



Marriage, Property and Conversion among the Zoroastrians: From Late Sasanian to Islamic Iran*

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Abstract

This essay discusses the impact of *xwēdōdah* or consanguine marriages, sanctioned by the Zoroastrian tradition on the population during a time of religious dialogue, and proselytizing in *Ērānšahr* (600-800 CE). I believe that advocacy for such a type of marriage was intensified in particular periods in Iranian history, namely the third century, when the Manichaeans challenged Zoroastrianism; and more importantly in the 6th century when Christianity became a major threat; and finally in the eighth and the ninth centuries when state support for Zoroastrianism had collapsed and the Muslims were gaining numbers and becoming the new elite. It is asserted here that *xwēdōdah* had a practical purpose, which was to keep wealth within the family and the community at a time when conversion threatened the survival of Zoroastrianism.

Keywords

Consanguine Marriage, *xwēdōdah*, Zoroastrianism, Sasanian, Early Islam

One of the more interesting and perplexing social customs of the ancient Iranians is the institution of *xwēdōdah* or “consanguine marriage.” There are Middle Persian texts of the late Sasanian and early Islamic period, (composed in Kerman, Fars and Baghdad) which provide cases, injunctions and the encouragement for the practice of *xwēdōdah*. While Zoroastrian and Iranian scholars have attempted to deny such a practice (Sanjana; Shahbazi), there is ample evidence to the contrary, between the 6th and the 10th CE (West; Frye; Mitterauer; Frandsen). In this paper in memory of Zeev Rubin, I would like to raise some points which may be at the heart of such a social bond.

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This essay discusses the legal and, more importantly, the economic implications of such a practice for the Zoroastrian community, after the Arab Muslim conquest, and suggests that while such a law was on the books, it seems to have taken on a practical function in its reaction to the Islamization of the Iranian Plateau.

The material available in this regard is comprised of a body of texts dating from the late 6th to the 10th century CE, composed in what may be called the geographical expanse of *Ērānšahr*, or what the Classical Persian texts refer to as the region from the Oxus to the Euphrates. It should be noted at the beginning that the foremost scholar in the field of Sasanian law, M. Macuch, has shown that the issue of *xwēdōdah* has been treated very differently in texts from the Sasanian period when compared with texts of the early Islamic times. Before we look at the reasoning for such a chronological division and function with respect to *xwēdōdah*, let us look at the nature of the evidence for such a practice. The most important and detailed and instructive of the Middle Persian texts dealing with *xwēdōdah* is the *Pahlavi Rivāyāts Accompanying the Dādestān ī Dēnīg* (Williams, henceforth PRADD). In this text the four most beneficent acts in the Zoroastrian tradition of late antiquity are mentioned:

gyāg(-ē) paydāg kū ohrmazd be ō zarduxšt guft kū čahār tis ēn pahlom yazišn ī ohrmazd ī xwadāy ud ātaxš ēsm ud bōy ud zōhr dādan ud mard ī ahlaw šnāyēnidan ud kē abāg burdār ayāb duxt ayāb abāg xwah xwēdōdah kunēd

In one place (it is) revealed that Ohrmazd said to Zoroaster: That these (are) the four best things: worship of the Lord Ohrmazd; and offering firewood and incense and oblation (to) the fire; and pleasing (the needs of) the priest (righteous man); and he who practices *xwēdōdah* with (his) mother (*burdār*; lit. bearer) or daughter (*duxt*) or with (his) sister (*xwah*). (PRADD II, 11 and I 8C1, 51.)

This type of marriage is not unique to the Iranian world. Egypt and Iran seem to be the two most important places in antiquity where “consanguine marriage” took place. We know for example that the royal family in Egypt practiced such a marriage. The Pharaoh married his sisters, half-sisters, and cousins, which was essential for the existence/continuation of the dynasty (Manchip White, 15). We have census information for the third century CE Egypt, when Rome was controlling North Africa, which indicates that about 20% of the population practiced brother-sister marriage (Hopkins; Hübner). Thus one can say that the idea that had developed among the royal family soon became widespread in that society by late antiquity.

As for the Iranian situation, it is much more difficult to discern the origins of consanguine marriage, since it does not appear that the Indo-Europeans

engaged in this practice (Frye). However, in Ilam, one of the most important civilizations that influenced the Iranians, the practice of brother-sister marriage was evident among the royal family (Hinz, 76-77), and the Achaemenid Persian royal family may have adopted the practice from them (Herrenschmidt; Bucci).

