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Ardashir's Genealogy Revisited

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The circumstances leading to the rise of the Sasanians to power in the third century CE and the origin of Ardaxšēr ī Pābagān, the founder of the Sasanian dynasty, are after more than a century of research still unsolved puzzles of Iranian history. Ardaxšēr's family links to the house of Sāsān, by whose name the dynasty is known, remains a matter of speculation, not only since late sources offer divergent accounts of the relationship between the three protagonists Ardaxšēr, his father Pāpag, and Sāsān, but because the only reliable source of the third century, Šābuhr's inscription on the *Ka'ba-ye Zardušt* with its list of family members and ancestors, is by no means conclusive in this respect. All this is well known and it is not my goal to repeat old arguments in this contribution dedicated to our distinguished colleague Jaleh Amouzegar. I would rather like to suggest a change of perspective by scrutinizing the different accounts of Ardaxšēr's genealogy in light of the information to be gained in the field of Sasanian family law. Although much work has been done in this area in recent years, only one

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author, János Jany, has hitherto attempted to discuss Ardaxšēr's family ties in this specific context.¹ Jany's article is, however, not only confusing to the reader who is not firmly acquainted with Sasanian legal institutions, but also deficient, since neither the epic content of the reports on Ardaxšēr's parentage, nor the important cognatic elements in Sasanian law are taken into consideration.

In order to avoid a misunderstanding, it would be best to begin by explaining my approach. Apart from the *Ka'ba-ye Zardušt* inscription², all available sources mentioning Sāsān in relation to Pābag and Ardaxšēr are from a later period (sixth to eleventh centuries), in which the founder of the Sasanian dynasty is already incorporated into prearranged moulds of epic treatment.³ As has been maintained, much of Iranian history—at least from the time of Xosrō I (sixth century)—was constructed by powerful elites of the court and the clergy to accommodate the interests of the late Sasanians and to promote their worldview.⁴ Taking up previous theories, Rahim Shayegan has recently argued that history in this period was always recorded in pre-existing patterns of epic traditions and that there was no distinction comparable to Greek and Roman historiography between *logos* and *mythos*. He concludes that “a form of historiography . . . independent in form and content from epic traditions never arose in Sasanian Iran.”⁵ Reviewing the material at hand this seems indeed to be the case and we have good reason to assume that not only the link between Sāsān and the

1. János Jany, “Judicial Contradictions in Ardashēr's Succession,” *Acta Orientalia Academiae Scientiarum Hungaricae* 54 (2001), 203–09.

2. In this source Sāsān is called “lord” (*xwadāy*), but no genealogical link is mentioned to either Pābag or Ardaxšēr; see Philip Huyse, *Die dreisprachige Inschrift Šābuhrs I an der Ka'ba-i Zardušt (ŠKZ)*, *Corpus Inscriptionum Iranicarum, III Pahlavi Inscriptions, vol. I* (London: School of Oriental and African Studies 1999), 22.

3. See Richard N. Frye, *The Heritage of Persia*

(Costa Mesa, California: Mazda Publishers 1962; repr. 2004), 236 (reprint).

4. See Touraj Daryaei, “Ardaxšēr and the Sasanians' Rise to Power,” *Anabasis. Studia Classica et Orientalia* 1 (2010), 236–55, 237.

5. M. Rahim Shayegan, *Aspects of History and Epic in Ancient Iran. From Gaumāta to Wahnām* (Cambridge, MA; London, England: Center for Hellenic Studies, Trustees for Harvard University, 2012), 159.

last Achaemenid—or, according to Persian epic, Kayanid—King Dārā (Darius III) in Ardaxšēr’s genealogy is a fiction, aiming to demonstrate the legitimacy of Sasanian rule, but that none of the accounts describing the latter’s relation to Sāsān are historically accurate. The divergent scenarios in the sources are most probably convenient constructions of the late Sasanian period, striving to connect Ardaxšēr in some meaningful way with a renowned dynasty (Achaemenid/Kayanid) through the house of Sāsān. The important point is, however, that even fabricated family ties would have to conform with the cultural, social, and legal norms of Sasanian society in order to be plausible and acceptable to the recipients of these tales. In this respect I contend that there are in fact certain hidden truths to be found in these epic narratives, albeit in another context. It is not my aim to offer a solution to the enigmatic *historical* problem of Ardaxšēr’s genealogy, but to show how these different models of his parentage in the later sources—no matter whether they contain any historical truth or not—may be understood within the *legal* and *cultural* framework of Sasanian society. I will discuss the questions of to what extent these (probably fictional) constructions correspond to legal practice and social norms, and how far they give insight into the Iranian concept of the descent group, the most important basic unit of Sasanian society.

