



MĀDAYĀN Ī HAZĀR DĀDESTĀN

MĀDAYĀN Ī HAZĀR DĀDESTĀN (Book of a Thousand Judgements), Pahlavi Law-Book from the late Sasanian period (first half of the seventh century).

This text has been transmitted in a single manuscript and is unique in several respects: it is the only exclusively legal work on pre-Islamic Iranian jurisprudence which has survived from the Zoroastrian period, and it is one of the most important fundamental sources for the social and institutional history of Sasanian Iran. Contrary to all other extant sources on Zoroastrian and Sasanian law, the Law-Book concentrates entirely on legal questions without combining juridical and religious matters, as later Pahlavi texts of the 9th and 10th centuries did. The Law-Book is, however, not a codex, but a lengthy compilation of actual and hypothetical case histories collected from court records and transcripts (*saxwan-nāmag*, *pursišn-nāmag*), testaments (*handarz*), various works on jurisprudence (*dādestān-nāmag*), commentaries of jurists (*čāštag*), direct quotations of the foremost experts in the field, and a great number of other long lost documents (see Macuch, 1993, pp. 11-15). The compiler, a certain Farroxmard i Wahrāmān, gives his name in the preface to the text, but since the text cuts off abruptly after his name, nothing is transmitted on his life or time. We may, however, deduce from the content of the Law-Book and its legal terminology that he must have been a jurist (maybe at the same time a theologian) who was perfectly acquainted with legal technical terms, had detailed knowledge of the Sasanian legal system, and had,



moreover, access to court records and the other sources already mentioned above. We may furthermore conclude that he lived in the first half of the 7th century and that the Law-Book was compiled sometime after the 26th year of the reign of the Sasanian king Husraw II Parwēz (591-628), the last sovereign to be named in the book (see Macuch, 1993, pp. 9 f.). The Law-Book was probably compiled shortly before the Arab invasion of Iran, but, even if a later date is taken into consideration, there can nevertheless be no doubt that its content is completely Sasanian and uninfluenced by the further development of law in the Islamic age. It was clearly written for specialists in the field of jurisprudence who had expert knowledge of the Sasanian legal system and were fully acquainted with technical terms, since the text offers no explanations whatsoever. Another indicator of its age is the fact that only the most difficult and complicated cases are discussed, which leads us to the conclusion that it emerged at a period in which Sasanian law was still practiced and judges had the competence to pronounce judgement in all fields of law. Pahlavi treatises of the Islamic period, on the other hand, reduce legal matters to the simplest considerations in the only field of law which obviously remained within the jurisdiction of the Zoroastrian communities after the Muslim conquest, that of [family law](#) and [inheritance](#).

The title of the compilation has been known as *Mādayān ī hazār dādestān* ever since the unique manuscript of the text belonging to the Hataria library in Poona was introduced to the West through the facsimile edition of Modi in 1901 (abbr. *MHD*), according to the title given to it by this editor. The sentence in the preface to the legal part of the Law-Book from which Modi has taken this title, however, reads *ēn mādayān hazār dādestān xwānēnd* “this book is called ‘A Thousand Judgements’,” that is, the original title of the Law-Book is *Hazār dādestān* “A Thousand Judgements” (see Macuch, 1993, pp. 10 f.). Another part of the same manuscript in the possession of Tehmuras D. Anklesaria which had been left out by Modi was published later as a facsimile by Anklesaria in 1912 (abbr. *MHDA*). Unfortunately the text is not complete, and the sequence of the folios in the Modi and Anklesaria editions has been partly confused. It is, however, possible to reconstruct the original sequence in these cases to a certain extent by following the numeration of chapters with letters of the Arabic alphabet (called *abjad*) which had been added to the text sometime in the Islamic period (see Modi, 1901, pp. v ff., and Macuch 1993, pp. 8 f.). According to this numeration, the first chapters, 1-4, have been lost, but fortunately a large part of the text with a few missing folios in between has survived: a total of 75 folios (110 pages in the Modi edition and 40 pages in the



edition of Anklesaria), each folio comprising a regular number of 17 lines. The *abjad*-numeration, having been added in the Islamic age, is, however, not reliable in all cases, since a few folios already seem to have been lost prior to this counting (see the list of chapters below).

