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MEANING AND CONCEPT OF INHERITANCE IN THE SASSANID PERIOD

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ABSTRACT

Among the sets of rules that have played important roles protecting the properties, the set of rules related to the inheritance is significant. Considering the fact that after one's death, the role of his or her property doesn't end, has got the thinkers to think about setting rules for the passed away people's property. No doubt, inheritance is one of the most important happening in people's financial relationship. As it can be seen in any other juridical events, the determination of the ones who leave the property and the ones who receive it can't interfere its happening however. Its role in the family economy is inevitable.

Inheritance law in every time periods depended on changes occurred on man's life. In the Sassanid period when the essence of the state was based on religion and the government, the use of religious decrees, the support of Zoroaster priests and the importance of the family to them, caused some rules regarding inheritance come to existence, the rules which contribute transferring the passed away people's property to the inheritors.

In this article, using valid books and sources and after having pointed to the family importance, the writer has tried to discuss the methods dividing the inheritors' categories

and determine each person's inheritance in the mentioned periods.

KEYWORDS: Sassanid period, family, woman, offspring, inheritance.

INTRODUCTION :

In a law system, social needs, and valuing traditions are the pillars for the civilization of every tribe. That's why the law in many countries with old civilization, in the inheritance and family parts put emphasis on national and religious traditions more than logic and

interest.

In law, a majority of inheritance rules recline on religious regulations. As you know family is the smallest unit in the society. The man's common life as much as is limited to the wife, husband and children and their spouse's relatives is called family life. The society in the Sassanid period possessed classifications and passed regulations and Zoroaster religion created the traditions, customs, and the main sources of law. Family in the lawful system of Sassanid society had



certain privileges. Regarding the family the subjects such as marriage, divorce, and inheritance were introduced. How was inheritance as a right surrendered to the inheritor? How did men and women in that society inherit?

The rules related to inheritance and Will has close relationship with each other and both deal with the passed away one's property after their death. Literal meaning and concept of inheritance: leaving behind the financial things after death, whether with the will or not (Mazahery, 1994, 245-263). In ancient Iran the family property was basically undividable and unable to be transferred to others. After the death of family chief, his oldest son, if there is no son, his elder brother took his place. In ancient Iran it was customary to write a will and it was sealed. After one's death, the will was disclosed and then it was acted according to the content of the will (Ahmadi, 1967, 157).

In the Sassanid law, there was a specific criterion to divide inheritance but the way of division mostly changed in terms of special cases and the will. When there was a will it was acted according to it and if there had been any disagreement among the inheritors then it would have dissolved by Zoroaster priests (Ahmadi, 1967, 158). With reference to religious and literary documents it seems that Zoroaster priests officially interfere to perform the content of the will and divide the inheritance. It was mentioned in the popular letter of Tenser that Ardeshir assigned some agents to investigate possessions that remain after one's death and make the priests aware of it so that they can divide the property among the heirs (Tenser's letter, 1932, 67).

RECEIVERS OF INHERITANCE IN THE SASSANID PERIOD

The family pyramid in the Sassanid period was divided into categories in proportion to the number of offspring left. If a family had been composed of many members, the inheritance would have been divided according to the quality of the bond and relationship among the members. Close relatives, Nabanazdista, were those who had a simple relationship and were called Nafya. The first group, in particular, included father, mother, offspring, brothers and sisters, brothers and sisters of father and mother, children and grandchildren (Mazaheri, 1994, 13).

DIVISION OF INHERITANCE IN THE SASSANID PERIOD

In the case of father's death the inheritance is divided after paying debts and following the will.

1. The inheritance of the spouse, mother and father.
2. Offspring (daughter and son).
3. Brothers and sisters.
4. Godchild.
5. Handicapped offspring.
6. Illegal offspring.

It was recognized that there was two kinds of grants in the Sassanid law. One is Bahr and the other is Aparmand, literally meaning the property left from the heritage. Bahr in Avista language is called Baxasra and is synonym for Pars and Patris meaning share in the Latin language.

