

Apostasy and Repentance in Early Medieval Zoroastrianism

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The Middle Persian (Pahlavi) literature from the early Islamic centuries frequently deals with practical theological issues faced by the Zoroastrian communities under foreign domination. Here, we present a number of questions regarding a Zoroastrian's conversion to Islam and his subsequent repentance and desire to return to Zoroastrianism and answers given by ninth- and tenth-century Zoroastrian priestly authorities. It is shown how the priests cite ancient traditions found in the Pahlavi versions of Avestan texts to justify their answers, and then apply them to the contemporary social reality.

PRELIMINARY REMARKS

The main problem facing scholars of Pahlavi literature of the ninth–tenth centuries is the dearth of reliable text editions and translations. Such as exist are often outdated and tend to differ considerably in the manner of transcribing the texts and in the terminology used for Pahlavi terms in the translations. Several important texts are found only in a single manuscript, others in only two, some in manuscripts that are obviously quite corrupt, and some in quite recent ones (eighteenth–nineteenth century). The texts involved are also among the most difficult in the entire Pahlavi corpus (notably the *Dādestān ī dēnīg* and the *Pahlavi Videvdad*). The study and comparison of texts must therefore always be accompanied by manuscript criticism and critical new translations, so texts and translations need to be included in any discussion of them.¹

The present article is an example of this methodology adopted for the study of apostasy and repentance across several Pahlavi texts and of what can be gained by comparison with contemporary religions.

INTRODUCTION

The conversion of Zoroastrians to Islam during the first few centuries after the Muslim conquest² is, in some respects, part of a broader cultural phenomenon, one that has been referred to as the “age of conversions.”³ Since direct historical and biographical evidence

1. All the texts cited here have been checked against the available mss, and all references are to standard chapter and paragraph divisions in available editions. We do not pretend that our own editions and translations are perfect. Problems still linger that may not have been addressed here.

2. The first major battle was fought in June 637, and the last Sasanian king, Yazdegerd III, died in 651. See, e.g., Morony 1986.

3. Morony 1990. The scholarship on conversion of minorities under Islamic dominance is vast. In addition to Morony, see Wasserstein 2010 for a general orientation and de Menasce 1967 and Hoyland 1997: 336–42 on various aspects of Zoroastrian conversion.

elucidating the experience of individual conversions during this period, especially of Zoroastrians, is relatively scarce, in order to shed some light on the legal attitudes toward conversion at that time, we shall explore literature in Middle Persian produced by the leaders of the Zoroastrian clergy during the ninth and tenth centuries in the form of questions-and-answers, among them inquiries regarding religious-legal issues and answers containing decisions by legal scholars.⁴ In particular, we will address legal responsa devoted to various aspects of apostasy and conversion, while focusing on questions 52 and 53 ascribed to Ādurfarnbay (Ādurfarrbay) son of Farroxzād, high priest of the Zoroastrian community in Iran during the first half of the ninth century, who dedicated several responsa to the legal and religious ramifications of apostasy and conversion of Zoroastrians to Islam and who is said to have participated in interreligious disputations with Muslims in the presence of the ‘Abbasid Caliph al-Maʿmun (815–833).⁵ In the Pahlavi texts, he is also known as *hudēnān pēšōbāy* “leader of the *hu-dēns* (Zoroastrians).”⁶

Although Muslims are not explicitly mentioned in these texts, the historical situation makes it certain that, at least in the majority of cases, we are dealing with conversions to Islam, rather than to Christianity or Judaism.

The legal status of Zoroastrians under Islam was subject to some controversy among Muslim jurists, but the majority of Islamic authorities appear to have held that the Zoroastrians were to be tolerated and protected under the legal umbrella of *ahl al-dhimma*.⁷ That said, according to most Islamic jurists, Zoroastrians were not considered *ahl al-kitāb* “people of the book”⁸ in the strict legal sense, like the Jews and Christians; thus Muslims were not permitted to eat from their slaughter or marry their women.⁹ It is difficult to determine whether this distinct attitude exhibited by Islamic jurists toward Zoroastrians had any impact on the patterns of conversion of Zoroastrians to Islam beyond the general patterns attested among other minorities in this period.

The texts we will examine in this context reflect, in part, the legal concerns of Zoroastrians as a religious minority.¹⁰ In addition to the issues discussed here, the responsa from

4. These Pahlavi texts refer to themselves as *pursišnihā* “questions,” but, in the later Zoroastrian Persian literature, they are referred to as *rivāyats*, and this term has been applied in Western scholarship to the Pahlavi texts as well. Responsa relating to apostasy and conversion include *Rivāyat of Ēmēd son of Ašwahišt* 4, 26 (ms facs. in JamaspAsa and Nawabi 1978: 324, 338–39; cf. Safa-Isfahani 1980: 19–24, 183–88); *Rivāyat of Ādurfarnbay* 2–3, 5, 52–53 (ms facs. in JamaspAsa and Nawabi 1978: 323–25, 348–49; cf. Anklesaria 1969, vol. I: 47–49, 70–71); *Pahlavi Rivāyat*, question 7 (cf. Williams 1990, vol. I: 46–48, vol. II: 9); *Dādestān ī dēnīg*, question 40 (cf. Jaafari-Dehaghi 1998: 168–71); and *Persian Rivāyats of Hormazyar Framarz* (tr. Dhabhar 1932: 197–98).

5. See especially Anklesaria 1969, vol. II: 1–25; Tafazzoli 1982; Cereti 2001: 188–89; Secunda 2010a: 321–22; Macuch 2008: 136. He is also remembered as one of the first redactors of a large compilation of Zoroastrian traditions that the redactors referred to as *Dēnkard nibēg* “writing containing what was done (by/in) the *dēn*”; see, e.g., Skjærvø 2011: 39–40.

6. Anklesaria, citing the Arabic title *amīr al-muʿminīn*, suggested the Pahlavi title was used “first after the advent of the ‘Abbāsids” (1969, vol. II: 3; on the word, see also MacKenzie 1967). We do know, however, that Ēmēd was called *mowbedān mowbed* in Arabic sources (Modi 1931).

7. Friedman 2003: 72–76.

8. The refusal to view Zoroastrianism as a “scriptural religion” was primarily the result of the oral nature of the Zoroastrian scriptures; see, e.g., Bailey 1943: 149–76; Kreyenbroek 1996; Huyse 2008; Skjærvø 2005–2006 and 2012; Secunda 2010b.

9. See Friedman 2003: 72–76.

10. Some of these concerns were, of course, shared by Jewish, Christian, and Islamic contemporaries. For comparative discussions of apostasy in Islamic, Christian, and Jewish law during this period, see, e.g., Simonsohn 2013; Irshai 1984–1986.

the early ninth century onward address questions such as the marital status of the wife of an apostate, the legal status of his *ayōgēn* “levirate” sister,¹¹ the inheritance privileges of the apostate, and concerns pertaining to members of the clergy who apostatized.

The legal concerns pertaining to apostasy and conversion did not, however, first originate as a reaction to the large-scale conversions in the early Islamic period. Parts of the medieval discussion derive directly from the Pahlavi translations and commentaries (*zand*) in the *Nirangestān*, which deals with the correct performance of rituals, and especially the *Videvdad*,¹² which deals with pollution and contamination, both of them redacted from oral traditions and written down, perhaps, already in the late Sasanian period. Dissent from Zoroastrian norms is discussed in some detail in the *Pahlavi Nirangestān* and sporadically in the *Pahlavi Videvdad*.¹³ The extensive medieval discussion of apostasy and conversion is, therefore, not only a reflection of the religious and legal encounters of Zoroastrianism with Islam, but also represents earlier Zoroastrian traditions, in which apostasy is expressed by the phrases “standing back from the *dēn*,” as well as “praising back the *dēn*.”¹⁴ This terminology of denial of the *dēn* ultimately goes back to the positive statement in the Zoroastrian so-called “profession of faith” in *Yasna* 12.9: “I assign myself by my praise to the Mazdayasnian *daēnā* . . . which is that of Ahura Mazdā and Zarathustra . . . This is how I assign myself by my praise to the Mazdayasnian *daēnā*.”¹⁵

Here we shall attempt to locate the traditions pertaining to apostasy that were utilized by Ādurfarṇbay and his colleagues and thereby show how these traditions were repackaged by the medieval jurists by adapting and adjusting them so as to be applicable to the reality of large-scale conversions. In this context, we shall examine not only the Zoroastrian literature, but also adduce parallel discussions from Islamic, Geonic, and Christian sources, so as to contextualize the Zoroastrian responsa and place their legal concerns in a broader cultural framework.

The Zoroastrian discussions are based on the concepts of sins and good deeds. A person’s good and evil thoughts, words, and deeds are entered into his/her account and, at “the third

11. On the *ayōgēn* see, e.g., *Persian Rivāyats of Hormazyar Framarz* (tr. Dhabhar 1932: 195–202); *Rivāyat of Ēmēd son of Ašwahišt* 44 (cf. Safa-Isfahani 1980: 289–90); *Mādayān ī hazār dādestān* 25 (cf. Macuch 1993: 170–91).

