

# Denkard Book 8

Contents of the Nasks  
(Ancient canon of Zoroastrianism)



Translated by E. W. West

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For search-ability, spelling of Zoroastrian technical terms has been altered to conform with F.M. Kotwal and J. Boyd, *A Guide to the Zoroastrian Religion*, Scholars Press, 1982.

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# DENKARD

## Book 8

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## Foreword

The *Denkard* is a ninth century encyclopedia of the Zoroastrian religion, but with extensive quotes from materials thousands of years older, including (otherwise) lost Avestan texts. It is the single most valuable source of information on this religion aside from the Avesta.

This volume contains detailed accounts of the ancient canon of the Avesta, much of which has been since lost.

I have added some comments in {} and [[]], mainly to facilitate searches. Spelling of technical terms have also been normalized to conform with other texts in this series. Wherever possible I have used the spellings of F.M. Kotwal and J. Boyd, *A Guide to the Zoroastrian Religion*, Scholars Press, 1982. The original S.B.E. volumes used a system of transliteration which was misleading to the casual reader, and no longer adopted. As an example “chinwad” (bridge) (Kotwal and Boyd) was transliterated in S.B.E. as “Kînvad.”

-J.H. Peterson

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# Introduction: Classification, names, and divisions of the Nasks (1)

1. Praise for Ohrmazd, and obeisance to the Mazda-worshipping religion which is the ordinance of Ohrmazd opposed to the demons.

2. The eighth book is the present (latamman) memorandum about a summary of what is in the Nasks of the Mazda-worshipping religion, each separately. 3. That which is within the compass (shad-aurvan) of this book, about the account of the good religion, is a writing for the information of the many, and an announcement from the commentary (Zand) – that which is in explanation of revelation (deno) – which, for this simple (padram) high-priest, is in itself the writing of the voice of revelation.<sup>1</sup>

4. But, before that, is a writing of the usage about the divisions (banjishno) of the reckoning of the Mazda-worshipping revelation, also the parts (bahar) of its divisions, and the sections (burinako) of the parts; and the exposition of the account – which, though very condensed, is in its division – is also condensed in the parts of its division, and more diffuse in the sections of the parts. 5. The divisions of the reckoning of the Mazda-worshipping revelation are three: Gathas which are the higher spiritual knowledge and spiritual duty; Law which is lower worldly knowledge and worldly duty; and the Hadha-manthric which are mostly information and matters about what is between these two.

6. And the reason of the triple division of the reckoning of revelation is the exposition of all knowledge and duty, and the kinds of knowledge and action in the same revelation are these three that have been written.

7. Also in the Ahunwar, which is the basis of the reckoning of revelation, are three metrical lines (gas); the first chiefly indicates the Gathic lore, the second the Hadha-manthric lore, and the third the Law.

8. And there have been twenty-one parts of its divisions, which are called Nasks: --- (9) Seven are Gathic, because they are composed for the Gathas, and their names are that of the ritual of the Gathic worship, which is the Stud-yasn, with the Sudgar, Warsht-mansr, Bag, Washtag, Hadokht, and that which has made them Gathic, the Spand. 10. And the names of the seven Hadha-manthric are Damdad, Nadar, Pazag,

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1 Tr S. Shaked, *Esot. Trends* p. 192: “The Eighth [book]; a summary of that which occurs in the nasks of the Mazdean religion. A memory of each one separately is [found] here. That which is found within the binding of this book concerning the categories of the Good Religion, was written for the knowledge of the many and was communicated from the Zand, which is the religion. It was written as an authority for teaching knowledge to this mass of people, by the word of religion itself.”



Ratushaiti, Barish, Kishkisrub, and Wishtasp-sast. 11. And seven are Legal, because they are composed for the lawyer (dadik), and their names are those of the legal, and those are the Nigadum, Ganaba-sar-nijad [Duwasrud], Husparum, Sagadum, and Vendidad [Jed-dew-dad], and those which are composed for the law with separate dedications, the Chihrdad and Bagan-yasn. 12. And the sequence is Sudgar, Warsht-mansr, Bag, Damdad, Nadar, Pazag, Ratushaiti, Barish, Kishkisrub, Wishtasp-sast, Washtag, Chihrdad, Spand, Bagan-yasn, Nigadum, Ganaba-sar-nijad [Duwasrud], Husparum, Sagadum, Vendidad [Jud-dew-dad], Hadokht, and Stud-yasn.

13. In all three divisions all three are found; in the Gathic are the Hadha-manthric and Legal, in the Hadha-manthric are the Gathic and Legal, and in the Legal are the Gathic and Hadha-manthric.

14. In each separately that which is essentially and specially itself is included, and that which is partly another and introduced is included; and the reason of it is that in spiritual and worldly existences, and in worldly and spiritual existences, and in that which is between the two, there are both existences.

15. The occurrence of the joining of the Washtag part of the Gathas on to the last of the Hadha-manthric is because it is written in connection with the Wishtasp-sast, the last of the Hadha-mathric. 16. The reason of the Hadokht and Yasht being in succession to the Vendidad, the last of the Law, and 'the production of the worldly creation' being between the Hadha-manthric and those spiritual Gathas, is because the spiritual existence likewise, which is spiritual life (ahvo), is the beginning; and the worldly existence is purposed and caused, and a part is preserved (noshiaito), important for the purpose and intended for the spiritual life, the part at the beginning. 17. And the rejoining of the end of the Law, which is about the haoma, to the Gathas, which are the beginning, is a symbol of the existence of the pure influence of the Gathic lore upon the first spiritual state – that which exists likewise at last – and of the rejunction of the worldly existence to the spiritual, because it came down from the spiritual to exist at present.

18. And the reason of the twenty-one-fold partition of the three divisions of the reckoning of revelation is in the distinction which is evident from their composition; also in the three metrical lines of the Ahunwar, which is the basis of the reckoning of revelation, there are twenty-one words (marik). 19. As the three metrical lines of the Ahunwar, which is the basis of the reckoning of revelation, are an emblem of the triple division of the reckoning of revelation; so the twenty-one words of the three lines indicate the twenty-one-fold partition of these three divisions; as it is declared that 'He who is the omniscient creator produced a discourse from every single word.'

20. As to the sections of the parts, such as the Has and Fargards in the Nasks, it is known there were one thousand, from the testimony and knowledge of the religion owing to the teaching of Zartosht – whose guardian spirit is revered – in the country of Iran. 21. And after the devastation occurred, owing to the evil-destined and raging villain Alexander, there was not so much of them recovered as would be possible for a high-priest to preserve. 22. And that which the saintly (hu-fravardo) Adarbad Mahraspandan, achieved through their composition and preservation, is known so far as the decrees (chako) in the treatises (madigan) of the country of Iran are preserved as teaching and admonition (pandano).

23. After writing of each separate Nask, that is, as to what it speaks about more particularly, each Nask is accounted for separately, and what is in its various Has and Fargards comes to be realized; for in these particulars (madigan) any ruggedness of the auspicious and desirable collection is explained. 24. But, first, the class of writing of the various Nasks – that is, about what they speak – is here written; the extent of attainment not being adapted to their peculiarity of wonderfulness.

## **Nask 1: Sudgar (gathic/religious) (2)**

1. Homage to the glory of the good religion of Mazda-worship!

2. The **Sudgar** contains particulars about the power of the pure glorifying of the first utterance of Ohrmazd, through thinking, speaking, and acting and about abstaining from the law of very evil and very disturbing people. 3. Glorifying the observances (hunarano) and good works of the good religion and of a like nature, as well as their effectualness; and condemning the faults and sin of him of very evil religion, when all kinds of neglect of the spiritual ceremony and of care for the archangel of the worldly existence are owing to him; also much information about spiritual matters. 4. It has become old (kahunik), and is a witness whose statement extends even unto the renovation of the universe.

5. Righteousness is perfect excellence.

## **Nask 2: Warsht-mansr (gathic/religious) (3)**

1. The Warsht-mansr contains particulars about the birth of Zartosht, his attaining the religion, and whatever is on the same subject. 2. A notice (numad) of the priestliness, discipleship, spiritual lordship, priestly authority, and steadfastness which are in his original more concise words of the Gathas. 3. The explanation (Zand) of the statements about everything and also the good arrangement (khush-

radako) are such as that which one speaks of thus: – 'It is the Warsht-mansr which has given forth an exposition upon everything,' 4. So that, in the Warsht-mansr, something is said about everything that is mentioned in the Gathas.

5. Of righteousness the excellence is perfect.

### **Nask 3: Bag (gathic/religious) (4)**

1. The Bag contains particulars about the division of the recital of the first saying of revelation, the first creature in that saying, the first occurrence of it, the adaptation of the creature, and the greatness of that saying which is incorporating the creature, owing thereto; also, especially, the intermingling of thought (med) with it. 2. Very comprehensive knowledge about everything, each separately its own offspring, and many an appendage as much connected with it as that which is said concerning the Bag Nask, that 'the Bag of the community (dahman) is heard where it is spoken for the community,' that is, whoever shall do this good work, for him this good work will be done.

3. Righteousness is perfect excellence.

### **Nask 4: Damdad (Hadha-manthric/scientific) (5)**

1. Amid the Damdad are particulars about the maintenance of action and the production of the beneficial creatures. 2. First, as to the spiritual existence, and how much and how is the maintenance in the spiritual existence; and the production of the worldly existence therefrom, qualified and constructed for descending (fitodano) into the combat with the destroyer, and accomplishing the associated necessity for the end and circumvention (garang) of destructiveness.

3. The manner and species of the creation of the creatures; also their material existence, and the character and use of the races and species; and whatever is on the same subject. 4. The reason for their creation, and for their perfection at last. 5. About the adversity, injury, and misery of those creatures, and their secret (nihono) resources and means of attacking and annihilating them; with the preservation or disablement (apicarinidano) of the creatures thereby.

6. Of righteousness the excellence is perfect excellence.

## **Nask 5: Nadar (Hadha-manthric/scientific): Only the Avesta extant (6)**

1. On account of the Zand of the Nadar not reaching us, the Avesta is retained, for teaching, recital, and ceremony, because it has come unto us with authority.

2. Of righteousness the excellence is perfect excellence.

## **Nask 6: Pazag (Hadha-manthric/scientific): Meat-offering, preparations, and priests for season-festivals (Gahambar); (§10) periods of day and year, Frawardigan days; gathering herbs, chastisement of sinners, 33 chieftainships, apostasy; (§20) almsgiving, summer and winter, calamity of a century, months. (7)**

1. The Pazag contains particulars about lawfully slaughtering a sheep, for the ceremonial of fires, waters, and holy-water, in aid of a season festival [gahambar] of the Mazda-worshippers; besides this, namely, in what are the skill, and the means for selection, of a man for such work, and the formula (nirang) of the ceremony. 2. And this namely, from which limb of the sheep species is the share of the fires and waters to be taken, and how is the preparation which is to be carried on, and with what Avesta. 3. And whatever is about a season festival [gahambar]; where the appointed place is, when one celebrates it, and when it has fully elapsed; the assembly of the season festival, and the donation for the feast; where and when the celebration is possible, in what proportion the provisions are to be given out, and when to be prepared and divided; where its advantage is, and what benefit there is from it to the good creations both spiritually and materially.

4. And this, namely, what skill is more suitable for the sacerdotal (rad-pishag) leadership and other priestly authority (radih) each separately. 5. About the business of the sacerdotal leadership, where it is owing to having appointed the place and having gone forth to the assembly of the Mazda-worshippers, and when they are to be made aware that that assembly is more particularly for the arrangement of renunciation of vice and retribution for sin; the needful supply of things for the feast; the selection of the men for the Zot duty and Raspi duty before the day; the Zotis, Raspis, and others who put in action the work

for the preparation and giving of the portions; and the cleansing of the body-clothing. 6. As to the selection of the president (pesh-gas) of the feast there is this, namely, what ability is requisite for that presidency. 7. The allotment of the portions, and giving them sooner to those who are sooner in need of them. 8. Scoffing before priestly authorities, who are great and good, and when they do not give a portion to the authorities are cases when the season festivals [Gahambars] are not to be considered as celebrated. 9. This, too, that the Zotis and Raspis are for the Zot duty and Raspi duty, and the other priestly authorities for the control of sin and computation (avar) of the portions; and more on the same subject.

10. About the rotation of the day-watches (gahs), days, months, and seasons of the year – which are when it is summer and winter – and the appearances (sahishno) therein which are owing to the motion of the constellations. 11. Where the coming of the righteous guardian spirits (farohar) into the worldly existence occurs, in those ten days which are the end of the winter and termination of the year, because the five Gathic days, among them, are for that purpose; the cessation of that same, as well as its continuance. 12. The great needfulness of the guardian spirits of the righteous in the ceremonial and obeisance of those ten days, and their abundant gratification therefrom; their vexation from want of welcome and want of obeisance; and their ascent from the worldly existences. 13. The extreme importance (frevoanikih) of liberality and bounty at that season; and the proper duty of the priestly authority of a district (shatro) in assisting and interceding for the poor, for the sake of teaching, from the days devoted to the guardian spirits, proper actions among those having guardian spirits.

14. About the period for taking medicinal plants, and whatever is on the same subject. 15. About where there is a household, village, communal, or provincial petitioning for the royal chastisement of sins affecting the soul, each separately; and for whom is the atonement. 16. About the advantage owing to disposal of sin and infliction of chastisement, and the harm owing to not disposing of sin and neglecting the chastisement inflicted.

17. About the first thirty-three chieftainships (radih), around and concealed; that is, which and how many are spiritual, and how many worldly; and which is the second, and which the third, of the spiritual and worldly existences. 18. About the admirableness and great meritoriousness of public observances, and the awfulness and grievous sinfulness of apostasy. 19. And also this, that is, when any one is doubtful, through apostasy, which is the law from the sacred beings in elucidation, and which of the sacred beings is to be entreated for assistance. 20. About this, namely, for which of the women the bringing

of a handful of anything, from the property of her husband, to be given away is allowable in what proportion, and how, and for whom; and for whom, when she gives it away, it is allowable for the husband to bring it back.

21. About this, namely, when summer comes on, where does winter run to; and when winter comes on, where does summer go to? 22. About the amount of disaster that has passed by in one century, and the duration of its passing; everything which is connected with the disaster, and whatever is on the same subject. 23. Where and how many months are of such a kind, and how many of such a kind; as well as the religious names of the twelve months, and the reason of the name of each one of them, that is, to which of the sacred beings, in the ceremonial, each one of these twelve months is predominantly appertaining; so also of the thirty days which are in every month, and so also of the five Gathas in every – year that is, the five Gathic days at the end of the year – all the sacred beings to whom they are appertaining, and when the righteous guardian spirits (asho farohars) are revered.

24. Righteousness is perfect excellence.

## **Nask 7: Ratushtaiti (Hadha-manthric/scientific) (8)**

1. The Ratushtaiti ['concerning the habits of a priestly master'] contains particulars about the religious and important customs and laws to be enforced [obligatory]. 2. The reason of the worthiness and superexcellence in a sacerdotal leader [Master of Ceremonies], and his possession of a portion of the other authority (patih) of a ruler also; that is, how worthiness is to be distinguished from unworthiness, and superexcellence from unworthiness, in him, namely, in the priestly chieftainship (radih) of Xwaniratha and the other regions, each separately, the first which stood aloof from the Mazda-worshippers.

3. About the demonstration and notification of the sitting together of the archangels, the ritual and appliances in the ceremonial of the sacred beings, the position and business of the Zotis and Raspis in a ceremonial, and also all the business of the leaders in their duty, each separately and originally. 4. The greatness of the helpfulness (vijidar-dahishnih) in good works, the kinds of helpfulness, and the proximity of Ohrmazd to the thoughts, words, and deeds of the embodied existence.

5. The excellence of righteousness is perfect.

## **Nask 8: Barish (Hadha-manthric/-scientific): Good and evil; advantages and disadvantages of the period. (9)**

1. The Barish contains particulars about the invigorating power, truth, and generosity of the many capabilities of instinctive and acquired wisdom. 2. And also the ill-advisedness of falsity, stinginess, and ignorance; and the many defects which are fraternizing with the opponent of capabilities. 3. The blessing and cursing, the good will and ill-will of the good ritual and evil ritual, the good statements and evil statements of Vohuman, Spandarmad, Srosh, Ashishwang [Ard], and many other sacred beings, and of evil thought, lust, wrath, unrighteousness, and many other demons; and whatever is on the same subject.

4. The destiny, nature, desire, religion, habit, learning, business, and diligence of the period, and whatever is on the same subject, as regards sovereignty, government, priestly authority, justice, and mediation. 5. The union, peace, and promise keeping, and whatever is on the same subject. 6. The law and custom, good works and sin, good repute and evil repute, righteousness and wickedness and whatever is on the same subject. 7. The modesty and pomp, glory and penance (sroshikih), and whatever is on the same subject. 8. The connection through ownership, subordination, service, and religion, and whatever is on the same subject. 9. The suitability and unsuitability, friendship and enmity, and whatever is on the same subject. 10. The handsomeness and ugliness, youth and decrepitude, opulence and destitution, happiness and misery, and whatever is on the same subject. 11. The strength in races and species of things, and whatever is on the same subject. 12. The learning, solving of questions, complete virtue, and whatever is on the same subject. 13. The hunger and thirst, and their remedy, and whatever is on the same subject. 14. The delirium and death, and their expediency. and whatever is on the same subject. 15. The primitive state and tendency of things, precedence and sequence, and whatever is on the same subject. 16. The acceptableness and unacceptableness, gratification and afflictiveness, and whatever is on the same subject. 17. The mightiness (takikih), loquacity, sociality, and whatever is on the same subject. 18. The understanding and mind; the body and soul, the heaven, hell, and future existence; and whatever is on the same subject. 19. The omniscience of the creator Ohrmazd, and all goodness of like motive, the life and glory of a righteous man, and whatever is on the same subject.

20. And many other arrangements of the creator, through propagation of statements, preparation of sovereignty, maintenance of

the body, and preservation of the soul; a statement adapted to that which one mentions thus 'Truly spoken statements are the Barish, Kishkisrub, and Wishtasp-sast.'

21. The excellence of righteousness is perfect.

## **Nask 9: Kishkisrub (Hadha-manthric/-scientific) (10)**

1. The Kishkisrub contains particulars about the explanation of the ceremonial and ritual of the sacred beings, through what arises its conversion into demon-worship, and information as to cleanness and uncleanness. 2. The preparations and precautions for the Yashts; the tokens and signs of the overflowing and evil owing to the demons at various times, and the cause of their exhaustion and the final victory of the sacred beings. 3. Then the exalting chants of every kind, which Ohrmazd taught to Zartosht, are called the teaching (sasto) of the spirits.

4. Excellence that is perfect is righteousness.

## **Nask 10: Wishtasp-sast (Hadha-manthric/-scientific): Particulars about Kay Vishtasp, visit of the archangels to him, and his war with Arjasp. (11)**

1. The Wishtasp-sast is about particulars of every kind relating to Kay Vishtasp; the temper, character, demeanor, knowledge, learning, and law for sovereignty; the government of the creatures, and the advancement of the will of the sacred beings requisite for it.

2. The creator Ohrmazd sends the archangels on to Kay Vishtasp as evidence about Ohrmazd, and a reminder of Spitaman Zartosht, of the pure goodness of the Mazda-worshipping religion, and of the command for the ruler Vishtasp, as to its triumph, on accepting the religion from Zartosht. 3. The visible coming of the archangels to the metropolis, and, secondly, their domestication (handemanih) at the residence of Vishtasp and his companions; the envoys' explanation of Ohrmazd's message to Vishtasp, and the accepting of the Mazda-worshipping religion by the obedient king Vishtasp.

4. The outpouring (sarinidano) of Arjasp the Khyon, by the demon of wrath, for war with Vishtasp and disturbance of Zartosht; the arrangements and movements of king Vishtasp for that war, and whatever is on the same subject.



5. Excellence that is perfect is righteousness.

## **Nask 11: Washtag (gathic/religious): Not extant (12)**

1. The Avesta and commentary of the Washtag have not reached us through any high-priest.

2. Excellence that is perfect is righteousness.

## **Nask 12: Chihrdad (legal): Races and monarchs from Gayomard to Zartosht; (§17) the Sasanians and some leaders of religion. (13)**

1. The Chihrdad contains particulars about the race of mankind; how the formation of the first man, Gayomard, by Ohrmazd was for the manifestation of the bodily form (kerpih); and in what manner the first couple, Mashye and Mashyane arose. 2. About their progeny and lineage during the entire progress of mankind in the central region of Xwaniratha, and the distribution from them into the six regions which are around Xwaniratha. 3. The various races, which are specially enumerated, were ordered to disperse by the attracting or banishing command of the creator, to each separate race, as to the place where it went to; and whose life and soul (nisman) are appointed from yonder world. 4. Also the original description of their descent into the various regions, of those, too, who are on the frontiers of Xwaniratha, and those who also made their habitation in the intermediate places; and the customs of each one of the species of mankind which was produced among the original races.

5. The original establishment of law and custom; that of village superintendence (dihankanih), for the cultivation and nourishment of the world, based upon the traditional early law (vasarid peshdado); and that of monarchy, for the protection and government of the creatures, upon Hooshang the Peshdadian. 6. A report of the lineage of Hooshang, who was the first, and Tahmurasp who was the second ruler of the seven regions; and an enumeration of reports of lineage from the original creation even unto Yim [Jamshed]. 7. A report of the lineage of Yim, the third ruler of the seven regions; information as to his period, and the progress (sachishno) of time from the original creation till the end of the reign of Yim.

8. A report of the ill-informed evil ruler of the seven regions, Zohak; his lineage back to Taz, the brother of Hooshang and father of the Taziks (Arabs); information as to him and his period, the progress of time from the end of the good reign of Yim [Jamshed] till the end of the evil reign of Zohak, and the lineage from Yim as far as Faridoon.

9. A report of Faridoon, the ruler of Xwaniratha; as to the smiting of Zohak, the conquering of the country of Mazendaran, and the allotment of Xwaniratha among his three sons, Salm, Tuj, and Airik; their union with the daughters of Pat-srobo, king of the Arabs and descendant of Tuz, and the lineage and report of them, each separately. 10. The reign of Manuschihar of Iran, descendant (napo) of Airik. 11. The expiating monarch Frasiyav the Turanian, and Auzobo the Tumaspan, monarch of Iran.

12. The descendant of Manuschihar, Kay Kobad, who was progenitor of the Kayanians and ruler of Iran; and the expiating ruler Kersasp. 13. Kay Us, grandson of Kobad, ruler and maintainer of royalty (kai-dano) in the seven regions. 14. Kay Khosraw who was son of Siyavakhsh and ruler of Xwaniratha. 15. And a special report of many particulars of the races of Iran, Tura, and Salman, even unto the ruler Kay Loharasp and the monarch Kay Vishtasp. 16. The prophet (vakhshvar) of the Mazda-worshipping religion, Zartosht the Spitaman, and the progress of time from the beginning of the reign of Faridoon till the coming of Zartosht to conference with Ohrmazd.

17. And many races and statements, onwards from that time, are enumerated in the same Nask as having existed, and are characterized by it for existence, such as the Sasanians whom it reckons as the well-created – and their sovereignty. 18. In the race of Manuschihar, Nodar, Yavist i Friyan, and Namun, son of Spend-shed, is included the father of Avarethrabau, Adarbad Mahraspandan; and its existence, even then, remains for the future. 19. Also about the many qualities of capability and glory of the selfsame sovereignty, which are promoting the renovation of the universe destined for the races; and its fortune and splendor which are shed upon the race, and are not severed from it till the renovation.

20. About the original knowledge of the professions, care, and industry of the period; the great acquaintance of mankind with the putting aside of injury from the adversary, the preservation of the body, and the deliverance of the soul; the government necessary for the world, even before the coming of Zartosht by order of the creator; the bringing of the word from the sacred beings, and all occurrences to the leaders of religion at various times; and whatever is on the same subjects.

21. Perfect righteousness is excellence.

## **Nask 13: Spend (gathic/religious) Birth and life of Zartosht, his vision of the past, future, and other world; (§12) his posthumous sons, the future apostles. (14)**

1. The Spend contains particulars about the origin and combination of the material existence, guardian spirit [farohar], and soul (nisman) of Zartosht; how the creation of each one occurred in the spiritual existence, and in what mode it was produced for the worldly existence, how their connection with the parents arose, the coming of the parents together, the combination in the mother, and the birth from the mother; and whatever is on the same subject. 2. Also about the arrival of both spirits, the good one for developing, and the evil one for destroying; the victory of the good spirit, and the rearing of Zartosht.

3. His attainment on maturity, at thirty years of age, to a conference with Ohrmazd; and the occurrence of seven conferences in ten years. 4. Many marvels, owing to him, are published therein, just as there are some which, collected and selected, are noticed by the *Denkard* manuscript [Book 7].

5. In seven sections (burino), such as are called Spend, are the seven inquiries, in each instance a single inquiry; and the bestowal of the other Nasks, in these seven inquiries, was through speaking out in each one of the places of conference. 6. About the various inquiries, the period of the sitting and rising on each occasion, the nature of the sitting of the archangels, the coming forward of Zartosht to that domestic conclave (handemanih), his position in that place, what there was to say to him, and what there was to exhibit to him.

7. The conferring of the wisdom of omniscience upon Zartosht, and what was seen by Zartosht of the past and future, and the perpetual amount of duration therein, through that wisdom. 8. The existence of that wisdom, and what that is which, after having subsisted in it, is again well recognized; such as, owing to it, are the highest and best of places, heaven and the various grades of position and reward of the righteous, according to their worthiness through the practice of good works; the most downward and worst of places, hell and the place of punishment of the wicked, according to their sin; and, between the two, the place of the ever-stationary, [hamistagan] those having equal good works and sin; the Chinwad bridge, at which is the account as to good works and sin; and the future existence, in which is the consummation of every one, righteous and wicked, and the preservation of all good creations from every evil occurs.

9. Information also as to many other things which are marvelous, and as to a summary of the statements of these seven inquiries, which is derived from knowledge of every kind. 10. Likewise, about the communication of Zartosht's knowledge of the Mazda-worshipping religion to the world, his attracting mankind to the religion, and the ages, after Zartosht, until the renovation of the universe. 11. And about the nature of the advancement of the people of the period, the separation of centuries and millenniums, and the signs, wonders, and perplexity which are manifested in the world at the end of each millennium in the world.

12. Also as to the birth and arrival of Ushedar, son of Zartosht at the end of the first millennium, and a report of him and his time, and of the many destroyers of the organizers of the period between Zartosht's millennium and the coming of Ushedar. 13. The arrival of Ushedarmah, son of Zartosht, at the end of the second millennium; information about him and his time, and the destroyers of the organizers who were within the millennium of Ushedar. 14. The coming and arrival of Soshyant, son of Zartosht, at the end of the third millennium, the destroyers of the organizers who were within the millennium of Ushedarmah, the arrival of Soshyant, and information about Soshyant and his time. 15. Also, as to the renovation of the universe and the future existence, it is declared that they arise in his time.

16. Perfect is the excellence of righteousness.

## **Nask 14: Bagan-yasn (legal) Worship of the sacred beings and duties of the worshippers. (15)**

1. The Bagan-yasn contains particulars, first, about the worship of Ohrmazd, the highest of divinities (Bagan), and, secondly, of the worship of the angels of other invisible and visible worldly existences, out of whom are likewise the names of the days; also their glory, power, triumph, and marvelousness. 2. Besides, also, many angels who are invoked by name in their worship, and the attention and obeisance due to them.

3. The worthiness and dispensation of favor for worshippers, and the duty of their many separate recitations unto the angels. 4. The duty of unlimited acquaintance with knowledge about the possessions and arrangements of the period, over which the creator Ohrmazd has appointed them, and they remain to cause industry.

5. Perfect is the excellence of righteousness.

## Nask 15: Nigadum (legal)

### Section 1: Patkar-radistan: misery from sin and assault, kinds of assault and magisterial inquiry, (§13) punishment without inquiry, counter-assault (16)

1. The beginning of the law is the Nigadum<sup>2</sup> of thirty fargards.<sup>3</sup> 2. The section Patkar-radistan (*'magistrate code'*)<sup>4</sup> is about this, that the ruin *and* misery (ayoyakih) from the destroyer, for mankind and animals, occurring really apart from the spiritual *existence* have arisen through the sinfulness even of mankind; *and* the progress of ruin and misery in the world is owing to unauthorizedly assaulting one another. 3. Advice to mankind about abstaining therefrom, with an estimate of an authorized assault, *and*, again, for a slight assault and no assault. 4. To stand magisterially, even opposed to the un-magisterial, with freedom from hurt and loss to oneself; and to abstain altogether, likewise, from the most innocuous (anakhrugunotum) assault even upon an unmagisterial *person*.

