrap of Egypt under Darius I, provides information on the administrative system of the country. Other demotic documents include leases for fields and livestock, the sales of slaves, hiring of labor, records of self-sale, and the like (Seidl, pp. 51-83; Cruz-Urbe, pp. 103-11).

About 200 Aramaic documents are known from Egypt. They include marriage contracts, promissory notes, leases for land, and other business documents. Some also contain information on Persian administrative policies in Egypt. All these texts are written on papyrus. Thirteen letters of Arshama (q.v.), satrap of Egypt in the second half of the 5th century B.C.E., contain instructions for management of the estates of Persian nobles in Egypt. They are written on leather. Finally, Aramaic documents from the Achaemenid province of Samaria include private documents (marriage contracts, manumission of slaves, etc.) drafted between 375 and 335 B.C.E. (Porten and Yardeni).



See also [CONTRACTS i](#).

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