12. These include statements explicitly attributed to named authorities and legal schools dating back to the Sasanian period. See, in general, Secunda 2010b.

13. See *Nirangestān* 23 (cf. Kotwal and Kreyenbroek 2003: 30–35); Kiel and Skjærvø forthcoming. See also below. For a discussion on conversion to Zoroastrianism according to the *Pahlavi Videvdad* see Elman 2009; Cantera 2010; Kiel 2014.

14. In the Pahlavi literature, the term *dēn* refers to the Zoroastrian (oral) tradition (Skjærvø 2012: 20–25). The *wehwattar dēn* is “the better/worse *dēn*” (i.e., Zoroastrianism vs. Islam or another religion) and *hu-dēn* or *weh-dēn* vs. *duš-dēn* or *ag-dēn* someone “having/following the good/better vs. evil *dēn*.” (Safa-Isfahani [1980] consistently renders the terms as “Zoroastrianism, Zoroastrian” and “Islam, Moslem.”) Already in the third century, however, Mani referred to “my *dēn*,” and, later, the term was used in expressions such as *din-e Zardošt* “Zarathustra’s *din*” and *din-e mānavī* “the Manichean *din*”; hence, today, it is commonly translated as “religion”; BeDuhn 2015. The problems with imposing our modern concept of “religion” on ancient faiths have been discussed by many authors (see, e.g., Smith 1982, introduction and p. 1; 1998: 269–71; Nongbri 2013: 39–45, on the Qur’anic use of *din*).

15. Avestan: *āstuiiē daēnaṃ mązdaiiasnim . . . yā āhūiriš zaraθuštriš . . . aēšā asti daēnaiiā mązdaiiasnōiš āstūitiš*. Note *mązdaiiasni-* from *mązdaiiasna-*, literally “one who sacrifices to (Ahura) Mazdā.” The exact implications of the verb *āstuiiē* from *stu-* “praise” are not clear; the preverb *ā-* expresses motion “to” and the middle voice relates the action to the speaker. The Pahlavi of the concluding sentence is *ēd-iš ast dēn ī mazdēsnan āstawānih bowandag* “this is his complete *āstawānih* of the *dēn* of the Mazdayasnians,” where *āstawānih* means approximately “profession” and the adjective *āstawān* “professing.” We shall encounter the term again below (see n. 46). See also Cantera 2010: 54 with n. 1, 56–59.

dawn” (*sidōš*)¹⁶ of “the fourth day” after death, counted and weighed at the Bridge of the Accountant (Avestan *cinuūato pərəθu*, Pahlavi Činwad-puhl).¹⁷ If the good deeds weigh more than the sins, the soul is “righteous” (*ahlaw*) and proceeds to heaven; if not, it is “wicked” (*druwand*) and is led to hell. During “the three nights,” the soul was also believed to suffer punishments for its sins.

The main themes that come up in these discussions are the following:

What counts as apostasy/conversion: removal of the *kustīg*, the sacred girdle, which Zoroastrians are enjoined to wear at all times;¹⁸ standing away from, i.e., denying, the good *dēn*, the *dēn* of the Mazdayasnians;¹⁹ going from the good *dēn* to an evil *dēn*.

Sins and the weight of sins: sins were classified as “light” (*xwār*), “heavy” (*garān*), or “heavier” (*grāy*), the heaviest of them all being the *tanābuhl*²⁰ and *margarzān* “death-deserving” sins, the latter calling for the death penalty.²¹

Sins committed by others, for which the convert was, in some way, responsible: sins committed on his body, mainly after death, and sins committed by those *he* caused to convert.

Repentance, atonement (also confession) by the sinner in words or thought; within a year (the grace period) or after a year; repentance by someone else on the convert’s behalf (by agency).

The need for performing good deeds in addition to repentance.²²

The status of good deeds performed before the conversion.

Punishments for not repenting, in this world and the next; ways to avoid punishment until the end of the world (*fraškerd*, the Resurrection, the Final Body).²³

Mitigating circumstances: ability and inability to repent.

The case of someone *born* outside the good *dēn*.

The rituals performed at “the third dawn.”

16. From Old Persian **çitā ušā*. On the ritual for the dead at “the third dawn,” see Modi 1937: 76–80; in addition to the texts below, see also, e.g., *Dādestān ī dēnīg* 13.2 (Jaafari-Dehaghi 1998: 60–61); *Pahlavi Rivāyat* 15a.5 (Williams 1990, vol. 1: 80–81, vol. II: 27); *Rivāyat of Ēmēd son of Ašwahist* 26.6 (Safa-Isfehni 1980: 183–88); Skjærvø 2011: 185.

17. See, e.g., the texts in Skjærvø 2011: 180–89.

18. On the *kustīg*, see, e.g., Stausberg 2004; Shaked 2010; Kiel 2012. On the sin of untying the *kustīg*, “running about ungirded,” see Ādurfarnbay’s question 52 (1), below, and Skjærvø 2011: 197 text no. 35. The removal of the girdle was considered a symbolic act of apostasy not only in Zoroastrian sources, but also in roughly contemporaneous Christian documents; see Hoyland 1997: 337–38 on the removal of the girdle as an act of apostasy in Christian martyrologies. On the significance of the girdle for other religious denominations, see Herman 2014.

19. In the Avesta, Avestan *daēnā māzdaiiasni*, Pahlavi *dēn mazdēsn* is also a constellation, identified as the celestial *kustīg*; in *Yasna* 9.26, Haoma is said to be girded with it on the high mountains. As such it fought the powers of darkness and evil together with Miθra and other stellar deities in the night sky (cf. Skjærvø 2011: 51–52); hence, in *Yasna* 12.9, she “throws off her harness and lays down her weapons.” The identity between the *kustīg* and the *dēn* (*mazdēsn*) is further explored in the Pahlavi literature (cf. Skjærvø 2011: 208–13), and each element of its weaving and texture has a specific symbolic meaning.

20. Pahlavi *tanābuhl* is from Avestan **tanu-pərəθa* “whose body is forfeit”; cf. *tanūm piriieiti* “he forfeits his body” in *Nīrangestān* 23.1 (Kotwal and Kreyenbroek 2003: 30–31).

21. At least at some times, and in this period—at least in theory—the punishment for a *margarzān* involved execution by beheading as part of the sinner’s penance. See Kiel 2008 and the texts cited below. We do not know how old the term is, as it does not appear in the extant *Avesta*. On the classification of sins in Pahlavi literature, see *Šāyist nē šāyist* 1.1–2 (Tavadia 1930: 28); *Supplementary Texts to Šāyist nē šāyist* 11:1–2, 16:1–4 (Kotwal 1969: 22–23, 68–69); *Rivāyat of Ādurfarnbay* 72 (Anklesaria 1969, vol. II: 81); Jany 2007; and Macuch 2003.

22. Normally, a person who is in a state of grievous sinfulness does not gain religious merit for the good deeds he performs. See below for details.

23. See *Dādestān ī dēnīg* 40.4 below.

RIVĀYAT OF ĀDURFARNBAY QUESTION 52 (1):
APOSTASY AND REPENTANCE

Ādurfarnbay's fifty-second question-and-answer concerns a Zoroastrian convert to Islam who seeks to repent and revert to Zoroastrianism, but is discouraged by his fear of the (Muslim) authorities, since apostasy was regarded as a capital offense in Islamic law.²⁴ The question and answer consider two different situations, of which this is the first:

pursišn

mard ēw kē kustīg bē wišāyēd andar sāl pad-petīt bawēd bīm ī tan rāy kustīg rāy bastan nē šāyēd pas az ān wināh kam kunēd ud abārīg kār ud kerbag tuxšidār ud xwēdōdahih kunēd ud abārīg

kār ud kerbag harw čē šāyēd kunēd

ān kār ud kerbag xwēš bawēd ayāb nē

passox

kār ud kerbag ī kunēd ōh bawēd u-š wināh ī wišād-dwārišnīh ō bun

(*Rivāyat of Ādurfarnbay* 52 (1)²⁵ [TD2, 348])

Question.

A man who unties the *kustīg*, (if) within a year he becomes repentant, (but) fearing for his body (i.e., his life), it is no (longer) possible to tie on the *kustīg*.²⁶

After that, he commits little sin, is diligent in the other activities and good deeds, performs acts of *xwēdōdah*, and performs any other activity and good deed he can.

Do those activities and good deeds become his own or not?

Answer.

The activities and good deeds he performs will be “in the usual way.”²⁷

But he will have the sin of “running about ungirded.”

Note that a person's *dēn* is also the totality of his/her good thoughts, words, and deeds, thus performing good deeds, in particular the *xwēdōdah*, which is one of the most meritorious deeds of all,²⁸ serves to counterbalance the weight of the very heavy sin of apostasy.