5. In all magisterial investigation (patkar-radih) – of which, when the custom that: exists is established judicially, the substance is two statements, which are verbal and demonstrable, that subsist in different combinations – *there* are four species: the verbal and demonstrable, the verbal which is not demonstrable, the demonstrable *which* is not verbal, *and that* which is neither verbal nor yet demonstrable. 6. In the arguments (saman) which are allotted *as* verbal are four species, the dispute *having* different arguments *and* different assertions which are for unmagisterial investigation, for one's own priestly authority (rado), for another good man – three of such- being requisite<sup>5</sup> – and also for other evidence.<sup>6</sup> 7. And in those which are allotted *as* demonstrable are

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2 Corresponding to the fifteenth word, khshathremcha, in the Ahunwar, according to B. P. Riv.; but it is the sixteenth Nask in other Rivayats. This name should probably be Vik-ait-tum, meaning, 'the most separate concerns,' as the Nask refers chiefly to public law; but it is called Niyaram or Niyadam, in the Rivayats.

3 The Rivayats say fifty-four kardah, which number may have been obtained by adding the 'twenty-four particulars,' mentioned in Chap. 20.1, to the thirty fargards stated here.

4 The patkar-rad, or settler of disputes, appears to have held a position somewhere between an arbitrator and a Judge, and which may be approximately defined as that of a magistrate.

5 Evidently referring to arbitrators with an umpire.

6 Reading hano gokayih, but hano is an unusual form. Perhaps agokayih, 'want of evidence,' would be more suitable to the context.

six species, and for an unmagisterial *person* the assertions, like the previous species which are on the same subject, are twelve.<sup>7</sup> 8. Of all unmagisterial proceedings – which, though it be a custom, is to proceed unauthorizedly – the species are five,<sup>8</sup> which consist in *having* demonstrated, getting upon, striking,<sup>9</sup> *having* caused a wound, and *having* slain.

9. Of *those* subject to the magistrate (patkar-rado-homond) the twelve species are divided into four sections of three each. 10. One section are the hearing who are seeing, they to whom a dispute which is verbal [is demonstrable; the hearing who are not seeing, they to whom a dispute which is verbal]<sup>10</sup> is not demonstrable; and the seeing who are not hearing, they to whom even a dispute which is demonstrable is not verbal. 11. And with these three, who are in one section, there is magisterial investigation; and the magistrate, unless (bara hat)<sup>11</sup> risk for the body *be* certain, is then irresistible: which is as though it be said *that* to restrain by wounding (resh) is not justifiable, *but* the decision therein is this, that, when they do not change through lawful litigation, and they cannot hold back without wounding, it is justifiable to keep *them* back even by wounding. 12. One section are the not hearing who are also not seeing, the women, and the children; and with these three, who are in one section, there is no magisterial investigation; and the decision *as to* the bodies thereof is this, that, unless risk for the body *be* certain from their complete change, they are then to be completely changed (bara vardishno). 13. One section are the foreigner and *him* worthy of death, certain of thereby producing a sentence for *being* executed from the judges; *also* the highwayman, when he stays on the highway and his destruction is proclaimed, *but* it is not possible to effect

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7 So the MS., but 'four' would suit the context better, and the two Pahlavi ciphers do not differ much in shape.

8 These five grades of unauthorized retribution are analogous to the five grades of personal outrage mentioned in Vd. 4.17.

9 Pahl. zatam, 'a blow, assault, striking,' is used throughout, instead of zakham (Pers. za'km), which latter word does not occur in these two books of the Denkart, except in the form zakhamihastano in Bk. 9, Chap. 8.6. The Farhang-i Oim-aevak also uses zatam in the same sense, in its oldest MSS.; and Dd. 5.1 has zatam. Darmesteter suggests that zatam and zakham are both traceable to an original zathma, or zathema.

10 The words in brackets are omitted by mistake in the MS.

11 The ambiguity, mentioned in the latter clause of this section, appears to lie in these words, which mean either 'but if' or 'only if.' Such ambiguity must have existed in the original Pahlavi text of the Nask, and probably indicates that the earlier part of this section is a summary of the Pahlavi version of the original text, while the latter part is a summary of the Pahlavi commentary upon that version. As the same ambiguity occurs, without comment, in § 12, where the meaning seems tolerably certain, it is doubtful if the commentator's opinion can be adopted.

it. 14. With these three, likewise, who are in one section, there is no magisterial investigation, but the decision about them is even this, that when *one* is utterly destroying their life, *one* is thereby possessing merit. 15. One section are they who are walking, *or* coming upon *one*, unseasonably, *or* retreating confused into a rugged place, *and*, when *people* ask them to speak, *they* are giving no answer, *and* they are not suspicious as foreigners. 16. With these three, likewise, who are in one section, there is no magisterial investigation, and the decision about them is this, that when *one* kills them outright, *one* does not become sinful thereby.

17. *As to* whatever is on the same subject it introduces many opinions, and also this, that a counter-assault (avaz-zatam) is that which becomes a blow and wound, and is to be so committed when it is possible to produce *them* again exactly in every single particular.

## **Section 2: Zatamistan: assault and its consequences, begging and beneficence, perversion, using weapons; conflict through assault, tumult, false-teaching, starving, spells, and threats, by men, women, and children; ill-treatment of slaves, compensation the only atonement, responsibility of fathers for crimes of children (17)**

1. The second section is the Zatamistan (*'assault code'*), particulars about assault (zatam) and the annoyances (veshigano) from assault, such as pain, blood, and unconsciousness; *also* the sin<sup>12</sup> that a man may commit in a state of unconsciousness. 2 About the seven kinds of symptoms of unconsciousness, and separate decisions about assaults that adults may commit among those who are children; also as regards an assault which proceeds to pain *and* blood, and as regards that in which the duration of the disposition of wrath abates the pain *and* blood.

3. About begging (khvahishno) *and* beneficence (hu-dahishno),<sup>13</sup> such as those of which *one* says in particular *there* are four species: when stinginess (pushih) benefits pride (piko) when pride benefits stinginess when stinginess benefits stinginess, and when pride benefits pride; and *there* are three other species that originate from these *last* two, in consultation together, when stinginess and pride benefit stinginess and pride, when stinginess and pride benefit stinginess, and

12 Involuntary violations of the ceremonial law.

13 The terms used in this section are not quite certain.

when stinginess and pride benefit pride, all which, *together*, constitute the seven primary species; many others, too, are traced back to these. 4. Also about seeing the depravity (khang didanô) of a perverting member of the community (kastar dahm) and of the perverter of a member of the community, and whatever is on the same subject.

5. About a weapon seizable, and a weapon *one* brings, *there* is this, namely, what is the thing which is imperfect (anasporik) as a weapon, what is that which is not, and what is that which is welcome as a weapon; what is that which, when any one forces it back at any one as a weapon, is itself something annoying to him; what is his natural annoyance and what his imparted; *and* the penalty in property and difference of sentence on a man who is carrying a weapon, due to any weapon *he has* to carry away.

6. About the six modes of engaging in conflict: through assault, tumult (khvashishnô),<sup>14</sup> false teaching (mitok-sastô),<sup>15</sup> giving no food (atapdadô),<sup>16</sup> speaking with wizard's spells,<sup>17</sup> and speaking with threats of danger;<sup>18</sup> and, where *there* is an engaging in conflict, it then occurs when one has stood up for beginning it and the assault is committed, on one by the other, and not before. 7. And this, too, that engaging in conflict occurs as regards adult with adult, childless women with childless women, pregnant women with pregnant women, and children of seven years with children of seven years – but, as regards children of seven years in sight of *their* fathers, it becomes an engaging in conflict of the fathers – and the decision about it is this, that the atonement for every sin which may be committed through engaging in conflict goes to the priestly authorities.

8. About the affliction *of* a pure lord who sees any one *who* has been useless (abûn) unto *his* slave, though the slave is beseeching, and does not contend for *his* ownership. 9. About sin affecting accusers<sup>19</sup> not being atoned for by any other good work, except unto the accuser

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14 Pers. `hashish. Farh. Oim, p. 34, ll. 6-8, has 'Av. vâiti = Pahl. khvashishnô is that when one runs behind any one for offensiveness.

15 Farh. Oim, p. 35, ll. 1-4, has 'Av. mithôsâst and its explanation "false teaching" are that when one teaches a false way to any one; even when he unaccustomedly shows it rightly to any one, it is a committal of Mithôsâst by him.'

16 Compare Pers. tabah, tô, tôi. Farh. Oim, p. 38, ll. 2-4, has 'Ataftdâd is that when one keeps back food and drink, whereby there is hunger and thirst.' It is worthy of death (see Chap. 20.97).

17 Farh. Oim, p. 34, ll. 3-5, has 'Av. yâtukhta, through wizard's spells (yâtûk-gôbishnihâ), is that when one shall speak thus: "I will destroy thee through witchcraft;" when one says "through the spirits' lack of good religion' it is of the same kind.'

18 Farh. Oim, p. 34, ll. 5, 6, has 'Av. dudhuwi buzda, threats of danger (saham-numâyishnih), is that when one speaks thus: "I *will* strike with worldly weapons."



himself; *also* about the slaying of a servant together with *his* lord, and whatever is on the same subject.

10. About slaying *by* untaught children of seven years, *or* even of eight years in sight of *their* fathers; and the criminality of the fathers therein, when it is possible for them to hinder it and they do not hinder it and when it is not possible for them to hinder it.

### **Section 3: Reshistan: kinds of wounds, scourging, 76 members of the body, effects of assaults, modes of assaulting, description of a wound and the weapon, curing wounds (18)**

1. The third section is the Reshistan (*'wound code'*), particulars about cutting, tearing, cleaving, disemboweling, stabbing, gnawing,<sup>20</sup> rupturing, hacking, mutilating, and withering;<sup>21</sup> such as are all called wounds. 2. The upheaving circular movement of a certain serpent-scourge,<sup>22</sup> the throwing down of the person, and the flow of blood from the bodies of the people.

3. How the various members are divided into seventy-six that are more particularly called principal, which are comprised in two classes; two of these, which are clothed *and* different, one from the other, are female, and *some* out of the surrounding parts (*girvôgânih*), which are *apart* from eight of the principal, that are comprised in the members of the two classes *and* among those seventy-six – and which, in like manner, are different one from the other – are female, and are *of* different purpose and different design, one from the other.

4. These, too, namely, when any one, through an assault, produces, for any other, stupefaction, swelling, or leanness, blackness,<sup>23</sup> or paleness, shortness, or tallness, want of intelligence, much eating, little eating, or moderate eating, indolence, or diligence, or dullness of hearing; or he wishes to speak *some* words, and they strike him in return; or *one* altogether diminishes *any* one's speech, sight, or hearing, wisdom, strength, or semen, milk, *or* pregnancy; or when one destroys

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19 A sin which injures another person, or any good creation, who must be satisfied by compensation before the sin can be remitted.

20 Or, perhaps, *khvâyishnô* (compare Pers. *hâyidan*) may mean 'biting.'

21 The last four terms are, in Pahlavi: *shkônishnô*, *khûrdô kardanô*, *tâshidanô*, and *khûshîndanô*.

22 The *mâr-ganô* (Av. *khrafstraghna*), we are told in Pahl. Vend. 18.6, may be *made* of anything, *but* a leather one is good' (see also Bd. 28.22). Intended as a snake-killer, it was misused as a scourge for human beings.

23 Assuming that *vêshih*, 'excess,' is a miswriting of *siyahih*.

the spleen (spur) or milk of females, or, in revenge (gifar), kills *his* son outright; or when they would inflict a wound upon a wound, and one's blood goes streaming forth.

5. Also about an assault with one, two, or three weapons, or more, in conjunction; or they may commit *it* on the spot, or in confederacy, or as a first offense.<sup>24</sup> 6. About the measure of a wound when a two-edged sword (dôbarakô) plunges down, the area (sarâi), walls, and surroundings, and the shape which is plunged; that *which* is hacked, or cleft, or mutilated, or a torrent of blood streaming; the affliction (vamang) of the furious serpent-scourge (mârvanô),<sup>25</sup> and the length, glitter, and weight of the weapon.

7. The ritual for the departure of a wound and the departure of pain, watching over *it* for the duration of three nights or a year, its greater wretchedness or less wretchedness, *its* cure (sporîkîh) or incurableness, and whatever is on the same subject.

8. Trivial enumerations, and decisions upon each separately.

## Section 4: Hamemalistan: accuser's code (19)

1. The fourth section, which is also called the law of the Hamêmâlistân ('*accuser's code*'), contains particulars about accusation, and about the false accusation by any one, regarding any other, as to witchcraft, destroying a righteous *man*,<sup>26</sup> theft, plunder, injuring the existence, minor injury<sup>27</sup> as regards several particular things, taking up

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24 These three modes are expressed by Paz. ithrih, hidhîh, and apavarâvarshthîh, which stand evidently for the original Avesta words ithra, hadha, and apaurvarshtha (see Chap. 21.6).

25 See § 2.

26 Pahl. aharûbôkîh (= Av. ashavagha) must not be confounded with aharûbôîh, 'righteousness' for which aharâyîh is more commonly used.

27 These two kinds of injury, usually written bâîôdôk-zêdô and kâityôk-jadô in the Denkart; are mentioned in Farh. Oim, pp. 32, l. 8-34, l. 2, as follows: 'Av. baodhajad = Pahl. bôdô-zêd and Av. baodhō-varshthahē = Pahl. bôdôk-varshst are, as it were "observantly assaulted," and one mentions *them* most about the assault and injury of anything which is noticeable. Through falsehood other noticeable sin is small, and is subdued through being devoid of an injurer, as the assault and injury of anything through wear is a small sin. Kâityô-jed is a sin for mankind, which is a degree of Bôdôk-zed, but less; so also the decree (dastînak) is different from Bôdôk-varshst The principal Bôdôk-zêd, that of animals with observance, the Bôdôk-zêd through wear, and the Kâityôk-zêd sin towards people are sins which are hamêmâlân ("affecting accusers"). The dissipating weapon for sin dissipates the sinfulness of the other sin, which is called rûbânîk ("affecting the soul").'

a *weapon*, threatening with it,<sup>28</sup> assault, tumult,<sup>29</sup> incarcerating,<sup>30</sup> false teaching, fettering, making dejected (*nigûnô*), giving no food, falsehood, speaking with wizard's spells, or with threats of danger, abstracting the increase of laborers' wages, wishing to cut ( *vurîdanô*) and squeeze (*pashkhâdanô*) anything *from anyone*, and seizing (*majîdanô*) it for fire *and water*, *and whatever* is on the same subject, 2. Also about the limitation of the accusation of sin therein, the retribution for it, and the dust, or ashes, or flour, for the eyes and the rest of the bodies of human beings, it now<sup>31</sup> speaks henceforth for thirty successive heads.<sup>32</sup>

3. About the sin of making people eat bodily refuse,<sup>33</sup> *and bringing it unlawfully to their persons or clothes; and of going to a menstruous woman, or a wizard.* 4. About a juvenile and well-behaved woman who comes out from a house of those of the good religion, *and is considered as well taught.* 5. About falsehood *and slander*, small *and great*, *and whatever is on the same subject.* 6. About the care of a pregnant woman in lawful reclining (*khapâk*), feasting (*jashnô*), and work.

7. About a householder who does not teach his own household, in *order* to teach the household of another; *and whatever is on the same subject.* 8. About a quiet *and an unquiet person* with equal opinionativeness, and the opinion which they *have* to form before beginning. 9. About the expediency *or in expediency* of the opinion which is announced, and the reason of both. 10. About the man who, for fear of a counter-assault, runs away.

11. Also about not renouncing *sin*, neglecting complaints, and whatever is on the same subject.

12. The difference of sin in priests from that in any one else, as regards its renunciation. 13. About the expediency of retribution, and the measure of the expediency. 14. About and to what extent is the authority of one's own priestly master, for allowing the sin which any

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28 These two terms are *âgêreptô* and *avôîrishtô* (*Av. âgereptem* and *avaoirisitem*) which are thus described in *Farh. Oim*, p. 36, ll. 4-6: '*âgerept*, "seized," is that when they shall take up a weapon for smiting an innocent *person*; *avôîrisht*, "turning," is that when *one* turns the weapon upon an innocent *person*.'

29 See Chap. 17.6, for some of these terms.

30 *Pahl. handerêtô* which is thus described in *Farh. Oim*, pp. 34, l. 8-35, l.1: '*Av. handereti, Pahl. handeretô*, is that when, owing to negligence, one keeps any one exhausted; when one would make him fallen who is of the ruined, or him who is a master of arms, and *has* imprisoned him, the causing of much anguish thereby is the committal of incarceration.' see also § 44.

31 *Paz. knîn* (= *knûn*).

32 Of which the details are not mentioned.

33 *Pahl. hîkhar* (*Av. hikhra*) is any refuse or dirt from the living body, or any liquid exudation from a corpse.

other person may commit as regards a disciple of that same, and that, too, of his disciple affecting the soul.

15. About the chastisement of a judge who is releasing sinners, and whatever is on the same subject. 16. About the justifiableness of a plaintiff in committing illegality. 17. About seizing the purity produced for foreigners, and whatever is on the same subject. 18. About *one* worthy of death making supplication (lâvakô), cooperation with one worthy of death, and whatever is on the same subject. 19. About confession as regards anything, the object of confession, and whatever is on the same subject. 20. About exhibiting a liking for sin worthy of death.

21. About a blow with a weapon, which is incomplete or not incomplete, when adults or children shall inflict it, or when children with mutual assistance. 22. About a wounded *person* whose anguish *was* allayed by medicine, the arising of the anguish again from disease, *when* he died, and whatever is on the same subject.

23. About taking security (garôbô) from the defendant after the decree of the judges. 24. About the legal proceedings as to an offense when, owing to the incapability of the plaintiff, adjournment has always occurred, and a man would occasion an acceleration of the statement of law (dâdô vâch) *and of* the procedure of the plaintiff. 25. About appointing a mediator (dâdak-gôbô), *and* the object of mediation.

26. About an assault (zatam) which is altogether of furious (pûr-tâk) origin. 27. And about a harmless (âzad) assault and striking back fairly to test a weapon, *and*, when it is not possible fairly, turning it into execution of duty, or giving of scars (pishanj-das), or punishment; a statement of the change, and whatever is on the same subject. 28. About the limit of the punishment of a child for the sin it may commit 29. About seeking an interpretation (pâdô-khân), the limit of interpreting, and whatever is on the same subject. 30. As regards a signal of approving the words of any one, on passing away, are these – About giving up anything, making a will about it, *and* renunciation of sin.

31. About committing an assault upon an unknown person at an indefinite time, and whatever is on the same subject. 32. About giving a weapon *and* telling *someone* to kill a foreigner who is taken for judicial investigation, *and* whatever is on the same subject. 33. About the great hinderers<sup>34</sup> who are slain by a righteous man, who the great hinderers are, and unto whom it occurs; when *one has* to command it as assistance for one or many, or they shall commit the assault in advance or afterwards, and whatever is on the same subject. 34. About the

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34 Doubtful: the word can be read *freh-gasîgân* on its first occurrence, and *freh-gashîgânô* on its last; but both reading and meaning are very uncertain.

weapon they shall seize *it* is stated thus: 'I see a man and a sheep, I strike upon this *and* upon that, and *it* is gone:' *and* whatever is upon the same subject.

35. About petitioning, *and* the going of a frontier governor (mar'zhpân) to the feet of tyrants (sâstârânô) to speak of regulations, and whatever is on the same subject. 36. Where *and* when one strikes a living *person* he vexes *him*, and the living *person* he strikes vexes *him* when dead; *but* he who strikes a dead *person* is vexed alive, and the dead *person* he strikes vexes *him* when dead; and whatever is on the same subject.

37. As to wood and useless pith (dîl), that which is for keeping is as far as a dimension that is mentioned, *and one*, therefore, passes *it* by not to burn concerning also that wood which is only for the blast of a furnace (gûrîh zîgâ) as firewood, the burning *and* dimensions and blast of the furnace *are stated*, *and* whatever is on the same subject. 38. About the sin through which a man attains from atonement to the sacred-twig [barsom] ordeal (baresmôk-varîh), *and* from the sacred-twig ordeal to the heat ordeal (garemôk-varîh) which *has* maintained the worthiness of an assault that is an actual inexcusability (achârîh)<sup>35</sup> to reasoning thought; *and* whatever is on the same subject.

39. About the excellence of physicians, *their* merit from doing good, *and* sin from not doing good; the quality that exists as regards medicines, seeking a physician for animals also, *and* whatever is on the same subject. 40. About a horse, which is new to the saddle (kôfak), *being* made tailless (kapeh) and not feeding (akhavânô), how it is done, the sin owing to doing it unlawfully and heedlessly, the wound and damage that arise from it, and whatever is on the same subject.

41. About several persons, when anything that is imperfect, or even not imperfect, as a weapon is convenient to them, and a wound occurs, and it is not evident which, or who, threw the weapon, it is not necessary to know *its* imperfection or lack of imperfection;<sup>36</sup> *and* whatever is on the same subject. 42. About the three modes for thrusting a weapon are these *details*, that is, so much of it when *one* thrusts it on ground that is hard, or soft, or full of ruggednesses (âchârîgânakô); when *one* shall bear it up aloft, and the amount of the height; *and* when *one* impels it again with a sweep, or *has* to draw up its center at the time of a sweep; *and* whatever is on the same subject. 43. About an assault and the most hurtful occasion when, *for* the same

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35 It might be 'inevitability,' but this would render the ordeal unnecessary.

36 The fact of the wound being sufficient to prove the unlawfulness of using the weapon.

reason, they would celebrate a religious rite; the retribution on the spot, *and* the sentence upon the fourth occasion.<sup>37</sup>

44. About incarcerating (*handerêtô*) in a frightful and inaccessible (*avidarg*) place, and among noxious creatures; the quantity of noxious creatures, and whatever is on the same subject. 45. About grasping the tail of an ox, or a horse, on which *another* sits, to hold it back, *and* whatever is on the same subject. 46. About threatening danger, wizard's spells,<sup>38</sup> and whatever is on the same subject.

47. About complaints as to the value of a lamb,<sup>39</sup> or a sheep,<sup>40</sup> or a beast *of burden* (*stôr*), or a human being (*vîrôk*);<sup>41</sup> either when the plaintiffs are one, or two, or three, or four, or many; how *one has* to summon the defendant, and how much time there is. 48. About when the controversy (*han-bêshinîh*) is as to theft (*dûjô*), and the confession as to plunder (*avor*); or the controversy is as to plunder, and the confession as to theft; and when the controversy is as to injuring the existence,<sup>42</sup> *and* the confession as to minor injury; or the controversy is as to minor injury, and the confession as to injuring the existence; *and* when the controversy is as to theft *and* plunder, *and* the confession as to injuring the existence *and* minor injury; or the controversy is as to injuring the existence *and* minor injury, *and* the confession as to theft *and* plunder. 49. And when the controversy is about so much, *and* the confession about so much *of* a different kind; when the controversy is about so much, and the confession about more of a different kind; when the controversy is about so much, and the confession about less *of* a different kind; when the controversy is about so much, *and* the confession as to more of the same kind; *and* whatever is on the same subject.

50. About the sin of unfriendliness of a master towards a disciple, *and* whatever is on the same subject 51. About taking a thief of any one's goods (*aîshîgânô*), conducting *him* to the judges, *and* what ever is on the same subject. 52. This, too, that when affliction has come upon a good *man*, the effort of every one, for removing that affliction, should

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37 According to Vd. 4.35, if a man wounds another so that the blood comes, and does this for the *fourth* time, he becomes an outcast and receives the maximum punishment. Also, when a person walks without the sacred girdle or shirt [*sudra* or *kusti*] (Vd. 18.59), it is at *the fourth* step that the demons possess him.

38 See Chap. 17.6.

39 Pahl. Av. *asperenô* (= Pahl. *anaspôrik*) 'imperfect, immature;' an epithet for a lamb or kid.

40 Pahl. *anûmôyê* (Av. *anumaya*), probably 'bleater,' an epithet for a sheep or goat.

41 These four grades of value are mentioned in Vd. 4.48.

42 See § 1.

continue just as though it happened to himself. 53. And when a good *man* is beaten through malice, the effort of every one, in demanding compensation for him from the smiter, should continue just as though it happened to himself. 54. And this, too, that, when there is no danger for one, the power of affording assistance is thus assistance of the innocent; *and*, as to the property which may be carried *away* from him, *and of which* they shall make no restitution, after as much as a Hasar<sup>43</sup> the carrier *off* becomes guilty *and* liable to penalty.

55. About the distinction of indigenous and foreign (*âîr va anaîr*) thieves as to cold and the clothing given, *and* as to sickness *and* undergoing remedies. 56. About the hands of a foreigner *being* unfettered for no other reason but care of water and fire, to preserve *them* from blood, filth, and injury (*âsipô*). 57. About the sin of not restraining him who is the first assailant of two combatants, as soon as his attack is seen. 58. About teaching the peace of renunciation *of sin*, the bond of worthiness of him *of* great power even when proffering union in renunciation *with* him of little power, and whatever is on the same subject.

59. On the nature of responding about the keeping *away* from *one* worthy of death which arises through great judiciousness, the reason of keeping, how to keep, *and* whatever is on the same subject. 60. And on the nature of responding when they ask in malice about a righteous man, when *one* knows *his* whereabouts, and when *one* does not know. 61. About how *one* is to give a weapon to generals (*hên-gô-padanô*) and august frontier governors.

62. About authorizedly shooting an arrow at *one* worthy of death, which is given again for killing *him* to any one unto whom the *person* worthy of death is consigned *and* becomes supplicating (*lânakô*) *and* goes to the middle of the distance, and they shall afford him assistance *and* enervate *him* for *it*, when, through the three words<sup>44</sup> which he utters, they do not deliver *him* up again. 63. About *one* worthy of death who is preserved with great judiciousness when the evidence, which they give before that about him, is through another *one* worthy of death,

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43 A Hasar (Av. *hathra*) is a measure of distance, as well as of time. This is stated in Farh. Oim, pp. 41, l. 11-42, l. 3, thus: 'Of the Hasar there are also several kinds that express measurement. A medium Hasar on the ground, which they call also a Parasang, is a thousand steps of two feet which have to walk. With the lapse of time of a medium Hasar the day and night are computed.' Again, p 43, ll. 1-3 state that 'of twelve Hasars is the longest day; that day and night in which is the longest day are twelve of the longest Hasars, eighteen of the medium, and twenty-four of the least.' From this it appears that an average Hasar of distance is a thousand paces, or Roman mile; and an average Hasar of time is one hour and twenty minutes.

44 Possibly *humat, hukht, huvarst*, 'good thoughts, good words, and good deeds,' which would be accepted as a sign of repentance.

and whatever is on the same subject. 64. About evidence as to witchcraft and destroying a righteous *man*, that is, in what proportion it is certain or doubtful. 65. About causing the execution of *one* worthy of death for entertaining fondness for witchcraft and laughing at witchcraft, and whatever is on the same subject.

## Section 5: (20)

1. In the fifth section are twenty-four particulars<sup>45</sup> about the standing up and going forth of a man with a weapon and angry thoughts towards *another* man; and also when he takes a beast *of burden*, saddles it, and sits upon it, takes the rein<sup>46</sup> (ayôkham) in hand and walks *away*; this, too, that, when he arrives there, he smites that *man*, or some one else and whatever is on the same subject. 2. About what *one has* to do when the conversation of two men is *of* the destruction of a righteous man, *of* high way robbery, and *of* the cursing owing thereto; *and* whatever is on the same subject. 3. About what one *has* to do when, of two men who are *on* the same road, one slays a righteous man ; and *about* the other when *he is* fearless, *and* when he *is* fearful. 4. About preserving *one* worthy of death when it requisite for medical purposes (bezhaskîh), though the plaintiff is *of* a different opinion; and whatever is on the same subject.

5. About the needlessness of plaintiffs *and* defendants speaking as to the substance (min tanû) of the law, when the witness and judge is the supreme priest; the confidence which they may place *in* the decision of the supreme priest, due to his own knowledge and evidence, when, moreover, they *have* not to atone in the body; and the want of confidence *in* another judge when, moreover, they *have* to atone in the body, and the needfulness of plaintiffs and defendants speaking on the substance (val tanû) of the law, even when the judge is aware of the law. 6. About unauthorized combatants, become mutually sinful, when, to dissipate (sîkhtanô) a wound of the one, he would make the *other* one worthy of death. 7. About supplies (pishôn)<sup>47</sup> in traveling together, and their renewal; *and* whatever is on the same subject.

8. About inflicting penalties by magistrates, the assistance *of* the unmagisterial *given* to magistrates, the assistance of the magistrates, and the exemption of these latter from atonement to those former;

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45 It is not clear whether these twenty-four particulars are to be sought in the details of § 1, or in the whole chapter, or some portion of it.