The divergent narratives of Ardaxšēr’s parentage have been recounted so often that it will suffice to repeat very shortly the essential differences in the most important sources.⁶ Apart from the *Ka’ba-ye Zardušt* inscription mentioned above (with no specific family link between Sāsān and Pābag/Ardaxšēr), there are four main versions:

1. The Pahlavi *Kārnāmag ī Ardaxšēr ī Pābagān* (followed by Ferdousi in his *Šāhnāmeḥ*) depicts Sāsān as a humble shepherd among nomads

6. Frye, *Heritage*, 236–23 (see n. 3); Daryaei, “Ardaxšēr”, 241–43 (see n. 4); Josef Wiesehöfer, “Ardaxšēr I,” *Encyclopaedia Iranica* 2, (New York: The Encyclopaedia Iranica Foundation, 1986), 371–76, 371.

(or Kurds, *kurdīgān*), who is secretly a descendent of King Dārā, son of Dārā (Darius). Pābag is the margrave (*marzbān*) and ruler (*šahryār*) of Pārs, one of the deputies (*gumārdag*) of the Arsacid King Ardawān. He has three dreams, in which Sāsān plays a prominent role. These are elucidated by interpreters of dreams and soothsayers to mean that one of the latter's descendants will rule the world. Since Pābag has no "child preserving (the father's) name" (*frazand ī nām-burdār*), he gives his daughter as a wife to Sāsān. From this alliance Ardaxšēr is born, whom Pābag adopts as his own child (*pad frazandīh padīrīft*).⁷

2. Agathias (*Historia*, II.27) in the sixth century depicts Pābag as a humble cobbler who has astrological knowledge and Sāsān as a soldier, who is his guest. Pābag recognizes that Sāsān's offspring is destined for greatness and, having no daughter or sister or other close female relative, gives him his wife. From this alliance the founder of the Sasanian dynasty is born. After Ardaxšēr has acquired kingship, a dispute arises between the two men regarding his parentage, which the former settles by calling himself son of Pābag and descendant of Sāsān.⁸

3. A short entry in *Bundahišn* 35.36 conveys a different genealogy: *Ardaxšēr ī Pābagān kē-š mād duxt ī Sāsān* "Ardaxšēr, son of Pābag, whose mother (is) the daughter of Sāsān." In this version the situation is reversed: Ardaxšēr's mother is not Pābag's daughter/wife, but the daughter of Sāsān, who is Pābag's father-in-law and the maternal grandfather of Ardaxšēr.⁹

4. Finally aṭ-Ṭabarī (followed by Ibn al-Aṭīr and others) describes Sāsān as a princelet in Pārs, the overseer of the fire temple of Anāhid

7. For the Pahlavi text, see Henrik Samuel Nyberg, *A Manual of Pahlavi I* (Wiesbaden, Germany: Harrassowitz, 1964), 1–2.

8. Joseph D. Frendo, *Agathias. The Histories* (Berlin, New York: Walter de Gruyter, 1975), 61.

9. Fazlollah Pakzad, *Bundahišn. Zoroastrische Kosmogonie und Kosmologie. Band 1. Kritische Edition* (Tehran: Centre for the Great Islamic Encyclopaedia, 2005), 398, has an addition in his transcription which is not in the manuscripts:

in Istaxr, married to a woman called Rāmwhišt from the house of Bāzrangī. According to this version Sāsān is the father of Pābag and the paternal grandfather of Ardaxšēr.¹⁰

Stripped to their essential core the narratives offer the following family ties:

1	2	3	4
<i>Kārnāmag</i>	Agathias	<i>Bundahišn</i>	aṭ-Ṭabarī
Sāsān (shepherd) + Pābag's daughter > Ardaxšēr	Sāsān (warrior) + Pābag's wife > Ardaxšēr	Sāsān's daughter + Pābag > Ardaxšēr	Sāsān (princelet) + Rāmwhišt > Pābag + (unnamed wife) > Ardaxšēr

In all these versions Sāsān is either

- A. the natural father (*genitor*) of Ardaxšēr (1 and 2) or
- B. his maternal (3) or paternal (4) grandfather.