According to question 52 (1), a Zoroastrian can convert (to Islam) by removing his *kustīg*, which, because of the symbolic significance of the *kustīg* as identical with the Mazdayasnian *dēn*, must have had a particular significance for Zoroastrians. It appears as a reprehensible act already in the Avestan *Videvdad*:²⁹

paiti.dānəm ainīm [for *aniiō*] *baraiti anaišiiāstō.daēnəm*

24. See Friedmann 2003: 126–27.

25. The text and translation presented here are based on a new critical edition of the *Questions of Ādurfarnbay* by the authors. Note: * = slight amendments to the text, uncertain translations; † = corrupt Avestan form; (. . .) = editorial additions; { . . . } to be deleted; ‘ . . . ’ = technical terms. Anklesaria's (very reliable) edition of the text is based on ms TD2 and another ms (his “G” = Göbedšāh, a scribe), the whereabouts of which are unknown. Anklesaria's translation, however, is mostly quite unreliable.

26. Anklesaria suggested one should read *kustīg nē bastan nē šāyēd* “it is not possible *not* to tie on the *kustīg*,” since the use of *rāy* (spelled <l'y>) to denote the direct object is unusual and may be an error for *nē* (spelled <l'>), repeating the immediately preceding *rāy*. The resulting meaning is not convincing, however, and the second *rāy* may be just an erroneous repetition.

27. On the use of the particle *ōh* as referring to “unmarked” cases, “in the usual way,” see Skjærvø 2010: 194–99.

28. Next-of-kin marriages between relatives in the first-degree; see, e.g., Skjærvø 2011: 202–7 and 2013; Keil 2016: 149–81.

29. Composed probably in the first half of the first millennium B.C.E.; see Skjærvø 2007: 112–16.

Another wears a *padām*³⁰ without having tied on the *daēnā* (= *kustīg*)
(*Videvdad* 18.1)

Pahlavi:

padām anīy bard anaibyāst pad dēn kū-š yašt nē kerd estēd
ast kē ēdōn gōwēd ay pad dēn nē menišnīg estēd

Another wears a *padām* “ungirded” with the *dēn*, i.e., he has performed no ritual.³¹
There is one who says: the meaning is: he does not stand by the *dēn* “in thought.”³²

We see here that the stark Avestan statement was interpreted, already in the Sasanian period, as a reference to failure to adhere to the *dēn* in words and deeds (the ritual) *and* in thought (the three constituents of a person’s *dēn*), and may well have become emblematic of conversion in the Islamic period.

The trend of converting to Islam and ultimately returning to one’s original faith is well documented for the early Islamic period and is known from Muslim, Jewish, Christian, and Zoroastrian sources.³³ The attempts of recently converted individuals to revert to their original denominations did, however, raise a twofold problem. As far as the Muslim authorities were concerned, converts who converted to Islam of their own will (i.e., not under duress) were regarded as full-fledged Muslims and could face capital punishment for apostasy should they decide to return to their original beliefs. Additionally, the converts often encountered reluctance or hesitation on the part of their former co-religionists to readmit them into the community, as the latter tended to question their sincerity (see the Geonic response below) and salvational status. Both types of hardship are reflected in question 52 (2) and will be considered below.

To return to Ādurfarnbay: the convert in our case *repents* within a year of his conversion (on the significance of a year, see below) and seeks to return to Zoroastrianism. “For fear of his body,” however, he cannot simply retie his *kustīg* and publicly return to Zoroastrianism as he would face the death penalty (see below).

The penitential process in Zoroastrianism consisted mainly of remorse, acknowledgement of sin, and verbal confession in the presence of a religious authority, as well as a commitment not to relapse into sin in the future. In addition, the sinner was expected to make amends for his or her crimes by means of satisfaction, restitution, or penance.³⁴ Thus, our convert now has to be diligent in performing good deeds and his religious obligations, that is, presumably, the ones that he is able to carry out in private, without drawing too much attention.

A similar case is seen in rabbinic sources contemporary with the Pahlavi ones. A legal inquiry addressed to Rav Paltoi Ga’on, head of the Geonic school of Pumbeditha, and Rav ‘Amram bar Sheshna Ga’on, who headed a section of the Geonic school of Sura, concerns the status of a rabbinic Jew who had converted to Islam and wished to revert to Judaism and

30. Face cloth protecting the fire and ritual implements from pollution by spittle or the like; see Modi 1937: 116.

31. Pahlavi *yašt* refers in general to any religious ritual, not only the *yasna* “sacrifice” ceremony. In *Nirangestān* 23.7 (below) it refers to the *nōg-nāywar* ritual, part of the initiation into priesthood, on which see Modi 1937: 205, 208. See also Kotwal 1969: 109 (on the *yazišn* of Srōš performed during the three days after death) and 1988.

32. Cf. *Dādestān ī dēnīg* 40.5 (below).

33. See, e.g., Friedman 2003: 143–44; Cook 2006: 256; Simonsohn 2013: 343–49. The phenomenon of converts returning to their former beliefs is already mentioned in the Qur’ān. Thus, Sūra 2:109: “Many People of the Book wish they could restore you as unbelievers, after you have believed”; Sūra 3:86: “How shall God guide a people who have disbelieved after they believed”; and Sūra 4:137: “Those who believe, and then disbelieve, and then believe, and then disbelieve, and then increase in unbelief—God is not likely to forgive them, neither to guide them on any way.” We are indebted to Uriel Simonsohn for these references.

34. See especially Asmussen 1965: 26–90; Kiel 2008 and 2014.

move to a different town, being embarrassed or afraid to do so in the same town in which he had converted and professed Islamic doctrines.³⁵

While the inquiry addressed to the Geonim is mainly concerned with determining the sincerity of the convert, the inquiry addressed to Ādurfarnbay is implicitly concerned with the salvation of the soul of the repentant convert, who is prevented from publicly professing his adherence to Zoroastrianism by wearing the *kustīg*: will the good deeds performed by him when repentant go to his “account”? Ādurfarnbay’s answer is that the good deeds performed by the remorseful apostate do indeed accrue to his account, presumably because he has attempted to atone for his sins to the best of his ability, as stated in 52 (3) at the end of his answer (see below): “(But) he should (still) perform the other activities and good deeds ‘to the best of his ability’”! He is liable, however, for the sin of “running about ungirded,” that is, without the *kustīg*,³⁶ since the fact that he is now prevented from wearing the *kustīg* was, after all, a result of his voluntary conversion.

Below, we shall see that, according to Ādurfarnbay’s question 53, the good deeds performed *before* the conversion to Islam and those performed *after* the repentant expressed his remorse would go back to his account; however, the good deeds he performed *after* his conversion to Islam but *before* he repented would not accrue to his account, as they were performed in a state of grievous sinfulness.

THE GRACE PERIOD

In Ādurfarnbay’s question 52 (1), the inquirer emphasizes the fact that the convert’s change of heart occurred within a year of his conversion. This information is crucial to the legal decision in this case, since, according to *Nirangestān* 23.4, for the duration of one year, the act of apostasy by denial of the Zoroastrian *dēn* is regarded only as a *tanābuhl* sin, leaving the convert a grace period in which he can repent and return to Zoroastrianism. After a year has passed, however, the apostate becomes *margarzān*:

ēd [mss. <’y>] *gōwišn ī tan ī xwēš wizīr hād Abestāg ān gōwēd* [not HJ]
bawēd ka pad ēd gōwišn menišn gōwēd hād dēn nēst pad gyāg tanābuhl sāl-drahnāy margarzān
tanābuhl az ēn gyāg paydāg 3 gōwišn
sāl-drahnāy ōh [mss. <’w>] *margarzān az ān gyāg paydāg*
yō haca daēnaiiāt māzdaiiasnōit apastōit θriš vayžibiš *hakərət vipaiticit

(*Nirangestān* 23.4 [Kotwal and Kreyenbroek 2003: 30–31]; cf. 23.7, below)³⁷

This speech is a decision (about) his own body. That is, that is what the *Avesta* says.

(This) happens when he utters (this) in this³⁸ utterance and thought: “No, there is no *dēn*,” (then) he is *tanābuhl* on the spot and, after a year, *margarzān*.

(His being) *tanābuhl* is manifest from this place: “three utterances”;

after a year, (his being) *margarzān* “in the usual way” is manifest from that (other) place [Avestan:] *he who “stands back” from the Mazdayasnian daēnā with three words and just once with *remorse.*³⁹

35. The responsa are quoted and discussed in Brody 1998: 63–65.

36. This was clearly not the only obligation he could not perform, but probably the most important, since it was a prerequisite for the others.

37. The *Nirangestān* is known from two undated, but not very old, mss., HJ and TD1.

38. Mss. <HNA> *ē(d)*, but, in view of the Avestan quote, perhaps for <’d> *ē* = <3> “three.”

39. The passage is summarized in book eight of the *Dēnkard*, which contains a summary of the Sasanian *Avesta* in the ninth century: *Dēnkard* 8.29.7 (ms B, [559–60]) *abar wizīr ī abar ōy kē az dēn mazdēst abāz stāyid bawēd* “about the decision passed upon him who has been ‘praised back’ from the Mazdayasnian *dēn*.” The expression “praised back from the Mazdayasnian *dēn*” seems to be a slight distortion of “praise back the *dēn*,” seen below in *Dādestān ī dēnīg* 40.1. On the problem of *apastōit*, see Kiel and Skjærvø forthcoming. Cf. Cantera 2010: 54.