In late antique Iran we find many references to the practice, such as the early third-century inscriptions and the later Middle Persian texts. For example, in the third century CE, Kerdir, the most powerful and fascinating Zoroastrian priest, tells us that wherever he went, he conducted *xwēdōdah* marriages: *BYN štry ZY 'yl'n KBYL 'twry ZY wlhr'n YTYBWNd W KBYL hwytwtd'hy klty* “the Iranian realm many Wahrām fires were established, and many consanguine marriages performed” (Gignoux). In the Middle Persian *Rivāyāts* there are several references to the legal approbation for this kind of union. One can say that we have parallel developments in Egypt and Iran, where the royal practice of consanguine marriage became popularized among the masses, but in Iran it was religiously sanctioned.

It appears that challenges to the Zoroastrian religion intensified during three periods in late antiquity. First, in the third century CE when Manichaeism was competing with Zoroastrianism to become not only the official religion of the Sasanian Empire, but also to become a universal religion (Russell). The second challenge came from Christianity, which by the sixth century was becoming widespread, due to the transference of Roman captives and their settlement in Iran, and the conversion efforts directed by the Nestorian church at the Zoroastrians, especially members of the royal family. Hagiographies and martyrologies of late antiquity give evidence for the conversion of some of the royal family members, and other notables to Christianity, and demonstrate the popularity of the religion in the Sasanian period.¹ This was certainly a danger to the well-being of the Zoroastrian religion and its community. The dwindling numbers of Zoroastrians not only meant a loss of support for the state which took its backing from the adherents of that religion, but also a loss of wealth, prestige and power for the Zoroastrian priests. The failure of the Zoroastrian church to transform Zoroastrianism into a universal religion, rather than an “Iranian” religion, may have been the cause for its eventual decline, compared with Buddhism in the East and Christianity in the West. Still, the Sasanian Empire was an important supporter of the Zoroastrian church in that it kept it alive through money and power.

¹ For a survey of Syriac literature see: Brook and Harvey and Walker; for a survey of Middle Persian see: (Elman).

The most difficult period for the Zoroastrian tradition was the aftermath of the Arab Muslim conquest of the Sasanian Empire, during the Umayyad and Abbasid Caliphates. The eighth and ninth centuries were an era of rapid conversion, according to Bulliet (Bulliet), and this was a period when the Zoroastrian priests were losing their status and power in society (Kreyenbroek). It was at this time that many of the Middle Persian texts were written and in them there is much discussion on the merits of consanguine marriage. The texts where one can find such laws and injunctions from the early Islamic period are the *Rivāyāt ī Hēmīt ī Ašawahištān* (henceforth RHA; Safa-Esfehani), *Shāyest Nāshāyest* (What is Licit & Illicit) (Mazdapur), and the *Dēnkard* (Acts of Religion) (Amouzgar and Tafazzoli.) All of these texts provide reasoning as to why *xwēdōdah* should be practiced. In the passage below, this pressure for convincing those who are doubtful, or against, such a practice is made clear (Amouzgar and Tafazzoli, *Dēnkard* V, 18, 1-2):

*abar xwēdōdah kū kē a-kunišnih pahikārēd pēšēmālīh ēwarīg paydāgēnīdan ī ēim
ēimīg ud padīš griftār ān ēē ēwēnag nē bōxt tā pad kunišnih*

In regard to *xwēdōdah*, that who by not doing it disputes it (i.e., the practice of it), certainly through prosecution it should reveal its reason (logic), and purposefully take captive (logically), that (person) not (following) that custom will not be saved till it is performed.²

By looking at the cases discussed in these texts, it becomes clear that inheritance, and the ability of a man to transfer his wealth to his offspring, is the most important issue at hand. That is, the theological reasoning behind *xwēdōdah* was provided to justify and protect the wealth of the Zoroastrian families. Most notably, the *Rivāyāt ī Hēmīt ī Ašawahištān* is filled with laws concerning consanguine marriage. For example, question 22 is about marrying one's sister and whether person(s) paying for or involved with the union are the ones who receive the beneficence for the meritorious deed (RHA 22, 157-158):

*im xwēdōdah im kirbag rāyēnēd bawēd ud rāyēnidār ud drahm dādādar āgenēn
hem-kirbag hēnd ōy-šān har dōān kirbag ī xwēdōdah warzišnih bunīgihā xwēš*

The one who carried it out and the one who gave money, shares the meritorious deed (*kirbag*). Both of them will benefit from the entire benefaction of this *xwēdōdah*.

² Authors' a translation. Transcription is from Amouzgar & Tafazzoli.

The question here is why would someone pay for someone else's brother-sister marriage, and why would it be considered meritorious? I hope to answer these questions, specifically for the early Islamic period at the end of this paper. But the passage above tells us that the people in the Zoroastrian community were willing to help their co-religionists commit to consanguine marriages. So we also see a kind of social pressure to keep the community together and keep wealth in the family. But brother-sister marriage is not the only type of union that was considered meritorious. In fact the most meritorious type of *xwēdōdah* was any of three types,³ with mother, sister or daughter (RHA 28, 195-196):

xwēdōdah abāg har sē pad har dādih hēnd ka kunēnd kirbag ī xwēdōdah bowandagihā ud ēd rāy ka-š frazand az-š nē bawēd kamih-ē abar kirbag ī xwēdōdah andar nē āyēd

Xwēdōdah with any one of the three, whatever age they are, is (considered) a perfect *xwēdōdah*. For this reason if there is no child, the benefaction of *xwēdōdah* would not decrease.