The text begins with a fragmentary preface by the compiler, Farroxmard ī Wahrāmān, which is—due to the confusion of the original sequence mentioned above—on pages 79-80 of the Modi facsimile edition. Strangely, the content and style of this preface differ fundamentally from that of the legal chapters constituting the rest of the text. The compiler offers no introduction to various legal aspects of his compilation or his sources, as we would expect, but expounds his ideas on the deeper spiritual purpose of his work in an artificial and cramped style similar to the language of theological treatises known from other religious Pahlavi works (such as the *Dādestān ī dēnīg* or the *Dēnkard*). The book, he states, is an “instrument” (*abzār*) of the “supernatural power” (*nērang*) of the creator with the final goal of destroying liars (*abesīhēnīdan ī drōzan*) and establishing complete sovereignty at the end of time (*pur-padixšāyīh pad frazām*). Those persons are to be counted as the most blessed (*pad farroxtar dārišn*) who have acquired “eternal prosperity” (*ābādīh ī jāwedānīh*) and “a share of the immortal” (*bahr ī anōšag*). This may be reached by freeing oneself of sin (*xwēš tan a-wināh kardan*), by recognizing one’s own religious duty (*xwēškārīh šnāxtan*) in keeping the three basic commandments (good thought, speech, and deed) and remaining pure through righteousness (*pad rāstīh abēz dāštan*). Although the preface is full of lacunae which impair our understanding of the text and the intention of the author, it seems that it is meant as a general admonition directed to the user of the compilation not to forget the spiritual goal of life while being occupied with its material aspects (with which the following legal chapters are entirely concerned).

Apart from these admonitions in the preface, the Law-Book is a worldly compilation in which legal problems are presented exclusively from a juridical perspective with no allusions to religious matters whatsoever. Even questions relating to religious institutions connected with the Zoroastrian church, such as fire foundations (*ādurān, ātaxšān*), charitable endowments (*pad ruwān, ruwān rāy*), and pious gifts (*ahlawdād*), are discussed only from a legal point of view. The Avesta is mentioned in two passages of the Law-Book (*MHD* 14.17-15.1 and 48.14-16), but the context makes it quite clear that the Pahlavi commentary (*zand*) is meant in both sentences, not the original text, since the



problems discussed in this context quite obviously belong to late Sasanian jurisprudence (see Macuch, 1993, pp. 12 f.). On the whole, the Law-Book conveys the impression that jurisprudence had become an independent discipline by the end of the Sasanian period, even though many of the most famous jurists cited in the Law-Book, such as Sōšans, Mēdōmāh, and Abarag, were also theologians and are known to us as the authors of commentaries to the Avesta (in the *Vidēwdād*, *Hērbedestān*, and *Nērangestān*). Although law and religion remained connected, as in all ancient communities, the Sasanian legal system had become so complicated by the end of the Sasanian period that it had become necessary to separate theological speculation from legal matters to a large extent. The Law-Book also demonstrates clearly that legal theory (*čāštag*), based on the work of jurists, had already drifted apart from the daily practice of law in the courts (*kardag*), leaving a chasm between theoretical considerations and practical solutions—a development which may also be observed in other complicated legal systems.