The degree of sinfulness for “standing back” from the *dēn*, here interpreted in terms of verbal or mental denial of the *dēn*, is twofold: in itself, it amounts to a *tanābuhl* sin, but if the crime is not “resolved”⁴⁰ within a year, the sinner becomes a *margarzān*, as was the rule for *tanābuhl* sinners.

The inquiry addressed to Ādurfarnbay thus implicitly assumes that repentance performed within a year of the conversion should be regarded more leniently than when performed after a year. Other medieval jurists, among them the tenth-century Ēmēd son of Ašwahišt,⁴¹ reaffirmed the decision of the *Pahlavi Nīrangestān* and applied it to the case of apostasy by conversion:

mard kē az weh-dēnīh ō ag-dēnīh šawēd ud pad ag-dēnīh bē rasēd pad gyāg tanābuhl ēw wināh ka andar sāl-drahnāy pad rāh ī weh-dēnīh hištan margarzān

(*Rivāyat of Ēmēd son of Ašwahišt* 4.2 [TD2, 246]; continues with 4.3, below)

A man who goes from belonging to the good *dēn* to belonging to the evil *dēn*, and (actually) comes to belonging to the evil *dēn*,⁴² has, on the spot, a sin of one *tanābuhl*.

When (he has remained) for a (full) year on the path of leaving the good *dēn* (he is) *margarzān*.⁴³

Not all Zoroastrian jurists, however, were in agreement that a grace period of one year should be extended to an apostate who converted to Islam. The anonymous redactor of the *Pahlavi Rivāyat* was stricter:⁴⁴

kē az dād ī-š andar estēd bē ō dād ī didīgar šawēd margarzān ēd rāy kū dād ī weh-dēnīh bē hamē hilēd ud ēn dād ī wad hamē gīrēd

dād ī watar grift rāy ēd rāy margarzān hamē bawēnd

(*Pahlavi Rivāyat* 7.2 [Williams 1990, vol. I: 46–48, vol. II: 9])

(When) one goes from the (religious) law that one “stands in” to another law, (one is) *margarzān*, for the reason that one is leaving (*hil-*) the law of those of the good *dēn* and is seizing this bad law.⁴⁵

On account of seizing (*gīr-*) the worse law, for this reason they will be *margarzān*.

The Pahlavi terminology goes back to the third century and, ultimately, to the Pahlavi version of *Yasna* 11.17, which is worth citing in full, as it contains several of the themes we are dealing with:

frāz stāyēm humad ud hūxt ud huwaršt pad menišn ud gōwišn ud kunišn

bē-gīrišnīh daham harwisp humad ud hūxt ud huwaršt kū kerbag kunam

bē-hilišnīh daham harwisp dušmad ud dušhūxt ud dušhuwaršt kū wināh nē kunam

40. On the relationship between mental repentance and “resolving” a sin (by atonement, expiation) in Zoroastrian law and theology, see Kiel 2014.

41. On this sage, see Modi 1931; Safa-Isfahani 1980: vi–viii.

42. Nouns in *-ih* denote the fact of being a *wehlag-dēn* or the communities of the *wehlag-dēns*. Similarly *wehl duš-dādīh* “the fact of following or the communities of those who follow a good/bad law” in *Dādestān ī dēnīg* 40.5 (below). Any literal translation is bound to be awkward.

43. Cf. Safa-Isfahani 1980: 21–22, who has “remains Moslem” for our “comes to belonging to the evil *dēn*.” A similar position is advocated in the *Persian Rivāyats of Hormazyar Framarz*; see tr. Dhabhar 1932: 197–98.

44. This text has been edited several times from several manuscripts, most recently by Williams 1990. Collation of TD4c, since then available in facsimile, and the first part of the same ms. in the British Library can still improve many readings. Williams’s translation is reliable.

45. Cf. from Kerdīr’s inscriptions (ca. 270 C.E): *was mardōm anāstawān būd ān āstawān būd ud was ān būd kē kēš ī dēwān dāšt u-š az man kerd ān kēš ī dēwān hišt ud kēš ī yazdān grift* “there were many people who were not *āstawān*, (but) they (are now) *āstawān*; and there was one who held the *kēš* (= beliefs, teaching) in the evil gods, but by my doing he left (*hil-*) that *kēš* of the evil gods and seized (*gīr-*) the *kēš* of the (good) gods” (see, e.g., Skjærø 2011: 238–39). On *āstawān*, see n. 15.

I praise forth good thoughts, good speech, and good deeds in thought, speech, and deed.
 I lay down that all good thoughts, good speech, and good deeds are something to be seized
 (*gīr-*),⁴⁶ i.e., I do good deeds.
 I lay down that all bad thoughts, bad speech, and bad deeds are something to be left (*hil-*), i.e.,
 I commit no sins.

While the redactor of the response in *Pahlavi Rivāyat* 7.2 may be referring to the ultimate *margarzān* that takes effect only after a year, in conformity with the *Nīrangestān* passage, it is also possible that he simply did not believe that the grace period should be extended in this case.

The opinion of the high priest Mānuščihr (second half of the ninth century)⁴⁷ is more nuanced. According to him, an apostate essentially deserves the death penalty:⁴⁸

*40-om pursišn ān ī pursīd kū
 awēšān kē-šān dād ēd kū pad dēn ī mazdēsniān āstawānih nē abāyēd būd ēn pad dād bē gōwihēd
 dēn ī mazdēsniān bē hilēd ud dēn abāz stāyēd ud bē ō an-ērīh šawēd
 ēg-iš čē ēwēn u-š wināh čē
 u-š wināh ī ham-dēnān ī an-ēr abar ōh šawēd ayāb čiyōn bawēd
 ud grāyih ī az ēn wināh čiyōn ast
 ēg-imān rōšnihā awiš framāyēd guft
 (Dādestān ī dēnīg 40.1 [Jaafari-Dehaghi 1998: 168–71])*

The fortieth question was the one he asked:

Those whose law is this that one should not be “professing the Mazdayasnian *dēn*” (and) this that
 is said in (their) law: leave the Mazdayasnian *dēn* and “praise it back” and go (over) to being
 a non-Iranian!

Then, what is the custom (applying to him), and what is his sin?

And do the sins of his non-Iranian co-religionists accrue to him in the usual way, or how will it be?

And how much “heavier” (is the weight resulting) from this sin?

So, please, tell us clearly!

We see that Mānuščihr’s discourse features the same terminology as we have already encountered, but he also introduces the notion that the sins of the co-religionists (*ham-dēnan*)—i.e., acts that count as sins in Islam, but not in Zoroastrianism, as well as the sins of those incurred by those he induces to convert with him (see below)—might accrue to his own account. Mānuščihr’s interpretation of the tradition is that all kinds of apostasy result in *margarzān* sins:

*pāsox ēd kū
 pornāy dēn ī weh bē hištan rāy marg-arzān dād ī an-ērīh-iz grift rāy margarzān ī-š andar ēstišn
 pad ān ī abārōn dād
 wināh-iz ī awēšān pad dād dārēnd warzēnd ud pad ham-dādih rāy abāg-išān ham-wināh
 ud ka-iz kas pad ān rāh ud kām ī ōy ham-panāhīh ī ōy hangōšīdag srāyīšnih ī ōy dād ī weh hilēd
 ud ān ī watter gīrēd pad-iz ān abārōnih ham-wināh
 (Dādestān ī dēnīg 40.2–3)*

The answer is as follows:

For an adult to leave the good *dēn*, (he incurs a) *margarzān* (sin). For seizing the law of non-Iranianhood, as well, he (incurs a) *margarzān* (sin) for “standing” in that wicked law.

And (when) they commit a sin that they too consider to be according to (their) law and for obeying the same law as they do, they share the same sins.

46. The Avestan has *aibigairiīā* “are to be welcomed.”

47. On Mānuščihr, see Jaafari-Dehaghi 1998: 23–26.

48. See also Cantera 2010: 63–64.

And, also, when somebody leaves the good law on that road wishing to have the same refuge and similar protection as him (who converts) and seizes the worse (law), for that wickedness, too, (he) shares the sin.

He further elaborates on the punishments in the other world for those who die without having repented, as well as for following non-Zoroastrian laws and beliefs (cf. *Pahlavi Rivāyat* 15a.11–12, below):

ka a-petītīgihā ud a-pašēmānihā andar ān abārōn-dādih frōd mīrēd ēg-iš ruwān gāh andar ān ī wattom axwān
u-š pādīfrāh ān ī was margarzānān u-š az dēwān garānihā dast-pad-dast rasēd dard . . . ud was-ēwēnag gand ud gazišn darrišn darrēnišn hamist anāgih ud duš-xwārih
u-š pad awēšān dād ud wurrōyišn andar ān ī wattom axwān anāgih ēdōn tā ān ī abdom axwān wardišn ka fraškerd pad kāmag andar axwān dahihed
(Dādestān ī dēnīg 40.4)

When he dies without repentance and without remorse in that wicked law, then the place of his soul will be in the Worst Existence.