46 Merely a guess.

47 Compare Pers. bishinj, Av. fshaoni. In some cases it might perhaps be read pikhvô, and be traced to Av. pithwa. The word often occurs, as in § 11, Chap 23.3, 15, 26.10, 27.4, 6, 31.25, 36, 37.5, 7, 32, 41.19, 23, 43.19, and its meaning, 'provision, or nourishment' is well ascertained.



likewise about conversation as to an assault, and whatever is on the same subject. 9. About the evasion of penalty *by* men at the time when a sin may be committed, and the arrest *of their* nearest relations being important, in whatever measure implicated therein and impossible to consider innocent; how to confine and make them really coerced to seek a remedy, and whatever is on the same subject. 10. About the powerfulness which comforts in sin where *there* is any special worthiness, and the reason of any worthiness; the want of power where there is special unworthiness, and the reason of any unworthiness; the production of the good works of one towards another of the powerful, and of the sin of one of those lacking power; and whatever is on the same subject.

11. About the plaint which one has to argue, and for the defendant to dispute; the time for making the statement (*gôbô*) when the defendant does not come, or comes not to conduct the business; the several peculiarities of plaintiff and defendant, the time for conducting being on the day before yesterday, the firm *one* and the powerless, the incrimination therein, the death-blow on the exhaustion of the possessions of the plaintiff, and provisions for conducting the legal proceedings; a privileged wife<sup>48</sup> shall be capable of making a plaint for her husband, and *of* informing the husband of the plaint; when her property is anything whatever, and nothing is manifest as to that wealth, *she* is to be admitted for evidence; and whatever is on the same subject.

12. About the ordeal of those *who have* atoned, of those undergoing the sacred-twig ordeal, and of those undergoing the heat ordeal, *who* are pure; the freedom from falsehood of which, each separately, which they, every one of them, request when the ordeal is not that for their own station, but that for the station of others; and whatever is on the same subject. 13. About the object of any evidence, and, on account of the reason of its propriety, the impropriety of any one *being* without evidence; and whatever is on the same subject. 14. About the reality *of* a statement due to an ordeal, and so many *having* gone to the ordeal place for the sake of watching the first-comer and after-comer; the time *of* performance, the statement, the ceremonial and the invulnerability due to it; the kinds of incrimination, how to protect the limbs by which the ordeal is accomplished, and each one *of* the formulas (*nirang*) of protection; the superintendence for observing the ceremonial, and the decision about the acquitted *or* convicted *one*. 15. This, too, that is, whose going to the ordeal place is first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, and tenth; *and by* whom is the command to be

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48 One married to her husband with the parents' consent, and never betrothed to another, so that she and her children belong to him in both worlds (See Bd.32.6 n).

given. 16. About the business of the ordeal attendants (var aûstîgânô). 17. About incrimination through confession, or some other reason, the reliance restored thereby, and whatever is on the same subject. 18. About a thief destroying life and escaping, the suspicion owing thereto, about any one, as to assisting the thief, and whatever is on the same subject. 19. About *there* being no ordeal for those confessing, and so also as regards those of good repute; accusation as to the existence of a limit to the good repute, even that which is for the extent of a Yujyast, a Dashmest, an Agoyôst, a Tachar, and a Hasar<sup>49</sup> at the least.

20. About litigation as to a costly article, when a witness of its possession by the one *party* is *combined* with non-possession by the *other* one with no witness, or *with its* possession by the other one with a single witness; or the witness of one is with the sacred beings, and its possession by the *other* one is likewise not manifest; when both *parties* are related (khidyahîk), or both are unrelated (anazdîhîk); and what kind of possession they say is most real. 21. About annulling the decision of a judge, and the time it is done at the *court of* a chief judge, and also owing to an ordeal for certainty; and whatever is on the same subject. 22. About the litigation of three persons as to property it is declared, so much is given to one on the day Ohrmazd to the day Vohuman,<sup>50</sup> to another one *on* the day Ardwhisht, and possession is not made over to the *third* one at all.

23. About selling property which is not one's own, *and* whatever is on the same subject. 24. About controversy as to anything which ought not to occur. 25. About any essential dispute *that* any one has, *when* agreeing thus: 'I do not have it as my own, but owing to the other person;' and whatever is on the same subject. 26. About the litigation of an Iranian with a foreigner, or with foreigners, *of* a foreigner with an Iranian, *or* a slave with a man of the country, as to a costly article; and whatever is on the same subject. 27. About a much-clamoring plaintiff having summoned defendants to the judges regarding a decision, and

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49 The relative lengths of these five measures of distance are stated in Farh. Oim, p. 41, ll. 9-11, as follows: 'So much as two Dashmest (Av. dakhshmaiti) is as much as a Yujyast (Av. yujyasti); so much as two Agoyohast is as much as a so much as two Tachar is as much as an Agoyohast; and so much as two Hasar (Av. hathra) is as much as a Tachar (Av. tachara).' As the average Hasar is a Roman mile (see chap. 19.54 n), the Tachar ('run?') is two, the Agoyost or Agoyohast ('cattle-run?' Av. gaoyaoiti?) is four, the Dashmest ('distance-mark?') is eight, and the Yujyast ('stage?') is sixteen miles. This series of distances is analogous to the Sanskrit series, but more elaborate; the Hasar is best compared with the Krosha as the commonest unit of moderate distance, though less than half its usual length; the Agoyost is nearly the same as the Gavyuta; and the Yujyast is analogous to the Yojana, though nearly double its length.

50 That is, on the first or second day of the Parsi month; and to the other on the third day.

about the perverted wordiness *and* mixed verbiage in the legal proceedings; *and* whatever is on the same subject.

28. About the time for a high-priest of property and possessions, what is the specific necessity for a high-priest, and whatever is on the same subject. 29. About the fitness of a woman for evidence and judgeship when guardian over herself, *and* the unfitness of a privileged wife<sup>51</sup> who is a foreigner and worthy of death for only a single *offense*, even with the authority *of* her husband; *and* whatever is on the same subject. 30. About the owner of a pledge not depositing the pledge beforehand, *and* whatever is on the same subject. 31. About giving up the property of partners, *and* whatever is on the same subject. 32. About the property that any one possesses, and is without any witness as to his ownership and possession *of it*. 33. About the ordeal of excessive eating (pâûrû-khûrânô) for escaping distress (mûst-karzhîh) *by* plaintiffs *and* defendants before driving each other into legal proceedings, *and* whatever is on the same subject.

34. About the legal proceedings as to a female<sup>52</sup> they steal from some one, and she becomes a suppliant of a thief; some one takes *her* by sequestration (hachîdakîh),<sup>53</sup> and they steal her also from him; the original *possessor* (bûn) sees his own, not knowing *she is* back alive, when they become disputing about her; *and* whatever is on the same subject. 35. About property which is in the possession of any one, when someone gives *it* up to some one else in his sight, *and* he does not dispute *it*. 36. About a master teaching a disciple not to go back to legal proceedings, *and* whatever is on the same subject. 37. About controversy, with any one, as to special property in righteous gifts, *and* whatever is on the same subject.

38. About legal proceedings in which *one* accomplishes an ordeal three times, and it comes off in one way; and whatever is on the same subject. 39. About the existence of the many kinds of speaking with wizard's spells,<sup>54</sup> *and* those with threats of danger; and about the usage in witchcraft as to the moderate *and* justifiable production of mutual afflictiveness thereby. 40. About which is the ordeal for *one* worthy of death, the greatness and littleness of an ordeal, and also this, that is, which are the blessed among twenty of those undergoing ordeals. 41. About the proportion of firewood, and from which tree it ought *to be* good; and again, too, the several appliances and formulas that are necessary in accomplishing the ordeal. 42. And this, too, that when the

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51 See § 11 n.

52 A slave no doubt.

53 This is the technical term for legal seizure, or sequestration (see Chap. 39).

54 See Chap. 17.6.

man is aware of his own truth, even though he *be aware of it*, the fire speaks in the words of men thus: 'Walk not on to me! for I chastise during one's progress. 43. About *one* still mediating in legal proceedings as to a thief who *has* acted faithfully about quitting confinement and fetters to cause a ceremonial,<sup>55</sup> and whatever is on the same subject.

44. About the wealth of a priest who is not keeping his property in edifices (aûzdesihîh) or domains (matâ), *but* goes on with his occupation; and when he passes away, to whom and how it has to come.

45. About litigation as to property from the residuary *wealth* of fathers, about keeping *it* together (vâham-dâr), and whatever is on the same subject.

46. About the amount *of* retribution, *in* confinement, fettering, and punishment, for a lamb,<sup>56</sup> a sheep, *or* a beast *of burden*, which is stolen; *and* whatever is on the same subject. 47. About a defendant regarding whom three plaintiffs complain, all three as comrades, one as to a lamb, one *as to* a sheep, and one as to a beast *of burden*; *and* whose answer is first given. 48. About the litigation of three persons as to a costly article which remains apart from them, he who deposited it being a strong person, and the ownership of not even one of them *being* certain. 49. About the coming of retribution to three persons who, all three as comrades, have stolen a lamb from one, a sheep from *another* one, and a beast *of burden* from a *third one*.

50. About the reason of the justifiability, *and* that also *of* the unjustifiability, *of* confining a *fellow-countryman* for his own theft, *and* whatever is on the same subject. 51. About the extent of continuance in hearing a defendant, and this, *too, as to* a plaintiff; *also* about the time appointed for speaking, and its extent. 52. *And* about this, namely, when any one has made an accusation about any other, and goes back at the time appointed, *and*, before a reply is given, he shall make out another accusation about the same man, to which *of* the *two accusations* a reply is to be first given. 53. About the reason of the hardship of legal proceedings; about what man *it is* whose statement is second, third, fourth, *and* last in conducting legal proceedings; and about the twenty-two stratagems in conducting legal proceedings.

54. About the canceling (pâdyârânîh) of an ordeal, even that which is accomplished with three selected witnesses. 55. About the season of the hot ordeal, and also that of the cold; *and* whatever is on the same subject. 56. About one, in a procedure, demanding an ordeal, *the other* one having appointed the time for the supreme priest, *and* whatever is on the same subject. 57. About the benediction of the supreme priest on

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55 Or it may be 'to provide supplies.'

56 See Chap. 19.47.

making, or changing, a decision; also this, namely, which are the blessings for changing, through *their* nature, a decision which is made.

58. About evidence of walking upon a water-skin (khîk) *and* putting *something* inside it, *of* assault and wounds, of wealth which they squander (nikizend) and a righteous gift, of a damaged and sequestered *thing*; and of rubbing up (pâdô-mâlisnô) and buying *it* strengthened,<sup>57</sup> and *at* a price. 59. On litigation about the ownership of a wife, cattle, trees, and land; and whatever is on the same subject. 60. About the certainty of the statement of several leaders of an affair, as to that on which their affair *depends*, *and of* the supreme priest, or three witnesses, in every legal proceeding. 61. About incrimination (âirikhtakîh) of several kinds as to statements in legal proceedings, *and* whatever is on the same subject. 62. About the modes of action for eradicating the deceptions (frêvôânô-fitâr) of apostates, and whatever is on the same subject.

63. About *cases* where the virtuousness of the thoughts, words, *and* deeds of mankind is all *derived* from the virtuousness of the beneficent spirit, and mankind themselves shall render it their own, and, in that way, *its* reward reaches them; and their viciousness is all *derived* from the viciousness *of* the evil spirit, and mankind themselves shall render it their own, and, in that way, *its* bridge *penalty*<sup>58</sup> reaches them.

64. About the injuriousness due to unrenounced sinfulness, that is, what is injured by the first, second, third, fourth, or fifth unrenounced Aredush sin.<sup>59</sup> 65. About where *and* which is the speaking with threats of danger,<sup>60</sup> and which is the taking up *of a weapon* (âgêreptô), not the turning it down, that becomes a tanapuhr *sin*;<sup>61</sup> *also* the sin which is owing to such sin.

66. About *the case* where one has to atone, *and* who *does it*; *he* who undergoes the sacred-twig [barsom] ordeal *has* atoned best; and which is the least heat ordeal. 67. About two men *having* seized property together, and *having* together, at the time, demanded a judge and ordeal about it; and when one seizes the property some time earlier, and

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57 Paz. aôganhên for Av. aoganghem = aojanghem (see also Chap. 41.17, 18).

58 The decision announced at the Chinwad bridge (see Chap. 14.8), as to the fate of the soul until the renovation of the universe, after the account of its good works and sins has been accurately balanced.

59 Farh. Oim, p. 36, ll. 6, 7, has when through sinfulness one lays a weapon upon a sinner, the name is Aredush.'

60 See Chaps. 17.6, 19.1.

61 Whereby a person becomes an outcast and worthy of death. According to Vend. 4.67-72, 75-78, 81-84, this occurs on the eighth committal of an Agerepto, on the seventh of an Avoirishto, and on the sixth of an Aredush; or on the first committal of any of the three, if the criminal refuses to atone for it.

the *other* one demands the judge and ordeal earlier; and whatever is on the same subject. 68. About some one carrying *off* the property of a person from the custody of *another* person in sight of the same, and he who kept it before is, within a Hasar,<sup>62</sup> a witness before the judge as to its custody or possession; and also when the witness of it has not come within the Hasar; and whatever is on the same subject.

69. About *cases* where the decision of the judge is to be made from the Avesta and Zand,<sup>63</sup> or from the common consent of the good,<sup>64</sup> and whatever is on the same subject. 70. About the justifiable selling of a man, a sheep, or a beast *of burden*, as free from defect when its defect is not obvious; also about the symptoms of their defects. 71. About *the case* where *and* how far a decision, about which *one* is in dispute, is a solitary statement, or more.

72. About the object of the appointment of a judge, the eminence of an appointed judge, and whatever is on the same subject. 73. About the reasonableness of the severity and want of severity of judges. 74. And this, too, that the judgeship is to be given to him *who* is acquainted with the law (*âkâs-dâd*);<sup>65</sup> and the object of acquaintance with the law. 75. About the *case* where *there* are a supreme judge of the law, a plaint, a defense, an arrangement of legal proceedings, and an award; *and* through what sin it becomes injustice. 76. And this, too, that the justice of him who may therein commit falsehood, as regards so many essential decisions, is injustice.

77. About the many who may seize wealth, which is the property of some one, with their own hands; and, when they litigate about it, he says *it is* his own property, whereby *they* are convicted. 78. About incrimination of five kinds as to whatever property is on the spot, or at a distance (*pavan hasar*); and whatever is on the same subject. 79. About putting apart, keeping apart,<sup>66</sup> and two apart before *being* put away;

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62 Eighty minutes on the average (see Chap. 19.54 n), but varying from one hour to two, according to the duration of daylight.

63 That is, from the scriptural law and its commentary.

64 That is, according to precedents recorded by the priesthood.

65 This term is explained in an extract from some Nask (compare Chap. 43.9) quoted in Farh. Oim, pp. 17, l. 9-18, l. 5, as follows: 'Av. kô asti tkaêshô vivishdâtô, which is the judge who is acquainted *with* the law? Av. yô aêta pairi arethra frazânaiti, he who thoroughly understands the adjudication from the statements [even though he does not easily understand many of the statements, and though it be not easy as regards the statements which are not numerous, is an official who is acquainted with the law (*kardâr-i âkâs-dâd*); *and* he who does not thoroughly understand the adjudication from the statements, even though the statements are not numerous, and if be not easy for him as regards them, is to be still considered as unacquainted with the law (*anâkâs-dâd*).i.'

66 Compare § 115.

also about litigation as to keeping apart, and whatever is on the same subject. 80. And when some one *has* to deliver property *which* is a person's own to some one else, in the sight of him whose own it *is*, and he who is seizing upon it disputes about it as his own property; and whatever is on the same subject.

81. About disputing the debts of fathers when one of their associates is confessing them, and the rest have come, and it is possible for them to dispute *them*, *but* they do not dispute. 82. *And* about the progress of a dispute of one of the associates as to the whole debt of *one's* fathers. 83. About the possibility of children *being* worthy of death, for wizard's spells, when with their guardian; and a woman *being so* when guardian of herself. 84. About a *case* where the amount of a lamb (mîdat-î asperenô) is the lowest, and the amount of a human being (vîrôk mozd) is the highest.<sup>67</sup> 85. About theft and plunder as regards one's own property, when *one* brings it away from the possession of some one without dispute. 86. About the triumph *of* him who, falsely investigating, may act judicially by illegally-issued incentives, when he institutes legal proceedings for the sake of appearances;<sup>68</sup> *as distinguished* from him who is truly seeking and truly investigating.

87. About the statements of a litigation of man *and* wife, which is justifiably brought *on*.<sup>69</sup> 88. And also this, namely, when she sees *herself* injured, or defense is possible by means of that which is discharged by two fingers,<sup>70</sup> it is justifiable when they shall institute no litigation but seizing. 89. About *the person* who *has* become privileged to give away a daughter to a husband, her father *having* passed *away*. 90. About the sin of making a damsel (kanîk) weary of her husband. 91. About the sin as regards property in this action, either produced where the action for this purpose is really devoid of illiberality (adahishnîh), or to commit in order that they shall give me a wife even when they do not give her on that account. 92. About the sin *of giving* a girl (kanîk) for a girl, or other living thing, or *of speaking* thus: 'Do thou go in unto my sister, *or* daughter, while I, too, will go in unto thine.' 93. And the sin as regards the person of my wife, too, which is owing to that sin. 94. About *one* obtaining back the value which he gives away for a girl, when the girl is not that value in wedlock. 95. About a girl who, after fifteen years

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67 The minimum and maximum grades of value mentioned in Chap. 19.47. Here it is evident that mîdat and mozd are synonyms, the former being, no doubt, the Zvarish, or Semitic, equivalent of the latter, compare Chald.

68 Pahl. khâkûnihâ, literally 'through making a dust.'

69 Or it may be 'of a man *and* a woman who is domineeringly plundered.'

70 That is, in some very easy way. The intention was probably to discourage petty disputes between man and wife, by not interfering with the stronger party when aggrieved.

of age, is not given to a husband; and her father, to satisfy *her* menstrual excitement (dashtân-mêyah vijârdanô), and to sustain it, becomes sinful *and* harbors a paramour; and whatever is on the same subject.

96. About *having* given food, and anything except a wife, to any one who praises the Mazda-worshippers' religion of another, even though it be through fear; also this, that it *is* only he, when he *has* thereby become quite of the same tenets with the religion of the Mazda-worshippers, to whom the gift of a wife worthy of a man (vîr masâî) is then to be presented.

97. About committing the sin of giving no food,<sup>71</sup> which is *one* of those worthy of death. 98. About the duty imposed of chastising a wizard for the Tanapuhr sin<sup>72</sup> of assisting a demon,<sup>73</sup> so that one's duty is manifold, and to be accomplished during several years.

99. About the day and night which are longest, medium, and shortest; that is, how many Hasars<sup>74</sup> *they are*, each separately; and, *as to* their occurrence, in what control is the appointed time which is really theirs, each one, as to period. 100. About the Parasang<sup>75</sup> which is the longest, medium, and shortest; and whatever is owing to *their* subdivision.

101. About the work *and* fodder (vâsân)<sup>76</sup> of an injured beast *of burden*, by day and night. 102. About a sheep which kills a person, and *whether* its owner *be* innocent, or sinful, through not putting a tether (band) upon it; and the reason of the sinfulness and innocence therein. 103. About the period that *extends* from certainty to dubiousness, even though it be for the supreme priest, or *one* provides three witnesses; and how long it is. 104. About the multitude of witnesses who give no evidence, *together* with the judge *who* is unjustly deciding.

105. About the injuriousness (âzgârîkîh), for the priestly authorities, *of* anything *that* is given to the unworthy. 106. About what kind of gift, that is given, was accepted; that is, how, when given by one when *another* claims it, it returns to him; how, *and* in what proportion, when *the other* does not claim it, its expediency does not arise; and whatever

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71 See Chap. 17.6.

72 See § 65.

73 Reading dêv-vijîn which is miswritten ...

74 See Chap. 19.54 n.

75 A distance of four Hasars (Bd. 16.7), or as far as a far-seeing man can distinguish a black ox from a white one (Bd. 26.2). It is usually from 3 ½ to 4 English miles, but in Pahlavi texts it often stands for a Hasar, or Roman mile, both being measures for long distances.

76 Or 'rations' (vâyagân).



is on the same subject. 107. About a *case* where there is property of several kinds which a man *has* given away as a righteous gift, *and* it is allowable. 108. About the *case* where whatever is given *and* reaches *some one*, when he gives it and does not say how it *was* given, it becomes a righteous gift. 109. And about its not *having* become a gift, through fear of whatever is its danger.

110. About the theft and extortion *of* him who does not maintain the wives and children of persons in *his* control, to preserve and nourish them, through fear. 111. About the allotment of punishment for the limbs of sinners, *and* upon which limbs is the allotment. 112. About the atonement for sin where *it* is most irksome. 113. About the amount of retribution for an assault (*zatham*) which may be committed upon *one* worthy of death who is preserved through great judiciousness.

114. About Ohrmazd *having* given all prosperity to Zartosht and the disciples of Zartosht; the theft and extortion which have arisen in a man when he *has* not given to a worthy *person any* of the prosperity that has befallen him; and whatever is on the same subject. 115. About how an animate *being* is situated who is in *a place* apart (*aham*), and when he dies in innocence and keeping apart,<sup>77</sup> his wound being also through duty; and whatever is on the same subject. 116. About the advantage and pleasure of keeping a promise (*mitro-dârîh*), and the gravity, harm, and vexation owing to various degrees of promise breaking (*mitrôk-drujih*); *also* how a promise is kept. 117. About the grievous sinfulness of strife, insincerity (*avâkhîh*), and slander, and the harm that proceeds therefrom; *also* the frost (*pazd*) and punishment provided for them,<sup>78</sup> and whatever is on the same subject.

118. About having given frontier people<sup>79</sup> as hostages (*garôbô*) to foreigners *who have* demanded a ransom (*navishnô*). 119. About taking up (*lâlâ gêrefstanô*) anything whatever that is precious to a foreigner, and *has* become of exceeding value, when they give it up as a ransom<sup>80</sup> to Iran; the extreme value of a youth (*tigil*) when they shall carry *him* off as a hostage from the foreigners, in place of ransom; *and* how *they* are to keep both. 120. About the grievous sinfulness of a man stealing back *his* ransom from foreigners, though it be his own son. 121. About the sinfulness of the governor (*sardâr*) of a province through *any* harm that occurs in the province owing to his elevation and evil commands.

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77 Compare § 79.

78 In hell (compare AV. 40.7).

79 Pahl. *rnar'zânân*, which might be supposed to be a defective writing of *margar'jânân*, 'those worthy of death' (the *two* letters equivalent to *rga* being omitted), but see Chap. 21.13.

80 The MS. *pâk* is evidently a defective writing for *navâk*, which is written correctly in the next clause of this section.

122. About the existence of so many thieves assisting a thief with special ransom, *and* what kind of reward (navishnô) *one* is to use with thieves, to deceive with great judiciousness. 123. About attaching to the neck of a thief the thing which *was* stolen by him, for his personal identification, *and* conducting *him* to the judges. 124. About the non-atonement of thieves, by any amount of anything whatever, without confession as regards their own sin. 125. About the assistance to possession which is claimed by any one from the authorities (padân), when his property is stolen or extorted.

126. About the grievous sinfulness *and* deceitfulness of many kinds which *occur* when a woman who is given away with *her* concurrence, *and her* acceptance is announced, is given to another man; *and* whatever is on the same subject. 127. About the unjustifiability of the wisdom of a man, through which he took away property in dispute, from him who *was* ignorant, before *there was* certainty *about* it. 128. About making intercession in a dispute, for him who is ignorant, with the judge *and* other authorities *and* chiefs, even including the king of kings,<sup>81</sup> when there is no intercessor for him. 129. About the reason of the fitness *of* a man for sovereignty, and the lodgment *of* Ohrmazd upon the limited (tang) person of him who is a good ruler.

130. About the five special ordinances (dâdistân) that are certain; these are without ordeal, because they are to be considered as certain, *and* the penalties thereof are to be fully inflicted. 131. About investigation after confession. 132. About squandering (nikizand) wealth of which the custom (dastôbar) of maintaining is begging for it. 133. About the progress (sachishnô) of legal proceedings not having occurred, *which* is not demanded on account of the existence of want of power, *and* the number of kinds *of* that want of power. 134. About a woman without a guardian, when she takes a paramour, *and* whatever is on the same subject.

135. About bringing a written statement into judicial proceedings, *and* whatever is on the same subject. 136. About the sin of frightening any one from his place, when he shall move on account of that fright, and the amount of movement and harm which will come upon him therefrom. 137. The delivery back of that which is extorted from *one's* hands or keeping; that is, how it is to be considered as delivered.

138. About the obviousness of a minor adjudication from that which is greater. 139. About the extreme benefit *and* peace, even in *this* world, through a wife and children and grandchildren, and also the prosperity, as regards produce and even wealth thereby, taking away the disputes that arise. 140. About the grievous sinfulness of wealth *acquired*

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81 The Persian monarch.

through unnatural intercourse,<sup>82</sup> the annihilation of the spiritual faculties (maînôgânô). 141. About a decree in which the decision is of three descriptions, about three persons. 142. About a tree which, when stolen away, is the death-blow (mât) of a hundred pure birds (vâê), *and* a thousand birds arise.

143. About a sin which, owing to deceiving previously, *has* to increase (frâzh mastanô) *its* extent, and to fully taste the most extreme crime of a dagger (dahrakô) of several of the smallest finger *breadths*. 144. About the sin of defiling four-footed females. 145. About keeping back one of the combatants from fighting, and whatever is on the same subject. 146. About counter-assaults of eight kinds, assault when an infidel shall commit it upon one of the good religion, and whatever is on the same subject. 147. About a counter-assault of a heretic (dûsh-dênô) when an arch-heretic (sarîtar-dênô) is slain.

148. About not leaving any property in the keeping of one worthy of death. 149. About such numbers of abettors of sin *being* with the sinner, and whatever is on the same subjects. 150. About the injury of a plaintiff and defense, and the dwelling, property, and feast *of* the good, *by* that person who extols the presidency which is given him, but who is not fit for the presidency. 151. About the sinfulness of a judge when he shall make a decision for any one according to his origin. 152. About the grievous sinfulness of delivering the person of an Iranian to a foreigner, *and* whatever is on the same subject.

153. About the greatness of the gift of a righteous man, as compared with (min) the gift of another, for Rashn,<sup>83</sup> the just, to proclaim among the creatures and to accept. 154. This, too, that, when they encounter an apostate and it is necessary to hold a controversy, though *there be* danger for the hands or feet, or though even for the head, *there is* to be no refraining from asserting that which is true.

155. This, too, that he who does not assert, on account of fondness for wealth, or dislike for his own *people*, vexes water and fire and the righteous man, and disturbs even the reposing archangels from *their* thrones.

156. About the grievous sinfulness of making the righteous dissevered (aûshkâftakô). 157. About the bad properties produced by the evil spirit, adjudication attentive to lying evidence and false, in opposition *to* Rashn, the just, *and* through discontent at the advantage due to Rashn, owing to the impossibility of the occurrence of those

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82 Vâm-kûnîh, compare Pers. bâmûn. It cannot be 'making loans, or money-lending,' because that would be spelt âvâm-kûnîh.

83 The angel of justice who weighs the good works of the departed soul against its sins, in order to decide its fate till the end of time.

mischiefs being produced at Rashn's *judgment* seat, there where they do not give decisions for the wretched for the sake of the aristocratic multitude (*âzâd hâvandîh râî*). 158. And about the aristocratic multitude which comes to Rashn owing to taking bribes, and went with a complaint to Ohrmazd, and whatever is on the same subject. 159. About a just judge who is appointed *one* of an assembly for the opposition of thieves, oppressors, *and* destroyers of the righteous.

160. About the possibility of the coming of every one, through diligence, to the best existence. 161. About the superiority (*masîh*) of true justice over (*min*) other good works, and the grievous sinfulness owing to false justice, and when they shall not deliver a sentence *with* a full understanding of the true from the false.

162. About solemnizing and learning by heart (*narm kardanô*) the Gathas, the Hadokht,<sup>84</sup> and the Washtag,<sup>85</sup> through knowing the foundations (*pâyakân*) thereof; the sin owing to not knowing them, *and* whatever proceeds therefrom. 163. About the greatness of the law through decrees and judgments from other discourses (*srôbân*).

164. About property of seven kinds, of which *one* says that it is not allowable to take it as security for other property. 165. About ten friends with different assertions on the same subject.

166. And about the apportionment of this discourse *there are* complete decisions of several other kinds, and into those, too, it advances *and* thereby introduces much adjudication which takes heed, in every one, of words and deeds of many kinds, *and* is specifically *and* also intelligibly apportioned.