The Zoroastrian priests attempted to justify and explain the meritorious nature of the brother-sister marriage by discussing the origins of humanity which, according to the Zoroastrian religion, began with the first couple, Mashyā and Mashyāne, the son and daughter of the first man, Gayōmart. The text goes on to explain that “many couples were begotten by them, and the couples became continually wife and husband; and all men, who have been, are, and will be, are in origin from the seed of *xwēdōdah*” (West, 402).

In another passage in the *Pahlavi Rivāyāt ī Hēmīt ī Ašawahistān*, (RHA 28, 195-196.) the importance of begetting a child through consanguine marriage is expounded, but it is also deemed meritorious even if no child is begotten. However, one should attempt to procure a collateral wife to bring a male offspring into the world. Other texts which are certainly dated to the ninth century, such as the PRADD, focus on the problems of the Zoroastrian community. One of these issues was the precept for the community to be good Zoroastrians in a time of distress and to ward-off those of evil religion. The *ag-dēn* “evil religion” is constantly mentioned in these texts and most

³ The three kinds of union are again mentioned in Dēnkard III, “The three kinds of union: father and daughter, son and she who bore him, and brother and sister is the most complete/intimate that I have considered” (Menansce, 86; Frye, 451).

probably refers to the Muslims who were blamed for the decline in family values (PRADD, 51):

*èē hamāg nēst-tiših *pid-kēnih ud adōšagīg be ō mardōmān az ān mar mad ka-šān az jud šahr ud az jud rōstāg ud az jud deb mard āmad hēnd u-šān zan kard ud ka-šān zan be burd pid dud mād griyist hēnd pad ēn kū-mān duxst pad wardagih hamē barēnd*

For all poverty (*nēst-tiših*, lit. not having anything), and hatred of parents (*pid-kēnih*) and un-lovingness (*adōšagīg*) came to mankind on the account, when men came to them from an alien land and from an alien province and from an alien country, they married (*zan kard*), and when they take their wives away (*zan burd*), the fathers and mothers (i.e. of the women) wept (*griyist*), with these (words): ‘They are taking our daughter into captivity/slavery (*wardagih*).’ (Williams, 11-12)

The incessant demand for an explanation of this kind of marriage by the priests in the Middle Persian texts had several practical reasons. For one thing, as long as *xwēdōdah* was practiced, it seems that women stayed within the family and remained Zoroastrian. The *paterfamilias* could control his daughters and so wealth could stay within the immediate family. This meant that the wealth of the community did not dwindle, and moreover the priests who were facing the loss of state support had now become the actual leaders of the community, and would be able to continue to make a living. Otherwise, marriage with outsiders might have resulted in the conversion of the daughter and her offspring, and the loss of community wealth. The *RHA* discusses many instances of such scenarios which suggest that there was a real problem. There are cases such as the “Social status of a married woman in relation with her brother’s conversion to Islam;” or “What are the legal prescriptions regarding inheritance of a converted son?;” and most importantly, “What happens to the property of a Zoroastrian when he converts to Islam?” (*RHA*, Questions 2, 4, 25). The answer to this last question is that the converted person has committed a *tanāphul* sin which makes him ineligible to go to heaven, and he also becomes *margarzān*, “worthy of death.” Even more significant for our study is what the legalists state should happen to that person’s property (*RHA*, 22):

ka ēn kū har kē az weh-dēnān ān xir ud xwāstag fradom abar gīrēd pad xwēših ī xwēš dārēd pādixšāy

Any Zoroastrian (*weh-dēnān*, lit. Good Religion) who seized that property first, is entitled to possess it. (*RHA*, 181-182.)

This free-for-all attitude involving the confiscation of property by the community vividly depicts the fears of the Zoroastrians with respect to the loss of wealth. Thus, *xwēdōdah* had a distinct economic purpose for the Zoroastrian community in late antiquity, especially after the Muslim conquest. It is therefore no wonder that the concept of *xwēdōdah* is not only one of the most repeatedly encountered topics in the eighth- and ninth-century Middle Persian texts and also to a similar extent in the later Persian *Rivāyāts* in the thirteenth and fourteenth century CE. The pressures of conversion and the loss of status during the early Islamic period are clear as found in such passages as the following from the *Zand ī Wahman Yasn* (henceforth, ZWN), where it is asked if the followers of the Good Religion (Zoroastrians) would follow the practice of *xwēdōdah*:

ahlaw ī ahlāwān ī pahlom ān bawēd kē pad web-dēn ī māzdēs-nān ēstēd u-š dēn ī xwēdōdah pad dūdag rawēd

the foremost among the righteous ones will be he who will stand (steadfast) by the Good Religion of the Mazdeans, and who will go by the religious law of *xwēdōdah* in the family. (Cereti, ZWN, 159.)