The Law-Book is concerned with cases from all three main fields of jurisprudence, civil, criminal, and procedural law. It imparts unique information on the legal and social structure of Sasanian society with numerous details on its most important institutions. The text not only introduces us to the manner in which legal matters were discussed and jurisprudence was practiced in the courts, but at the same time it enables us to reconstruct various interesting aspects of everyday life in the pre-Islamic period which are not to be gained from any other source. But although it is a veritable treasure-house of information in this respect and the unique manuscript is, fortunately, quite reliable, it does not impart its content easily. The language is difficult, the sentences are usually long and complicated, the syntax is often ambiguous. Written for jurists acquainted with legal language, none of the numerous technical terms is explained. Moreover, different opinions of jurists are often cited side by side, making it difficult to decide on the legal norm. To make matters worse, the chapters are not arranged systematically according to any discernable principle, and it seems that the sentences in any given chapter are linked together mainly by the association of ideas, rather than any methodical considerations whatsoever. Despite all these obvious disadvantages, the Law-Book remains our most important source for the reconstruction of pre-Islamic law in Iran. In the following, the headings of the chapters in both parts of the text are listed (leaving out the word “chapter,” *bāb*, with which each one begins) with necessary explanations in brackets according to the sequence in the facsimile editions of Modi and



Anklesaria in order to avoid confusion and to facilitate finding the passages in the manuscript. The sequence of the chapters according to the *abjad*-numeration mentioned above is given in brackets preceding the pages of the manuscript in these two editions (in a few cases no number is transmitted; reconstructed numbers are marked with an asterisk). Fragmentary chapters without a heading are also marked by an asterisk with a short summary of their content in parentheses.

Chapters in the Modi facsimile (*MHD*):

*I. (Chap. *16) 1.1-17. (No heading, fragmentary; on slavery in general: legal status of children born of slaves [*bandag*, *anšahrīg*]; manumission of slaves in the ownership of several masters; fire-servants [*ātaxš-bandag*] and fire-slaves [*anšahrīg (ī) ātaxš*]; purchase and sale of slaves; status after conversion to Zoroastrianism.)

II. (Chap. 17) 1.17-2.16. “On the release (*hišt*) of partners (*hambāyān*), co-holders (*ham-xwāstagān*) and co-sureties (*hampāyēnān*) from a debt.”

III. (Chap. 18) 2.17-3.8. “On decisions (*wizīr*) reached by the heads of the estates (*pēšag-sālārān*) and (on) agreement (*hunsandīh*) and non-agreement (*ahunsandīh*) with a decision.”

IV. (Chap. 19) 3.9-5.3. “On dismissal from marriage (= divorce; *hišt az zanīh*).”

V. (Chap. 20) 5.3-8.13. “On the *auctor*“(*dastwar*, a technical term corresponding exactly to the specific meaning of *auctor* in ancient Roman law. Both expressions designate the former proprietor of an object who has the obligation to defend the party who acquired the object from him in court against the claim of a third party; see Macuch, 1988.)

VI. (Chap. 21) 8.15-10.11. “On the distortion (*waštagīh*) (of statements) and other offences (*ērangīh*). (Chapter concerned with contradictory statements in court).”

VII. (Chap. 22) 10.12-12.17. “On obstruction” (*azišmānd*, a technical term designating 1. generally, the act of obstructing another person in his rights; 2. specifically, the obstruction of justice, i.e., failure to follow court summons, refusal to take an oath, making contradictory statements in court, causing the delay of legal proceedings, etc.; see Macuch, 1993, pp. 121 ff.).



*VIII. (Numberless) 13.1-15.1. (No heading, fragmentary. According to Modi two folios are missing in the beginning. On the different forms of oaths to be taken in court: the religious oath [*war ī dēnīg*]; oath by which the feet are tied [*war ī pāy nišān*]; oath by drinking sulphur [*war ī pad sōgand*]; on the concept of going beyond the requirements of the law [*wehdādestānīh*].)

IX. (Chap. 23) 15.2-16.17. “On payment of debts (*tōzišn*) to be discharged from the family (property) (*az dūdag kunišn*) and those (debts) liable to claim on the part of the family (*ō dūdag xwāhišn*).”

*X. (Chap. *24) 17.1-21.3. (No heading, fragmentary. According to Modi one folio is missing in the beginning. On donations, including the *donatio mortis causa* and the interpretation of certain clauses in the statements of the donors.)