167. Perfect excellence is righteousness.

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84 Here written *Hâdôitô*; the name of the twentieth Nask (see Chap. 45).

85 The name of the eleventh Nask (see Chap. 12).

## Nask 16: Duwasrud Nask (legal)

### First section (21).

1. The first of eighteen sections of the Ganabâ-sar-nijad<sup>86</sup> contains particulars about the thief, with his arrest as the special thief of that which is seized (tereftô) by him; the premeditated sin, the imprisonment and fettering, the punishment appointed for atonement of the sin, the execution of the duty, and the amount of the reward (navishn); the amount of speciality in the ransom (navâk) of every one, each separately the act *and* place of punishment, what is the person who is strangling and the mode, how those who are therein strangling are drawn forth (nazhî-aitô) successively, and which is set to work first.

2. About a person whose offending limbs *are* bound, the degree of tightness of the binding and fettering, and the formula (nirang) of *being* bound for the sin of theft. 3. About imprisonment, and the imprisonment which accusers *have* to provide, at their own expense, if they are those who are privileged; and whatever is on the same subject. 4. The number of places for feters, and those which the thief, whoever *he is*, possesses, each separately. 5. How far, how, *and* for what putting on of feters (garov-dahishnîh) those accusers *have* to provide a thief's feters, too, at their own expense, if they are those who are privileged; the place for the requisite privileged putting on of feters, the sin owing to putting on more feters of a different kind, and that which is owing to neglecting the putting on of the feters which *they have* to provide; the limit as regards the deserving of more fettering, the number of grades of theft beyond the limit of deserving fettering, and those which are below the limit of deserving fettering.

6. About the kinds of theft, and the excessive sinfulness of a thief through cutting<sup>87</sup> and wounding the body; the undiscoverableness which is specially as regards a thief at a distance (pavan hasar), he who is on the spot *being* he who is within one step; theft, with plunder, injuring the existence,<sup>88</sup> minor injury, and other sins, *may be* in confederacy<sup>89</sup> beforehand *or* afterwards. 7. About the thievish design of

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86 Corresponding to the sixteenth word, ahurai, in the Ahunwar, according to B. P. Riv.; but it is the eighteenth Nask in other Rivayats. Ganabâ-sar-nijad means 'the thief's head downstricken;' but it is misread Dvâsrûjad, Dvâsrûnjad, Dvâsrûjîd, or Dvâsrôb, in the Rivayats, which also state that it contained sixty-five kardah, or subdivisions, which agree with the numbers of sections mentioned in Chaps. 21, 23, 24. This Nask is evidently named from the contents of its first section, and possibly from its initial words.

87 Assuming that gûdanô stands for khûdanô.

88 See Chap. 19.1.

a theft which is not abetted (*lâ ham*), a theft with equal shares, and a theft with different shares.

8. About the sin of assisting a thief (*dûj aîyyâarak*), *of* making investigation and releasing, *of a* sentence of acquittal, and *of* a listener to a thief; he who is a giver of assistance to a thief is carried off for theft; also decisions about theft by a child, by a childless woman, *and by* her who is pregnant; likewise their maintenance *and* earnings (*vindishnô*) in retributive work, and the work of a pregnant thief.

9. About the accumulated property *of* the innumerable which they would keep away from thieves, *both* the thief by means of *his* hands, and him who is a thief not by means of *his* hands. 10. About the testimony *of* a thief, that is, for what it is admissible when<sup>90</sup> he advances as a thief; how at the time when it is *necessary* to seize and bind *him*, and how at the time when it is necessary to flatter (*nivâkhtanô*) and deceive. *him* until one attains to absolute power (*kâm-kârîh*) thereby. 11. About rewards (*navishnô*) with thieves. 12. About the difference of theft from plunder.

13. About property which *any* one, carrying it off, *has* to bring back to *its* owners; such as that which the frontier people *may take away* from foreigners, that which the judge *may take away* from thieves, and the share which he may take away from *any one* not interfering<sup>91</sup> with thieves. 14. And about protectors and defenders of a thief, and also many other legal decisions as regards theft.

## Second section (22).

1. The second section is miscellaneous (*ham-dâdakô*): about the authority for the inquiry (*khvâst-radakîh*) of a father into the sin of a grown-up son, when unaware of the sin of his son at the time it is committed; that *of* a son into that of a father, *and* of others grown-up, as to one another, when they are not abettors of the sin; and that of a husband into the sin of a wife, when not *and* when<sup>92</sup> cooperating and unrestraining. 2. About arrival at the period for the teaching of children by a guardian *or* father, and the mode of his teaching; the period at which the sin of a child *has* reached a beginning, the extent of the sin of

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89 Paz. *hidhîh*, probably for a Pahl. adjective *hadak* from Av. *hadha*, and referring to accomplices before and after the fact (see Chap. 18.5).

90 Assuming that *mûn* stands for *amat*, their Iranian equivalents being nearly alike, and the latter word being used in the succeeding clauses.

91 Av. *asterethwân*. The share being a bribe for purchasing non-interference. In each case the property into be restored to its original owner who had been robbed by the foreigners or thieves.

92 Perhaps the repetition of the word *amat*, 'and when' is a blunder of the copyist.

childhood, the retribution in childhood, and that also at maturity; the sin due to not teaching a child who is to be taught, *and* whatever is on the same subject.

3. About the freedom from slaughter which is to keep away the destruction of the world; and what is the mode of distributing the property of a man of the valiant after *his* slaughter. 4. About the sin of having given implements of slaughter to a woman, a child, *or* a foreigner. 5. About a woman who, as regards two men worthy of death, demands the head of the one, and is seeking a son in the *other* one.

6. About a warrior, without provisions (atûshakô) who, on the march, has come upon pasture, corn, and sheep whose shepherd<sup>93</sup> is a stranger to him, *and* whatever is on the same subject. 7. About considering property inexpedient, and the decision thereon.

8. About the amount of delay of a judge on *becoming* aware that the plaintiff is falsely petitioning *and* the defendant is falsely confessing. 9. About the amount of delay of the judge, and in the court of justice (dâd gâs); and whatever is on the same subject. 10. About a decision regarding a judge who explained a doubtful opinion as a certainty, *and* that *which* is certain as a doubtful decision, *and* would make an undecided *matter* decided. 11. About the opinion as to certainty *and* that as to doubtfulness, making a decision, *and* whatever is on the same subject.

12. About the business *of* commissioned judges, from him who is lowest to him who is highest, one above the *other* one. 13. Decisions about adjudication; that which is legal *when* two *judges* are together, that which is legal with *either* one judge *or* two judges together, *and* whatever is on the same subject. 14. About the statements of a decision regarding interpretations (pâdô-khânânô),<sup>94</sup> *and* whatever is on the same subject. 15. About the proportion of the time of judges for decision, that for summoning witnesses to the judges, *and* that for the

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93 The Pahlavi word is written ... twenty-four times, and ... once, in this Book, but its reading is not quite certain. It means 'shepherd' throughout Chaps. 23, 39, and in 31.17, 31, 40.3; but is used for 'herdsman' in 39.3, and for 'follower' in 31.2. This last meaning is strongly in favor of the reading pasîg, for pasîk, 'following,' an adjectival form derived from pas, 'after,' which, when used as a noun, would imply 'one who follows,' as drovers and shepherds are accustomed to do, with a few local exceptions. The Pahlavi spelling of the word is uniformly inconsistent with the reading pâs, 'guard, protector;' and it seems hazardous to trace it to a possible Avesta adjective pasvya, from pasu, 'a sheep,' because the latter word becomes pâh in Pahlavi. The word also occurs in Pahl. Vend. 15.116; it is a transcript of Av. fshenghî and fshenghyô in Yas 31.10 b, 49.9 a, and of fshê in Vend. 13.10, 11; so that it may perhaps be read fsheg, or fshê as a mere transcript from the Avesta.

94 Pahl. pâdô-khân = Pers. pâi`hvân.

proceedings (sachishnô). 16. About the judge who is doubly satisfied,<sup>95</sup> *and* him who is not doubly satisfied; *also* the time from a judge's not being doubly satisfied till his being doubly satisfied. 17. About a judge of four customs, and his decision thereon; one who knows the decree *and* would act to effect it, and one who knows it and would not act. 18. About the supremacy of a judge as to adjudication so far as *there* is a false decision therein; how it is when he is at a distance (pavan hasar), and how it is when he is on the spot; he who is at a distance becomes a superior therein, when he comes back to the *place* of justice before the end of a Hasar.<sup>96</sup> 19. About other false teaching of a judge which is manifest therefrom, *and* the retribution for the false teaching; the false summoning, false investigation, and false evidence *of* the complainant (mûst-hômônd) *having* been his own, and a separate atonement unto the afflicted one *has* to atone for the affair; *it having* been mitigated by no good work. 20. About the trouble of adjudication to the priestly authorities (radân). 21. About the proficiency of a woman *or* child who is acquainted with the law,<sup>97</sup> for a judgeship, *being* above *that of* a full-grown man unacquainted with the law.

22. About assisting the want of one's own disciple for a master for the recited law, and the sin due to not assisting, such as that when, wanting assistance, it is allowable for the afflicted one. to beg an assistant from foreigners, and according to his petition is the bringing of a foreigner for assistance; *and* whatever is on the same subject. 23. About the supremacy of Rashn<sup>98</sup> the righteous.

24. About several persons who are *engaged* in legal proceedings about the keeping *and* non-division of property not their own, and the decision as regards for whom one has in keeping that property which is not his own. 25. About actions which are not in-consistent and those which are inconsistent. 26. About the decision of a judge of congregational actions.

27. About the offense which accusers would commit, as regards the law, by means of the law, it being not allowable to commit it with their own hands; also *as regards* any one's property, about which *there* is a dispute, even though with a certainty as to its ownership.

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95 Paz. vayôzusht, Av. vayôzushtô = dvayôzushtô. Farh. Oim, p. 43, ll. 10-12, has 'the Vayôzushtô, who is a judge, explains this, so that the petitioner who is doubtful is a hearer of certainty; it is, as one says, deliberately weighed.'

96 See Chap. 20.68.

97 See Chap. 20.74.

98 See Chap. 20.153.



## Pasush-haurvastan section (23).

1. One section of *the next* twelve is the Pasush-haurvastan (*'shepherd's-dog code'*), about the shepherd who is selecting a shepherd's dog for the sheep, and the shepherd with various shepherd's dogs; about the shepherd's comprehension of their serviceability, one with the other, *and* whatever is on the same subject. 2. The extent of authorized efficiency (shalît-gârîkîh) accomplished by the shepherd's-dog nature of a shepherd's dog, after his *being* appointed by the shepherd.

3. About the shepherd's preparing the means of bedding<sup>99</sup> for the shepherd's dog, giving the amount of the price of the daily *food* of a shepherd's dog, provisions for the dog in the winter, and the preparation of a fire beforehand which it is necessary to make in the sheepfold (pâh-hastô). 4. About the mode of preparing the appointed fireplace *of* the sheepfold, the position of the shepherd's dog and the dog's fire, the means of lodging *and* provisioning the shepherd's dog in the sheepfold, the sin owing to the *occasions* when *one* proceeds to provide *another* mode, and whatever is on the same subject.

5. About the diligence of the shepherd's dog, and about *his* being guardian of the sheep asleep at night in flocks<sup>100</sup> dreading distress; the dog, *their* protection, is not provided with bedding, *nor* with pillow, and they are happy; every night he has to come out,, through the whole flock, three times, besides when one of the guards (padânô), who is apprehensive, counts them, who, every day at dawn, has to walk out among the sheep, with good words, to inspect *them*, to apply remedies properly to the sheep that are sick, wounded, bruised,. Or defective, *and* to be *their* guardian; *also* the sin owing to worrying *them*, and whatever is on the same subject. 6. About that which is to be done by him as regards the breeding of the sheep, *and* likewise for the sake of the young ones; and the sin when he *does not do it*, or shall act otherwise. 7. About his fully understanding where *and* which is the sheep for each young one. 8. About his habit and means of keeping away the thief and the wolf from the sheep, *and* the preservation of the sheep thereby when an awful cloud and wind and rain arise, or when the position of those distressed ones, at the fords of rivers, comes opposite a locality (nisishno) of bad footing; when it is not possible for him to *save* all, *he has* to save the greater in value, or the more in number.

9. About his having guarded a sheep from the pasture *of* others and the retribution for the sin of not *having* guarded as to the eating and damaging of the corn and pasture of others by the sheep. 10. About the

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99 Or 'covering,' jâmakô.

100 Paz. pasîvân for pasûvân (pl of pasu).

extent of preservation by the shepherd's dog's driving the sheep from the corn and pasture of others *of* various species, such as that which *one* calls the very stupid (gôltar) pig; there is, moreover, the specified pasture as regards those sheep, but the pig, which feeds upon its own predecessors, is also that *which* may commit another sin, for it feeds upon even its progeny at birth.

11. About the indication of an assembly place (garang) for the sheep, in a warm or cool locality, by the shepherd's dog. 12. About the characteristics of sheep from one to four years *of age*. 13. About the village (vis) of the shepherd, where the shepherd's dog is known when he arrives; how it is when a sheep *has* to be kept out of the sheepfold by the shepherd's dog, *and* how it is when it *has* to be driven by him to the village of the heedful shepherd. 14. About the coming of the shepherd unto a sheep, *and* the path from the village which the shepherd *has* provided for<sup>101</sup> the flock.

15. About a shepherd when he withholds the daily *food* of a shepherd's dog. *and* the exhaustion of life thereby; after the fourth deprivation of food (atapak-dâdô)<sup>102</sup> it is allowable for the shepherd's dog to kill a sheep for nourishment. 16. About a sheep, which comes astray into the flock to be slaughtered, *being* the perquisite of the butcher (bâhar-i kûshtâr), *and* that of the shepherd's dog *being* its dog<sup>103</sup> *and* the appointed number of one sheep. 17. About *their* extent of movement, *and* their pregnancy *and* growing old (bâr va-khasân). 13. About the sin of the shepherd, as regards the shepherd's dog, through injustice as to work, reward, *and* chastisement; *and of* the shepherd's dog, as regards the shepherd, through improperly tending a sheep, or worrying it by exertion; also his chastisement, *and* the payment that occurs for the incompetence *and* unworthiness therein; *besides* adjudications between the shepherd *and* shepherd's dog.

19. About the instruction which the shepherd *gives* to the shepherd's dog, through reminders (pavan ayâdîhâ), to control a sheep, when, the shepherd's dog *having* heard *some musical* notes (srûdô gâsânô), the instruction took place in the form of words; *and*, when the notes *were* not heard, even by a blow (zatham), the means of that instructor being a blow. 20. About the peculiarity of the shepherd's dog as regards *its* employment (rôjkâr) at the periods of satisfying menstrual excitement, solemnizing the season-festivals {Gahambars}, *and* other important good works.

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101 Assuming that valman stands for val.

102 See Chap. 17.6.

103 The dog who allowed the sheep to stray being thus punished, by becoming the prey of the dog into whose flock the sheep strayed, also receives a sheep as his share of the butchering.

## Storistan section (24).

1. The first section of the last thirty-five is the Storistan (*'beast-of-burden code'*), particulars about the sin, affecting the soul, due to unlawfully striking and wounding as regards beasts of burden and cattle; and the retribution and compensation for it to one's own cattle, that in case of a beast *of burden* and that in case of a sheep (anûmâtê), during life. 2. That which *arises* when one smites them with a brand (dakhshak); that when smites them on the flank, and that when it is in front of them; that when their flanks are so smitten is complete smiting. 3. Of the smiting, too, of other members, the smiting in front, though the smiting be such as when *one* so smites for smiting on the flank, is not complete smiting. 4. And that which amounts to as much as a complete smiting, when one so smites as for smiting on the flank, is such as that when *one casts* off the skin, and that when one casts off the flesh, thereby, that when *one* is cutting it, or that when wounds (khîmân) or serpent-scourging (mârvanô)<sup>104</sup> are *upon* it.

5. It is also about making the dog which drives the sheep (pasûsh-haûrvô) dumb. 6. About bruising the limbs and plucking the feathers of birds, such as the *case* when it is complete smiting, and such as that when it is not complete smiting. 7. And unlawfully destroying as regards fish, such as when it would make their flesh inedible. 8. An account as to noticeably and worryingly beating cattle, about decrees of whatever kinds as to each separate beating worryingly that is to be considered as noticeable beating, *and* many decrees as to whatever is on the same subject. 9. About the retribution for making clothing of skins and woven *wool* (tadakô), *and* the sin of any one owing to kindling a fire therewith, *or* roasting flesh which is stolen *or* plundered.

10. About the good work of all that is wise activity, and the reward of the happy place;<sup>105</sup> the sin of everything that is ignorant activity, and the bridge penalty of the evil place;<sup>106</sup> connected there-with, to make him who is righteous develops in wisdom, and to make him who is wicked diminish in ignorance, is the world.

## Ar'jistan section (25).

1. The second section is the Ar'jistan (*'value code'*), particulars about the value of small consumption of animate, and also that of inanimate, property; with the desirability of information thereon, each separately.

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104 See Chap. 18.2, 6; or it may be muharvanô, 'cauterizing.'

105 Heaven.

106 Falling into hell owing to the narrowness of the Chinwad bridge to the other world, occasioned by an excess of sin over good works (see Dd. 21.5-7).

2. The value of not destroying a righteous man even for a decree and justice, and of atonement for injuring the existence<sup>107</sup> of the fire of Warharan.<sup>108</sup>

## Arateshtaristan section (26).

1. The third section is the Arateshtaristan (*'warrior code'*), particulars about the worthiness of destroying a wolf; *and*, among wolves, the greater need of destroying (zanishntarîh) those with two legs than those with four legs.

2. About selecting the daily *supplies* of warriors, the beasts of *burden*, clothing, and equipment of warriors, and other appurtenances (avârîgânakîh) which are to be given to them; *also* selecting a horse *and* accouterments (zênô-afzâr) for each one. 3. About having a man's horse trained before *one* sends *him* to smite enemies. 4. About the efficacy of the resources *and* care of a warrior in the destruction which enemies occasion; *also* the army and the slaughter of war. 5. About the sin of the village and abode of the warriors on the occurrence of a battle, and what is the retribution for wounds and damage; what is that which is disfiguring (apîrâyak) therein, and what is that which is worthy of death therein.

6. About the characteristics of the wearing of armor (zênâvandîh) and not wearing of armor by warriors. 7. About the rank of the general (sipâh-padô), *and* other officers (padân) over the troops, as to daily *supplies*, pay, and dignity; *also* their subordinates (azhîrag), and the number of troopers (gûrd) *to* each one of the officers. 8. About the anxieties of a trooper for the protection of person and family. 9. About the number of troopers when the king of kings goes to battle. 10. About the proportion of daily provision for two warriors, the meat and milk and bread thereof, which are for the sake of providing guidance *and* causing contests of the warriors in that good eating; *also* the reason of certifying (gôvâik) its distribution and weighing, the beast of *burden* of the original village (bûn kôkîh),<sup>109</sup> and *its* means of *being* sent unto the troops. 11. About cutting the herbs for the veterinary surgeon (stôr bezhashkô), the store of accouterments, *and* other things which are necessary with an army. 12. About the feeding of warriors on the day of battle, the meat and whatsoever are their eatables; even so the food of the horses.

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107 See Chap. 19.1.

108 The sacred Warharan fire.

109 Whence the supplies come.

13. About the wealth which foreigners bring away, and this which is declared thereof, that is, 'I, too, *am* assisting even the wolf.' 14. About the display of esteem by warriors together, the union of friendship one with the other, obedient unto their commander of the troops, and mindfully resigning themselves to death, *there* being seen a spiritual reward, without doubt, in the future existence.

15. About the choice of a commander over the troops; also as to *his* coming *and* understanding the habits of his troops, each separately, through the capability of skill which is theirs. 16. About estimating the strength *and* resources of the troops, with those of *their* enemies; that is, how the battle is to be engaged in, or how the *case* is when it is to be avoided. 17. About the provision of anything requisite<sup>110</sup> which warriors shall leave for safety when *there is* danger in the neighborhood from a distant stronghold, or danger to a neighboring stronghold from afar. 18. About the *case* where, when it is necessary to engage in battle, the horse of a warrior has not arrived, *and* it is allowable to seize upon several horses from a herd of horses. 19. About the watchful sentinel (nigâhakô pâspânô), and of what kind is the information from which this is manifest, to the army and commander of the troops, that the enemy is well dead, or fled.

20. About a demonstration whereby they produce terror *and* apprehension in the enemy. 21. About an altercation of the commander of the troops with foreigners before a battle; altercation also through an envoy, and calling them into subjection to the king of kings and the religion of the sacred beings {Yazads}. 22. About admonition to the troops, and declaring the share and arrangement of special duty of each one in the fight; announcing to the troops the recompense of the active, telling *and* informing the troops *of* the reason of being worthy of death, *of* the worthiness of destroying foreigners, *of* the command of the sacred beings as to their destruction when they shall not accept the Iranian nationality (Aîrîh), and the equally great reward *and* recompense for their destruction announced by revelation, the legal code (dâdistânîkîh) *of* Iran.

23. About not uttering words of irritation on the day of battle, *and* not mentioning, among the troops, any intelligence which gives the troops apprehension, but only that which is agreeable and pleasing, through giving heartiness and increasing the strength. 24. About the *sacred* ceremonial on the day of battle *and* evil deeds of war; – a twig of the sacred twigs {barsom} of that ceremonial, and the Avesta as regards fighting, *being* the first arrow well delivered into the mark shot at; – the consecration of the water which is nearest to the place of battle, even by bringing holy water; and the sequence of the fight, that is, with which

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110 Or 'of value;' khvâstakô having both meanings.

arms *and* appliances it is first to be fought, *and* successively unto those which *are* the last.

25. About the proportion of those who keep the arms (*zâê*) for the combatants, and, after a victory over foreigners, are taking away the hostages and captives, out of the foreigners, from the combatants; *also their* return from them. 26. At what degree of distance from them they *have* to carry the arms and appliances and the restoratives for the unfatigued and the fatigued; and, the accouterments *being* deposited, a warm bath prepared, and relaxation of the body effected, the reward of merit is given. 27. *One has* to search offenders, to bring restoratives for the unfatigued and the fatigued, to deliver the accouterments back to the arsenal (*ganjô*), to allot the share of the hostage brought back to his own *people*, and also much else on the same subject.

#### **Fourth section: miscellaneous (27).**

1. The fourth section is miscellaneous: about a warm bath being in a house of what kind, the position of security of the fireplace, the watchfulness to be upheld there, *and* whatever is on the same subject. 2. About the strength that a horse *has* to exert for the sake of the earth, and that which is to be exerted in that mode for the sake of fire. 3. About food *and* other matters which may be prepared with fire, *and* the security of the fire in like manner. 4. About fire which, even on the road, is *free* from throwing away, bodily refuse<sup>111</sup> and dead matter,<sup>112</sup> and *from* the injury and harm owing thereto; the various safeguards of fire from being given to an infidel (*ag-dênô*) *or* a child; the distance of the fire from a rivulet;<sup>113</sup> the penalty for throwing it away, *or* other sin as regards it; and the proportion of nourishment and preparation for the fire in summer, and also in winter.

5. About picketing (*barâ nishâstanô*) a horse, that is, how it is justifiable when it is in water and dust, how it is *so* when really in very distressing bodily refuse, and how it is *so* when even in bodily refuse that is tolerable. 6. About the proportion of nourishment for mankind, fire, and cattle. 7. About receiving a guest, the praise of liberality, and the grandeur of the liberal, the contempt for stinginess, and the want of the wanderer.

8. About the mode of wearing garments in a dwelling of Mazda-worshippers, even so far as a bandage of four rags for protection;<sup>114</sup> the care of them each separately, the wages of the makers *and* ornamenters

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111 See Chap. 19.3.

112 Any solid portion of a corpse, or carcass, of a human being, dog, or other animal.

113 Which might extinguish it and, thereby, render the person who had charge of the fire grievously sinful.

of each one, *and* whatever is on the same subject. 9. About *having* procured a street-keeper (kûgpânô) for the Mazda-worshippers, the business of the street-keeper thereof, *and* whatever is on the same subject.

10. About preparing in the summer a store for the winter. 11. About reaping a field of corn, the Avesta<sup>115</sup> for the first reaping, and *having* consecrated the first sheaf with the dedication (shnûman) to Ohrmazd the lord. 12. About the union of those of the good religion together, both in removing want and in union even with infidels in that which is not detrimental to the religion, and whatever is on the same subject. 13. About duty as regards the produce of plants and animals; first, suitable eating; and secondly, moderate eating and avoidance of profusion.

14. About possessions which belong to the nobles, *and* those which belong to the multitude; in what manner that which belongs to the multitude has to come into the possession of the nobles; *and* whatever is on the same subject. 15. About the enviousness (zigûrîh) of the beast *of burden*, ox, and sheep, and also *of* people; that is, in how many of the multitudes, each separately, it is produced; and whatever is on the same subject. 16. And also much other adjudication and information on similar intelligence.

17. Perfect is the excellence of righteousness.

## Nask 17: Husparum Nask (legal)

### Aerpatistan: 'priest code' (28).

1. One section of the *first* thirty of the Husparum<sup>116</sup> is the Aerpatistan<sup>117</sup> ('*priest code*'), particulars about a *case* where one has to

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114 Reading vad-ich vand-i-î 4 lôto-î pânakîh, and taking lôto as equivalent to Pers. latak. We might suppose that the phrase meant 'a belt of the four strings (rûdô) of protection,' but the number would not correspond to the three times the sacred thread-girdle {kusti} passes round the waist, nor would the material of rûdô 'catgut,' be appropriate for the girdle.

115 The scriptural formula to be recited in its original language.

116 Corresponding to the seventeenth word, â, in the Ahunwar, according to B. P. Riv.; and it is the seventeenth Nask in an Rivayats. This name should probably be Avisp-kharam, meaning 'free from all defect;' but it is called Hûspârâm, Aspârâm, or Aspârûm in the Rivayats, which also state that it contained sixty-four, or sixty, kardah or subdivisions. The former number agrees with the total of the sections mentioned in Chap. 28, 32, 36.

117 A considerable portion of this section is still extant, combined with a larger portion of the next section the Nirangistan, whose name is applied to the whole text.

provide for a priestly assembly (aerpatistan), which is a birth; how the *case* is when it is important to go, how it is when *one* stays at his own *house*, and how it is when it is not allowable to go; also deciding about the *chief* priest (aerpatô), and the proportion of priests (âsrûkô) who are superior, of those who are intermediate, and *of* those who are inferior in the estimation of the wisdom of the righteous. 2. About the priest whom *one* is sending, and the wayfaring garments and appliances which are to be given to him.

3. About the disciple, as reverent towards the *chief* priest; the labor in receiving the *sacred* words *and* teaching them to the disciple; the advice of the *chief* priest to the priests; and the muttered phrases at the time of contamination by dead matter. 4. About what priest – on the arrival of a priest back at the district from which one sends him – is to be appointed, as priest for the district from which *he came*, *by* the district governor and those of the district, for teaching and instruction in the district.

5. About which are *those* reckoned as the five dispositions<sup>118</sup> of a priest that are the glorification of the priest's statements of the law, from the first of his statements in succession unto the last, *and* whatever is on the same subject.

6. About the subjects regarding which a priest of concealed parentage is to be asked, with the prelude and sequel of the same subject. 7. About the bridge *penalty*<sup>119</sup> of a priest through sinfulness, *in* a separate fargard.<sup>120</sup> 8. About a priest they may carry away from a district, owing to anxiety for forming a priestly assembly, *who* becomes worried in forming it.

9. About the superiority of priests in means of knowledge, one as regards another; the extent of superiority through which the greater suitability for authority, of one as regards another,<sup>121</sup> arises; and whatever is on the same subject.

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118 See Bd. 19.36 n.

119 See chap. 20.63.

120 See Chap. 1.20.

121 Reading sajàktarîh-i aêvakô min tanê pavan patîh, but there are only faint traces of the third, fourth, and fifth words, as the decayed folio of the manuscript has been patched, and the repairer forgot to record the missing words at the time he did missing work. His marginal note refers to a defect in the next line of the manuscript.



## Nirangistan: 'ritual code' (29).

1. One section is the Nirangistân (*'ritual code'*), particulars about the ritual of the ceremonial of the sacred beings, that which is important and goes to the bridge of judgment<sup>122</sup> the exceeding meritoriousness owing to an ample number of Raspi<sup>123</sup> in the ceremonial; and, as to the Avesta, the Zot and Raspi are both for various phrases, those which are for the speaking of the one are for the hearing of the other. 2. About the sacred cake,<sup>124</sup> and whatever is on the same subject. 3. About abstaining from the drinking of wines at the same time as the ceremonial. 4. About the quality (sâmân) of the voice in reciting the Avesta in a ceremonial, and the Avesta which is twice recited and thrice *or* four times recited. 5. About the ceremonial, and the conducting of that ceremonial whose zot, or raspi, is a tanapuhr *sinner*.<sup>125</sup> 6. About the zot duty of a woman<sup>126</sup> *or* child. 7. About a decision as regards him who is cursed by the Mazda-worshipping religion.