Although the religious sanctions may have been instituted for a long time, it was not always the desired form of marriage for the people. We have to look at non-Zoroastrian sources, such as the Syriac texts to view the outlook of the Zoroastrians with regard to such a law. There are sometimes interesting glimpses into the views and feelings of the Zoroastrian population with regard to this practice, which are not evident from the Middle Persian texts. The eighth-century *Law Book of Ishu'Boxt* suggests the difficulty which the community had with such a law:

Such that even followers of Zoroaster unwillingly enter into such a union, and usually it is because of the greed of a son for the inheritance of his sister or mother which induces him to such a marriage (Sachau, 33-35; Frye, 450).

Since the commentator is a Christian Archbishop (of Fars), it is no wonder that he gives a negative slant to the practice of *xwēdōdah*; but still this furnishes an important piece of information, indicating that it was the question of inheritance that caused at times undesired *xwēdōdahs*. I would substitute "greed" in the text with "economic necessity" and probably the fear of loss of wealth if a sister or mother was to marry outside the family.

M. Macuch has noted that the Middle Persian texts exaggerate the prevalence of such a practice in the Sasanian period, suggesting that it is an ancient institution in order to justify the *xwēdōdah* in the early Islamic period, in what

she calls a “hostile environment.” (Macuch, 134) She has stated that one might ask how much *xwēdōdah* took place and was it being expounded because the real reason was the lack of enthusiasm for it?

Yaakov Elman, whose work on the Talmudic and Zoroastrian Middle Persian texts has given us a new window into the interaction between the two communities, and others, has suggested that indeed it is not really conversion that mitigated the promotion of *xwēdōdah*, but the great 6th century demographic crisis caused by the Mazdak’s revolt, which prompted the landowning aristocracy to attempt to keep their wealth and to have legitimate heirs through *xwēdōdah* (Elman, 2007, 134). Still, Elman himself doubts that the practice was so pervasive at the time, given the extravagant rewards the Zoroastrian priests had to promise in order to popularize the institution (Elman 2007, 131).

The key is to look at the firmly dated and known Sasanian legal text, the *Madīyān ī Hazār Dādestān* (*The Book of a Thousand Judgments*, henceforth MHD) (Perikhanian, Macuch), which does not contain hypothetical cases, but rather minutes of legal proceedings of the Sasanian court. What one finds here is quite interesting. Macuch notes that while 2/3 of the MHD deals with family law, *xwēdōdah* does not appear even once as a legal case! (Macuch, 136). Macuch who has translated the *Madīyān ī Hazār Dādestān*, believes that *xwēdōdah* was not practiced so much, since it is not found to be mentioned in *Madīyān ī Hazār Dādestān* (*ibid.*). Of course the counter maybe that *xwēdōdah* was so common a practice that it was not an issue to be grappled with in Sasanian law.

However, I agree with Macuch’s reasoning, and would add the caveat that the Zoroastrian priests and Zoroastrianism was supported by the Sasanian Empire, and in the very least, the empire tried to mediate and regulate the issue of conversion. In the early Islamic period, there was no defense and so Zoroastrianism and the priests lost all state support, when there was no safety net. If we are to accept Bulliet’s contention that it was during the eighth and ninth centuries when the tide of conversion from Zoroastrianism to Islam took place this period would then coincide with the time that most Middle Persian *Rivāyāts* were put to writing, and which is when the beneficent institution of *xwēdōdah* was put into practice, as it became a communal safeguard from the loss of wealth and conversion.

The Zoroastrian priests, to further justify *xwēdōdah*, used references to it and its sanction by Lord Ohrmazd in the *Avesta*, and even associated it with Zoroaster himself,⁴ to make its practice beneficent. Such a spiritual backing to

⁴ *andarz ī abēzag ahlaw zardušt az dādār ohrmazd* “the dictums of the pure righteous Zoroaster who (received it) from Ohrmazd.” (*Dēnkard* V.19.13.)

a practice that was not all-together common in the Sasanian period perhaps made it more acceptable for the followers of the Good Religion. *Xwēdōdah* then took on its practical function, which was to keep wealth within the family and the community at times of conversion. Ultimately, the tide of conversion caused the Zoroastrian community to suffer economically and by the post- Abbasid period, many priests had to work the fields and ask for charity from the community, rather than write commentaries on the holy book and engage in scholastic activity. In this manner the Zoroastrian intellectual tradition began to become impoverished in the medieval period, and with it came the end of the institution of *xwēdōdah* itself.

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