XI. (Chap. *25) 21.4-24.10. “On the intermediary successor (*ayōgēn/ayōkēn*), ‘who [succeeds] him afterwards’ (*yōhē pasčāēta*).” (The former expression, *ayōgēn/ayōkēn*, is used exclusively of women [wife, daughter, sister of a deceased], who were only accepted as intermediary successors to a man in the absence of a male heir; the Avestan *yōhē pasčāēta* denotes in a general sense the legal successor of a deceased person, regardless of gender.)

XII. (Chap. 26) 24.11-29.11. “On guardianship (*sālārīh*).”

XIII. (Chap. 27) 29.12-32.10. “On pledging the substance of a property (= mortgage, *āgraw*); whether a payment in advance (*pēštōzišnīh*) is licit or illicit.”

XIV. (Chap. 28) 32.11-33.17. “On nourishing and supporting (*xwarišn ud dārišn*) one person by another (= on maintenance).”

XV. (Chap. 29) 34.1-36.2. “On the foundation providing religious services (*yazišn nihādag*); on property endowed for the fire (*xīr ī ātaxš*) and property endowed for the soul (*ruwān nihād*).”

XVI. (Chap. 30) 36.2-17. “On the marriage of a wife with ‘full rights’ (*pādixšāyīhā*).”

*XVII. (Chap. *32) 37.1-10. (No heading, fragmentary. On the exchange [*guharēn*] of goods.)



XVIII. (Chap. 33) 37.11-40.17 and 85.1-6. “On the *anticresis*“(grawgānīh denotes pledging the right of usufruct of a property [as opposed to pledging the substance].)”

*XIX. (Chap. *37) 41.1-53.3. (No heading, fragmentary. On the institution of secondary or auxiliary succession, called *stūrīh*.)

XX. (Chap. 38) 53.4-10. “On the payment (of debts) on the part of partners (*hambāyān*) and co-holders (*ham-xwastagān*).”

XXI. (Chap. 39) 53.11-55.9. “On half a share (*nēm-bahr*) and the value (*arz*) of an object for which an agreement/contract has been made.”

XXII. (Chap. 40) 55.10-59.10. “On co-surety (*hampāyēnānīh*), surety (*pāyēnānīh*), and partnership (*hambāyīh*).”

XXIII. (Chap. 41) 59.11-63.5. “On inherited possessions (*xwāstagdārišn*).”

XXIV. (Chap. 42) 63.6-65.17. “On declaring someone as the owner (of a certain object) (*xwēš būd guft*).”

XXV. (Chap. 43) 66.2-68.17. “On (declaring) acceptance (of a donation) (*sahišn*) and approval of the (donor’s) will (*kāmag došēd*).”

*XXVI. (Chap. *44) 69.1-71.7. (No heading, fragmentary. On the institution of secondary or auxiliary succession, called *stūrīh*; also on adoption.)

XXVII. (Chap. 45) 71.8-72.13. “On compensation and the payment of a fine (*tāwān dahišnīh*); (on) pious gifts (*ahlawdād*) and the incapability to fulfil an agreement (*pašt*) and a contract (*paymān*).”

XXVIII. (Chap. 46) 72.13-17. “On rent (*tāg*)” (Fragmentary; only the beginning of the chapter is extant).

*XXIX. (Chap. *5) 73.1-74.12. (No heading; fragmentary. On offences and penalties and the obstruction of justice.)

XXX. (Chap. *6) 74.12-76.3. “On the activity of the advocate (*jādag-gōw*).”

XXXI. (Chap. 7) 76.-77.3. “On the plaintiff (*pēšēmār*).” (According to the *abjad* numeration mentioned above this chapter has the number 7; Modi, 1901, p. ii, has wrongly given the number as 47 [also Perikhanian, 1997, p. 187, following



Modi].)

XXXII. (Numberless) 77.4-78.17. “On several decisions (*čand dādestān*) evident from earlier (documents which were) written and sealed.” (Fragmentary; the end of the chapter is missing.)

Preface to the Law-book: 79.1-80.17. (Fragmentary, breaking off after the name of the compiler, Farroxmard i Wahrāmān.)