There is an expression that says, there is a son from Patris who would come to the world by a competent woman and the inheritance would be divided among the natural inheritors according to the heredity law. Aparmand of course is something else whether it is one Deram or more than a part of inheritance in which the maker of the will can't interfere (Mazaheri, 1994, 255).

Those who can enjoy Aparmand, are first supposed to supervise the heritage from the maker of the will and take care of underage children and secondly they need to pay off the passed way person's debt.

If the heirs after one's death had found out that there had been no will, then they need to have gone to a Hyrid, a person who was qualified to deal with the affairs. He was asked to estimate the property of the passed away person and keep a record. He was primarily supposed to clear his debts and also put aside the dowry and other payments from his property, then whatever left could be divided among the inheritors in proportion (Aflatooni, 1945, 34).

CATEGORIES OF INHERITANCE RECEIVERS IN ZOROASTER:

According to Zoroaster tradition categories of inheritance receivers are as below.

1. First category: wife or husband, offspring and son and mother, offspring's children in a case they can represent the passed away person's offspring according to the rules.
2. Second category: brother and sister of the passed away person and their offspring down to next generations.
3. Third category: Grandparents.
4. Forth category: uncles and aunts and their offspring (Fahimi, 2002, 142).

INHERITANCE OF THE WOMAN:

1. The competent woman was in the same category with the male offspring and received the total share. In the case there weren't any children, she got all the property. She was the chamberlain of the sister and brother, but the incompetent woman was deprived of the inheritance (Azargoshasb, 1975, 35).
2. The offspring of the competent woman inherited twice as much as the incompetent woman received. Offspring's deprivation of the inheritance rarely happened, that was when a malignant offspring committed a big sin (Azargoshnasb, 1975, 36).
3. The competent woman and her sons had the same inheritance. The daughters, if not married, inherited half as much as a son received. The incompetent woman and her offspring had no share in the inheritance unless the family chief had ordered to give them some (Sami, 1963, 89).
4. The woman's dowry and any other grants whether devoted to the incompetent woman or to the offspring should have been paid immediately after the man's death unless the man would have sold the object after granting it, showing the fact that he had cancelled his decision (Farrokh Mard Bahraman, 2012, 34).
5. If the passed away had had no offspring, the competent woman would have inherited all his possessions and brothers and sisters had no shares.
6. The autonomous widow who had married without the father or the protector's permission wouldn't have inherited her husband who had died without making any wills (Amozgar, 1997, 259).
7. The husband wasn't allowed to sell or pawn his wife and offspring's inheritance. If he had done such a thing, he had to have rebought it. The women were by law protected (Bartelme, 1965, 24).

INHERITANCE OF THE WIFE:

1. In ancient Iran the women had right to receive the inheritance and the daughter's share was equal to that of the son, on the condition that they were from the same marriage. Therefore it can be seen that the women in the ancient Iranian law weren't deprived of the inheritance. They could enjoy that share until they were in the father's home and not married. As soon as they got married, were deprived of the inheritance, since they joined another family (Aflatooni, 1945, 36).
2. If in a family, the lady of the family and the son and the mature daughter had shared their property, and then the mature daughter or son had died then his or her property would have separated from the whole property. So the possession of that property would have gone to the one who was more competent (Brosius, 2010, 208).
3. The wife or husband's property had always and constantly been under the husband's authority. The wife's relatives hadn't inherited her property and her inheritors were only her husband and offspring (Aflatooni, 1945, 35).

The inheritance of the wife and the husband

According to the official regulations of Zoroaster personal register, when both wife and husband die together in an accident or only one of them dies, the inheritance divided among the children will be different based on the gender. So on inheritance from the father, the son receives twice as much as the daughter receives. And on the inheritance from the mother, the daughter and the son receive the same. In the case that the wife and husband are the only inheritors, they will inherit equally and each will get half the property. But when it is the husband who dies and has his own offspring, his wife's inheritance will be one sixth and if the wife dies with no offspring, then her husband's inheritance will equal the son and daughter's share (Deylami, 2002, 98).