If we try to explain these different accounts solely from the male (or agnatic) perspective by taking only the Sasanian principle of patrilineal or agnatic descent into consideration, this would finally lead to contradictions, which cannot be easily explained away, as Jany soon found out in the article mentioned above.¹¹ We could try to reconcile the versions 1 and 2 above by assuming that Sāsān was the *natural* and Pābag the *legal* father of Ardaxšēr,

between *duxt* and *Sāsān* he adds <*i Pābag ud pid*>, which completely changes the statement of the text into *Ardaxšēr ī Pābagān kēš mād duxt <i Pābag ud pid> Sāsān*, “Ardaxšēr, son of Pābag, whose mother (is) the daughter <of Pābag and (his) father> Sāsān.” Daryaei, “Ardaxšēr,” 243n44 (see n. 4), adds to the confusion by wrongly stating that Pakzad “deletes <*i Pābag ud pid*>.” Obviously he did not check the manuscripts, since the opposite is true (see, e.g., TD 1, fol. 99v.): Pakzad adds the phrase (probably in order to adjust this version

to that of the *Kārnāmag*), hereby following Behrangore Tehmuras Anklesaria, *Zand-Ākāsīb. Iranian or Greater Bundahišn* (Bombay: Rahnumae Mazdayasnan Sabha, 1956), 297, who has the same addition (Anklesaria’s transcription on p. 296 has the correct version of the text).

10. Theodor Nöldeke, *Geschichte der Perser und Araber zur Zeit der Sasaniden. Aus der arabischen Chronik des Tabari* (Leiden: E. J. Brill, 1879; repr 1973), 1–4 (reprint).

11. Jany, “Judicial Contradictions” (see n. 1).

a practice very common in Sasanian law. The main problem is, however, that only aṭ-Ṭabarī (as well as Ibn al-Aṭīr and others) offers a lineage which is flawlessly *patrilineal* (i.e., descent by the male line), making Sāsān Ardaxšēr’s *paternal* grandfather. Versions 1 and 2 offer far more complicated family ties, mixing two distinct descent groups: Ardaxšēr is linked patrilineally by his natural father Sāsān to Dārā (and hence to a legitimate dynasty of sovereigns), but he also has a “blood” link to his legal father Pābag by descent from the *mother* (assuming that Pabag’s wife in version 2 is at the same time his daughter, see below). In version 3 Ardaxšēr’s *only* link to Sāsān is a *matrilineal* one (i.e., descent by the female line). I would like to argue that this is exactly the most interesting feature in these constructions based on Sasanian legal practice, and that the accounts 1 to 3 have a common denominator, which is far easier to detect if we concentrate on the female line (in aṭ-Ṭabarī’s account Ardaxšēr’s mother remains an unknown entity). Ardaxšēr’s mother is either

- A. the daughter/wife of Pābag (1 and 2) or
- B. the daughter of Sāsān (3).

How would these constructions correspond with Sasanian family law? In order to understand the intricacies of this field of law it will be necessary to repeat a few fundamentals of kinship and descent (which I have explained in far more detail in other contributions).¹² One of the most prominent features of family law in this period is the abundance of fictive family ties (often, but not always, in combination with real genetic ties). The main reason for this characteristic trait seems to lie in the material interests of powerful descent groups, belonging especially to the two first estates of the clergy and nobility. By the late Sasanian period, in which the bulk of these epic accounts presumably came into being,¹³ these two groups had accumulated wealth across many generations, consisting mainly of real