*XXXIII. (Numberless) 81.1-82.17. (No heading, fragmentary. Possibly the continuation of no. XIX above, since the chapter is also concerned with the institution of secondary or auxiliary succession.)

*XXXIV. (Numberless) 83.1-84.17. (No heading, fragmentary. Possibly the continuation of no. XXXII above, since the chapter is concerned with disputes in the field of civil law.)

XXXV. (Chap. 34) 85.7-86.17. “On partnership concerning an irrigation canal (*jō[y]-kahas*) and (concerning) property (belonging) to two men.”

*XXXVI. (Numberless) 87.1-88.17. (No heading, fragmentary. Possibly part of no. XIX above, since the chapter also deals with with the institution of secondary or auxiliary succession.)

*XXXVII. (Numberless) 89.1-90.17. (No heading, fragmentary. Possibly part of no. VIII of the Anklesaria portion of the manuscript [see below], since the chapter presents different legal matters, based on a loose association of various subjects in a similar manner.)

*XXXVIII. (Numberless) 91.1-92.17 and 97.1-98.17. (No heading, fragmentary. Deals with the conduct of the parties and witnesses in court in civil and criminal cases.)

*XXXIX. (Numberless) 93.1-95.4. (No heading, fragmentary. Deals with various cases from different fields of law.)

XL. (Numberless) 95.5-96.17. “On the following: several authorized decisions (*čand dādestān i dastwar*) which have been heard[?] and especially written down.” (Contains judgements of several renowned legal authorities on different matters.)

*XLI. (Numberless) 99.1-105.3. (No heading, fragmentary. Contains loosely



associated statements of various legal authorities and a few case descriptions.)

Chapters in the Anklesaria facsimile (*MHDA*):

*I. (Chap. *47) 1.1-4.11. (No heading, fragmentary. On income [*windišn*].)

II. (Chap. 48) 4.12-8.2. “On disobedience (*atarsagāhīh*).”

III. (Chap. 49) 8.3-12.9. “On the property ‘which is my own’ (*xwāstag i man xwēš*).”

IV. (Chap. 50) 12.10-16.6. “On several statements which were pronounced concerning (cases) dealt with in legal practise (*kardag*) and also matters of the court (*čīš-iz dādestān*) which have been documented in transcripts (*nāmagihā nibišt ēstēd*), from the judges (*dādwār*) up to the oath (*war*) and the *rad*; and on coming from the judges (*dādwārān*) and also from the *mowbeds* to the place of the oath (*xwarastān*), (when) no hearing date has been fixed (*zamān nē dād*).”

V. (Chap. 51) 16.7-25.14. “On several decisions which have to be taken especially into consideration because of the (particular) phrasing (*ēwāz rāy*) (in certain statements).”

VI. (Chap. 52) 25.15-30.5. “On the competences of the officials (*ēwarīh ī kār dārān*).”

VII. (Chap. *53) 30.5-32.2. “On different considerations (*any-iz wāz ī uskardag*) regarding written and sealed (documents) (*pad čīš i nibišt ud āwišt*).”

VIII. (Chap. *54) 32.2-40.17. “On statements together with (other) statements (= belonging to each other (*guft abāg guft*)).”

Due to the difficult terminology and syntax of the Law-Book, several generations of scholars have set to decipher this important text with divergent results. A completely unreliable translation of the whole text appeared in 1937 by Bulsara, which is by now totally antiquated. On the other hand, the pioneer work of Bartholomae, 1918-23, who did not attempt an edition of the whole text but examined many passages of the Law-Book in the exacting manner typical of his work, still remains one of the important contributions to understanding the text, even though the results of his analysis have to be revised in several cases. Recently Anahēt Perikhanian and the present author have published editions of the Law-Book with different interpretations of a



great number of passages (see Macuch, 1981 and 1993; Perikhanian, 1973 and 1997 with further references). Studies of different aspects of the text have been published which cannot all be referred to here (for the most important see the following bibliography).

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