And his punishment will be that of the many *margarzāns*. From the hands of the demons he will receive pain . . . and various stench, biting, rending, and rending of others, together with much suffering and discomfort.

And for (following) their laws and beliefs, he will suffer thus in the Worst Existence until the last turn (= cycle) of the Existence, when the Renovation will be established at will in the (two) Existences (this world and the beyond).⁴⁹

In contrast to those who postulated an absolute limit of one year for repentance, however, Mānuščihr takes an—apparently—more lenient view: a convert can repent for his crime as long as he is alive, and thereby at least save his soul, by offsetting the various sins incurred against deeds that will literally wipe away all the sins committed during his conversion period:

bē agar-iš andar zīndagih az ān grāy petīt bawēd
awēšān kē-š ō ān duš-dādih frēbēnīd ō weh-dādih hāzēnēd
ud ān ī-š abārōnihā pad dād nihād az rawāgih kanēd
ud rawāg-winānihā abāz bandēd ud čē raft abāz wirāyēd
ud nōg pad dēn ī mazdēsān menišnīg ud abar-estišnīg ud āstawān bawēd
wināh ī-š rawāgēnīd bandēnēd
ud pad xīj ud ranj ud tuwān ud kār-framān tōzēd
ēd čē pad tan pad sidōš pādīfrāh widārēd ēg āmurzišn windēd u-š ruwān bōzihēd
(Dādestān ī dēnīg 40.5)

But, if he, during his lifetime, repents that “heavier” (sin), brings those whom he had deceivingly brought to following that evil law (back) to following the good law, and eradicates from currency that which he has wickedly laid down as law, and “ties back” the sins in currency and redresses what is gone, and “stands” firmly and “in thought” in the *dēn* of the Mazdayasnians, and becomes *āstawān* anew, and makes (people) “tie up” the sins that he has made current and atones for (them) by things (i.e., property), toil, ability, and in practice,

49. Standard phraseology for the events at the end of time derived from the Avesta (*Yasna* 51.6, 55.6). In *Pahlavi Rivāyat* 15a.4–6 (below), the same state is referred to as “the Final Body,” the perfect existence, produced, after the resurrection, by Zarathustra and Ohrmazd’s sacrifices at end of this world; see Skjærvø 2011: 29–30, 166–67, 170–71.

(then) he finds forgiveness for this (for) which he suffers bodily punishment during the *sidōš*, and his soul will be saved.⁵⁰

We see that Manuščih'r's requirements go far beyond those of Ādurfarnbay, and one may wonder if his apparent leniency counted for anything at all! According to Ādurfarnbay's *de facto* more lenient view, the convert who seeks to revert to Zoroastrianism is, therefore, in this response, still within the limits of his grace period, as he has not yet incurred the death penalty. Since the convert is merely in a state of "regular" sin, Ādurfarnbay sees no reason why he cannot repent for his sins and regain the merit for his good deeds, which may then enable him to go on to paradise.

Some medieval Islamic jurists, as well, argued that an apostate must be immediately executed, while others recommended various periods of grace, giving the apostate the opportunity to renounce his sins and return to Islam.⁵¹ It must be stressed, however, that, while the ninth- and tenth-century Zoroastrian responsa agree in many details with contemporary Islamic decisions, the *Pahlavi Nīrangestān* probably reflects an earlier layer of tradition, which was here adapted by the medieval jurists so as to apply to the case of conversion to Islam.

RIVĀYAT OF ĀDURFARNBAY QUESTION 52 (2):
LIABILITY FOR SINS PERFORMED AFTER DEATH

The second matter addressed by Ādurfarnbay in question 52 concerns the liability of the apostate for grievous sins perpetrated on his corpse after his death:

*ud ka bē mīrēd ān nasāy ī ōy ō āb ud ātaxš barēnd (pad) stahmb ā-š dādestān čē
ka nē šōyēnd ud nigān nē kunēnd ka bē mīrēd petūtīgihā estēd pādīfrāh ī 3-šabag kunēnd ud ō
dōšox nē kunēnd
ud ka-š bē šōyēnd ud nigān kunēnd būd kē [ms. <MN>] guft kū pad wināhgārīh andar estēd
ud pad atuwānīg(ih) abāz nē estēd būd kē guft kū petūtīg kār
man ēdōn dānam kū-m [ms. <AYK MN>] ān-čiyōnīh margarzān pas az marg ō bun hamē bawēd
(Rivāyat of Ādurfarnbay 52 (2) [TD2, 348])*

(Question)

And, when he dies (and) they carry that dead body of his (by) force onto water and fire: then, what is his legal position?

(Answer)

When they do not wash and bury (the corpse) and he, when he dies, is in repentance, they will perform the three-night punishment (in the beyond),⁵² but not put him in hell.⁵³

When they do wash and bury it, there was one who said: he is in a state of sinfulness.

And, (when) he does not "stand back"⁵⁴ (from the non-Zoroastrian *dēn*) because he is "unable" to, there was one who said that being penitent will work.

I know as follows, that a *margarzān* (sin) incurred in such a way will always go to my account after death.

50. That is, once he has suffered the appropriate punishments for his sins during "the three nights," his repentance will earn him forgiveness after the *sidōš* and he will not be punished until the end of time. See on question 52 (2).

51. See Friedman 2003: 121–33.

52. See, e.g., *Dādestān ī dēnīg* 27 (Jaafari-Dehaghi 1998: 88–89); *Supplementary Texts to Šāyist nē šāyist* 17.2–6 (Kotwal 1969: 70–72); Modi 1937: 76–79.

53. For the connection between repentance and not going to hell, cf. also Qur'ān 40:7: "So forgive those who have repented and followed Your way and protect them from the punishment of Hellfire."

54. On this technical term, see Kiel and Skjærvø forthcoming and *Nīrangestān* 23.4 (below).

The problem considered here is that, since the Muslims do not observe the Zoroastrian rules for avoiding corpse contamination, they are likely to bury the corpse and may also bring it to water, thus contaminating two of the three sacred elements—earth, water, and fire. Ādurfarnbay replies that, when (the Muslims) do not bury or wash the corpse⁵⁵ (in which case no *margarzān* sin is incurred), the repentant convert will be punished for his sins (in the beyond) during “the three nights,” but he will not go to hell.

For the case, however, that the body has been used to contaminate water and earth (for which he would become *margarzān*), he cites two opinions. According to the first, the soul would be liable for these sins and so would go to hell (unless he had atoned for it beforehand by way of intercessory confession, see below). The second, however, invokes the general principle of “inability” to leave the foreign *dēn*, presumably “out of fear” (see question 52 (1), above), in which case repentance would work and the convert would still have a chance to be saved. In the end, Ādurfarnbay—regretfully, it seems—concludes that a *margarzān* (sin) incurred in such a way would always accrue to his account.

The status of a *margarzān* apostate in the hereafter and the effects of his (or her; see *Pahlavi rivāyat* 53.1, below) repentance are discussed in several passages throughout the Pahlavi literature, for instance, by Mānuščihr in *Dādestān ī dēnīg* and in the anonymous *Pahlavi Rivāyat* and *Šāyist nē šāyist* “What is appropriate and what is not appropriate.”

Mānuščihr invokes the authority of the Teachers of Old and cites *Videvdad* 5.61 = 7.17 to stress the necessity of repentance to avoid going to hell:⁵⁶

*ud pad ham gugāyih guft kū pōryōtkēš hamāg pad ēn ham-dādestān bē būd hēnd kū az weh-dēnih bē [for az?] petītīgihā bē rāh ī bē ō dōšox nēst bē ān petītīgih andar zīndagih bawēd čē guft estēd kū
kē zīndag nē bawēd ahlaw kū wināh bē nē wizārēd ā-š murd nē baxšānd ān ī pāšom axwān
wināh nē kardan weh az tōzišn ud petītīgih
(Dādestān ī dēnīg 40.7–9)*

And, by the same testimony it is said that all the Teachers of Old were agreed on this: (coming) from being of the good *dēn*, there is no road other than to hell except by repenting.

“He who while alive does not become ‘righteous,’⁵⁷ i.e., he does not ‘resolve’ (his) sins—then, when dead, they will not give him his share of the Best Existence.”

(But) not committing any sins (at all) is better than atonement and repentance!

The redactor of the *Pahlavi Rivāyat* elaborates on the punishments of those *margarzāns* (not necessarily converts) who repented while alive and those who did not. He also introduces the need for beheading and death rituals:⁵⁸

ud mardōm ka bē mīrēd pad wināh ī-š kerd estēd pad-petit bawēd pad ōš ī sidīgar bē ō čagād ī dāyīy nayēnd u-š bē ō wahišt nayēnd

55. Ādurfarnbay omits the fire, presumably because he knew that Muslims did not burn their corpses.

56. The Avestan passage deals with the contamination of a dead body by a menstruant, but the exact nature of the contamination escapes us.