12. See the literature in the following footnotes. *Shahpur Shabazi, “On the Xwadāy-nāmag,”*

13. On the genesis of the epic *Xwadāy-nāmag*, see *Iranica Varia: Papers in Honor of Professor Ehsan*

estate. In order to keep their vast property together, they were interested in promoting and maintaining a legal system which would open additional options to their advantage in the field of succession and the transfer of property across the generations.¹⁴ It became important to secure the continuity of a man's lineage (*nāmburdārīh*)¹⁵ and to keep the cult of the ancestors by financing religious ceremonies (called *nāmagānīh*)¹⁶ in the name of the deceased and his ancestors, thus blending the interests of these two powerful groups inseparably with each other. In the "ideal" case a man would himself produce sons in a marriage "with full matrimonial rights" (*pādixšāy-zanīh*),¹⁷ in which his wife or wives would be under guardianship (*sālārīh*) of the husband. The children from this type of marriage were the father's legitimate offspring (*dādestān-pus* "son according to the law" and *dādestān-duxt* "daughter according to the law") and his legal successors (*yōhē pasčāēta*, lit. "who (succeeds) him afterwards"). This latter phrase, taken from a lost Avestan context, was used as a technical term for the legal successors of a *paterfamilias* in general, no matter whether succession took place directly or through intermediaries. Both sons and daughters were called *yōhē pasčāēta*, "successors," and inherited from the *paterfamilias*, but Sasanian jurists drew a sharp distinction between the "direct successor,"

Yarshater (Acta Iranica 30) (Leiden: E. J. Brill 1990), 209–29.

14. On the political and social implications of family law, see Maria Macuch, "Herrschaftskonsolidierung und sasanidisches Familienrecht: zum Verhältnis von Kirche und Staat unter den Sasaniden," in *Iran und Turfan: Beiträge Berliner Wissenschaftler, Werner Sundermann zum 60. Geburtstag gewidmet*, ed. Christiane Reck and Peter Zieme (*Iranica 2*) (Wiesbaden: Harrassowitz Verlag, 1995), 149–67.

15. The term *nām-burdār* "name-bearer" occurs in the *Kārnāmag* and denotes the son, successor, and heir of a *paterfamilias*, who inherits not only his property, but also all the numerous legal and religious obligations of the head of a family. It was most important that a man did not remain *abē-*

nām "without name," which would be the case if he left no son. On this expression, see Macuch, "Herrschaftskonsolidierung," (see n. 14).

16. Lit. "(cult) of the name." On this important religious obligation to keep the cult of the ancestors, see Gert Klingenschmitt, "Neue Avesta-Fragmente (FrA.)," *Münchener Studien zur Sprachwissenschaft* 29 (1971), 111–74, 145–50.

17. On the specifics of this type of matrimony see the *pādixšāy* marriage contract, Maria Macuch "The Pahlavi Marriage Contract in the Light of Sasanian Family Law," in *Iranian Languages and Texts from Iran and Turan. Ronald E. Emmerick Memorial Volume*, ed. Maria Macuch, Mauro Maggi, and Werner Sundermann (*Iranica 13*) (Wiesbaden: Harrassowitz Verlag, 2007), 183–204.

the legitimate son, and the “intermediary successor” (called *ayōgēn*), the legitimate daughter. Only the legitimate son stood in the direct successorship of the father, inheriting the responsibility for managing family affairs and property as his heir (*xwāstagdār*) and replacing the paterfamilias (*kadag-xwadāy*) totally, assuming all his rights and duties in the descent group and taking his place (*gāb*) in society.¹⁸

Due to high infant mortality, casualties in combat, disease, infertility, and so on, even a man with a large number of natural children could lose all his sons and remain sonless and “nameless” (*abē-nam*) at his demise.¹⁹ Sasanian law therefore developed various methods to secure a man’s succession within the framework of specific institutions called *stūrīb* (“substitute succession”), which became obligatory for every head of a household with a certain amount of property at his disposal.²⁰ One important method to procure a successor for a paterfamilias with no son was to engage a man’s *pādixšāy*-wife, his unmarried daughter or sister as an “intermediary successor” (*ayōgēn*) either at his demise or even during his lifetime if necessary. This technical term is explicitly employed in all sources exclusively of the women belonging legally to a man’s lineage. They were obliged to put their reproductive capacities into the service of the husband “with full matrimonial rights” (*pādixšāy*) or brother or father by entering another type of marriage, called *čagar*, with either a relative or another Zoroastrian fellow citizen. This completely different type of matrimony was concluded as an “auxiliary marriage” in order to produce children for a man who had no son. The wife remained legally the spouse

18. For an overview of the Sasanian law of inheritance and succession, see Maria Macuch “Inheritance. i. Sasanian Period,” in *Encyclopædia Iranica*. Vol. XIII. (New York: The Encyclopaedia Iranica Foundation, 2005), 125–31.

19. On the different legal status of children, see Maria Macuch “Zoroastrian Principles and the Structure of Kinship in Sasanian Iran,” in *Reli-*

gious Themes and Texts of pre-Islamic Iran and Central Asia: Studies in honour of Professor Gherardo Gnoli on the occasion of his 65th birthday on 6 December 2002, ed. Carlo G. Cereti, Mauro Maggi, and Elio Provasi (Beiträge zur Iranistik 24) (Wiesbaden: Dr. Ludwig Reichert, 2003), 231–46.

