

Survey of origin and source of Iran rules in Sassanid era

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Abstract: In ancient Iran, especially in Sassanid era was much attention to question of justice. In historical texts is cited a lot of consideration of kings in these periods to the justice so that pays attention to superior does not cruelty to the lower part and gets the right of innocent of cruel. Because the Persian kings were in thought of to restore order and restraint of chaos that they must be encounter with unjust and refractory. Iranian have more attention to the law and in the writing of historians have noted that Iranian were allowed the laws and knew his duty to uphold the law. Usually the law were source of Avesta book, king orders, eternal judgment and common law.

Key words: *Law; Iran ancient; Avesta; Zoroaster rule*

1. Introduction

One of the issue that Iranian pay more attention to it was justice and ministry of justice, so that in their view, the king who did not behave according to the justice he had lost pleas divine and people would have revolted against him. In Iranian thought, just king was cause to increase of blessed and livelihood and cruel king was cause to bad luck and drought.

2. Source code

In this case, Cristian san written that: "foundation law of Sassanid era, Avesta book and its interpretation and community ancestors means that is have been set of judgment of religious scholars" (Cristian san 1984).

From perspective of Abbas Nazary: under Iranian law that then the muslim jurists were follow was based on the following factors:

1. Avesta writing and religious book
2. According to the consensus of scholars and ancestors or what that last great priest had done and told.
3. Was to balance and analogy of petitioner that to compare her vote with everything that told ancient in the trial that before happen such this thing and to pass a judgment (Bartlme, 1974).

In general source and origin in the law of Sassanid period is as followed:

3. Avesta book

Since the Sassanid era were consisted of a religious community and Zoroastrianism was the official religion of the people and the king at that time so in all cases, the Avesta was as the primary reference and was the religious book.

The most important part of Avesta was is Datik that a summary of it are left for us. This part and other part of Avesta are consist of laws related to the principle of justice, legal relationship, crimes and regulation related to criminal offenses, (murderer, thief, bandit and other than that. And wound and stoke delivery children crimes, slaves, contracts, commitments and different type of claims, how to reach and other than that (Ashraf Ahmadi, 1973).

4. Decrees and orders of kings

The original source of legal rights in this era was Avesta book. But this book is related to pre-Sassanian and was not reply to all the legal issues in this period thou to resolve legal issues, was need to new legislation. Another reason it is that Since of king if country was the first person, and her authouritian style was despotic, thou he must for assigned to their class interests and supporters do such action the example of this is when Ardeshir Babakan came to the kingship and according to contents Tenser letter page 64, in order to their lower class person does not deserve herself to be king issued strict orders that no one has not the right to change her inherited class. But souled not be denied that some of kings this train have had intelligent and clever mind and the laws were enacted in the interest of community members that will refer to such laws (Tenser letter, 1974).

The law that king considered had a very strong enforcement and as long as that king was alive, and in some cases in in length of this series, was applicable. But it was possible the new king be against with the religion and custom of before king and would revoke it. In Tenser letter, page 66, in related to Crown of Ardeshir cited that "can be different time that our rote and moral be different" (Tanser letter, 1973). Tanser in these cases with the tone suggested accolades mentions of Ardeshir that:

* Corresponding Au thor.

did not tradition and not say the end but did what that was necessary to time condition and future work will left to future.

5. Theory of priests and lawyer:

Priests were one of the classes very powerful and influential in community, they also had great strength in creating and editing rule (Malek allshoaray Bahar, 1984).

Saeed Nafisi writted in social history of Iranian book: "in Sassanid era, something that was more subjects of priests possess and abolisher and abolished and wound and adjustment is individual right. Specially marriage and inheritance provisions so complex and ambiguous that the prieses had do whatever they wanted and this regard have the power that in any law do not left to clergy. So that can said the people do not knew their duty in this convoluted sentences and unlimited personal interpretations and blindly obliged helpless to whatever the prieses said and ordered (Saeed Nafisi, 1993).

6. Common law

In express train of law right, common law have special place because when there is a certain norms of common law judging will be handled by the courts. During this period, examination customary to the legal issue by authorities that are lack of competence that completely is legal and called Petkared it was recognized to populat acceptance so that they could to get involved to handle customary with legal base and or without legal basis.

Also investigation to climes by through arbitration and elders always existed in judicial system. And this issue is representing in deep and long standing convention on the field of right. That certainly will have effect in codified law and also in the method of courts. Custom of attention to the conventions of united was from ancient time in Iran and also in Sassanid era were observed its effects.

7. Registered voters' courts

In Sassanid empire, since there is not regular legal and set laws editor including criminal law or civil rights, likely arrive collection sets of sentences and judgment of courts (such as a UK in today) that more or less have aspect of authentic and current state (Bartlme,1973).

In different chapter of "Matikan hezardastan "book that is one of the high price memento of right of Iran in Sassanid era.in different cases encounter with refer of judge to previous ideas in order to inferred theorem judgment.

8. Conclusion

Ancient Iranian pay great important to the law and those who break the law were severely

punished. In old testament or Torah book mentions that an Iranian law was immutable. The origins of law were different in the Sassanid era .because Zoroastrianism was the official religion during this period. People give great importance to the Avesta book. Main source of law was Avesta and its orders. Because that the king was one of the most powerful one in countrys , have authority to legislative, and in necessary get make legislation. The priests considered himself to successor of Zoroaster and keeper of religion for this reason judgment them have the order of law and all obliged to obey of them. Common law and directive orders and had saved in court also consider as source of laws.

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