INHERITANCE OF THE SON:

1. If the son inherit from the father's property even one single Deram and has control on it, then he will be responsible for all the father's debts. He can make everybody who owes to his father pay the debt and if he is asked for a religious confirmation, he can ask for the other partners' demand apart from his own unless he has disagreement with his partners or the family chief, that is, one of the partners in the inheritance with no reason receive more share than others. In this case, he can ask for some shares due to the payment of the debts.
2. If there is only one son in the family and the father gives him the property, in this case whatever the father gives is considered as inheritance.
3. If there are several sons in the family, and the father gives them Ashudad at the same time, then the payment of the father's debts will be in proportion to each son's share and all of them are responsible for paying the debts based on their shares (Farokh Mehr Behraman, 2012, 247).
4. If the male offspring are from the same queen, their inheritance will be equal. But occasionally due to various causes, handicapped offspring inherits more than the sound one (Aflatooni, 2012, 34).
5. The son is supposed to administer the father's possession or the common property of the family. If he is matured enough, then he will be responsible for protecting other children. He needs to put a share of the father's property aside to use it for the spiritual comfort of the family (Petrosheski, 1967, 36).

INHERITANCE OF THE DAUGHTER:

1. If a man has no one but two daughters and gives his property and house to the elder daughter as her own possession, then dies with no will, in this case some thinkers have said that the elder daughter can receive a share apart from the property she has received before. There is no distinction between the case above and the case in which the father gives his daughter her share as a daughter then let her get married. After the father's death she receives a share as a wife too. Some scientists have said that in addition to these two shares, another share can go to the daughter.
2. If somebody lets his daughter get married, then after his death gives her a share as a daughter and a share as a wife, through a will or without, she won't get any share from other properties (Farokh Mard Behraman, 2012, 208).
3. In the father's home, there is no difference between the son's share and the daughter's. If due to some closeness, certain property is received by the daughter or the son, some time, another person's share needs to be given.
4. The daughter is supposed to pay the passed away person's debt in proportion to her share. If she pays the whole debt, other inheritors are supposed to pay her their own share in the debt (Ahmadi, 1967, 141).
5. The inheritance that should be given to the daughter is given to her as a dowry at her marriage. Inheritance share of the daughter and the son is the same, but the married daughter has no right to get the inheritance (Tafazoli, 2008, 143).
6. If a daughter in her parents' home necessarily becomes an guardian, according to the Zoroaster tradition she can get the mother's inheritance and if the elder sister gets married, that inheritance goes to the second daughter (Farokh Mard Behraman, 2012, 206).
7. If the passed away person has only two daughters, then they are the only inheritors. In this case a boy is chosen among the passed away person's relatives and is accepted as a stepson. He according to the tradition gets inheritance. The rest of the inheritance is divided into three parts, one part goes to the Zoroaster priests to be spent on the worship place and other two parts are equally divided between the daughters (Daryae, 2013, 261).

INHERITANCE OF THE UNDERAGE OFFSPRING:

1. In the past, before the inheritance division was accepted, when there is no mature son, the older son, the passed away person's elder brother inherited all the inheritance and whole property. He became his complete surrogate and protected his or her family members.
2. Whether the passed away person's wife or his adult daughter can be his surrogate. If they are competent enough, they are called 'present surrogate' (Mazaheri, 1994, 261).

3. When the passed away person has no adolescents, but has a competent wife, she is considered as a stepson and can administer the property of the underage children. An incompetent wife can't be considered as a stepson, since she is considered underage and always under the father's protection (Pirnya, 2008, 261).

4. If an underage offspring dies in his or her childhood, his or her share goes to the lady of the family (Farokh Mard Bahraman, 2012, 228).

5. Stewardship and supervision of the underage children and trusteeship of their property is the surrogate's responsibility. These surrogates are often assigned to this position through the will (Shahrzadi, 1994, 264).

INHERITANCE OF THE GODCHILD:

1. The god children can substitute their godfathers and inherit the property only when the community of the surrogates approves their being godchildren.