20. For an overview of this institution, see Macuch,

of her first husband in *pādxšāy*-wedlock when she contracted the *čagar*-marriage. The children from this second marriage were not counted as the legitimate offspring of their natural father or *genitor*, but of their *pater* or legal father, that is, of the man whose wife was engaged as “intermediary successor” (*ayōgēn*). In the case of the daughter or sister of the *paterfamilias* a fictive incestuous (*xwēdōdah*) marriage of the *pādxšāy* type was assumed between daughter and father or sister and brother, again with the same legal implication that the woman should enter an “auxiliary marriage” (*čagar*) and the children from this alliance should all belong legally to the father or brother.²¹ Only the sons of the “intermediary successor” were finally regarded as the direct legal successors and heirs (*xwāstāgdār*) of the deceased *paterfamilias*, entitled to inherit responsibility for his estate and to replace him in the community.²² However, not only sons, but also daughters and *pādxšāy*-wives were entitled to inherit a portion of a family’s total estate (*abarmānd*), which they held collectively together with the males. Moreover, women did not necessarily always leave their natal lineage when they married (which is the normal case in patrilineal descent groups, since the wives join the lineages of their husbands). One of the well-known features of Sasanian law are endogamous alliances within a descent group, including incestuous marriages between members of the nuclear family (mother and son, father and daughter, and between siblings), which also led to the fictive marriage bonds described above (between the daughter/sister acting as “intermediary successor” and her father or brother).²³

“Inheritance,” 128, (see n. 18) and Maria Macuch, “Judicial and Legal System. iii. Sasanian Legal System,” in *Encyclopedia Iranica XV* (New York: The Encyclopaedia Iranica Foundation, 2009), 181–196 (with further references).

21. See Maria Macuch, “Incestuous Marriage in the Context of Sasanian Family Law,” in *Ancient and Middle Iranian Studies. Proceedings of the Sixth European Conference of Iranian Studies of*

the Societas Iranologica Europaea in Vienna, September 19–22, 2007, ed. Maria Macuch, Dieter Weber, and Desmond Durkin-Meisterernst (Iranica 19) (Wiesbaden: Harrassowitz Verlag 2010), 133–148.

22. On the term *xwāstāgdār*, see Macuch, “Judicial and Legal System,” 188 (see n. 20).

23. Macuch, “Incestuous Marriage” (see n. 21).

Sasanian law also developed strategies enabling a woman to change her descent group and to act as “intermediary successor” for different men in separate phases of her life. One of these was the possibility of entering matrimony on a temporary basis: a woman could leave her natal lineage by concluding a marriage of the *pādixšāy*-type outside her descent group for a limited period of time. As long as this marriage was valid she could be engaged as “intermediary successor” (*ayōgēn*) for her husband. After the temporary marriage expired, she could re-enter her original lineage, put her reproductive capacities at the disposal of her natal family and be “intermediary successor” for her father or brother. The child born in this context was designated by the technical term *duxt-dād*, lit. “born (‘created’) by the daughter” (also *dūdag-dād* or *andar dūdag zād* “born in the family”), that is, the legitimate son brought into a descent group by a woman acting as an “intermediary successor” (*ayōgēn*) within the larger framework of the institution of “substitute succession” (*stūrīh*) for one of the males (father/brother) in her natal lineage.²⁴ These directives enabling a woman to be *ayōgēn* for different men in distinctive phases of her life allowed for *flexibility* in a marriage system, which permitted a woman to marry only one man at a time in perfect accordance with an important rule of patrilineal descent.²⁵

These complex regulations allow two important conclusions: First of all, legal succession in the lineage was clearly *patrilineal* or agnatic, that is, in the male line, allowing only a legitimate son to replace the (always male) head of a family (*kadag*, *dūdag*) or descent group (*paywand*, *tohmag*).

24. On these terms, see Maria Macuch, *Rechtskaustik und Gerichtspraxis zu Beginn des siebenten Jahrhunderts in Iran: Die Rechtssammlung des Farroymard i Wabrāmān*. (Iranica 1) (Wiesbaden: Harrassowitz Verlag, 1993), 338f. (n. 10) and 330f. (n. 2), and Macuch, “Zoroastrian Principles,” 243 (see n. 19).