57. That is, he will not become (permanently) “righteous” (*ahlaw*) and go to paradise; cf. Avestan *ašauuan*, Old Persian *artāvan* “Orderly, at one with (god’s) Order.” The concept is from the *Avesta: Yasna* 71.16 “O Orderly one (*ašauuan*), you will be Orderly here, you will convey your soul across the Ford of the Accountant to the Best Existence, arriving Orderly”; cf. in the Old Persian inscriptions: Xerxes at Persepolis 46–50 “If you who come here-after should think ‘May I be blessed (*šiyāta*) while alive and at one with Order (*artāvan*) when dead!’ then behave according to the law which Ahuramazdā set down. You should sacrifice to Ahuramazdā . . . The man who behaves according to the law which Ahuramazdā set down and sacrifices to Ahuramazdā . . . , he will both be blessed while alive and at one with Order when dead.”

58. Cf. *Rivāyat of Ēmēd son of Ašwahišt* 26.1, below.

kē-š margarzān-ēw kerd estēd ud gēīyihā pad-petīt bawēd u-š sar bē brīnēnd ā-š pad gyāg sidōš abāyēd sāxtan ud yaštan ud ahlaw
ud ka (pad-)petīt u-š gēīyihā sar nē šāyēd brīd u-š mēnōyihā šab ī sidīgar pad bun ī puhl sar bē brīnēnd ā-iz 4-om rōz sidōš abāyēd yaštan ud ahlaw
ud ka pad-petīt nē būd bē ō dōšox šawēd tā tan ī pasēn pad dōšox bawēd
 (Pahlavi Rivāyat 15a.4–6 [Williams 1990, vol. I: 80–81, vol. II: 27–28])

And, when a man dies (and) he is repentant for the sins he has committed, at the third dawn, they lead him to the Ridge of the Law, and they lead him to heaven.

He who has committed a *margarzān* sin, and he is repentant while in this world, and they cut off his head, then, on the spot, a *sidōš* should be prepared and performed (for the salvation of his soul), and he is “righteous.”

And, when (he is) repentant and it is not possible to cut off his head in this world and they cut off his head in the other world at the entry of the bridge during the third night, then too a *sidōš* (ritual) should be performed, and he is “righteous.”

And when he was not repentant, he goes to hell. He will remain in hell until the Final Body.

The result of dying unrepentant is the same as in *Dādestān ī dēnīg* 40.4 (above): suffering in hell until the end of this world. The redactor then also invokes the authority of the Teachers of Old to the effect that beheading need not take place before death:

ud pōryōtkēš hamāg pad ēn abar estād hēnd kū ka-š petītīgih kerd bē ō dōšox nē šawēd ēd (rāy) čē ka sar ī ruwān brīnēnd ruwān was bār sar brīd šāyēd
ka-š margarzān was kerd estēd pad-petīt nē bawēd bē dōšox šawēd
u-š pad tan ī pasēn tanōmandih abāz kunēnd u-š harw ēk-ēw rāy ēk bār sar bē brīnēnd u-š pādīfrāh dōšox bē nimāyēnd ud ahlaw
 (Pahlavi Rivāyat 15a.11–12 [Williams 1990, vol. I: 80–81, vol. II: 28])⁵⁹

And all the Teachers of Old have stood by this: When he has performed repentance, he does not go to hell, because, when they cut off the soul’s head(!), one can cut off the head many times.

When he has performed many *margarzān* sins (and) is not repentant, he goes to hell.

And, at the Final Body, they again make “bodiliness” for him (i.e., give him a body), and for each single (*margarzān* sin) they cut off (his) head once and show him the punishments of hell, and (then) he is “righteous.”

Similarly the redactor of the *Šāyist nē šāyist* on the various acts of repenting and beheading:

margarzān ka-š tan ud xwāstag ēwāz ō radān abespārd ud pad wināh ī jāstag menišnīg pad-petīt bawēd u-š radān pad kār ud kerbag dastwarīh dahēnd ā-š kār ud kerbag ī pēš kerd abāz rasēd
ud ka andar 3-šabag pādīfrāh kunēnd ō dōšox nē rasēd
ud agar rad sar brīdan framāyēd pad gyāg ahlaw ud sidōš ōh yazišn u-š amār ī sidōš abar nē bawēd
ud agar nē pad-petīt tā tan ī pasēn pad dōšox
 (Šāyist nē šāyist 8.5–7 [Tavadia 1930: 105–6])

A person who is *margarzān*, when he has only given up his body and property to the *rads*⁶⁰ and is repentant in thought for the sin that occurred to him and the *rads* give him (authoritative) guidance regarding work and good deeds, then the work and good deeds he has done before come back to him.

And, when they punish him during “the three nights,” he will not come to hell.

And, when the *rad* orders his head to be cut off, he is righteous on the spot, and a *sidōš* should be celebrated, and the counting of the *sidōš* does not come upon him.

And, if he is not repentant, (he will be) in hell until the Final Body.

59. This is based on *Pahlavi Videvdad* 7.52; see Anklesaria 1949: 176–77.

60. The religious legal authorities.

The Zoroastrian jurists are thus agreed that a *margarzān* sinner who had the opportunity to repent, but did not, would go to hell, but also that repentance alone was not necessarily sufficient.

As for Ādurfarnbay's original question 52 (2), Ēmēd son of Ašwahišt takes a step further, also considering other acts perpetrated on the body of a convert, but while alive:

*agar-iš pad hannām drōš ī čiyōn ag-dēnān pad kerdag dārēnd kunēnd ud ān ī-š az hannām brīn
ī ō āb ud ātaxš andar zamīg-nigānīh rasēd ēg *kemist margarzānīg wināh bawēd
(Rivāyat of Ēmēd son of Ašwahišt 4.3 [TD2, 246]; continuing 4.2, cited above)*

If they put a mark on his member, in the way those of the evil *dēn* practice, and that which they cut from his member gets into water and fire (or) is buried in the earth, then it becomes at a minimum a *margarzān* sin.⁶¹

In this case too, the convert is considered liable for the *margarzān* sin perpetrated on a part of his body (here the foreskin) if it is caused to contaminate the three sacred elements.⁶²

Yet another element, however, was introduced into the discussion of repentance and forgiveness by the Zoroastrian priests, namely the ability or inability to perform repentance. Compare the following tradition recorded in the *Pahlavi Rivāyat* (see also Ādurfarnbay's question 52 (3), below):

*harw ān ī tuwānīg ā-š bē abāyēd wizārdan ka tuwānīg nē wizārēd ā-š petīt kār nēst čē petīt tis-
ēw ī atuwānīg bawēd
(Pahlavi Rivāyat 15b.4 [Williams 1990, vol. I: 82–83, vol. II: 29])*

Everyone who is “able”—he should “resolve” (the sin). If a man is “able” and does not “resolve” (it), then his repentance does not work, for repentance (with no “resolution”) is the one thing (that works?) for one who is “unable” (to “resolve” the sin otherwise?).

While this passage asserts the importance of atonement in deeds alongside repentance, the author submits that, at least for one who is unable, repentance may work, but there was apparently no general agreement on this rule either among the Zoroastrian authorities. According to the redactor of the *Šāyist nē šāyist*, Nēryōsang, a fifth- or sixth-century Zoroastrian authority known only from quotations, was reported to have expressed amazement that repentance should be according to one's “ability.” The redactor (rather than Nēryōsang?) then goes on to cite a common opinion that repentance in deeds and words should not be viewed as an absolute prerequisite for salvation for those who were “unable.” Rather, as long as some of the repentance was “in thought,” that would suffice to render the sinner “righteous” and close the road to hell for him:

*Nēryōsang guft ay škofittom sahē kū petītīgīh pad tuwānīgīh ā-š kār čē hād.
ēdōn ham-dādestān būd hēnd kū
petītīgīh hamē ka kunēnd harw čiyōn kunēnd ud pēš ī harw kē kunēnd hamē ka-š menišnīg
hāmbun-iz ast ā-š petītīh kerd bawēd.
ud ka-š margarzān abēr was kerd estēd ud az harw ēk menišnīg jud jud pad-petīt bawēd ā-š az
petītīgīh rāh ī ō dōšox nēst.
ud agar ēk ast ī aziš nē pad-petīt ā-š rāh ī ō dōšox nē bast bawēd čē nē pad sūd ī Ohrmazd estēd.
(Šāyist nē šāyist 8.13 [Tavadia 1930: 104–15])*

Nēryōsang said: “Yes, it would seem most amazing that being repentant is according to ‘ability.’ Then, what purpose will it have?”

61. Safa-Isfahani (1980) renders the beginning as “If [he has received] a brand on an organ of his body, as the Moslems do on a[n especial] section [of their body].”

62. The sin of simple damage to the body is a lesser sin and is atoned for by a monetary penalty; see *Šāyist nē šāyist* 1.1–2 (Tavadia 1930: 28).

They have agreed as follows:

As long as they perform repentance, however they do it and before whomever they do it, as long as it is at all “in thought” for him, then he will have performed repentance (thereby).

And, when he has committed very many *margarzān* (sins) and he has repented “in thought” for each of them, then, because of (his) repentance, there is no road to hell (for him).

And, if there is *one* for which he is not repentant, the road to hell is not closed for him, because it is not for the benefit of Ohrmazd.