8. About the sin of him who does not solemnize a season-festival,<sup>127</sup> and how the *case* is when it is solemnized by him. 9. About the limits of the five periods [gahs]<sup>128</sup> of the day and night, and the ceremonies of the same periods. 10. About the kinds of peculiarity of the things for the season-festivals and other good works produced authorizedly.

11. About the quantity of holy-water which is due to one sheep,<sup>129</sup> the inspection and consideration in providing the sheep, the freedom from sickness due to contamination and other defects even in a lawful place,

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122 The Chinwad bridge, at which the departed soul is believed to give a full account of its actions during life (see Chap. 14.8).

123 See Chap. 7.5.

124 The dron, or sacred cake, is a small pancake which is consecrated in the ceremonies, and dedicated to some particular spirit by means of a shnuman, or propitiatory dedication (see Sl. 3.32). It is tasted by the priests and by the participators in certain ceremonies (see Haug's Essays, pp. 396, 404, 408).

125 See Chap. 20.65.

126 See Sl. 10.35.

127 See Chap. 7.1. [gahambar]

128 The periods, or watches, are from dawn till noon, noon till 3 P.M., 3 P.M. till dusk, dusk till midnight, and midnight till dawn.

129 When slaughtered to provide the necessary meat-offerings (See Sl. 11.4-6).

and the exemption from the appliances and attacks of noxious creatures; the ritual for making it,<sup>130</sup> and deciding about the maker, producer, and carrier. the taster *and* the giver to him. 12. The reason of the slaughter, and whatever is on the same subject.

13. About the position and duty of the zot and raspis in the ceremonial. 14. About the perfect ceremonial, the gift to a righteous man who has become a teacher *and* examiner *of* the wisdom of the righteous, and whatever is on the same subjects.

15. About the *sacred* shirt [sudre] and *thread-girdle* [kusti], that is, from what it is proper *to make them*, *and* whatever is on the same subjects. 16. About gathering *and* tying the sacred twigs, *and* on the same subject. 17. About the proportion of firewood in various parts of the ceremonial, *and* the mode of bringing it forward; that for the household fire, and the priestly fire of Bahiram (Warharan).

18. About a ceremonial amid great *opulence*, that which is amid medium *opulence*, that which is amid little opulence, and a decision as regards want of opulence. 19. About always celebrating the ceremonies of the sacred beings for that which has occurred, and not neglecting *them* in any way. 20. About *the cases* where mankind observantly, and also unobservantly, celebrate the ceremonies of the sacred beings; that is, which is he who observantly and he who unobservantly *does so*; *with* advice about observantly celebrating the ceremonies of the sacred beings.

21. About the cleanliness of the body *and* clothing of the celebrator of the ceremony, the assurance of his mind from sin, the ablution of the apparatus of the place of the exalted (vulandânîh), the cleanliness of the place of the ceremonial) the distance therefrom for *any* degree of manifest pollution and stench, *and* whatever is on the same subject.

22. About the ceremonial of the waters and their creatures, the vigor<sup>131</sup> of healthfulness, the possession of the brilliancy *of* heaven, the bountifulness of the spirit of the waters, and whatever is on the same subject. 23. About the celebration of a ceremonial, which is an ordinance of duties for the sake of a happy state of gladness (khûp parkânîh) and happy consequences; and also many other statements on

130 The holy-water apparently.

131 Or it may be "holy-water."

the same subject. 24. *About* the ceremonial as proper and improper, beneficial and not beneficial.

25. About the families of Zartosht, Hvov,<sup>132</sup> and Vishtasp, as regards the account (aûshmûrishnô) and ceremonial of the religion and their nature.

## Goharikistan: 'quality code' (30).

1. One section is the Gôharîkistân ('*quality code*'), particulars about natural superiority; not the modified (gashtakô), but the lawful, approved,<sup>133</sup> and specific *state* of superiority; not acquired by the slender power<sup>134</sup> of the world, but by seeking virtuous living through causing the prosperity of every person; *also* the authorization of superiority, and the proportion of advantage therein. 2. About a superiority unimpoverished (anyûrûzd), with *one* unimpoverished with a nature unspent (an-aûrûzd), with one unspent with an impoverished (nyûrûzd), and *one* impoverished with an impoverished; also the extent of impoverishment and non-impoverishment, that is, with whom it is not customarily of much consequence (pavan freh-ar'jô), with whom it *is so* customarily, and with whom, owing to an exception, it is not customarily of much consequence on account of its much consequence for an uninformed *person*, that is, with whom it *is* as it *were* proper with a servant of sin. 3. And superiority is a furtherance of living beings, and pervades the natural extent thereof.

4. About him who would sell property not his own, and him who would buy it. 5. About selling a sheep frequenting the house, and one not frequenting the house. 6. About various precautions as to samples of various things. 7. About selling beasts of *burden*, cattle, slaves, servants, *and* other property, of the nature of whose species *one* is aware through speaking about the nature of different species ; and the retribution for the sin of whatever is on the same subject. 8. That which is an obvious

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132 An ancestor of several persons mentioned in the Avesta, including the two brothers, Jamasp the prime minister of king Vishtasp, and Frashostar the father-in-law of Zartosht.

133 Assuming that pashandak stands for pasandak; otherwise, we may read pishonîk, "provided."

134 Reading tang-kayîh, but it may be tund-karîh, "the severe labor."

agreement for selling with defects,<sup>135</sup> when it is declared of beasts of *burden*; and that which is ever defective on selling.

9. About a house in which a person, *or* dog, has passed away through contagious sickness, and the clothing which the man wore owing to that sickness; that is, how it is when spoiled for selling for three *years*, how it is when it is *so for two years*, and how it is when it is *so for one year*.

10. About a house in which a person, *or* dog, *has* reposed in a contagious sickness, and not passed *away* after *his* descent therefrom; and the clothing which the man wore in that sickness; that is, how it is when spoiled for selling for two *years*, how it is when it is *so for one year*, and how it is when it is *so for thirty nights*; and whatever is on the same subject.

11. About forming a family (*gôharîk kardanô*) with foreigners, that is, how it is when allowable. 12. About a sheep of *good* breed for the three nights,<sup>136</sup> and its slaughter after the three nights; likewise many other decisions as regards superiority and sheep of a good breed.

#### **Fourth section: miscellaneous (31).**

1. A miscellaneous section is about taking anything which is not one's own at the lime when he does not think that they see him and they do see him, at the time when he thinks that they see him and they do not see him, *and* at the time when he thinks that they see him and they do see him. 2. About giving righteous instruction, that is, what happens, and how, at the time when the follower<sup>137</sup> asks again. 3. About the sin of imprisoning the needy, exalting falsehood, and approving deceit.

4. About the action and command which diminish, or alter, a liberal gift to any one. 5. About the limit of the open-handedness *of* a wife who should be privileged, and who is reverent towards *her* husband, out of anything that has not reached the husband; how it is when the husband is foolish, how it is when it is legally, how *when* derived from *what* is legally property, and how *about* that which is unspent savings

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135 That is, without a warranty.

136 The three nights after death; the sheep is to be slaughtered on the fourth day, including the day of death (see Sls. 17.2-5).

137 See Chap. 22.6 n.

(anyûrûzd chabun); also the limit of the reverence of a wife for a husband, and whatever is the same subject.

6. About causing the conveyance of a maiden from the house of *her* fathers, *or* guardians, to the village of *her* husband, to hold the position of house-mistress of the husband; *of* the wife when she becomes reverent and propitiatory towards him, *and* admonishing her when she speaks thus: 'I am thy wife, but I will not perform a wife's duties for thee;' *also* the quarreling of a husband with *his* wife, and carrying it on *to* the bridge *of judgment*.

7. About the blood on a woman who wants washing, and the bridge *penalty* upon him who has sexual intercourse with a woman who wants washing, *with* her who is a foreigner, *or any* other of *those* not authorizedly *for* intercourse; the confusion of germs by the woman who grants intercourse to foreigners, *and* other sin which they may commit about like matters. 8. About a wife claimed from foreigners; that is, how it is when allowable,

9. About the preparation of a wife for the control of a son, the period for *it* and for suckling, and the wish for a son which *is present* with a husband. 10. About the sin of a man owing to rejecting the controlling of *his* son by a sister *or* grown-up daughter. 11. About three things through which mankind become sinful and injuring their own property, and the possession of them is not to be taken away. 12. About *those* who may not inflict lawful chastisement with oppressive demeanor.

13. About that which a man is to be made to provide in feasting and gifts, for *his* store of good works, on his wife bringing forth. 14. How it is when he is a man *of* wisdom, and how it is when he is a disciple; how it is *when* it is a male birth, and how it is when it is a female. 15. The advantage and benefit therefrom; the religious announcement of a name for the newborn, should it be a male, *or* should it be a female; the good work owing to the decision of a religious appointment of a name for the progeny, [and the sin]<sup>138</sup> owing to giving again to it a name of the idolaters (dêviyastân).

16. About the ritual and usage in admitting the male to a sheep, owing to which the male is a gratifier *of* the impregnated female nature,

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138 Here, again, the repairer of the manuscript has forgotten to note the words in brackets which he had cut out of the folio before patching it.

and a protection *of* the female nature; and the want of training *and* freedom from defect of the progeny; a proper condition of the flock, too, arises likewise through worshipping the sacred beings *and* providing the sacred feast; also *about* the shepherd's dog and the blessing for him. 17. About the regard of the shepherd for the breeding *of* the sheep. 18. About the work of the ceremonial and of providing the sacred feast, and the advantage for the sheep from the same cause. 19. About the Mazda-worshipping district-breeding of the does in a district, through providing careful nurture *for* the dogs, which is a good work owing to the same cause.

20. About the object of payment for teaching the Zot duty, for the guardianship of the fire, for the publication and watching of worship, *and for* other labor, and whatever is on the same subject.

21. About the lawful guardianship of a child, the child who is lamp-light and the father who is the fire, and whatever is on the same subject. 22. About sickness owing to the look of an evil eye, *or* the vicinity of a menstruous *woman*, because those with an evil eye, *or* menstruous, are thereby harmful. 23. About what is the kind of watching for the admitters of fear; the fearful and whatever is on the same subject. 24. And that in case of descending from a house on the outside.

25. About lawful arrangements for supplies, in union and assistance one towards the other; about payment for the labor in the lawful arrangement; *and* whatever is on the same subject. 26. About the produce of property for the multitude, *and* that also for one's own association; that is, how it is when taking it authorizedly, and how it is when not doing so; *and* whatever is on the same subject.

27. The special generosity of judges in conveying property back to *its* owners; the advantage from just judges, *and* the harm from unjust sentencing *and* false decisions. 28. So, also, the advantage from truly demanding, truly answering, *and* assisting the just; the enmity and harm from falsely demanding, falsely investigating, and assisting a false demander and false investigation; *but* not the enmity and secret harm of a complaint of the wretched. 29. Advice to judges about just decision and abstinence from false decision; and, secondly, the reward of their just decision, *and* the awful bridge judgment of false decision; the accountability in the spiritual *existence* in the case of judges, the praise

of truth are contempt of falsity, the gratification of the sacred beings and vexation of the demons from just judgment and turning away from false decision, and whatever is on the same subject.

30. About what place the appointment by Ohrmazd in the original creation brought the corn to,<sup>139</sup> which arrived for use in the nourishment and assistance of mankind and animals; the sowing of corn from the bodies of Mashye *and* Mashyane;<sup>140</sup> and whatever is on the same subject. 31.. About the labor in sowing and cultivating corn, *and* whatever is in the business *of* agriculturists; perseverance in agriculture, and the limit of its allotment, owing to suitable participation and inevitable participation in agriculture; whatever is about the shepherd *and* whatever is about the agriculturist, and the adjudication between them. 32. About the corn which is sown, that which is reaped, that which is for an increase (pavan nad-aê), and that which is for other things.

33. About the excitement of anyone, owing to his blood. 34. About those kinds of ownership of land *and* other things that are best. 35. About him who sees *some one* conducting water for cultivation, when the *person* unauthorizedly sows the land of the *observer who* does not dispute about it with fearlessness and effectual resistance. 36. About the selling of supplies granted, which may be done in hunger, nakedness, and fear; and whatever is on the same subject.

37. About the supremacy of sin, both that which arises on the spot, and that at a distance (pavan hasar); and whatever is on the same subject. 38. About the atonability of every sin, and the bridge *judgment* for destroying a righteous *man*, *for* witchcraft, and *for* carrying evil (agîh) to fire and water. 39. About atonement for the sin of Yat, Bazai, Khor, Aredush, Avoirisht, Agerept,<sup>141</sup> and giving no food, through giving

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139 According to Bd. 10.1, 14.1, 27.2, fifty-five species of grain sprang up originally where the primeval ox passed away; a statement which does not agree with that hinted at in this section.

140 See Chap. 13.1.

141 These six names are applied to the various grades of assault and wounding, for which a special scale of punishment is appointed (see Sls. 1.1, 2, 11.1, 2, 16.1, 5). Here the list begins at the most heinous end of the scale, and the last three names, which refer to the lightest offenses, have been already explained in Chaps. 19.1 n, 20.64 n. The first three names are explained in Farh. Oim, pp. 36, l. 7-37, l. 2, as follows: ' For whatever reaches the source of life the name is Khor; one explains Bazai as "smiting," and Yat as "going to," though it be possible for the soul of man to

of scars (pisanj-das),<sup>142</sup> labor, and punishment; the kinds of horsewhip and scourge, and how the penitential effect of both *arises*. 40. When a sinner dies outright on account of the penalty of giving of scars, or the performance of the labor, or the exertion *of* effecting the penance of punishment, and when a man has died penitent, *but* incapable of a desire<sup>143</sup> for the retribution of sin, and has not atoned in the worldly *existence*, what the nature *of* his soul's helplessness is, owing to sin. 41. About those for whom there is no retribution for sin.

42. About what is the kind of contest of a poor *man*, plundered of his property; first, as regards the oppressor who was the plunderer. and, afterwards, having petitioned for criminal proceedings, through the judges, as regards his oppressor, until their repayment of the property. 43. About being delivered into distress and disaster,<sup>144</sup> and the decision thereon. 44. About the oppressiveness *of* the much pollution of greediness (âzô) which is owing to all its fiendishness, and the arrangement of the creator about it for restraining the same fiend<sup>145</sup> from destroying the whole worldly creation. 45. About the great judiciousness of a man in want of power being good, for preserving his own life and making it nurturable.

## **Fifth section: ordeal (32).**

1. One section of the next twenty contains particulars about the rite of an ordeal accomplished, also the modes of one's preservation or incrimination therein, and whatever is on the same subject.

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be withstanding; and a counterstroke is the penalty for a Yat when it *has* been so much away from the abode or life.' These six gradations of crime, therefore, range from the infliction of the nearest possible approximation to a fatal wound, down to the merely constructive assault of seizing a weapon. All authorities agree in estimating the relative heinousness of the first four crimes by the following numbers: 180, 90, 60, and 30; but regarding the amounts for the two lighter offenses there is much difference of statement. In the old law of the Vendidad there are seven gradations of such crime, the lowest four corresponding in name with the lowest four here, and all punishable by lashes, with a horsewhip, or scourge, varying from five to two hundred in number, according to the heinousness of the offense and the number of times it has been committed.

142 By scourging, as prescribed in the Vendidad.

143 Owing to sickness, or any other disabling cause.

144 Paz. vôighn.

145 The fiend of greediness, Az.



## **Sixth section: mad animals and their care (33).**

1. One section is about the mode and object *of* confinement as regards a beast *of burden*, sheep, and dog that are mad (dêvânakô), and the operation of the affliction (vakhsishnô); also to what extent is their restoration; and when not restored, *but* come for slaughter, the care of them even in confinement, and whatever is on the same subject. 2. About the harm (vinâs) which the beast *of burden*, sheep, and dog shall commit. 3. About the sin which killed *one who is* no offender.<sup>146</sup> 4. About the care and remedy *for* a sick dog, and whatever is on the same subject.

## **Seventh section: miscellaneous (34).**

1. One section is miscellaneous: about the object of amassing property lawfully produced, or derived from (frôdô mm) *what is* legally property; the production authorizedly *of what is* derived from that *which is* legally property, and the production unauthorizedly of that which is legally property thereby become one, at first, as regards the very virtuous or vicious legal proceedings therein.

2. About the lawful time for giving up a maiden to *her* husband, the completion of her possessions, *and* whatever is on the same subject. 3. About the impoverishment owing *to* the completion of the possessions given, and whatever is on the same subject. 4. About a father who has sons, and *for* which *of* them a wife is to be earlier sought. 5. *Also* about which of *his* daughters is to be given away to a husband, and whatever is on the same subject.

6. About the progressive meritoriousness of a righteous gift for a woman, and the grievous sinfulness owing to *its being* dissipated. 7. About wealth through a righteous gift. the announcement of *its* manifest acceptance, and the acknowledgment of its acceptance in words, as a completed act that is so far exhausted.

8. About a foreigner when an Iranian asks *him* for a reward for assistance in battle with his fellow-tribesmen, and the foreigner does

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146 Whether the sick animal, or a man attacked by it, is uncertain.

not become generous, though the recompense is for the generosity of the Iranians.

9. About the offering up (madam dahishnô) of water; that which is an appointed indicator (numûdâr), and that which is no indicator; that which is an indicator of complete presentation, and that of partial presentation; that water which is continually producing the offering up (ûzhdahînâk), in like manner, of something of the things of a righteous gift, through the moistened peculiarity and distinction<sup>147</sup> of an offering-producing gift of a male from that *of* a female; and that which is an indicator both male and female, and a voice producing offerings, is animate, *or* inanimate, *or derived* from the inanimate; that which is an indicator is a germ (tôkhmakô-1), that which is in a germ is of one species, that which is in a species is of one form, and the proportion that is appointed is completed, *though* the purpose for which it is appointed has not arisen; and whatever is on the same subject.

10. About the five best and five worst actions, the seven<sup>148</sup> heinous sins, and the three sins that are very ill-atoned for. 11. About the sin of staining with bodily refuse, injuring the existence,<sup>149</sup> and of a death-producing formation *as to* clothing. 12. About the sin owing to idleness when, moreover, that which they might do is good. 13. About a decision as to the justifiability *of* clothing, arms, equipments, and *other* things *being* given to foreigners, besides promoting their service and business, and giving them any assistance whatever, or listening to that which relates to assistance; likewise listening to drunkards. 14. About unlawfully destroying and cutting plants, truth a decision about it.

15. About the sin of digging a grave<sup>150</sup> for burying a corpse, whether of the idolaters (dêvîyastân) *or* non-idolaters, and *of supplying* clothing for the corpse of a dead *one* of the idolaters. 16. About him who threw bodily refuse<sup>151</sup> *on* to fire or water, *or any* place *or* garment *on* which it

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147 The Pahl. text is pavan mamanîh va-kadâmîh-i namîdô. Possibly namîdô, "moistened," may stand for numûdô, "indicated;" but the whole sentence is more or less obscure.

148 Written 4 + 2 (= six) in the MS., but this is a most unusual way of writing 'six'; it is more probable that we ought to read 4 + 3, the usual mode of writing 'seven.' 'Seven evil-doers of sin of a heinous kind' are detailed in Dd. 72.2-9.

149 Pahl. bâîôdôk-zêdô, see Chap. 19.1 n.

150 Assuming that gôbar khechîrûntanô stands for gôbar (Pers. gôr) khefrûntanô.

151 See Chap. 19.3.

is not authorizedly *cast*, to make Mazda-worshippers polluted; and whatever is on the same subject.

17. An account of water as regards the description *and* extent of moisture of the land. 18. About the sin owing to rendering anything useless through water *or* fire. 19. About carrying off two-thirds *of* the misery from the world, by eradicating *it* from the creatures through all the illumination of fires; *and* carrying off all adversity from the period of the creatures, through the freedom from malice of mankind, one as regards the other, *and* through *their* perfect sympathy together.

### **Eighth section: sex (35).**

1. One section *contains* particulars about the science (dânishnô) of seeking a son, advice about it from revelation (dênô), the advantage of offspring for the admonitory explanation of revelation within *one's* self, and the harm owing to neglecting the advice of the same.

2. About what *happens* in the begetting of a son; the first sexual excitement it should produce for the female, the second, third, fourth, *and* fifth; the arising of a son in the world, and also the milk, owing to her impregnation. 3. And, when it is so that it amounts to a son, which of the two, male or female, is sooner emitting the germs at the time of occurrence; *and* how *and* how long both have remained, at the time, in semination, how long in connection, and how long in bleeding. 4. When *and* wherefrom various expectations are produced to contend about, and when and by what signs the male sex, or female sex, of the offspring has become manifest.

5. When the localization<sup>152</sup> regarding it is arranged; and, *as to* the members, which is the first member therein, and *their* being produced, each consecutively, till the bodily form is complete; which, and in what position, is the localization of the members after the complete production of the form of the body, and the purpose as regards the position and localization of the members after the complete production of the form of the body. 6. The effect upon the offspring which is

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<sup>152</sup> Assuming that gêsî-hastanô stands for gâsî-hastanô in all three occurrences of the word. This is rather doubtful, because the noun gâs, 'position,' occurs twice in close connection with the uncertain word, and is correctly spelt.

furnished with subjection to the male, so far as the complete effecting of it is within the limit for its authorization;<sup>153</sup> the time (*vidanâânag*<sup>154</sup>) of the offspring with the female, the period of its turning downwards for birth, and the occurrence of birth at the same time.

7. About the growth of life, too, with the bodily organs (*tanûgân*); and which is the first bone become possessed of marrow, *apart* from the other bones; as it is reported. 8. About the admissibility of the elaboration *of* the male sex, or female sex, within it, by the guardian spirit of the righteous, at the fifth month; and the ceremony for the guardian spirit of the righteous for the sake of the arrival of a male child.

9. About the act of childbirth by a pregnant woman before *recourse* to midwifery (*dâigânîh*), except that relating to the navel string of the child; also its first and second food, and when the midwifery is that of her mother; what is the kind of milk, and the care of the child at the time, its bandaging, sleeping, nourishment, and protection; and the sin owing to acting unlawfully in such matters. 10. About how many months is the bearing of the offspring in the womb *of* the camel, horse, ass, cow, and woman; and whatever is on the same subject. 11. About the spiritual perception *of a* newborn child, and its coming into the boundaries of worldly comprehension on the same subjects.

12. About the habits through which multitudes *of* mankind *attain* to the acme of beautiful form: that of desire for women, that of swiftness which is owing to the strength of the leg, and that of powerfulness which is owing to the vigor of the body, that of desire for wealth, that of speaking in an assembly, and that of speaking at a distance, that through which any one uncontrolled comes to a downfall, that through which *there* is more knowledge of obedience, *and* that through which a counteraction of the affliction of the race arises.

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153 The Pahl. text is as follows: 'Kâr-î madam zâkô levatman dên kushn spar, vad spôr kârîh zyash dên sâman padash radakîh.'

154 This unusual hybrid word is evidently intended as a Zvârish equivalent of the Iranian *zamânah*, and is composed of *vidanâ* (= Ch. ..., which is the usual Zvârish for *zamân*) + *ânag* (= *ânah*, the final syllables of *zamânah*). The central syllable of *zamânah* is, therefore, twice represented in the Zvârish *vidanâânag*. The hybrid occurs again, in Bk. 9, Chap. 17.3, in a phrase where it can only mean 'time, period.' If it were not for this after-occurrence, the word here might be read *va-dô-ahûg*, 'and the dual existence,' with some degree of *probability*.

13. About the vicious desire of the performer and permitter of unnatural intercourse; also their violent lustfulness, heinous practice, and corrupt, polluted bodies, blighted in destiny; great through their destruction of life in the things which they see, and every greatness inevitably provides them a merited death; as great in sinfulness as Az-i Dahâk<sup>155</sup> [[Zohak]] in oppression, as the serpent Srôbar<sup>156</sup> in witchcraft, as Tur-i Bradrok-resh,<sup>157</sup> the karb,<sup>158</sup> in destroying the righteous, and as a deceiving apostate in falsehood. 14. About the grievous sinfulness of a woman, just delivered and giving milk, whose progeny is the offspring from intercourse with divers males, and whatever is on the same subject.

15. About the increasing vigor *of* the female from the mounting of the male, and the diminished vigor of the male from mounting *on* to the female.

## Ninth section: (36).

1. Six<sup>159</sup> fargards of one section of the last fourteen *contains* particulars about the enumeration of species of ownership, their precedence one over the other, *and* their good report in conducting legal proceedings. 2. About property that is brought up to the judges,

155 See Chap. 13.8 n, and compare the account of the seven special evil-doers in Dd. 72.3-9.

156 The Av. azi syvara of Y. 9.11 (W), Yt. 19.40; a terrible serpent slain by Kersasp the Saman, as mentioned again in Bk. 9, Chap. 15.2.

157 Also written Brâdrôk-rêsh; he was one of the Turanian priesthood who persecuted Zartosht in his youth, and probably the same as Pers. Bartarush (the Bradar-vakhsh of Sd. 9.5) who is said to have killed Zartosht in the end. But, as he was one of five brothers, three of whose names were much alike (see Byt. 2.3 n), his identification is rather uncertain.

158 Av. karapan. In Dk. Book 7 the karbs are often mentioned as enemies of Zartosht, both before and after his birth. Some are named, such as Durasrob, Bradrok-resh, Vaedvoisht, and Jeshmak. The Karap of the district where the mother of Zartosht was born banishes her for witchcraft, and must, therefore, have been the official head of the district. Durasrob, the karb, travels sometimes with a disciple (havisht), so his title was probably a priestly one. The karb is also often mentioned with the Kay, or Kik (Av. kavan or kavi), the title of an equally obnoxious class; both Kiks and karbs being termed 'demon worshippers,' or idolaters; and the Pahlavi translators of the Avesta speak of them, metaphorically, as 'blind and deaf' to the sacred beings.

159 These are called 'five fargards' in Dd. 61.3 which appears to refer to §§ 7, 13. Or it may be 'seven,' if we consider the 'seven' of the next chapter as completing the last fourteen sections of this Nask.

which, owing to an accuser, becomes a *source of* litigation for a judge. 3. About a decree as to restoring possession, or as to keeping possession, of whatever is among such matters. 4. About property which is, or is brought, out of the possession of a defendant, *and* property which is extorted from a man by worrying, or by a noticeable crime upon him; *with* a statement about it.

5. About the earnings (vindhshnô) of fellow-combatants and fellow-subordinates, with a statement about them. 6. About the coming of land, property, *or* anything, held by foreigners, into the princely possession of one from Iran.

7. About the guardianship of a family (dûdakô); likewise the varieties of it, and the fitness of a man for it. 8. About one's own family, and whatever is on the same subject. 9. About the income (vindhshnô) of wife *and* child.

10. About the trouble of the business *of* obtaining (vindhshnô) a wife, and also her marriage, owing to the urgency of the husband, after the trouble. 11. About *her* guardian and paramour, *and* whatever is on the same subject. 12. About the proportion who *have* to keep a wife to seek for offspring, *and* the proportion who *have* to satisfy menstrual excitement.

13. About adoption; likewise the varieties of it, and fitness for it; the violation of adoption, the sin of the son who is accepted, and whatever is on the same subject. 14. About the partnership of brothers that *has* existed, is formed, *or* is designed; *its* abandonment (a-bûkhtîkîh), the surplus property, the wealth that becomes quite sacrificed (zadakô), *and* whatever is on the same subject. 15. About property that comes to next of kin through relationship, and that through adoption. 16. About the residue that lapses into ways of righteousness.

17. About where and in whom, after the father, is the prerogative as to a daughter *being* given away to a husband.

## Tenth section: (37).

1. One section *of* the seven<sup>160</sup> at the end *contains* particulars about the daily food of a grown-up man, a pregnant woman, her who is childless, *and* a child, as provided by law; *also* that of a shepherd's dog, a village dog, and a blood-hound; and the characteristics of these three kinds of dog.