2. If a daughter is accepted as a god child without her actual father's permission can inherit nothing.

3. The god child gets the usual share. The godchild, if a son inherits a complete share and, if a daughter, gets half the share (Mazaheri, 1994, 261).

4. If the father and mother admit a child as a godchild, they won't have right to inherit his or her property. If such a child whose mother is a competent person dies in childhood, his or her property goes to the stepfather (Christian Sean, 2014, 241).

Inheritance of handicapped offspring:

In the story of Dinak, it is mentioned that whenever a man transfer his property to his wife and children through a specific will, each of the members will get their own share, but if both eyes of a member are blind or he or she is cripple, then his or her share is twice as much as sound inheritors', since they are unable to work, consequently to make living (Aflatooni, 1945, 34).

Inheritance of parents:

In the inheritance division for grandparents, the grandfather's share from the heritage of a male passed away person is twice as much as the grandmother's share. But their shares from the heritage of a female passed away person is equal (Damghani, 1955, 62).

INHERITANCE IF THE SIBLINGS:

1. If the wife isn't a competent woman, and the passed away man has no offspring, then his property will transfer to the brother and the sister and one of the brothers becomes the family chief. If the passed away man has no inheritors and hasn't made a will, then all the property is taken by the qualified officials to be spent in good ways.

2. When the inheritance is going to be divided among several brothers and sisters, if the passed away person is a man, the share of each brother is twice as much as the sisters'. If the passed away person is a woman, then the share of brothers and sisters are equal (Mashkur, 1968, 52).

3. If in a family there are two brothers and one sister and the sister goes into partnership with a brother and the other brother is older than the sister, then if both brothers pass away at the same time, the sister will inherit the property of the brother with whom she is in partnership (Farokh Mard Bahraman, 2012, 148).

INHERITANCE OF THE UNCLE AND AUNT:

1. When the inheritance division is for the uncle and the aunt, if the passed away person is a man, the share of the uncle is twice as much as the aunt's. But if the passed away person is a woman, then the uncle and the aunt inherit equally.

2. If the passed away person is a man and inheritors are only the uncle and the aunt, then the uncle inherit twice as much as the aunt does. But if the passed away person is a woman, their inheritance is equal.

3. When it is the inheritance division for the uncle and the aunt and the paternal relatives are generally preferred, then they all will possess the inheritance (Mole, 2012, 57).

INHERITANCE BARRIERS:

- 1.If the inheritor murders the one who leaves the inheritance, he or she is deprived of the inheritance. But if the murder happens unwillingly, then there is no prohibition.
- 2.When a wife or a husband quit the Zoroaster religion, they will separate spontaneously. In this case the man's quitting the religion will cause the matrimony revocation. The side who has quitted the religion needs to pay the other one who still is loyal to the Zoroaster, one sixth of his or her whole property. Quitting the Zoroaster customs prevents one from getting the inheritance.
- 3.The child born due to adultery, can only inherit the mother's property, but if the father confess too, then he or she can inherit the father's property as well (Fahimi, 2002, 172).

CONCLUSION:

The woman in the Sassanid period was honorable and enjoyed the equal rights as the men's so that they can act as judges. In that period the father of the family wasn't allowed to force his daughter to get married. The share of women and daughters were immune against seizure and the woman had right to attend at the court and defend her rights. She had right to possess the property and administer it.

The way people inherited differed. This difference was due to the fact that whether the passed away person is a man or a woman and what position he or she had in the family, position of the father, mother, daughter or the son. We can reach to a general conclusion that in all the periods the woman's inheritance was less than that of men.

We can see that among the components of a civilization, the element of the religion should not be ignored. It seems that every civilization has a religious infrastructure which is indicative of the culture, in the broadest meaning of this word.

On the other hand, there has always been a reciprocal relationship between the mobile nature of a society and the religious fundamentals.

In the present article what the most interests our attentions, is the relationship between the family and religion and this bond still exists based on the people's religious principles and rights.

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