25. On time-limited matrimony, see Maria Ma-

cuch “The Function of Temporary Marriage in the Context of Sasanian Family Law,” in *Proceedings of the Fifth Conference of the Societas Iranologica Europaea held in Ravenna, October 6–11. Vol. I: Ancient and Middle Iranian Studies*, ed. Antonio Panaino, Andrea Piras (Milan: Mimesis 2006), 585–97.

The child of a *pādxšāy*-wife under guardianship (*sālārīh*) of her husband always belonged legally to the latter's lineage and not to the original lineage of the wife. Secondly, the principle of patrilineal descent was combined with a large number of *cognatic elements*: kinship in a descent group was markedly defined by both male and female links. The daughter or sister as "intermediary successor" (*ayōgēn*) is highly reminiscent of systems based on matrilineal organisation, in which the sisters of the men reproduce the lineage, and not the wives. In Sasanian law the problem of patrilineage was solved by using the lack of incest regulations in Zoroastrianism to allow both real and fictive incestuous marriages between the members of the nuclear family, thereby transforming the sisters (and daughters) into wives. Besides this important strategy allowing the women to reproduce for their natal lineage, the idea that a descent group can be preserved and continued by a *female* is inherent in the institution of "intermediary succession," even though the final successor (and new *kadag-xwadāy*) must be a male. The women in this function established a genetical or "blood" link between a man and his male successor by the child born in an "auxiliary marriage" (*čagar*), concluded exclusively to this purpose. The daughter or sister engaged in this function for her father or brother produced children for their own natal lineage. Moreover, the right to a woman's reproductive services could change with her station in life, conveying flexibility to the patrilineal principle: she could be engaged as daughter or sister to produce an heir in her original lineage, or she could marry outside her natal descent group to serve her husband in this respect.

Let us examine the epic narratives 1 to 3 on Ardaxšēr's parentage with this legal background in mind:

1. The *Kārnāmag* explicitly states that Pābag does not have a child "carrying/preserving (the father's) name" (*nām-burdār*), which we can

interpret to mean that he has no legal male successor.²⁶ He does, however, have a daughter, whom he gives in marriage to Sāsān. Since this is definitely not a legal text, we cannot expect the narrator to communicate the specifics of this marriage, but according to Sasanian norms we have two options: (a) either the marriage with Sāsān is one “with full matrimonial rights” (*pādixšāy*) with the implications stated above, or (b) it is an “auxiliary” marriage (*čagar*), in which the daughter acts as an “intermediary successor” (*ayōgēn*) of her father Pābag during his lifetime. In the first case Ardaxšēr would be the legitimate heir of Sāsān; in the second case he would be the legitimate heir of Pābag. The text continues to state that Pābag “adopted” Ardaxšēr (*pad frazandih padirift*). The expression used here is exact: *pad frazandih padiriftan* is the technical term used in legal texts for the act of adoption, which would in this case only be necessary if the marriage between Pābag’s daughter and Sāsān was conceived as a *pādixšāy* one with guardianship of the husband. In this case the son would be Sāsān’s legitimate heir and Pābag would have to adopt him in order to install him as his successor. Hence the following solution to the problem of Ardaxšēr’s legitimacy is presented here: he is the legitimate heir of his natural father Sāsān (conceived in *pādixšāy*-wedlock), a descendant of Dārā from a line of kings, and he is, moreover, a “blood” kin of Pāpag through the latter’s daughter. The later “adoption” by Pābag secures Ardaxšēr’s title to the succession of his legal father (without cutting the “blood” tie to Sāsān) and is, of course, also a necessary detail in the narration, explaining Ardaxšēr’s patronymicon as “son of Pābag” (*Pābagān*).