2. About the sign of a person's conversion to the religion. 3. About association of several kinds, and one of them is that of the keepers (padân) with the flocks (ramân), and the flocks in connection with the keepers; and of what kind is the meritoriousness of the keepers of those flocks, as to guardianship of every description; the happy effects of the flock, and those of the keeper, of every description; the advantage from this association, and whatever is on the same subject. 4. One is the association of priestly instructor (radô) and pupil,<sup>161</sup> and *their* meritoriousness together; the fame of the priestly instructor for priestly instruction, and that of the disciple (hâvishtô) for every kind of *learning derived* from the priestly instructor, and every kind that the priestly instructor *imparts* to the pupil; and the happy effects of the priestly instructor, of every kind, in similar matters. 5. One is the association of ceremonial priests (rad-pîshakânô), the worthiness of a man for the sacerdotal leadership, supplies for the whole of the ceremonial priests, and whatever is on the same subject. 6. About the highest of all associations,<sup>162</sup> and about the lawful and virtuous existence of this same association, when *there are* two men in a *case* where he who is opulent is always necessary for him who is in innocence, and has given *him* the wealth that he asks for; or where, when the one shall commit sin, wealth is an affliction to the other; or the ownership, as to that which the one obtains, is as much even that of the other; or, on the passing away *of* the one, it is mingled with the wealth of the other; and whatever is on the same subject.

7. About the punishment of the sin of him for whom one lies<sup>163</sup> to him by whom provision is made, by thought or by word, *and* given to

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160 It is doubtful whether seven sections are meant, or whether we should read 'the seven fargards at the end of one section.' See, however, Chap. 36.1 n.

161 Pahl. radûnê (Av. ratunaya).

162 That of disinterested and devoted friendship, as appears from the examples given.

163 By falsely recommending him as a worthy object of charity.

him who is worthy. 8. About a father's making a child aware of the sin at the time of the sin. 9. About the sin of taking the course of a false guide and exalting falsehood, and whatever is on the same subject. 10. The sin of extorting supplies for a beast *of burden* from a lonely laboring person.

11. About important gifts to the worthy, atonement for deprival of food (atapdâdô-vijârishnîh),<sup>164</sup> and disbursements (aûrûzdân) *of* that which is legally, and also of that which is derived from what is legally, property among impoverished (nyûrûzd) supplicants. 12. The depriver of food is he who is for early atonement, and they who severally exist, through grazing<sup>165</sup> and bringing forth, are they who severally are also in loss of vitality, through deprival of the food of strength and intellect; *even* a powerful man is prostrated thereby; the food which is suitable as atonement for deprival of food, *and* that which is not suitable.

13. About that through which the indispensable creation *of* a debt arises, *and* whatever is on the same subject. 14. Where it is the healing *of* the sick, the spiritual *debt* is unto the archangel Ardwahisht,<sup>166</sup> *and* that which is worldly unto the physician's anteroom (dâlânakô).

15. About the worthiness *of* a good physician for every benefit, *and* the unworthiness *of* a bad physician for any benefit. 16. About each one of the plants being produced by Ohrmazd for the subjugation of one disease at least. 17. About the protectiveness and preciousness of the profession of medicine; the advantage and reasoning thought of a physician due to the carrying on of *his* medical practice; the pleasant food, the handsome clothing and the swift steed for a physician; and *his* wealth *being* as much as that of an average man in a house, village, community, *or* province. 18. About the diligently remedial hand *of* the physician for the sick opportunely mindful yet without chastisement.

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164 See Book 17.6 n.

165 Reading charishnô, but part of the first letter has been cut off by the repairer of the MS. The semi-starvation of cattle is being referred to.

166 The personification of 'perfect righteousness' (Av. Asha Vahishta) whose special duty is stated to be the care of fire (see SLS. 15.5, 12, 13), and whose name, often written Ardavahisht or Ardvahist in Pahlavi, is applied to the second month and third day of the month in the Parsi year (see Chap. 20.22). He is here connected with the healing of the sick, because of his association with Airyaman, the smiter of diseases (see Vend. 22, Yt. 3, S. 1.3, 2.3).



19. About the sin of a physician through handling (sûdakîh) and *having* spread a *disease* by walking up to the sick because that is when he *would have been* innocent through not *having* gone. 20. About a great pestilence (sêjô), *and* that which is trivial.

21. About the fee<sup>167</sup> of a physician for curing a sick *person* of disease of the whole body, *and* of each one of the members; even of him who *has* cured chieftains, both those of the lower grades *and* him who is the supreme king of kings, and so also various destitute people. 22. About the mode and extent of delivering up fees to a physician, after the declaration of the sick *person* being well; that is, from whom *comes* the physician's fee which is announced for the cure, and also that which is not announced; from whom that only which is announced for it, from whom a meal (pishôn-l), and from whom nothing whatever *of* worldly reward comes.

23. About the physician whom *one* hears<sup>168</sup> *and* asks for medical treatment. 24. About a test as to the competency of a physician; that is, how *it is* to be made, how it is when it is possible to test it, *and* how it is when it is not possible to test it. 25. About the sin of a physician who is not tested, *and* also *of* him whom it is not possible to test, when he shall undertake the medical treatment of others, *and*, as regards a limb of any one, there is not anything which is another's test of him, *nor* even that which is not another's test of him, *nor* that which is a trial of him.

26. About how long is the duration of *having* sought a physician in Iran whereafter it is allowable, through not obtaining *one*, to seek *him* even from foreigners. 27. The sin of having sought *one* from foreigners, when *one can* obtain a physician in Iran. 28. About the fee for a foreign physician, and much else on the same subject. 29. The medical treatment of mankind, and also about the medical treatment of beasts *of burden* and cattle.

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167 In Vd. 7.36-44 (W.) we have some of the old Avesta laws regarding medical men and their fees. How far the Avesta text of this section of the Husparum Nask corresponded with that of the Vendidad on the same subject it is impossible to determine, because we have always to recollect that this summary of the contents of the Nasks was compiled from their Pahlavi versions (see Chap. 1.3) which included extensive commentaries, adapting the original Avesta statements to the altered circumstances of Sasanian times.

168 Or 'satisfies' (shnâyêdô).

30. About the sin owing to entrusting him who is unfit for a duty. 31. About the greater suitability of a priest than *of* a disciple for duty and position; a trusty *person* is also obtaining the important *rather* than obtaining a desire for the important, and even so far as being a potter *rather* than an astrologer, and being careful *rather* than a potter; and the reason of it.

32. About preparing an unauthorized (a-dastôbar) dwelling in the locality of other persons, *and* whatever is on the same subject. 33. About boundaries where *there* is a place of residence for people, and whatever is on the same subject. 34. About what description of testimony of *one of* the good religion is *received* as evidence regarding an infidel, and of an infidel as regards *one of* the good religion.

35. About the greatness of eminence of the abode of priestly authorities (radânô), *both* for procedure and for petitions:<sup>169</sup> the openness of the doors of a priestly authority; the want of eminence of any one through every kind of offense to others, which is owing to his closed doors and evil eminence in every mode; *and* whatever is on the same subject. 36. About the extent of splendor (lîyânô) and pomp-diffusing (vafsh-afgânô) tokens from the abode of fires, *and* the arrangement as regards him who casts the allotted twigs and charcoal (khâr akhgar) into them. 37. About conveying prosperity (padîkhûih)<sup>170</sup> to the abode of fires appropriately to the capability of everyone.

38. About the quality (sâmân) of water oozing out (âirîdô) and that which is flowing in a channel (nâêv-tâk). 39. About the characteristics of specified works which are contiguous in a place between two frontiers (mar'zô).

40. About a decision as to a sheep *free* from unlawful influence – and so also as *to one under* unlawful influence – which goes to the pasture of others with thievish intention, neglecting its own; and *as to* that which *does so* not with thievish intention. 41. About the quantity which *one* has to provide, in the duration of a day and night, on admitting to pasture *and* corn, in the case of an ox without defect (anâgânô); or *of* another kind, or a horse, or a sheep, or a goat, or a pig, or an animal of any other kind.

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169 These six words should, perhaps, be appended to the next clause of the sentence.

170 By providing fuel and other necessities.

42. About the distance of a residence of mankind from a river flowing in a channel. 43. About the period for letting a sheep graze at pleasure in a pasture, and that for restraining it; the time for not cutting trees, and that for little slaughter of sheep. 44. About an article of clothing which is associated with defense, for fear of enemies, and becomes quite a good omen (*sukûn*) among mankind, being imperceptible *and* appropriate. 45. About a tree with stem uprooted, where *and* how it is allowable.

46. About a leader's causing a march of whatever kind, the people being in motion through fear, and they drive the sheep which are with the army on account of molestation; *also* making the sheep decide as to the pasture near to the road within reach, the pasturing *of* the first of the species of sheep, *and* letting *them* forth to pasture in succession unto the last, and the reason of it.

47. About a person who is of note<sup>171</sup> on account of wealth, *and* whatever is on the same subject. 48. About this intermixture *of* with-the-stream *and* against-the-stream, with banks and without banks, and waters running *and* down-pouring (*nîyâpân*), on the road; that is, which of the waters, running *or* down-pouring, is to be earlier revered by him who is returning from the road, and the reason of it. 49. About the subordination of the disciple unto the priest, as to eating, drinking, and plenty, goodness and preciousness; and whatever is on the same subject.

50. About that which *occurs* when foreigners come to the frontier of Iran, *and* shall do damage to Iran; *and* the frontier governors *and* fellow-champions *have* to repel the foreigners by fighting, to save the Iranian people and property which *were* to be made foreign; and whatever is on the same subject.

51. About the advantage of punishing a violent thief by the members of the assembly, that owing to reliance upon the actions *and* convictions of the ancients, that owing to forming many priestly assemblies, that owing to providing a disciple for a priest, that through passing away after *being* high-priest, that through *doing so* without *being* high-priest,

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171 Reading *mûn sakhûnag*. Another guess would be *min nîshôn-î* (for *nîshân-î*), in which case the translation would be "a person free from indications relating to wealth."

and that of much information on similar statements prior to any other resources.

52. Perfect is the excellence *of* righteousness.

## **Nask 18: Sagadum Nask (legal)**

### **First section (38).**

1. One section of the first thirty of the Sagadum<sup>172</sup> contains particulars about reward by command of the religion, the bridge *judgment* of the destroyers of the well-commanding, *and* the provision for their destruction. 2. About the importance of a man, after fifteen years of age and when he has heard that there is a law which is good, *having* sought that law<sup>173</sup> by *having* inquired *about* it. 3. About a man's scrutinizing an action before doing it, when he does not know whether it *be* a sin or a good work, *and* when it is possible for him to set it aside and not to do it.

4. About advice as to having entered into a house in the night by the light *of* a fire, or when *one* has noticed it in this place, though he goes elsewhere; *also* the watchful destruction of an injured person, or animal, or garment, and the retribution for the injury. 5. about the extent of any glitter of the sparks (zakhsh-1-î parkân), and the width *and* height of the doors. of the constructed work of that appointed place *of the fire*.

6. About a newborn child, as to how *one has* to provide its place, connected lawfully with illumination,<sup>174</sup> more particularly *for* the first three nights. 7. About bringing a fire to *drive* away the over-powering

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172 Corresponding to the eighteenth word, yim, in the Ahunwar, according to B. P. Riv.; but it is the nineteenth Nask in other Rivayats. This name, which is here written like Zakî-hat-min, should probably be Zîk-aît-tûm, meaning 'the most intimate concerns,' as the Nask refers chiefly to personal and family law; but it is called Askâram, or Sakadâm, in the Rivayats, which also state that it contained fifty-two kardah, fargards, or vechast; thus agreeing with the total of the sections mentioned in Chaps. 38, 41.

173 It is possible to read yêdatô, 'sacred being,' instead of dâdô, 'law.'

174 To protect it from the demons who are supposed to be specially dangerous during the first three nights.

fiend, and making the child taste first the hom-juice, so far as collected within its precincts (varân), and, secondly, the butter of Maidyozaem<sup>175</sup> which is to be brought forward for it; *also* the watchfulness of the father and mother over the child, and the extent of their retiring (navistanô) from the two sides of the newborn. 8. About lawfully-made places of several kinds for the child, the limits and manner of the mother's giving milk to the child, and whatever is on the same subject.

9. About carrying forth holy-water, or even a cooking pot, to a fire, where the hands are purified and thoroughly washed; and the sin owing to an unpurified hand, not thoroughly washed, carrying *them* forth. 10. About the preservation of the cooking-pot, and the rest of one's operations with the fire, from defilement; but when, through want of care, defilement occurs, by the inexperience of any one bringing it to the fire, he who is careless is thereby contaminated, *and* the cooking-pot is properly placed in its position.

11. Arranging about properly-made bed-places (gâsvâarakô) in a house, those for children and those for adults; also a decision about a case when a carpenter (dûrgar) shall make a bed-place properly which one's own judgment considers improperly *made*, and when both *consider it* improperly, *or* when both *consider it* properly *made*; *and* more of whatever is on the same subject.

12. About what is the mode *of* producing seeing properly; and, when not seeing properly, the oculist (dîdpân) to entrust with it is *he* who informs people, who wish for it, *how* to extract the defect of sight; if not, the people go on and hurt, *also* the penalty for hurting, and whatever is on the same subject.

13. About the insubordination of those accustomed to work (kâr-khûgarân) to women and children; also that of a grown-up man who has been giving no food<sup>176</sup> three *times* in succession; he, too, it is who advanced the fourth time,<sup>177</sup> because, owing to giving no food a fourth

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175 Equivalent to 'mid-spring butter,' the Av. maidhyo-zaremaya, 'mid-verdure,' being the season corresponding to the middle of the second Parsi month, which was early in May when the year commenced at the vernal equinox (see Bd. 25.6, 21).

176 See Chap. 17.6.

177 This passage appears to refer to that quoted in Farh. Oim, p. 38, ll. 8, 9; though the latter part of Chap. 41.19 is more applicable to ll. 4-8 of the same page.

time, the man is he who has to accomplish work unrestrictedly; *and* whatever is on the same subject.

14. About the care of a pointed thing, that is, how it is to be carried to a dwelling in the world, how it is to be deposited, *and* the sin owing to keeping and depositing it otherwise. 15. And about every garment<sup>178</sup> and utensil, even including such as a scum-pot, an hour-glass, and a dining-tray; that is, how they *are* to be deposited in the dwelling, *and* the sin owing to variously<sup>179</sup> placing *and* taking care of *them*. 16. About a door which is properly made; how it is when it falls down, and a wound arises from it, the carpenter *being* innocent regarding it; *and* how it is when *he* is guilty.

17. About washing the head, the care of the water and the religious ritual therein, and whatever is on the same subject. 18. About the period for arranging the hair, in which they shave the hair. 19. About the shaving of a child the first time, and the ritual which is taught for it; the performance of shaving by an instructed barber and with a sharp razor, which is the appointed practice as regards the razor of adults, *and* that also for children *with* the children's razor, because it is settled healthfulness; his whetstone (*shôn*), and also the care of the razor. 20. About the number of the positions of a man, in which a barber can perform shaving, and that of the positions of the barber; *and* whatever is on the same subject.

21. About each one of those who are custodians (*kîrûk-kârânô*), and the rules of the market; also their abstaining from wounding each other with a pike (*têkh*), or other implement, with which they shall perform *their* duty; *likewise* the sin owing to heedlessness. 22. About giving forth a pointed thing lawfully, and a wound owing to not giving *it* forth lawfully; lawfully taking *and* giving away a plate of broken victuals (*padkhûr*), and a wound owing to *doing* it unlawfully; *and* whatever is on the same subject. 23. About the appointed place (*dâd-gâh*) of a horse-course *and* *its* distance from the middle of a town, the nature of the horse-course, the training (*farhang*) *and* masters of maneuvers (*padân-i farhângânô*) when in it, the shooting of arrows on the horse-course, *and* the wound which occurs to man *or* animal, how it is when culpable, and how it is when not culpable. 24. About admitting a

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178 Or *jâmak* may mean 'a cup.'

179 Reading *min gûnagîha*.

listener ; where, why, *and* how he *is* to be admitted *and* the guilt *or* innocence as regards a wound owing to him.

25. About the mode of making a *sacred thread-girdle* [[kusti]],<sup>180</sup> and the harm from an unusual formation of it. 26. About lawfully tying it, without the culpability (vazhagîh) of unauthorized action; *also* when they do not tie *it* lawfully, *but* the girdling is knotted (viragî-âitô) *and* twisted owing to culpability (vazhagânîh); and whatever is on the same subject.

27. About lawfully scratching *with* the nails, and the harm from unlawfully scratching. 28. About lawfully attending to a fire on the road: and, when *one* arrives at a ford *through* water, the sin which arises, as to fire, from not lawfully caring about the fire.

29. About warriors who mingle together in panic (mazangîh) and darkness; injury happens *to* one from the other, and the statement of the account published is that *there was* a state of terror; *also* whatever is on the same subject. 30. About the march of an army which is in fear, *and* that which is in a state of fearlessness which is the distinction of the army of Iran from those of foreigners. 31. About lawfully and habitually requiring a share, and the harm from unlawfully and unhabitually requiring it.

32. About carrying firewood, brought away from the hills, into the house; depositing it at first by the tongs (dast-pânakô); watching, turning, and inspecting it, *and* carrying it away to the fire; that is, how to *do* it lawfully, the sin owing to unlawfully performing it, *and* whatever is on the same subject. 33. About lawfully warming bull's urine [[gomez]]<sup>181</sup> by the fire, *and* the sin when it is not lawfully *done*.

34. About selecting a pasture, one ranked above the others; that is, how to *do it* lawfully, the sin when *one* shall do it otherwise, *and*, owing to that, he is really injured, *or* occasions injury. 35. About what is the mode of construction of a lawfully-formed farm-house (dasht-kadakô), the dwelling of the people, *and* the place of the beasts of burden *and* cattle; *also* the sin when one shall construct it otherwise, and, owing to that, he is really injured, *or* occasions injury.

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180 See Dd. 39.1 n.

181 Intended for ceremonial purification.

36. A decision about a *case* when one *person has* lawfully to force *away* a beast *of burden* from a control unlawfully *exercised*, and another person intrudes unauthorizedly, and vexes the district authorities (pad-dihânân). 37. Also when being done unlawfully, and the beast *being* away from its control unlawfully *exercised*, the other person intrudes lawfully; and when both *persons* act unlawfully, or when both act lawfully. 38 About lawfully tying, whereby things are hung up; and the sin when, *through* an unlawfully-tied fastening, anything is injured, *or* occasions injury. 39. About unlawfully keeping horses in a stable (âkhûr), and the sin owing to the unlawfulness. 40. And, as regards the cutting of trees and shrubs, where *and* how it is lawfully *done*, and the harm and sin owing to not lawfully cutting. 41. About the mode of washing clothing, and the sin owing to different modes. 42. About the mode of walking in, and the sin owing to unusual walking in. 43. About the custom of a man of the sagacious (dânâkvarân) on passing through water, and the harm and sin owing to acting otherwise.

44. About the kinds of canals (nâi)<sup>182</sup> and fords, from those for two men passing, up to those for many; the dimensions of those which *are* large, and how much they *are* each separately *sunk* into the ground, without collecting water, when the ground is hard, and how much when it is soft. 45. The extent of their outer<sup>183</sup> banks, and the inspection as to the banks when the water is brackish, warm, and flowing; how far when outside of the water, and how far when in the water. 46. When it is brackish, cold, and flowing; or brackish, warm, and stagnant; or sweet, warm, and flowing; how far when in the water, and how far when outside. 47. And, when brackish, cold, *and* stagnant; or sweet, cold, *and* flowing; or sweet, warm, and stagnant; how far when in the water, and how far when outside of the water. 48. What is the customary operation as regards the inspection of the banks; how is the stagnation (astintdanô) within a pool dammed up (zarêh-stânô-aê), and the stonework inside, from the canal which is for ten men passing, up to that for many; *and* how is the damming up inside of the canal, the stagnation within the pool dammed up, or the reedy jungle (vêshakô) when distributed and it becomes tall.

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182 For irrigation.

183 Reading vîrûnag, but the word is miswritten nîrang-î.



49. What are the mode *and* means of maintaining the supervision of a canal; which is that *which one* should maintain over the water of the canal when half is distributed, or, when not, one-third; and which is that when one-third is distributed, *or*, when not, one-fourth; a *supervision* which is animate *or* inanimate, *and* after those which are inanimate *means are provided*,<sup>184</sup> the former animate *ones* are then at rest; *and* the harm *and* sin when they shall act otherwise. 50. And, as regards the same, what is the mode *of* passage of animals of various species, by swimming across the water; *and* the sin, owing to acting otherwise, when harm occurs. 51. About the trampling down at a ford *through* water, when *one* is newly completing it, and when *the water is* brackish *and* flowing, when it is brackish *and* stagnant, when it is sweet *and* flowing, and when *it is* sweet *and* stagnant; the reason of passing through on it, *and* such *and* such *ways* for proceeding at will thereon; so, also, observation as to the water which has remained behind for *flowing*, and the harm *and* sin when *one* does not properly observe it, but walks on.

52. About two of the warriors who meet together on the road, which *of* them was busy about the protection *of his* horse, and which about the preparation of food; *also* the usage and other *things* in similar matters. 53. The sin of *having* eaten food for refreshment on the road, that is, how the custom is a sin when they can act otherwise.

54 About the remedies for sheep and beasts *of burden* which reinfuse fresh life; and the extent of keeping the sheep, goat, cow, mare, ass, pig,<sup>185</sup> and woman with the male. 55. About beasts *of burden*, sheep (anûmâânô), and women, for whom, on account of contraction of orifice, *there is* a use of means for making *it* not painful (atûtakô). 56. About the extent of the distance of a male beast from the female when it is necessary to be watchful. 57. About the distance that a man *has* to remove an ox that *has* destroyed *some* concealed hay (barkasag giyah) which is the hay of others, when they quarrel with him; how it is when *it* is allowable to bring the ox back to *his* home; *and* whatever is on the same subject.

58. About the security of a man from the death (aôsh) of his fathers, and danger having arisen for him from a mouth *of* bad omen. 59. About

184 In the shape of sluices for regulating the supply of water for irrigation.

185 Instead of khar va-khazûrâ, the MS. has khôr va-zak-î ras.

the sin of a father owing to a child, when, *being* given by him to an ill-behaved *person*<sup>186</sup> he calls it *and*, when it comes, there may occur the sin of unlawfully terrifying sheep, and the beast *of burden* is beaten; and whatever is on the same subject.

60. About bringing<sup>187</sup> a plant which is a medicinal herb, and whatever is on the same subject.

61. About a sociable feast (ham-myâzdîh) with idolaters, that is, how it is *when held* authorizedly, and how it is when it is not; *and*, when *one* gives the sociable feast, how it is *when they are to be considered* unhonored, and how it is when they are to be considered more honored even than the Iranians. 62. And about the broken victuals which the idolaters *have* eaten and drunk therein.

63. About the proportion of meat with the bread in atonement for deprivation of food.<sup>188</sup> 64. About an ordeal which is severe, and *one which* is not severe; *and* the evidence of acquittal from the achievement thereof. 65. About the secrets of the religion, and the sin owing to *their* being disposed (gushûftô).

66. About the sin of speaking evil words to the wives of others. 67. About the extent of the most inferior house, village, community, and province; and that of the most superior. 68. And about what *was* the mode *of* residence of Frashostar and Jamasp<sup>189</sup> in a plundering (lâishkar) army, and their habits.

## **Hachidakanistan: code of sequestrations (39).**

1. One section is the Hachidakânistân (*'code of sequestrations'*), particulars about a statement of seized property, the retention thereof, and how was the confinement *of* that *which was* animate; how it is when *one* keeps *it* in a shepherd's dog's care, and how it is when in the

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186 Assuming that minênamakô-l stands for apênamakô-l; the copyist having mistaken ap for az, and substituted the Zvarish equivalent min for the latter which he supposed was a separate word.

187 Or 'abstracting.'

188 See Chaps. 17.6, 37.11.

189 Two brothers who were contemporaries of Zartosht. Frashostar was his father-in-law, and Jamasp was prime minister of king Vishtasp.

sequestrator's care (hachidakô-dârîh). 2. And when it is a seized horse of the warriors, how to keep it when it is not possible to retain it in confinement of any kind, and the damage which has arisen therefrom; what is the danger to occasion by it, how it is when the shelter (srâyishnô)<sup>190</sup> is on all sides, and how it is when on one side; while the trust, when there is shelter, is in the extent of the shelter, how much and of what kind is the shelter. 3. When it is a seized beast of burden, after its coming into the possession of the sequestrator (hachîdak-dâr), for how long he has to order work for the reasoning thought of the herdsman, and how is that of the sequestrator, in like manner, before he quite attains to his share; even through his own reasoning thought the work is authorizedly ordered, and how and in what manner is the ordering of his work. 4. and when the seized animal has offspring, in what mode he has to milk it, as well as the nourishment of young, and whatever is on the same subject; also the sin owing to doing it unlawfully.

5. About the sequestrator when the beast of burden seized comes into his possession, how it is when its special reputation is altered, and how it is when it comes with utility and advantage for him. 6. About the seizer's keeping a sheep, which is seized, in his flock; that is, how the custom is produced, owing to its milk being for the sacred feast, and the notification of the feasts is owing to the seized<sup>191</sup> sheep; when, too, it is not possible to keep it in the flock, what is the mode of confining it; and when it is not possible to keep it in confinement, what he has to do with it. 7. About the wool of a sheep which is seized; that is, how it is when the shearing, is even before the various times specified, and the sin of shearing when it is before the time specified, or one shears when there is no reason for shearing. 8. About the lambing (gurûshîdô) of the sheep seized, and the sin owing to its not lambing.

9. About sheltering (srudanô)<sup>192</sup> the seized animal in the most public place in a house, village, community, or province. 10. About the sin of the shepherd when, without saving it for the sequestrator, and through the guilelessness of the sequestrator, he shall carry away a female; and

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190 Av. thrâ.

191 Instead of hachîdakô, 'seized,' the MS. has the very similarly written word avêzakô, 'pure.'

192 Compare srâyishnô in § 2, and srûdan in § 11.

the sin which is owing to the offense as regards unlawfully beating and wounding it, before it *is* seized for the buyers of meat (khûr-kharânô), and other offenses regarding it. 11. About the time appointed, between the shepherd and the sequestrator, for leading and bringing the female, *belonging to* the sequestrator, to the place for which the time is appointed; *in the case* when the shepherd arrives and the sequestrator does not, how that which *belongs* to the sequestrator is to come into the possession of the sequestrator, and when; when it *is* the sheep *or* beast *of burden* of a sequestrator,<sup>193</sup> how *it is* to come into the possession of that sequestrator; when the sheep *or* beast *of burden* which is seized dies in the possession of the sequestrator, how *and* how long he *has* to shelter (srûdan) the young ones (gurûsh) and wool of the same several sheep; *and* the sin when he does not shelter *them*, *or does* it otherwise.

12. About a sheep<sup>194</sup> which is mingled among the flock of any one that is in sequestration, how it is when the shepherd, and how it is when the shepherd's dog, is its own; and when it is mingled among any flock owing to sequestration, how it is when the shepherd, *and* how it is when the shepherd's dog, [who is its own]<sup>195</sup> goes to another flock; how it is when the first flock-owner, and how it is when the second, is its own. 13. About the killing of a seized sheep by a shepherd's dog for necessary provisions; that is, how it is allowable, and in what mode it *is* to be done.

14. About him unto whom the sheep *or* beast *of burden* which is seized is delivered when it comes into a district; and the sequestrator's informing the governor of the district, in whose herd the sheep *or* beast *of burden* which is seized remains, as to the species, color, and form of it.<sup>196</sup> 15. Watching over a man with sheep, who is in a disabled state of illness owing to a wound *received* in his duty as regards slaughtering; the case when he *is* concealed from a passer-by (amat nihân min vidâr) and there is protection, when he *is* an eater *and* there is no protection, when he is not eating and there is protection, and when he *is* not eating and there is no protection.

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193 Perhaps another sequestrator is meant.

194 The first case seems to be that of an unseized sheep in a seized flock, and the second that of a seized sheep in an unseized flock.

195 The words in brackets are supplied by guess, to fill up a blank space left by the repairer of the MS. on one of his patches.

196 Reading va-darand-î denman.

16. About the distraction<sup>197</sup> of a sequestrator as regards a sheep *or* beast of *burden* which is seized, when it is one *out of* four varieties,<sup>198</sup> and when one *out of* three; when he nourishes it *for* half a year, *and* when *for* the duration of a year; when that which he obtains is a young *one*, and when that which he obtains is large, where *and* what is a shelter for it, and, *as to* the care of it, how it is when *in* a grain vault (chigâarakô-l), and when it is *under* a tree; how it is when *in* a damaged cellar (varkhô-l-î kûshtakô), and how it is when in a cage (panjar-l) which is not incomplete, but is broken, or is not incomplete and is sound, or is complete and sound.