During the ‘Abbasid period, Geonic and Muslim authors too grappled with the question of a penitent who, for some reason, was unable to atone for his sin by the proper means of penance and atonement.⁶³

Rav Shmuel ben Hofni (died 1034), who headed the Geonic school of Sura, argued that in certain cases, for instance, when there is a difficulty involved in returning a stolen object, the act of restitution is not to be regarded as an essential element of penitence.⁶⁴

The very same position was held by ‘Abd al-Djabbār b. Aḥmad (tenth century), a Mu‘tazilite theologian and follower of the Shāfi‘ī school of law, who, interestingly, also used the example of the return of a stolen object.⁶⁵

The underlying theology of all these rulings is, in essence, that repentance and a genuine change of heart are sufficient to render a sinner righteous in the eyes of God, and, in the case of difficulty or inability to atone, the inward manifestation “in thought” of repentance also suffices.⁶⁶

RIVĀYAT OF ĀDURFARNBAY QUESTION 52 (3):
REPENTANCE THROUGH AGENCY

Although Ādurfarnbay sides with the more stringent position that a sin incurred after the death of a convert as a result of his willful conversion will indeed accrue to his account (despite prospective manifestation of repentance), still he provides a way out for the repentant convert via the legal mechanism of repentance through agency, “by message,” although further good deeds, according to ability, are also required:

*pad paygām bē ō kas ēw guft kū agar-im šōyēnd ud nigān kunēnd pad paygām az man pad jādag
pēš ī dastwarān pad-petīt bāš
ud ka pad ēn ēwēnag pad paygām ī az jādag ī ōy pad-petīt bawēd [ms. bāš] petītīg(ih) xūb
u-š pas az sē-šabag sidōš ōh yazišn
abārīg kār ud kerbag čand tuwān ōh kunišn
(Rivāyat of Ādurfarnbay 52 (3) [TD2, 349])*

(But), when he has informed somebody by message: “If they wash and bury me, express my repentance before the *dastwars*⁶⁷ as my intercessor with my message!”

And, when he is repentant by a message from an intercessor on his behalf in this manner, his repentance is “good.”

And, after “the three nights” one should perform the *sidōš* ritual in the usual way.

(But) he should (still while alive) perform the other activities and good deeds to the best of his “ability”!

63. See Kiel 2008.

64. Rav Shmuel ben Hofni, *Commentary on Deuteronomy* 4:28–41; Greenbaum 1975: 106–8; Zucker 1978: 8–9.

65. ‘Abd al-Djabbār b. Aḥmad, *Al-Mughni*, 14: 348; Zucker 1978: 7–8.

66. Ādurfarnbay does not use the term *menišnīg(ihā)* “in thought” in these contexts, which is common elsewhere; cf. *Šāyist nē šāyist* 8.13, below, and see Kiel 2008: 123 and 2014.

67. A somewhat generic term for a Zoroastrian authority.

Thus, if the convert informs someone prior to his death that he should express his repentance in the presence of a religious authority for the sins perpetrated on his corpse, then his repentance suffices and he will not go to hell, provided his sins be offset by good deeds.

The validity of repentance performed through an agent or an intercessor is also discussed in the *Pahlavi rivāyat*:⁶⁸

*petītīgih ka zan atuwānīg ka šōy pādixšāy mard rāy šāyēd
pid ī aburnāyīg ī 8-sālag tā 15-sālag ka bē kunēd šāyēd
ud abārīg kas pad rāh ī paygāambarih ka mard-ēw bē ō mard-ēw gōwēd kū šaw man rāy pad-
petūt bāš šāyēd*

(*Pahlavi Rivāyat* 53.1 [Williams 1990, vol. I: 194–95, vol. II: 91])

When a woman is unable to repent, when the husband is of *pādixšāy*⁶⁹ status, it is proper for the man (to repent on her behalf).

The father of an underage child of eight years until fifteen years: when he does it, it is proper. And the other (cases) by way of “messaging” (is) when a man says to another man: “Go! Be repentant on my behalf,” (then) it is proper.

A related Avestan phrase is preserved in the *Frahang ī oīm*, an Avestan-Pahlavi glossary gleaned from the Pahlavi versions of Avestan texts and containing remnants of now lost texts:⁷⁰

*yō *naire aoxte frā mē cici
(Frahang ī oīm 4d; Klingenschmitt no. 238)*

He who says to a man: “Atone for me!”

Pahlavi

kē ō mardān gowēd kū frāz-it man tōzišn

He who says to men: “You must atone for me.”

Thus, in this case, too, it turns out that Ādurfarnbay has recourse to an older tradition, which he applies to a contemporary case.

PERFORMING RITUALS FOR THE SOUL OF AN APOSTATE OR SOMEONE BORN OUTSIDE THE *DĒN*

Ādurfarnbay’s concern is not purely theological-theoretical, but also has practical ramifications for the salvation of the convert. His question 52 (3) shows that the repentant convert can safeguard himself and have someone else (most often probably his relatives) perform the rituals for his soul after death. This appears to be the question raised in *Pahlavi Rivāyat* 15a, from which we quoted at length above: “which rituals, when one performs them, ‘go to the bridge,’” that is, which rituals produce merits that go to be counted at the Činwad Bridge and so help the soul of the departed across.⁷¹

The issue of services for the soul was discussed at length by Ēmēd son of Ašwahišt, who also stressed the “ability” factor, but also introduced issues caused by someone *born* in the evil *dēn*:

*pursišn
mard ēw kē pad ō ag-dēnīh rasēd pas pašēmān bawēd pad petītīg bawēd kerbag-warzīdārīh ēw
kunēd pas [az] widerdagān ruwān abāyēd yaštān ayāb nē*

68. See also *Persian Rivāyats*, tr. Dhabhar 1932: 23–32.

69. Her primary husband, whose children will be his heirs; see Shaki 1999; Hjerrild 2003: 19–76; Macuch 2007.

70. This fragment is cited as an example of the use of *yō* “who” as masculine singular.

71. See Williams, vol. II: 149.

ud agar xwad pad ag-dēnīh zāyēd kerbag-warzīdār ud pad weh dēn estēd u-š dādestān čē ud dāšn ahlawdād abāyēd dād ayāb nē

(*Rivāyat of Ēmēd son of Ašwahišt* 26.1 [TD2, 294])

Question.

A man who comes to an evil *dēn*, then regrets and becomes repentant (and) performs good deeds: afterward, should one offer (for him) the rituals for the souls of the departed or not?

And, if he is himself born into an evil *dēn* (but) performs good deeds and “stands” in the good *dēn*, what is his legal position?

And should one give gifts (and) alms?⁷²

passox

agar-iš tis andar nēst ān rāy juttar

kē andar sāl-drahnāy pašēmān pad-petīt ēw bawēd kerbag (ī) andar weh dēn kerbag tuwān-sāmānīhā warzēd az wināh (ī) andar weh dēn pad wināh tuwān-sāmānīhā pahrēzēd ka widerān bawēd ēg-iš ruwān čiyōn ān ī weh-dēnān yaštan abāyēd

agar pas az sāl-drahnāy pad-petīt bawēd kerbag-warzīdār ud az wināh pahrēxtār pad ān ēwēnag kē azabar nibišt andar-estišnīh ham-ēwēnag petītīgīh widerēg ēg-iš petītīgīh rāy ruwān az dōšox bōzīhēd.

čē (az) petītīgīh bē rāh ī ō dōšox nēst

(*Rivāyat of Ēmēd son of Ašwahišt* 26.2–3 [TD2, 294])

Answer.

If there is nothing in it differing from that (and so requiring a reevaluation):

Anyone who regrets and becomes repentant within a year and performs good deeds that are good deeds in the good *dēn* and performs them “to the limit of his ability” and, “to the limit of his ability,” guards against (any) sin that is a sin in the good *dēn*, when he passes away, then one should perform rituals for his soul just as (for the souls) of those of the good *dēn*.

If he is (still) repentant after a whole year, performs good deeds, and stays away from sins, persisting in the way described above, (then) passes away repentant in the same way, then, for being repentant, his soul is saved from hell.

For, because of repentance, there is no way to hell (for him).⁷³

u-š rōz ī tasom sidōš bun kunišn ōh yazišn abārīg čiyōn ān ī weh-dēnān

hamē ka pad petītīgīh az āwām šawēd kerbag wināh ī-š kerd estēd hamāg pad sidōš amār padiš bawēd

ka-š pad sidōš tōzišn ud pādīfrāh wizārd gyāg ī-š ruwān pad mēnōyān čiyōn-iš az kerbag-warzišnīh xwēšēnīd estēd pad hammistagān pāyag ayāb abartar

ud ān ī ham-gōnag ka andar sidōš bē ō saxtīh rasēd ēg-iš tišn ud suy ud sarmāg garmāg az-iš abāz dāštan frēzwānīg.

ud ka nē kunēd wināh

(*Rivāyat of Ēmēd son of Ašwahišt* 26.4–7 [TD2, 294–95])

And on the fourth day, a *sidōš* should be begun for him, and the ritual (should be performed) in the usual way. Everything else is just as in the case of those of the good *dēn*.