2. Agathias’s account could be a variant of the former one if we assume that Pābag’s wife is at the same time his daughter in an incestuous marriage (*xwēdōdah*) and he has no other daughter (or sister or female relative) he could give in marriage to Sāsān. However, even if Agathias did use

26. See also Jany, “Judicial Contradictions,” 204 (see n. 1).

translated Persian sources for his Histories, we cannot expect him to have had intimate knowledge of the complex regulations described above. He could be describing (with no background knowledge) the Sasanian practice of giving one's *pādixšāy*-wife to another man who had no wife and children for a certain period in temporary marriage so that the wifeless and childless man would be able to accomplish his duty as a Zoroastrian and generate offspring.²⁷ In this case the time-limited marriage between Sāsān and Pābag's wife/daughter would have to be one with "full matrimonial rights." There is, however, an interesting detail which could also point in another direction: the dispute between the two men regarding Ardaxšēr's parentage. Due to the abundance of fictive and constructed family ties, the system had become so complex by the end of Sasanian rule that disputes regarding the affiliation of children did in fact occur.²⁸ This detail would rather imply that the marriage between Sāsān and Pābag's wife (/daughter) was depicted as one of the "auxiliary" type, since the disputes all point to children from a *čagar*-marriage. In this case Ardaxšēr would be Pābag's legitimate son and no adoption would be necessary. The main problem with this version from a legal viewpoint is, however, that Ardaxšēr would have to be born in a *pādixšāy*-marriage of Sāsān's in order to be regarded as the latter's legitimate heir.

3. The short genealogy transmitted in the *Bundahišn* conforms best with the rules we have elucidated above: Sāsān's daughter would have to be an "intermediary successor" (*ayōgēn*) in order to give birth to the former's legitimate successor in an "auxiliary" marriage (*čagar*) with Pābag. Hence in this version Sāsān would be both legal father and (maternal) grandfather of Ardaxšēr; Pābag his natural father would have to adopt Ardaxšēr in order

27. See, for example, (*Mādayān ī*) *Hazār Dādestān* (MHD) 101.4–8, in Macuch, *Rechtsgeschichte und Gerichtspraxis*, 622 (see n. 24). On the implications of this kind of interim marriage, see Macuch, "Temporary Marriage," 591–92 (see n. 25).

28. See, for example, (*Mādayān ī*) *Hazār*

Dādestān (part 2) (MHDA) 40.9–14, in Maria Macuch, *Das sasanidische Rechtsbuch Mātakdān ī hazār Dātistān* (Teil II). (Abhandlungen für die Kunde des Morgenlandes, XLV, 1) (Wiesbaden: Franz Steiner 1981), 224, and n. 61, 233f.

to convey to him his patronymicon. We are in fact well informed of cases in which the natural father adopted his own children from an “auxiliary” marriage (*čagar*). Although these cases were discussed controversially, they definitely occurred in legal practice.²⁹

To conclude, apart from aṭ-Ṭabarī’s account with its clear patrilineal presentation of the relationship between the three protagonists (grandfather Sāsān, father Pābag, son Ardaxšēr), all the other versions construct genetical ties between Sāsān and Pābag through Ardaxšēr’s *mother*. In the epic narrative the two distinct descent groups of Pābag and Sāsān have to be brought together in order to explain both Ardaxšēr’s royal heritage, on the one hand, and his patronymicon, on the other. The main juridical problem consists of solving the difficulty of succession: Ardaxšēr has to be the legitimate son of Sāsān in order to inherit his legacy, but he is known by his father’s name as Pābag’s son. The problem could not have been simply solved by having Pābag adopt Sāsān (as Jany suggests),³⁰ since in that case there would be absolutely no “blood” tie between the two men. I contend that this is crucial to the narrative: in order to be accepted as legitimate successor of an ancient dynasty of rulers Ardaxšēr would have to be genetically united to Sāsān as well as to the lineage of his official father Pābag. Since kinship in a descent group was created by both male and female links, as we have seen above, there were two options for constructing the tale: either (1) Pābag’s daughter/wife would establish the important genetic connection between Sāsān and the former’s descent group, or (2) Sāsān’s daughter as “intermediary successor” (*ayōgēn*) would reproduce the lineage of her father by giving birth to his successor Ardaxšēr (in this case a *duxt-dād* “born by the daughter”) in “auxiliary” marriage to Pābag. Ardaxšēr would thus be linked cognatically to both descent groups of his mother and

29. See, for example, MHDA 35.11–14, in (ibid., 224, and n. 61, 233f).

Macuch, *Das sasanidische Rechtsbuch*, 219, and 30. Jany, “Judicial Contradictions,” 206 (see n. 1).

n. 33, 231 (see n. 28) and MHDA 40.9–14

his father. This is the most significant feature of the epic tale and the later adoption by Pābag (although it would have caused legal problems in “real life”) would by no means alter Ardaxšēr’s important genetical affiliation to both lineages in the narratives.