17. About treasure which they find in the surroundings of a dwelling, and that which they find within the limits of the dwelling of any one. 18. About buried treasure when it is found by the side of a road, and the ground is hard, how it is when it is one finger-breadth below, and how it is when it is two finger-breadths; as well as (ham-gûn) when the ground is soft, how it is when it is two finger-breadths below, and how it is when it is three finger-breadths. 19. When it is found within the road, and the ground is hard, how it is when it is two finger-breadths below, and how it is when it is three finger-breadths; *and* when the ground is soft, how it is when it is three finger-breadths below, and how it is when it is four finger-breadths. 20. When it is in an ascent *or* descent, there where one turns out from the road, and the ground is hard, how it is when it is below up to the instep,<sup>199</sup> and how it is when it is up to the middle of the leg (patishtan);<sup>200</sup> and if soft, how it is when it is below up to the middle of the leg, and how it is when it is up to the knee. 21. when *it is* in a stream of water, and the ground is hard, how it is when it is below up to the knee, and how it is when *it is* up to mid-thigh; and when the ground is soft, how it is when it is below up to mid-thigh, and how it is when it is up to the testicles. 22. When *it is* in a ford *through* the water, and the ground is hard, how it is when it is below up to the testicles, and how it is when it is up to the navel; and when the ground is

197 Reading hâzhakô, but it is possibly a contracted form of ayâvakô, 'gain.'

198 If it were allowable to omit this word, âyûnakô, 'variety,' and to substitute 'gain' for 'distraction,' the sentence would stand as follows: 'About the gain of a sequestrator as regards a sheep *or* beast of *burden* which is seized, when he nourishes it for one-fourth, when for one-third, when for half a year, and when for the duration of a whole year.' This seems more intelligible than the text as it stands in the MS.

199 Supposing that Paz. âavad is intended for âfrapad.

200 That is, up to the shin.

soft, how it is when it is below *up to* the navel, and how it is when it *is* up to the mouth. 23. And when it *is* in a kitchen (âshkhânô), the middle of a garden (van), or a sheep-fold (pâh-hastô); that is, how it is when it is not a permanent residence (afrâz-mânishnô) of anybody, and how it is when it is a permanent residence.<sup>201</sup>

24. About *him* who nourishes a sheep which is seized; that is, how it is when it is out of his store, and how it is when he nourishes it as it arrives. 25. About a dispute as regards a sheep that is seized, when *one person* says it was born of the color of the mother, and another one *says it was of her form*,<sup>202</sup> both being true; or one person mentions a single characteristic truly, and another one mentions many characteristics of it untruly; the cases when they mention *its* peculiarities otherwise, and in what manner; and whatever is on the same subject. 26. About a sheep<sup>203</sup> seized, which has to pass on through the loftiest places in which there is lawfully shelter; and how there are three years, three existences (ahvôn), three places, nine occasions, and also many other regulations on the same subject.

## **Ziyanakistan: code of the injured (40).**

1. One section is the *ziyanakistan* ('*code of the injured*'), about anything which is animate – and that *which is* inanimate – injured through lawfully living, giving, receiving, *or* delivering back; the duty of protection and care for both kinds; the nourishment, extension, sustentation, stimulation, establishment, consolation, and also gratification of an animate *being*; *and* the retribution for sin due to unlawfulness as regards the same matters.

2. About an example of a damaged gift, in the *case* when one gives the thing to a poor (gadâk) person at an appointed time, and when at one unappointed; *and* in the *case* when one gives him an increase, where *and* what is the increase. 3. A decision about a shepherd when

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201 The utility of these minute details was probably to determine how long the treasure had been buried, and for what purpose, and whether there was any possibility of the rightful owner being still alive.

202 Reading darand-î denman.

203 Supposing that pês stands for pâh.

they shall bring him back an *animal*,<sup>204</sup> when damaged, before its subdivision; what he obtains for the damaged animal when not delivered back at the time of subdivision; when the duty about it is dictated by a religious man, and when he keeps it in his own possession.

4. About property which is inanimate, whose subdivisions, each separately, when one keeps them in use,<sup>205</sup> and when in reserve (*armêshôt*), are greater and less in value; that is, through so much effecting of penance (*avâkanjishnô*) worthily, or through so much bringing of interest; and the capital is the same in value, the increase being the growth of dividends.

5. About the reason why the sin of an injured person becomes innocent through not delivering back a damaged article;<sup>206</sup> and many opinions, on the same subject, are provided for our benefit.

## **Vakhshistan: increase code (41).**

1. One section of the *last* twenty-two is the Vakhshistan (*'increase code'*), particulars about the progress of increase. 2. About atonement, surrender, and compensation for anything, through dispelling it by compensating, atoning, and surrendering to *him* whose own it is; the period thereof not being appointed. 3. When he, whose origination of compensation, atonement, and surrender is his own, has appointed the period thereof, the growing of the sin actively, after the appointed time, is increase.

4. About increase<sup>207</sup> which is active (*kardakô*), and that which is existent (*zîstakô*); how it is when the existent becomes quite active, and how it is when both are suppressed (*armêshôtî-âit*). 5. About the extraction of increase upon increases which they may occasion *up* to an equality; where and which it is. 6. About a righteous gift; that is, how it is when overwhelmed by impoverishment, and how it is when its increase still proceeds.

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204 Probably one sold by him to a butcher.

205 For trading, or pious purposes.

206 Suffering wrongs without complaint being meritorious.

207 As this word is written *vakhs* (= *nâs*) it is doubtful whether *vakhsh*, 'increase,' or *vinâs*, 'sin,' is intended; and the context is insufficient to solve the doubt.

7. About the progress of interest (vakhsh) upon effective wealth, when there is interest for it, and the interest thereon accumulates; also that which does not progress; how it is when the debtor (âvâm-hômônd), even on bringing back the wealth, is opulent, and the lender (âvâm nafshman) is opulent on asking for it; how it is when each is not opulent, and the debtor *was* not opulent on asking for it; *and* how it is when the lender (âvâm khvêsh) is opulent on asking for it *and* the debtor is not opulent through the wealth.

8. About where *and* when the life (zîstanô) of the lender has once passed *away*, how it is when *the loan* is to be issued anew at the end of the issue (zihîshnô), and how it is when it has existed in force, through the one issue *by* the deceased, and the interest accrues. 9. When the debtor passes away, how it is when he puts the interest into the property of anyone through adoption, and how it is when it is the interest of the possessor of the wealth in both worlds.

10. About the peculiarity *of* retribution, the self-retribution of one liable to retribution for others, *and* the limit of one's own retribution. 11. About the penalty (tâvân) of him who, purchasing *animals* for impregnation, gives each a bad male; when *they are* not pregnant, and when they may produce; and whatever is on the same subject. 12. About the time of allowing the admission of the male to the beast of burden, sheep, and camel, and the time of consignment to each separate male for whom reception remains; the case when it is the time for admission of the male (gûshn-hilîh), and the case when it is such a consignment as when the period, which is really originating with the admission of the male, has continued. 13. When, on account of no consignment to the male at the proper time, the female goes on unimpregnated, and there is no pregnancy of the cow, mare, camel, sheep, goat, or pig, each separately, how much the penalty is; *also* the sin they commit.

14. About the camel, mare, cow, or sheep, unto whom there is damaged milk, void of butter (akarag), owing to the appointed time one postpones; also the average and least milk of the mare, cow, goat, and sheep, that is, the measure of their one milking, each separately. 15. About the camel, that is, how much is its production of hair in a year, and the extent that the camel is surpassing therein among cattle; of them is also the ass that they allow to be seized upon for as much value as that *of* the oxen, and the mode of beating them up. 16. Where and



how it is when the females of the camel and horse are a multiplying (afzûnô) tending to dissatisfaction; the increase even of increases of the ox, sheep, and goat progresses, and of them how much less is the multiplying of the female – which is an increase of in-creases *tending* to dissatisfaction, where it is extending over them – to be produced than that of the male.

17. The camel which is injured on the road, beyond the end of the appointed time, when they keep it at work unlawfully and the road is bad, when at work unlawfully and the road is good, *and* when comfortable at pasture, where seizing upon it becomes tending to dissatisfaction in several *ways*, and they are severally buying it when really invigorated,<sup>208</sup> or at a price.

18. For how much increase of increases he stands up who is buying also an invigorated dog, *or* pig, at a price; and when it is *that* the increase and increase of increases remain undeveloped in them, as it *does* whenever property, an which the interest of the residue and income accumulates, is still for the children of the well-destined.

19. About *him* whose supplies some one is silently (agôpô) buying up, and the seller and important holder is quite bereaved, so that the bereaver *has* plenty for one deprived of food on a summer's day, and plenty for him who is so also on a winter's day (dim-ichîk); also the supplying of mankind and fire lawfully, in the beginning, for a summer's day and night and that for a winter's one.<sup>209</sup> 20. About clothing when it is *that* which one strips off for donation. 21. About the penalty for a first deprivation of food, and the sin of it; also the penalty of the second and third, up to the tenth.

22. About a plaint and defense as regards a debt and its interest, and the decision thereon; also how it is when, for keeping up the repayment, debts upon debts are canceled so far as the continuance of interest; *and* whatever is on the same subject. 23. About the uselessness of supplies which are not authorized by the religion. 24. About buying a slaughtered<sup>210</sup> sheep when the seller is bereaved by the delivery; also to

208 Paz. aôanghen, both here and in § 18, no doubt for Av. aoganghem, as in Chap. 20.58, the Av. g and s being much alike.

209 See Farh. Oim, p. 38, ll. 4-8, and compare Chap. 38.13.

210 Reading barâ-zegtalûntakô, which word has been corrupted by the repairer of the MS.

how many sheep, in the two previous years, the increase and increase of increases thereof had specially to attain. 25. About where and what is that which would not conduce to increase, and what is that which *would*. 26. About the special sin and offense, the use of the milk, heart,<sup>211</sup> and wool, the spreading about *which tends* to dissatisfaction, the increase of increases, and the good figure of any one sheep, and the regulation of every one.

27. About how the debtor *has* to announce the nature of the loan, *which* the lender, through irritation, does not approve; and, when the debtor has provided for a triple issue, when for a double issue, and even when he has for a single issue, the first year is *free* from begging his own time. 28. About the debtor and what<sup>212</sup> he repays, when each year is announced *and* he does not assent; *and* how it happens, as regards the debtor, through many repayments, and all the postponements of the lender.<sup>213</sup>

29. About causing the confiscation (pâdirângarîh) of a human being (gerpîh),<sup>214</sup> and *its* cessation<sup>215</sup> owing to worldly work, where *it is* for one month, *or*, thence onwards, for a second, a third, a sixth, a ninth, *or* a year at worldly work, *and* where *it is* regarding several human beings; the production of gain which accrues upon that single human being; *and* what-ever is on the same subject. 30. About the confiscation of a cloak (gudâd) in the winter, and of a skin-bag for holding water (mashkô-î âvdânô) in the summer; about whom they are appertaining to, on the passing by of the first ten nights, where *it is* after the bringing out of the cloak at the beginning of winter, *and of* the water-skin at the beginning of summer; or prior to the length of a month previous, severally, to the end of the winter *as regards* the cloak, *and* to the end of the summer *as regards* the water-skin; that is, for how much gain

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211 Reading dil, but the word can also be read sar, 'head.'

212 Supposing that madam stands for maman; the two words being sometimes confounded.

213 Who allows the debtor a longer time for repayment.

214 Literally 'bodily form.' The seizure of a slave of the debtor to work off the amount of the debt is evidently meant.

215 Reading va-sachishnô instead of the very similarly written nikêzhishnô, 'explanation,' of the MS.

upon that one cloak, or water-skin, is the retribution of the confiscator to whom *it is appertaining*;<sup>216</sup> and whatever is on the same subject.

31. About the increase of grains, and that of sheep *with* the progeny, milk, and wool that they may severally produce. 32. About the confiscation of clothes and implements by delivering them back to *him* who specially reckons many *as his own*;<sup>217</sup> that is, how the produce (vakhsh) increases when he orders *their* use imperfectly, how it *does* when *he does so* not imperfectly, and how it *does* when he keeps *them* in inactivity. 33. About the produce of land on which grain is *cast*, and *of* that on which *it is* not cast (va-zak-î an-madam ramîtuntô),<sup>218</sup> when by delivery thereof *it is* self-exhausted. 34. And so also the produce of ornaments of gold and silver, and of red-colored things, with many regulations on the same subject *and* what is connected therewith.

### **Varistan: ordeal code (42).**

1. One section, the Varistan (*'ordeal code'*), *contains* particulars of that *which*, when it becomes manifest in any one, is indicative as to witchcraft; the bringing of remedies for the person who is rendered sickly by a wizard; the execution of the wizard, what the religious rite is in the legal proceedings, *and* the *case* when *there* is a religious rite in the legal proceedings. 2. About the *case* when, for want of legal proceedings, he is executed without the religious rite; and what it is when<sup>219</sup> he dies through his own destruction of someone.

3. About the accomplishment of an ordeal by which, through the power of the spirit, *there* arises a manifestation of acquittal *or* incrimination of those maintaining inconsistencies as to witchcraft,

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216 This seems the more probable meaning if we are to understand that the confiscation has been actually carried out at an improper season; but, if we suppose that it is avoided on account of the season, it would be better to translate as follows: 'For how much gain upon that one cloak, or water-skin, is the confiscator, to whom it is appertaining, to be compensated.'

217 Possibly referring to the seizure of articles sold by a dealer, but not paid for.

218 The form an of the negative prefix is here used because the Zvarish an-madam is replaced by the Paz. an-avar in pronunciation.

219 We should probably read 'and about the case when,' supposing that maman stands for madam, the reverse of what occurs in Chap. 41.28.

destroying a righteous *man*, or other concealed instigations of sin;<sup>220</sup> the time of its performance, and the place of hurtfulness of its continuance. 4. About the place of accomplishment; in what manner is the selection (*fragârdanô*), limitation, and preparation of the abode *in* which the ordeal is performed; that which is to be carried forth to that abode, *and* that of which the carrying thereto is to be avoided; who is to be admitted to that abode, and who is not to be admitted; *and* that which, when it occurs there, is a disturbance of the work, they separate (*vanjend*) therefrom.

5. About those belonging to the place of ordeal (*varistânîkân*) and other officials there, the rites and customs therein, the ceremonial to be celebrated in the abode, *and* the invocation of the sacred beings for assistance. 6. What is the mode of performing the hot and cold ordeal; how is the leading forth of the accomplishers thereto, and of what Avesta is their uplifted recitation; how is the accomplishment of the hot and cold ordeal, *and* the manifestation *of* the acquitted and incriminated thereby; *and* many statements (*gôkân*) on the same subject.

## **Section six: miscellaneous (43).**

1. One section is miscellaneous: about *having* sought an assistant who is brought, that is, in what mode it is proper; *and* the payment of an assistant who is a member of the community (*dâhm*),<sup>221</sup> and also that of a foreigner (*an-Aîr*), in the same affair. 2. About how the coming of a man to confinement and fettering is through his own wealth, and whatever is on the same subject. 3. About confession through one, two, and three statements; *and* whatever is about it. 4. About the contempt *of* a disciple for a priestly master, which is an annoyance to him; the property *belonging* to the master, and the squandering that occurs in it.

5. The sin that is its own penalty through *being* liable to penalty, *and* the transgressor whose penalty is owing thereto; when they would

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220 That is, while there is no evidence of the crime beyond the suspicions, real or assumed, of the accusers.

221 The contradistinction here indicated between *dâhm* and *an-Aîr* is an important confirmation of Geldner's definition of Av. *dahma* as 'Vollbürger oder Mitglieder' (see *Studien zum Avesta*, 1882, p. 14).

unlawfully bring a penalty upon *one* liable to penalty, or *one* thereby inflicts a penalty *upon* him, of which *one* is aware that *he* is not capable (patûkô); and the time which *one* liable to penalty *has* for the payment of that penalty of his is until *his* attaining to opulence, when, after the appointment about the penalty, he becomes capable of an atonement. 6. About the accumulation (ganjîh) of sin through the expedients of the wrathful (garmakân), which are connected with much destruction of the righteous. 7. About the sin owing to which, among those that are wrathful, *he* who *has* drunk from a well on a road, or path, conceals the water for the sake of concealment.

8. About the sin of a judge who pronounces the sinner *to be* in innocence, and the innocent *to be* in some sinfulness. 9. About a judge acquainted with the law<sup>222</sup> *for* ten years, him who is *for* eleven, him who is *for* twelve, him who is *for* thirteen, him who is *for* fourteen, and him who is *for* fifteen that is, their decisions, each separately, on several specially prominent objects of acquaintance with the law, as regards decision and judgment.

10. About a daughter whose religious control, during the life of her father, *resides* in her mother for the joint life of the mother, but *for*<sup>223</sup> the authorized giving *her away there* is the father. 11. About a daughter who is unprovided with a husband, and who *has* no father and no mother, nor yet any of the brothers of the departed parents, and it is not even allowable to give herself away into guardianship by a husband.

12. About property which is *bequeathed* by will on passing away; that is, how it is when given and how it is when it does not exist. 13. About the privilege of a father; in giving property to *his* children according to his wish, and a son who is irreverent towards his father, so that<sup>224</sup> *some* of the property of the father goes to the worthy mother; also when they would make irreverence towards the father the imputed characteristic (bâkht nîshânô), where a decree about the property of the father is decided upon; and whatever is on the same subject as regards the extent of irreverence of the son towards the father, and the sin of it.

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222 See Chaps. 20.74, 22.21.

223 Reading râi instead of lâ, 'not.'

224 As aêgh also means 'where,' it is rather uncertain whether the irreverence is supposed to be the cause, or the effect, of the special provision for the mother which afterwards becomes a source of litigation.

14. About the sin of a son<sup>225</sup> who is accepted, when he recoils from that acceptance; the accepter of a living, *or* even a departed, father is so because it is the will of the people, and also *for* the worldly fame of a soul of the departed; and the ceremonial *and* obeisance are, moreover, for those of them within their own dwelling, owing to letting forth their generosity, and they shall provide them.

15. About the production and arising of even that property which a liberal person has not seen, if there be any one who<sup>226</sup> has not lived liberally.

16. About the production *and* arising of something of the property of a damsel, even when she gives it by design only to him who *is* worthy.

17. About a damsel whom an idolater (deviyast) carries off from her own master, *and* would give to a Mazda-worshipper; that is, how it *is* justifiable for the Mazda-worshipper, *having* had that damsel in *his* possession, to seek a son, by *her*, so long as the guardianship of the woman is with that man. 18. About a mother being guardian over a living father, owing to their *having* a son. 19. About the proper completion of a provision – that was for the decision *of* the supreme judge, *on* various statements, and was never otherwise – which is the provision *of him* who is a high-priest of the religion.

20. About the sin of a father through not satisfying the menstrual excitement of a daughter who *has* attained the capability of *having* a son (berman radîh); what it is when, through not satisfying the menstrual excitement of the daughter, he *is* sinful; and how it is when the daughter herself is sinful; also the symptoms of attaining the capability of *having* a son.

21. About where *and* which is that sin on the committal of which inadvertently *one* attains to deliverance thus, when it comes to his knowledge it *is* through a determined renunciation it goes away from *its* source; *also* which is that committal inadvertently which does not occur through him who is intelligent. 22. About the four more heinous forms of demon-service (shêdâ-yazhakîh), and the three worst sins wherein they shall perform them; the ten *existences* that are furtherances, and the nine that are destroyers, *of* the world.

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225 An adopted son must be meant.

226 Supposing that min stands for mûn.

23. About a true statement through which, when *one* utters *it* he is wicked and worthy of death. 24. About driving the bestowable benefit of the spiritual *existence* away from the world, when he who is destroying a righteous *man* walks openly in the world; how one section *of* the spirit's earth is that of a people<sup>227</sup> destroying the righteous man, and the complaint of the spirits of fire, water, and plants, owing thereto: *also* how the bestowal of the allotment of a leading man is upon *his* inferiors. 25 About the three kinds of righteous men; one that is greater than water *and* earth, animals *and* plants, one that is equal to them, and one that is less; and what is the arrangement of – as it *were* – the conjoined formation of those who are somewhat outside of the three kinds.

26. About the grievous bridge-judgment for carrying forth dead matter to water, or to fire, with which there is evidence; and the heaviness of the spirit due to dead matter in the water. 27. The good work of him who brings the dead matter<sup>228</sup> of man *or* dog, or that of the serpent or frog, out of the water. 28. About the destruction of the serpent and frog, and other aquatic noxious creatures, in the water when it is *only* thus possible, and carrying them out from it when it is possible. 29. About the gratification of the spirit of the world, *and* the vexation of the demons, owing to the destruction of them.

30. Where and what are the tokens of the good<sup>229</sup> management and well-operating drinking-party (tôsh-tîh) of a neighbor not of the same district (ahamshatrô nazd). 31. About the sin of him who, after joining a drinking-party from sunset (hû-frâshmôk-dâdô), pulverizes the road (râh tekhnunêdô), keeps the door opened, and would unlawfully make an uproar.

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227 Some neighboring nation of unbelievers is probably meant, such as the Byzantines; as we must always recollect that the compiler is summarizing the contents of the Pahlavi commentary written in Sasanian times (see Chap. 1.3).

228 See Chap 27.4. It appears from this section that the dead matter of an evil creature, such as a snake or frog, was considered to pollute the water as much as that of a good creature. § 28, however, admits the expediency of killing noxious creatures in the water when it is impossible to take them out beforehand; and this is in accordance with Vd. 5.35-38 (W.) which teaches that an apostate defiles no one when dead (any more than a dried-up frog that has been dead a year), because he defiles while living. This rule was evidently intended to remove all scruples as to killing such creatures, but it applies to them only when recently killed; hence the necessity of removing them, from any place liable to pollution, as soon as possible after death, common sense being preferable to logical consistency.

229 Supposing that vûp stands for khûp.

32. About Ohrmazd having produced the bodies *and* members of animals – through *having* created the body of the sole-created ox with satisfaction, as assistance for mankind – because *they* are repeated for protection, and also for the ceremonial for sacred beings specially declared 33. About the reason of making offerings (aûstôfrîdô) to the sacred beings. for the increase of power of the allotments of destiny in the allotment of destiny; the connection of that acknowledgment (padîrishnô) and *of* the benefit *and* advantage of the recompense thereof; the proper maintenance of that acknowledgment. through the means and efficacy *of* the spiritual bridge-judgment of sin, and the fear of worldly disaster and harm from not properly maintaining the perpetual acknowledgment in force (dên patûkîh), *and from* the setting up even of ruin thereby; the reasonable control of the offering to each one of the sacred beings therein is for the skillful member of the community (hûnarîk dâhm) of whatever kind, and is not produced by entrusting the consecration to the violent, more particularly to those whom *one* specially enumerates; the sin and retribution owing to *having* given it to those who are of that class; *and* more upon the same subject.

34. About the damage and injury of the world owing to greed (âzhô) and its fellow-miscreations, *and* him who is their supporter and abettor, the idolater (deviyastô), also the wolf of many kinds and noxious creatures of various species; because the occurrence of their fiendishness is due to the original fiend, and the means for strengthening their fiendishness are *derived* from the destruction of all mankind *and* the other primary worldly creations which are aiding mankind. 35. Advice to mankind about smiting and destroying the evil domination (dûsh-khshasarîndanô) of the world by those *injurers*, and the merit manifest for *themselves* therein; the object *and* spiritual reward for smiting and killing each one of the wolves and noxious creatures, and, as regards the same reward, the perfection of that for destroying a two-legged wolf;<sup>230</sup> and whatever is on the same subject.

36. About advice as to not reverencing the evil spirit and demons, whereby the observing (var'zhô) of the several ceremonies and gratifications of the sacred beings would be more particularly irregular in *any* manner whatever, and the damage and harm owing to those who

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230 A term applied to an idolater.



are irregular and ill-observant, through being inclined for that irregularity and ill-observance, *would* become an oppressive presidency (padgahîh) of the demons over the creatures; also the vice of clamorous talking (drâyân gôgîh)<sup>231</sup> and the damage owing thereto, and the pleasure of the demons due to the same *and* other *things* which are irregular. 37. Advice about the reason, habit, and primitive practice of not chattering, and other good customs, during eating *and* drinking; the gratification of the sacred beings owing to that primitive practice of good customs *by* mankind, and the unself-devoting (a-khvêsh-dâk) is he who is not maintaining it.

38. Through the ceremonial of which sacred being is the greater welcome (mâhmânôtarih) of a high-priest and of any good work *of* each one of the five periods [[gahs]] of the day and night; the reward and advantage owing to celebrating the ceremony of each of them separately in its own period, and also other means and regulations in the same statement.

39. It is righteousness *that is* perfect excellence.

## Nask 19: Vendidad [Jud-dew-dad] (legal) (44)

*Corresponding with the contents of fargards 1-11, 13-22.*

1. The Vendidad<sup>232</sup> contains particulars of Ohrmazd having produced the pleasure of mankind by that place where they specially made a residence, and the advantage from the same production.<sup>233</sup> 2. About the

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231 Whereby the devotions are disturbed, or rendered ineffectual.

232 Corresponding to the nineteenth word drigubyô, in the Ahunwar, according to B.P. Riv.; but it is the twentieth Nask in other Rivâyats. In the Denkart its name is semi-Zvârîsh, either Gvît-shêda-dât or Vîk-shêda-dat, the Av. dâta vîdaêva, "law opposed to the demons." In the Rivâyats it is called Jud-dêv-dâd, Vendîdâd, or Vîndâd, and is stated to consist of twenty-two kardah, or fargards, the number it still contains. It is generally considered that the Vendîdâd now extant is a collection of fragments, but it is evident, from the close correspondence between the author's description and the present contents, that this fragmentary state of the text existed in his time; and there is every probability that any mutilation that exists in the text occurred before Sasanian times. The author, however, sometimes omits to mention subjects that are repeated, so it is just possible that some of these repetitions are of later date. He also makes no allusion to the twelfth fargard (see § 51 n).

formation of sixteen perfect places specially enumerated, and also the adversity which has happened to each separately.<sup>234</sup>

3. About Ohrmazd's disclosing the religion first among mankind to Yim [Jamshed];<sup>235</sup> its non-acceptance by Yim [Jamshed] owing to attachment (*asrunoih*) to the religion of the ancients; and the acceptance of other things to develop, extend, and improve the world thereby.<sup>236</sup> 4. About the reason of the needfulness of making the enclosure that Yim [Jamshed] made (*var-i Yim kard*), the command and instruction by Ohrmazd to Yim [Jamshed], the making by Yim [Jamshed] just as Ohrmazd commanded and instructed, and whatever is on the same subject.<sup>237</sup>

5. About what the comfort of the spirit of the earth is most owing to, what its discomfort is more particularly owing to, and from what its greatest gratification has arisen.<sup>238</sup>

6. About the sin of pollution owing to carrying a corpse by a single person, relating, however, to that which a dog has not seen.<sup>239</sup> 7. About the food, clothing, and place of him who becomes polluted and worthy of death through a corpse, on account of carrying it alone (*aevako-barih rai*).<sup>240</sup> 8. About how the several precautions of mankind and other pure creatures are taken, as regards a corpse<sup>241</sup> which has become polluted by another corpse.<sup>242</sup>

9. About the pleasure of the spirit of the earth owing to sowing and tilling, and its vexation owing to not sowing and not tilling; the blessing upon the sowers, and the advantage and merit owing to sowing, on account of particulars about the nourishment and protection of the

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233 Vd. 1:1, 2 (W.).

234 Vd. 1:3-20.

235 See Chap. 13:6-8.

236 Vd. 2:1-19.

237 Vd. 2:22-43.

238 Vd. 3:1-13, 22, 23, 24.

239 Vd. 3:14; the latter clause referring to the commentary on Pahl. Vd. 3:48 (Sp.).

240 Vd. 3:15-19.

241 The person polluted in this manner being considered as unclean as the corpse itself.

242 Vd. 3:20, 21 and perhaps some commentary on Pahl. Vd. 3:71 (Sp.) now lost.

religion thereby.<sup>243</sup> 10. About the destruction of the demons which arises from the sprouting, growing, and ripening of corn; and the good success of mankind from the eating of it.<sup>244</sup>

11. About the sin of burying a corpse through sinfulness, and for how much time is the uselessness of the ground in which the burial may be performed.<sup>245</sup> 12. About the power of the good religion for wiping away sin from human beings.<sup>246</sup>

13. About the sin of deceiving by an avaricious person (pashtō) as regards what he has consumed and given, and the grievousness of other breaches of promise; the danger, even in the worldly existence, from maintaining him, and the retribution it is important for him to make.<sup>247</sup>

14. About where there is steadfastness in the religion there is also a manifestation of this: when one becomes liberal – as to every benefit that exists for him – towards those of the same religion who come forward with a request.<sup>248</sup> 15. About the extent of sleeping in the day and night, and other matters as to occupation which occurs daily.<sup>249</sup>

16. About the grievous sinfulness of having taken a false oath, so that, apart even from the testifying retribution of the property, the oath taken thereon has also an efficacy very much for the accusers, which, on account of Mihr,<sup>250</sup> Srosh, and Rashn, is an awful destroyer and adversary for one's own person, wife, child, and property; also the grievous bridge-judgment which is an appendage to one's own soul.<sup>251</sup>

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243 Vd. 3:23-31.