As long as he leaves (this) age (of the world) while he is in repentance, the good deeds and sins he has performed and committed, the count for all of them will be at the *sidōš*.

When he has resolved the atonements and punishments at the *sidōš*, the place of his soul will be among those in the other world according as he has made it his own (place) from his performance of good deeds: on the level of *hammistagān*⁷⁴ or higher.

72. Cf. Safa-Isfahani 1980: 183–88; de Menasce 1967: 227–28.

73. The ambiposition *az . . . bē* is found, e.g., in the expression *az ān bē* “because of that”; it is also used in the sense of “(made) from,” e.g., *az Wahman bē māh tāšīd estēd* “the moon is made from Wahman.”

74. The place for those whose good and bad deeds are of equal weight.

And similar to that, when he comes into hardship at the *sidōš*, then it is (the survivors') duty to keep thirst and hunger, cold and heat away from him (in the beyond).

And when one does not do it, (one incurs) a sin.

ud abāz-iz ag-dēnān kē-šān ag-dēnīh az abarmānd nē az xwadīh <'šyIk> ag-dēnān kerd wišūd hēnd

ud hamē ka ēr-barišn az wināh ī andar weh-dēn wināh pahrēzēd kerbag ī pad weh-dēn kerbag tuwān-sāmānīhā warzēd pad-iz dāšn ahlawdād čimīg nē wināh

(*Rivāyat of Ēmēd son of Ašwahišt* 26.8 [TD2, 295])

And, again, even in the case of people of evil *dēn* for whom being of an evil *dēn* is inherited and who are not *born from the . . . selfness that those of evil *dēn* made.⁷⁵

And as long as someone acting like an Iranian⁷⁶ abstains from a sin that is a sin in the good *dēn* and performs a good deed that is a good deed in the good *dēn* to “the limit of his ability,” also by gifts (and) alms (given on his behalf), it makes sense and is not sin.

In this way, every possibility has been accounted for and taken into consideration, leaving no room for doubt.

RIVĀYAT OF ĀDURFARNBAY QUESTION 53:

GOOD DEEDS PERFORMED IN A STATE OF SINFULNESS

We have already seen that, according to the redactor of the *Šāyist nē šāyist* (8.5–7), a person could, under certain conditions, recover the merit of the good deeds he had performed prior to becoming *margarzān*. In his fifty-third question-and-answer, Ādurfarnbay elaborates on this point, applying it explicitly to an apostate:

pursišn

mard ēw kē kustīg bē wišāyēd andar sāl bē mirēd ud az ān wināh pad-petit bawēd ān wināh bē šawēd ayāb nē

passox

ka andar sāl pad-petit bawēd kār ud kerbag (ī) pēš az ān kerd abāz rasēd ud ān ī pas az ān ī petit kunēd ōh bawēd

ud ān ī pas az kustīg-wišādagīh ud pēš az petitīgīh kunēd nē bawēd

(*Rivāyat of Ādurfarnbay* 53 [TD2, 349])

Question.

A man who unties the *kustīg* and dies within a year, but repents that sin: does that sin go away or not?

Answer.

When he repents within a year, the works and good deeds done before that come back, and those he does after he repents will be in the usual way.

But those he does after untying the *kustīg* and before his repentance will not.

75. The ms. reading is problematic: <hw'tyh 'šyIk . . . krtn' šwt HWEnd>. A similar problem appears in *Dādestān ī dēnīg* 38.24 (Jaafari-Dehaghi 1998, 160–61): *pad ān ī watar dēn nimūdār kē andar <šwt> ast 3 tōmag ī nē ēbyāngħanēd* “it is indicated in the worse *dēn* (that, of those) who (are) *born in it, there are three races who do not tie the *kustīg*.” The emendation of <krtn' šwt> to <kr't wšwt> is trivial (<n = ' = w>); the scribe of the *Dādestān ī dēnīg* may have changed the unexpected <wšwt> to <šwt' = ŠNT'> “year” thinking of the grace period. The verb *wišūd*, lit., “aborted,” typically applies to demons, and so could conceivably be used for the regular *zād* “born” when speaking about non-Zoroastrians. The word <'šyIk> is also problematic. It can easily be emended to <'šklk>, but this is not a common error for <'šklk> *āskārag* “manifest” and the sentence does not become easier to understand with this emendation. Safa-Isfahani (1980: 188) reads *āskārag*, but renders (without any support) *nē az xwadīh āskārag* as “not by his own deliberate confession” (her unsupported translations will not be cited in the following).

76. That is, not like an *an-ēr* “non-Iranian” (= *ag-dēn*).

This classification of recoverable good deeds is derived from the same tradition as a passage in the *Pahlavi Nīrangestān*:

ka sāl pad petitīg bawēd {bawēd} u-š yašt ī nōg-nāywar abāg kunišn u-š tanābuhl ī ruwānīg bē wizārišn

*u-š kār kerbag (ī) pēš az ān kerd *abāz⁷⁷ rasēd*

ān ī andar ān ēw [mss. <'y>] xwēš nē bawēd

(*Pahlavi Nīrangestān* 23.7 [Kotwal and Kreyenbroek 2003: 32–33]) (cf. 23.4, above)

When he remains in repentance for a year, he should perform a *nōg-nāywar* ritual together with (it) and (thereby?) “resolve” the *tanābuhl* (sin) to his soul.

And the work and good deeds he has done before that come back.

What (happened) during that period⁷⁸ does not become his own (= does not accrue to his account).

According to this text, if a person is in repentance for a year after leaving the good *dēn*, he is authorized to perform rituals and thereby atone for his *tanābuhl* sin. While a *tanābuhl* sinner cannot be credited at the final judgment for good deeds performed previously, upon “resolving” the sin, all the good deeds performed before the sinful act will go back to his account. Good deeds performed while *tanābuhl*, however, and before atoning for the crime do not go to the sinner’s account. This decision is in turn informed by the *Pahlavi Videvdad*:

ay harw ān gyāg kū abestāg paititēm u vacō uruuaitiš u yauuaēca gōwēd ēn az garzišn wināh tanābuhl-ēw bē kanēd ud kerbag ōh estēd

(*Pahlavi Videvdad* 7.52⁷⁹)

That is, in every place one utters the *Avesta*: “repented, a word (of) vow(?), and for ever”—this (is) from the “complaint”⁸⁰—it cancels one *tanābuhl*, and the good deeds “stand” in the usual way.

We see that the traditional theology expressed in the *Pahlavi Nīrangestān* and *Videvdad* was here, too, applied by Ādurfarnbay to the contemporary case of someone who had converted, but then sought to revert to Zoroastrianism.

CONCLUSION

In this study we have examined philological, historical, legal, and cultural aspects of responsa issued by Ādurfarnbay in the first half of the ninth century concerning apostasy and conversion to Islam, supplementing and comparing them with responsa by other authorities, named and unnamed, from the same or later periods, who expressed similar legal concerns: mainly Zoroastrian, but also Muslim, Christian, and rabbinic. Beyond the synchronic analysis of Ādurfarnbay’s responsa against the backdrop of medieval attitudes to conversion and apostasy, we have also explored how the Zoroastrian attitudes had evolved from pre-Islamic Zoroastrian works.

77. Mss. *abāg* for *abāz*; cf. *Rivāyat of Ādurfarnbay* 53 just cited.

78. *Mādayān ī hazār dādestān* 34.8 *andar ān ēw ka* “at that time when”; cf. Macuch (1993: 554): “zu einem Zeitpunkt, da . . .”; also in *Rivāyat of Ādurfarnbay* 94.2, JamaspAsa/Nawabi 1978: 378; Anklesaria 1969: 57.

79. Cf. Jamasp 1907: 276.

80. A “confession of sins”; cf. *Šāyist nē šāyist* 8.2 (Tavadia 1930: 104) *ōy ī margarzān wināh andar radān garzišn tan bē abespārdan* “the sins of a *margarzān* should be ‘confessed’ to the *rads* and the body be surrendered (to them).” See also *Supplementary Texts to Šāyist nē šāyist* 13.2, 29 (Kotwal 1969: 440–41, 49) and Shaked 1979: 264 (on *māndag garzīdan*).

As we set out to do, we have shown that the extensive medieval discussion of this issue reflects not only new concerns brought on by the confrontation of Zoroastrianism with Islam, but also demonstrates how the Zoroastrian jurists applied and adjusted earlier Zoroastrian oral traditions based on exegesis of the sacred texts, the *Avesta*, to contemporary reality. We exemplified the adaptation of earlier Zoroastrian traditions to contemporary reality in ninth-century Iran by the attempts of Ādurfarnbay and some of his contemporaries to apply to the case of a convert to Islam who seeks to revert to Zoroastrianism the construct of a one year “grace period” granted to *tanābuhl* offenders, the mechanism of intercessory confession or repentance through “agency,” and the classification of recoverable and irrecoverable good deeds performed before, during, and after a state of grievous sinfulness.

TEXTS AND MANUSCRIPTS

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