

# Thousands of Judgments: Dynamics of Legal Thoughts in Sasanian Iran

## A Synopsis of the Monograph and Research Interests

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Sasanian Empire traditionally resonates with Zoroastrianism, Avestan and Middle Persian languages, and the Persian identity. It is usually portrayed as a homogenous Empire with Zoroastrian and Persian *Shahs* who, in collaboration with *Mowbeds*, govern a vast Zoroastrian-Persian realm. Nevertheless, during the past two decades, a new trend in Sasanian Studies and related fields has emerged that challenged this traditional perspective. Scholars such as Yaakov Elman, Richard Payne, Yishai Kiel, Shai Secunda, and Geoffrey Herman deal with Sasanian society not as something purely Zoroastrian and Persian. Reading the primary sources differently, they perceive the Sasanian society as a multicultural, multiracial, and multi-faith one. It was a scene in which many groups such as Zoroastrians, Jews, Syriac and Greek-speaking Christians, Manicheans, and various gnostic groups had been playing their roles, sometimes in collaboration, sometimes in contestation, but always through interactions. In terms of historical studies, all these groups are equally Sasanian, and the primary sources these communities have provided are all of the considerable significance for a comprehensive study. In this diverse society, Law was an inevitable hotbed for intellectual interactions among various cultures. This project proposes to study the dynamics of these interactions to understand this chapter in the history of Law.

Legal traditions develop in a certain socio-political, economic, and cultural context. At the same time, they are in constant interactions with other legal traditions. Several such legal traditions developed during the Sasanian era in a geographical strip, from Nisibis in the North and West to the Seleucia-Ctesiphon in the center, down to the Fars and Persian Gulf in the South and East. Among these traditions, three would stand out: Zoroastrian, Babylonian Jewish, and Syriac Christian of the Church of the East traditions. The Sasanians created a sophisticated judicial system based on Zoroastrian legal tradition to administer their territory. Meanwhile, from the fifth century CE onward, the Church of the East was striving to institute its legal tradition. Located inside the Sasanian Empire, this legal tradition was at odds with the State in terms of religion, but interactions with the royal culture and its judicial system were inevitable. Moreover, this Christian community was living in Mesopotamia, near the Babylonian Jewish diaspora. The Jews developed one of the richest legal traditions of the time in the form of a massive compilation, *the Babylonian Talmud*. Jewish and Christian communities share the same biblical past. The close communal and geographical contacts and the common biblical past led both communities to share legal ideas.

Each of these traditions provided us with primary sources. All these sources are products of the Sasanian and post-Sasanian eras. They were created during the time (or immediately after) and inside the realm of the Sasanian Empire. Therefore, they cannot be read without considering the Sasanian and post-Sasanian contexts. Alternatively, the multicultural society of the Sasanian Empire cannot be correctly studied if one exclusively relies on Zoroastrian-Middle Persian sources and neglects Syriac-Christian and Aramaic-Jewish ones. Therefore, to study the dynamics of the interactions among these three legal traditions in their historical context, this project focuses on Syriac sources and the Church of the East and reads the Zoroastrian and Jewish traditions simultaneously. That is because Jewish and Zoroastrian legal sources from Sasanian Empire do not easily render a precise chronology. The Syriac sources, however, most

notably *Synodicon Orientale* and legal canons, can be dated quite confidently. These sources allow us to assume a timeline divided into three phases:

1. Mid-Sasanian (450-550), when the earliest legal ideas appeared in the work of some influential figures of the Church of the East, such as Baršauma, Narsai, Acacius, and most remarkably Mar Abā, who wrote the first legal treatise in this tradition on family law. On the other hand, one would find hints of disapproval of this form of family law and sexual ethics in Zoroastrian and Jewish sources. Another significant theme in the work of this generation is the idea of legal autonomy.

2. Late Sasanian (550-650): *Mādayān ī Hazār Dādestān*, the only solely legal source in Middle Persian, was compiled in this phase and showed the consolidation of the judicial system. Meanwhile, Syriac sources imply that the Church of the East was trying to define itself as an institution with legal responsibilities which not only administer its internal affairs but also tend to interfere in private legal matters. The main concerns in this phase are the inheritance law and the financial affairs of the Church of the East. Babylonian Jewish tradition also adds to this phase by the final redaction of *the Babylonian Talmud*.

3. Post-Sasanian (650-800): Although Sasanian Empire terminated in 651 CE, primary sources in the legal Archive of Tabaristan and the work of Išōʿ-boḳt from the northern shores of the Persian Gulf, both dated to the eighth century, testify that the Sasanian legal system continues to operate for almost 150 years after the fall of the Empire. The sources of this phase reflect a trend of codification to design a universal and comprehensive legal system that could cover all legal matters in private Law (property, real estate, obligations, contracts, and tort). This was supported by another legal innovation, procedural laws, which were first introduced in the work of Išōʿ-boḳt.

In this light, the monograph is divided into three parts, each part into two chapters, each chapter addressing one of the main themes. In so doing, this project, with an internal approach, will analyze every legal text in its context to study the development of concepts and institutions in their native traditions (genealogy). With an external approach, these legal ideas will be located within a larger context of Zoroastrian, Jewish, and Christian interactions (historical contextualization). The result will be a deeper and more inclusive understanding of Sasanian society as the primary legal sources portray.

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