244 Vd. 3:32, 33.

245 Vd. 3:36-40.

246 Vd. 3:41, 42.

247 Vd. 4:1-16.

248 Vd. 4:44.

249 Vd. 4:45.

250 Av. Mithrō, the angel of the sun's light, friendly to man, and, hence, insisting upon the fulfilment of every promise (mithrō). He is supposed to keep an account of all breaches of promise (see Dd 14:3), and to mediate between the departed soul and its accusers (see MX 2:118), in doing which he co-operates with the angels of obedience (Srōsh, see Chap 9 3 n) and justice (Rashnū, see Chap 20, 153 n) who estimate and weigh its good works and sins, and decide upon its fate at the bridge of judgment.

251 Vd. 4:46, 50-55.

17. About the sin of bringing firewood, with which dead matter<sup>252</sup> is mingled, to a fire; and this too, that is, how and when one is innocent therein.<sup>253</sup> 18. About a ditch (joi), which is not always a stream (navo), when the water has to pass through it, and also that which is always a stream, when one wants to increase the water therein, how often and how one has to inspect them for fear of dead matter having been there.<sup>254</sup>

19. About death which is by reason of water or fire, and does not occur through the supremacy of water or fire, but is owing to the demons.<sup>255</sup> 20. About the great advantage owing to rain, and connected with raining on dead matter and the bodily refuse<sup>256</sup> of depositories for the dead.<sup>257</sup> 21. About the greatness and goodness of 'the law opposed to the demons'<sup>258</sup> for cleansing, as compared with other utterances.<sup>259</sup>

22. About pollution owing to bodily contact (ham-kerpakih) with a corpse, and to bodily contact with him who is in bodily contact with a corpse.<sup>260</sup> 23. About the wicked villain who is an unrighteous apostate alive, and abstaining from association (avakih) *with him*.<sup>261</sup> 24. About how long is the time of pollution of a house in which a dog or human being passes away, the carrying away theretofore of anything going thereto, and the avoidance of it; the place into which any one goes out, the feeding, and other things in that house within three steps, and whatever is on the same subject.<sup>262</sup> 25. About a woman whose child dies in the womb, and which becomes dead matter; and whatever is on the same subject.<sup>263</sup>

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252 See Chap. 27:4 n.

253 Vd. 5:1-4.

254 Vd. 5:5-7; but the last clause refers to a Pahlavi commentary found only in the manuscripts.

255 Vd. 5:8, 9.

256 See Chap. 19:3.

257 Vd. 5:15-20.

258 The Vendidad itself, see § 1 n.

259 Vd. 5:22-25.

260 Vd. 5:27-34.

261 Vd. 5:35-38.

262 Vd. 5:39-44 (W.), and commentary on Pahl. Vd. 5:134 (Sp.).

263 Vd. 5:45-56.

26. About useless and polluted clothing, that which is cleansed for six months.<sup>264</sup> 27. About the grievous sinfulness of irregularly letting forth clothing, as much as a single double hem,<sup>265</sup> upon a corpse.<sup>266</sup>

28. About how long is the time of the uncultivated state of the land – free from admitting water and being sown – on which a human being or a dog passes away; the inspection of the whole land on account of the risk of dead matter having been there, and afterwards admitting water upon it; the sin when, through not exploring, dead matter is in that place, and the water comes on to it, and whatever is on the same subject.<sup>267</sup>

29. About how to bring a corpse out of the water, the extent of the pollution of the water around the corpse, the purity after bringing away the corpse from it, and whatever is on the same subject.<sup>268</sup> 30. About where the bodies and bones of the departed are deposited, and whatever is on the same subject.<sup>269</sup>

31. About how soon is the rushing of the fiend of corruption (*druj i nasush*) upon a human being or dog that has passed away at the appointed time, and upon one who has done so before the appointed time through the defectiveness (*ahugagih*) of the worldly existence; where the clothing of this one is which is useless, and which and how is the washing of that which is for washing.<sup>270</sup> 32. About the heinous pollution and grievous sinfulness of devouring dead matter, or of bringing it to fire or water through sinfulness.<sup>271</sup> 33. About the winter,

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264 Av *khshvash maunghô*; Vd. 5:57-59 (W.), and commentary on Pahl. Vd. 5:167 (Sp.).

265 *Pâz dhôvana* which is here assumed to be equivalent to Pers. *dô bun*. It is probably a reading of the Pahlavi word 𐭮𐭮 or 𐭮𐭮 in Pahl. Vd. 5:169, 172, which has been variously read as *jûjan*, “a dirham,” *dûkô*, “a spindle,” or *yûkô*, “a rag;” the last of which would best suit the context here.

266 Vd. 5:60-62.

267 Vd. 6:1-9.

268 Vd. 6:26-41.

269 Vd. 6:44-51.

270 Vd. 7:1-5, 10-16. Nothing is said about 7:6-9, 17-22 (which passages are merely a repetition of 5:27-30, 57-62), but this omission may be owing to the fact that these passages are so abbreviated in the MSS. as to be easily overlooked, especially by a reader of the Pahlavi version only.

271 Vd. 7:23-26.

the demon-produced terror, the spider and locust,<sup>272</sup> sickness of many kinds, and much other evil, which become threatening in the world owing to the formation of dead matter.<sup>273</sup> 34. About how to cleanse wood, corn, and fodder from the dead matter which comes upon it.<sup>274</sup>

35. About medical treatment with spells, the knife, and herbs; how to test a medical man, the fee for curing, and whatever is on the same subject.<sup>275</sup> 36. About the place on which a corpse is fettered (garovî-âitō), and also that in which it is buried through sinfulness; and in how much time it becomes pure, in each case separately.<sup>276</sup> 37. About the much lodgment of the demons there where a corpse is buried (nikan), and the merit of laying open (âshkârîndanō) the place of burial (nikânîh) of a corpse.<sup>277</sup>

38. About the duration of not drinking by a woman who has miscarried (visistako); also her not feeding on the liquid of that which is watery food.<sup>278</sup> 39. About the washing of a metallic, stony, or any other cup-like article, upon which dead matter has come, and which is not

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272 Pahl. tanand va mâk (= mêg), evidently equivalent to the Av. sînô madhakhayausca of Vd. 7:26, which are rendered by tûn mêgo-c in the Pahlavi version. The identity of Av madhakha with Pahl. Madag, or mêg, Pers. maïg mala'h "a locust," has long been recognised (see Darmesteter's *Études Iranniennes*, II, p. 199). But the meaning of Av. Sîn = Pâz tûn has been merely guessed to be "a mosquito;" the Avesta word having been transcribed as sîn or sin, in the prose Sad dar 72:2, and explained by the Persian gloss pashah, "a gnat or fly," by some copyists, while others have read san (for sin) and have substituted its synonym sâl, "a year," or have read bîsh, "a poisonous herb," instead of pashah. With regard to the word <sup>â</sup>𐭌𐭎 tanand, "spider," in our text, it may be observed that it has descended from much older copy of the Pahlavi Vendîdâd than any that could have been consulted by the author of the Sad-dar, and it is easy to see how an original Pahl. 𐭌𐭎 could have been read .𐭌𐭎 in Pâzand by later copyists of the Vendîdâd.

273 Vd. 7:26, 27.

274 Vd. 7:28-35.

275 Vd. 7:36-44.

276 Vd. 7:45-50.

277 Vd. 7:51, 52, 55-59, which refers to tombs and mausoleums (uzdaêza uzdishta) and not to the legal dakhmas, or depositories for the dead. §§ 51, 52 are described after the others.

278 Vd. 7:60, 67-71. The contents of 7:61-66 are not mentioned, being abbreviated in the MSS. as a repetition of 5:46-51.

pronounced useless.<sup>279</sup> 40. About the animal (gospend) that has eaten dead matter, and the plant with which dead matter is mingled.<sup>280</sup> 41. About the sin of holy water being brought to water *which is tainted* with dead matter.<sup>281</sup>

42. About the house (khânö) in which a dog or a human being passes away.<sup>282</sup> 43. About how large and how one has to make the vault (katakö) for the sake of a corpse in a dwelling (mân), carrying the corpse to it, when the time comes to expose and avoid it, and whatever is on the same subject.<sup>283</sup>

44. About the baseness (garash) and grievous sinfulness of the decree (vijîrîh)<sup>284</sup> of death, unnatural intercourse [sodomy].<sup>285</sup> 45. About a dry corpse which has been dead throughout a year.<sup>286</sup> 46. About the merit of having brought unto purity a corpse-burning fire, a fire burning bodily refuse, or of an encampment (sarây-îcö);<sup>287</sup> also those which artificers, each separately, keep in use one has to secure, when the work is done, for the appointed fireplace (dât-gâs, i.e. Dadgah).<sup>288</sup>

47. About washing the polluted who have been in bodily contact with a corpse, or moving it; divers preferences as to the purifier, the rite of washing, and the reward of purifiers, worldly and also spiritual.<sup>289</sup> 48. About the shining of the sun, moon, and stars alike discontentedly upon the polluted.<sup>290</sup> 49. About the gratification of all the creatures of Ohrmazd by the purifier, when he produces purification for the polluted and suchlike beings (ângunî-âitöân); also his reward.<sup>291</sup> 50. About the

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279 Vd. 7:73-75.

280 Vd. 7:76,77, where, however, plants are not mentioned.

281 Vd. 7:78, 79.

282 Vd. 8:1-3.

283 Vd. 8:4-25.

284 Both these words are blotted and doubtful in the original MS.

285 Vd. 8:31, 32.

286 Vd. 8:33, 34.

287 Or it may be sar aspö, "a troop of horse."

288 Vd. 8:73-96.

289 Vd. 8:35-72, 97-107, 9:1-39.

290 Vd. 9:41.

291 Vd. 9:42-44.

strength and aid which are given to the fiend of corruption (nasûš drûjô) by him who does not understand purifying, and yet would accomplish it; also the sin thereof at the bridge of judgment [Chinwad].<sup>292</sup> 51. About the triumph of the Yatha-ahu-vairyo<sup>293</sup> in smiting the fiend and in healing.<sup>294</sup>

52. About the species of dogs; the worthiness of the shepherd's dog, the village dog, and others also; how to maintain and nourish (srâyînidanô) them with nourishment, and the sin owing to killing or even improperly maintaining them, each separately; and whatever is on the same subject.<sup>295</sup> 53. And this, too, when a dog becomes useless (abôn) or hurtful, what is to be done with it, and how it is to be kept.<sup>296</sup> 54. About authorisedly killing the dog-wolf.<sup>297</sup> 55. About the thirty-one dispositions among dogs, which are just as among the three special professions and divers others of five descriptions.<sup>298</sup> 56. About the grievous sinfulness of killing a water beaver [\*otter],<sup>299</sup> and statements (gôkân) of the penalty.<sup>300</sup>

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292 Vd. 9:47-57.

293 The Ahunwar formula is so called from its first three words (see Chap. 1:7 n).

294 Vd. 9:45, 46, 10:1-20, 11:1-20 may probably be all alluded to in these few words; but nothing is said about the twelfth fargard. This omission is singularly in accordance with the fact that the same fargard is omitted in all very old copies of the Vendîdâd with Pahlavi version, in which, although the fargards are numbered, the thirteenth immediately follows the eleventh. The Copenhagen MS. No. 2, in which the twelfth fargard occurs with a Pahlavi version, is said to be a revision of the Vendîdâd text compiled in the last century, and other copies of the Pahlavi twelfth fargard have been derived from this revised text. The omission of this fargard in all the old MSS. cannot be satisfactorily attributed to the loss of some folios in an older copy, because no fargard is likely to fill exactly a certain number of folios; the loss must also have occurred very shortly after the last revision of the Pahlavi text, to account for the author of the Denkard not finding the Pahlavi of this fargard in the ninth century.

295 Vd. 13:1-28.

296 Vd. 13:29-38.

297 Vd. 13:41-43.

298 Vd. 13:44-48 which detail the thirty-one particulars in which dogs resemble people of eight avocations, three of which are the professions of priests, warriors, and husbandmen.

299 Av. udra 𐬨𐬀𐬎𐬎𐬀 is "otter", not "beaver", and so corrected in second edition of Darmesteter's translation; so also Kanga and others.

300 Vd. 13:50-56, 14:1-18.



57. About the sin which gave an Iranian to foreigners (an-Aîrânö).<sup>301</sup>  
58. About the sin for those three<sup>302</sup> males who have debauched a woman who is pregnant, or the wife with a child at the breast, or a daughter of others; and the sin owing to similar sin.<sup>303</sup> 59. About the guardianship and nourishment which it is important to provide for a child that is seen to be improperly protected, or for a dog when it is born without a guardian; and whatever is on the same subject.<sup>304</sup>

60. About menstruation, the heinousness of its pollution, and how much one has to abstain from it.<sup>305</sup> 61. The cleansing from the menses, the time of the cleansing, and the nature of the cleansing of any person or thing polluted by the menses, or that which becomes inefficient thereby; and whatever is on the same subject.<sup>306</sup> 62. And about the grievous sinfulness of having sexual intercourse with a menstruous woman.<sup>307</sup>

63. About the deadly bridge penalty of those who have not sustained the judges.<sup>308</sup> 64. About the care of the hair and nails, and the sin owing to want of care.<sup>309</sup>

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301 Vd. 15:2.

302 Reading val zak 3, but it may be val zak-aê, "for the other."

303 Vd. 15:8-16.

304 Vd. 15:17-45, though the last clause may include the remainder of this fargard.

305 Vd. 16:1-7, 13-16, also 15:7.

306 Vd. 16:7-12.

307 Vd. 16:17.

308 Vd. 16:18 = 17:11.

309 Vd. 17:1-10.

65. About the apostasy of him who is bringing a mouth-veil,<sup>310</sup> a vermin-killer,<sup>311</sup> various sacred twigs,<sup>312</sup> or a goad or scourge<sup>313</sup> which is exceptional, and maintains that it is that which is necessary.<sup>314</sup> 66. About the disapproved one, and the bridge-judgment upon him, who sleeps on through the whole night, so as not to accomplish his proper duty.<sup>315</sup> 67. And the approval and reward of him who does not sleep over religious observances, so as to accomplish his proper duty.<sup>316</sup> 68. About the progress of secretly-advancing ruin (sêjō) through that exhibitor of evil religion who wears no sacred thread-girdle [kusti], and his not wearing it as it were by law.<sup>317</sup>

69. About the proper duty and great value of the Parodarsh<sup>318</sup> bird, and the great good work that gives it a morsel of meat which is the size of its body, the liberalization of the primitive temperament<sup>319</sup> through righteousness for the righteous man.<sup>320</sup> 70. About the hurry of the fire for kindling for the untroubled watching of the night, and the merit

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310 Pahl padâm (Av. Paitidâna, Pâz penôm). It “consists of two pieces of white cotton cloth, hanging loosely from the bridge of the nose to at least two inches below the mouth, and tied with two strings at the back of the head. It must be worn by a priest whenever he approaches the sacred fire, so as to prevent his breath from contaminating the fire.” (Haug’s *Essays*, p. 243, note 1.)

311 Av. khrafstraghna, an implement for killing snakes and other noxious creatures; it may be made of any material, but a leathern whip is recommended.

312 Av. baresman, a bundle of slender rods, formerly twigs of particular trees, but now thin metal wires, usually from five to thirty-three in number according to the nature of the ceremony. These rods are tied together by a central girdle passing three times round them and knotted just like the sacred thread-girdle [kusti] round the waist of a Parsi; but this girdle is formed of six thread-like ribbons split out of a leaflet of the date palm and twisted together. The bundle, when properly purified, is laid upon the crescent-shaped tops of two adjacent metal stands [mah-rui], whence it is taken up by the officiating priest, to hold in his left hand during certain recitations.

313 Av. aštra and sraosha-carana, implements for scourging and punishing sinners and criminals.

314 Vd. 18:1-4.

315 Vd. 18:5.

316 Vd. 18:6.

317 Vd. 18:8-10.

318 “The foreseer” of dawn, an epithet of the domestic cock.

319 Pahl. rādīnīdanō- ī mūnak-ī kādmon.

320 Vd. 18:13-17, 23-26, 28, 29.

owing to law- fully kindling it; also the blessing of the fire on mankind, when pleased and untroubled.<sup>321</sup>

71. About the four special sins by which the fiend<sup>322</sup> receives vigorous pregnancy, and the atonement for each separately.<sup>323</sup> 72. About the grievous sinfulness, trouble, lamentation (navîkîh), and harm that proceed from a courtesan; also the advantageousness of her destruction.<sup>324</sup> 73. About the retribution for the sin of having sexual intercourse with a menstruous woman.<sup>325</sup>

74. About the combat (kûshišnō) of the evil spirit with Zartosht, the victory of Zartosht therein, and whatever is on the same subject.<sup>326</sup> 75. About Zartosht having inquired of Ohrmazd how, and by what means, one has to confound the evil spirit and other demons, and his reply.<sup>327</sup> 76. About the gratification of Vohuman, the archangel, owing to the washing and bringing back to use of polluted clothing; also praise unto Ohrmazd for his narrating the care of the clothing.<sup>328</sup>

77. About the reward which they give up to a human soul for the sake of kindness, and whereto and how is the attainment to exaltation of him who is given it.<sup>329</sup> 78. About the going of Vohuman to meet the souls of the righteous, the notification of their position, their announcement for reward, and the contented progress of the souls of the righteous to their [home],<sup>330</sup> to the throne of Ohrmazd and the archangels, which is made of gold.<sup>331</sup> 79. About the terror of the demons owing to the scent of the righteous, and the fear that arose among them owing to the birth of Zartosht.<sup>332</sup>

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321 Vd. 18:18-22, 26, 27.

322 The Av. Druj is feminine.

323 Vd. 18:66-76.

324 Vd. 18, 60-65.

325 Vd. 18:66-76.

326 Vd. 19:1-10.

327 Vd. 19:11-14.

328 Vd. 19:20-25.

329 Vd. 19:27-30.

330 This word, mēhan (Av. Maēthana), has been omitted by the repairer of the manuscript, when noting, on his patch, the words he had cut out.

331 Vd. 19:31, 32.

332 Vd. 19:33, 43-47; no notice being taken of the invocatory passage 34-42.

80. About the great powerfulness of plants of a poisonous character<sup>333</sup> for the forcible<sup>334</sup> keeping away of much adversity; the production of entire species (pûr sarâdakö) of plants by Ohrmazd for the curing of the creatures from disease (ayôyakîh); the success of the Gaokerena<sup>335</sup> plant – which is the white haoma – in curing, as compared with other plants; and the diligence of Airyaman<sup>336</sup> in the medical treatment of the world.

81. Information about the ritual (nirang) through which the violence of the fiend was minimized at the original creation; and the great powerfulness of the Airyaman supplication,<sup>337</sup> the Ahunwar,<sup>338</sup> and other Gathic Avesta,<sup>339</sup> for restraining the demons from destroying the world of righteousness.<sup>340</sup>

82. It is righteousness that is perfect excellence. It is the excellence of righteousness that is perfect.

## **Nask 20: Hadokht (gathic/religious) (45)**

*Recital of Ahunwar, high-priests, 21 chieftainships, duties at periods of the day, season-festivals, superiors, membership of the community, prayers at eating, recitations, invocation, devotion; (§10) good attributes and qualities, diligence, righteousness, the chief resource of the creatures, sayings full of humility.*

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333 Pahl. biš 'cîhar, Av. višcithra.

334 Reading nîrûgîk which suits the context better than nîrangîk, “ritualistic.”

335 Av. gaokerena, a mythical tree, or plant, supposed to grow in the ocean, where it is guarded by ten enormous fish, and, at time of the renovation of the universe, the elixir of immortality expected to be prepared from its twigs mingled with the fat of a mythical ox (see Bd 9:6, 17:1-6, 27:4, 30:25).

336 Av. Airyaman, a spirit whose powers of healing, chiefly spells, are celebrated in Vd. 22; and who is invoked in Y. 54, a spell [manthra] that concludes the recitation of the Gathas.

337 The Airyema-ishyô (Y. 54), or invocation of Airyaman, quoted in Vd. 20:11, 21:20, 22:23.

338 See Chap. 1, 7 n.

339 Y. 46:7 and 44:16 b-e which are quoted after the other spells in each of the last three fargards of the Vendidad. [i.e. Kem-na Mazda and Ke verethrem-ja. -JHP]

340 Vd. 22:1-25, 20:13-15, 21:18-23, and probably the rest of 21.

1. Of the three divisions of the Hadokht,<sup>341</sup> as it exists in its 133 sections, the first is of thirteen<sup>342</sup> sections, and contains particulars about the nature of the recital of the Ahunwar,<sup>343</sup> which is the spiritual benefit from chanting it aloud, and whatever is on the same subject.<sup>344</sup>

2. Advice about selecting and keeping a spiritual and worldly high-priest, performing every duty as to the high-priest, and maintaining even those of various high-priests.

3. About the twenty-one chieftainships, spiritually through Ohrmazd and materially through Zartosht, through which the ceremonial of the sacred beings and the government of the members of the community (dâhmânō râyînîtarîh) exist. 4. About the duties in the five periods [gahs]<sup>345</sup> of the day and night, each separately, and the bridge-judgment of him who shouts out<sup>346</sup> in the ceremony of a season-festival [gahambar];<sup>347</sup> likewise of him who does not provide the preparations for the feast of a season-festival, and who also becomes worried (sûdakō) in other ceremonials of the sacred beings.

5. About how to consider and what to do with a sacerdotal leader and a man of the superior classes (pîšakîkânō), him who atones for unimportant sin, and him who does not atone even for that which is

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341 Corresponding to the twentieth word, dadat, in the Ahunwar, according to B.P. Riv.; but it is the twenty-first and last Nask in other Rivâyats. Its name occurs in the Avesta in the form hadhaokhta, and it is called Hâdukht in the Rivâyats, which also state that it contained thirty kardah or fargards which differs considerably from the number stated in this chapter. Yts 21, 22 are traditionally supposed to belong to the Hâdôkht, but there is hardly a trace of either of them in this chapter. Yt. 11 is also distinguished by the same title.

342 As the total of the 13 + 102 + 19 sections (mentioned in §§ 1, 11, 13) is 134 instead of 133, there must be an error in one of the four numbers given in the MS. This clerical error can hardly have been made in writing 19, and is unlikely in 102, but 133 may possibly stand for an original 134, though the writing of 13 instead of 12 is more probable. The Rivâyats give no assistance in settling this question, as they all divide this Nask into 30 kardah. On the whole, it will be safest to read “twelve” instead of “thirteen” until some better authority becomes available.

343 Compare Yt. 11:3.

344 It is just possible that this may refer to Yt. 21, which, though specially alluding to the recitation of the Ashem vohu, or praise of righteousness, also mentions that of the Ahunwar in its § 4. With regard however to Yt. 22, there seems no possibility of identifying its text with any portion of the Hâdôkht Nask as described in this chapter.

345 See Chap. 29:9.

346 Reading barâ drâyêtō, but it may be barâ girâyêtō, “is zealous.”

347 See Chap. 7:1.

important; and whatever is on the same subject. 6. About the means through which membership of the community (dâhmîh) is prepared. 7. About the manifestation of virtuous manhood, and the merit and advantage from well uttering the words of blessing at eating and drinking food and drink, and from despising the inward talk of the demons. 8. About the recitations at the five periods of the day, the ceremonial invocation by name of many angels in each separately, and great information on the same subject.

9. The worthiness of a man restrained (vandak) by authority, the devotion of life and body to the sacred beings, the good rulers, and their examination and satisfaction; also the blessing and winning words which are most successful in carrying off the affliction that is owing to the fiend. 10. About all-pleasing creativeness and omniscience, every precedence,<sup>348</sup> leadership, foresight,<sup>349</sup> worthy liberality, perspicacity (vênâkîh) and all proper cause and effect of righteousness; the individuality (khûtîh) of righteousness, the opposition to the demons of Ohrmazd's law, and also much other information in the same section.

11. The middle division is of 102 sections containing particulars about spiritual and worldly diligence, the leadership of the diligent and their mighty means, all the former deeds of righteousness. 12. Righteousness kindling the resolution is the reward of merit, each for each, and is provided by it for that which one mentions thus: – 'It is the Hadokht which is the maintenance of righteousness, so that it may make righteousness more abiding in the body of a man.'

13. The last division is of nineteen sections containing a trusty remedy, that is, a remedy whose utterance aloud by the faithful is a chief resource (afzârtûm) for the creatures of the sacred beings. 14. Also the nature of sayings full of humility (pûrpâstîh), well-favored, most select, and adapted for that which one mentions thus: – 'I reverence that chief, the beneficent and eminent Hadokht, out of which is the sustainment of the strength of every word of Zartosht they trust in.'

15. It is perfect excellence that is righteousness.

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348 Assuming that pešâgîh stands for pêšagîh.

349 Assuming that peš vônâkîh stands for pêš vênâkîh.

## Nask 21: Stud-yasn (gathic/religious)(46)

1. The Gathas of the Yasht,<sup>350</sup> as the first offspring of the Ahunwar, are a recitation of the source of sources of the religion, and in the compass (parvastârîh)<sup>351</sup> of the Gathas, every word (mârîk) in it is the origin of a word. 2. The word ahû<sup>352</sup> of the beginning<sup>353</sup> is of a like kind with ahyâ,<sup>354</sup> the beginning of the Gathas; the end word, which is vastarem, is of a like kind with vahyô, the end of the Gathas; and the whole – which, though its nature is of one kind, is distributed (vakhtô) in what is selected therefrom – is stored up (avargûdô) in this compendium<sup>355</sup> of all parts of the Mazda-worshipping religion.

3. Likewise the purport (avorî-hastân)<sup>356</sup> of its verse (gâh), and the particulars of the primitive Visperad<sup>357</sup> are to procure homage and

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350 Corresponding to the twenty-first word, vâstârem, in the Ahunwar, according to B.P. Riv., but it is the first Nask in other Rivâyats. In Chap 1:9, 12 it is called Stôt yasht, “praise-ritual,” (Av. staota yêsnya); and Stûd-yasht, or Yasht, in the Rivâyats, which also state that it contains thirty-three kardah, or zûrat. In Sls 13:1 we are told that Visâi ve-ameshâ-spentâ (Y. 14:1) is the beginning of the Stôtân-yasnô; and if we look for its end, we find Y. 58, 59 both ending with special reverence of “the whole collection of the Stôtân yasnân.” We may therefore conclude that Y. 14-59, with its supplementary passages in Visp. 5-24, contains the whole of the Stôd yasht. But from this we must deduct Y. 19-21 which are the first three fargards of the Bag Nask [Nask 3], Y. 52 which is an interpolation, and Y. 56, 57 which are the Srôsh Yashts, lesser and greater; we must also consider the Yasna Haptanghâiti as a single section, in accordance with its treatment in Bk 9 Chaps 12, 35, 57; and much of the Vispêrad may not belong to the primitive text mentioned in § 3. Making these necessary deductions we have exactly thirty-three hâs of the Yasna left for the Stôd-yasht, as stated in the Rivâyats.

351 This word can also be read fravistârîh (Av. Fra + vid), “interpretation,” or frôstârîh, “handing down.”

352 The Ahunwar begins with the words yathâ ahû vairyô. The word ahû in the MS. is written ahî as usual in Iran.

353 Assuming that barâ stands for bûn.

354 The first Gâtha, or sacred hymn, begins with the words ahyâ yâsâ nemangha (Y. 28:1a). There is of course no connection but that of sound between ahû, “a spiritual lord,” and ahyâ, “of this;” nor is there any other between the concluding words vâstârem “a protector,” and vahyô, “better,” though the phrases in which these latter occur are of a very similar character, which fully justifies the comparison made in the text.

355 The Gathas apparently.

356 Or avar-gâstân, “disseminations.”

357 The Vispêrad service consists of the Yasna ritual with certain additional passages intermixed, which passages are called the Vispêrad because the earlier ones invoke “all the chiefs” (vîspê ratavô, Visp. 2:3) of creation.

praise, oblation and invocation; and the blessing,<sup>358</sup> which is regulated by the sagacity of the creator, is adapted for the spiritual illustration of the lodgment of the ceremonial of the sacred beings therein. 4. All three are provisions for the first and last presentations<sup>359</sup> which one utters by means of the Stud-yasn.

5. It is perfect is the excellence of righteousness; it is perfect excellence that is righteousness; with the copy revised (râyînitö).

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358 Possibly Y. 55.

359 Probably referring to Y. 14 and 58.