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Detail from above the entrance of Tehran's fire temple, 1286š/1917–18. Photo by © Shervin Farridnejad

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Scheunchen, Tobias. *Cosmology, law, and elites in late antiquity: Marriage and slavery in Zoroastrianism, Eastern Christianity, and Islam (Arbeitsmaterialien zum Orient 32)*. Baden-Baden: Ergon Verlag. 2019. 144 pages. ISBN-13: 978-3956504679. 32,00 €.

Hossein Sheikh
(Independent Scholar)

Studies on social life and everyday legal practice in Western Asian societies during late antiquity and early Islamic times have increased significantly in recent years. These studies depict the early stages of transition of these societies into Islamic dominance as well as interactions between Muslims and non-Muslims in its early stages.

The book under review examines two topics (matrimony and slavery) in three religions (Zoroastrianism, Syriac Christianity, and Islam) at that time. The author attempts to demonstrate how cosmological, sociopolitical, and lawmaking factors influenced the rules and norms of matrimony and slavery in these religions, and thus how these rules changed over time. The book has three main parts:

- 1- Introduction (Chapters I-V): In this part, the author deals with historical context, sources, and his methodology. He introduces his sources before outlining his two topics and methodology for researching them. Then, he explains his approach to the topics, which is a combination of legal pluralism and legal culture instead of using the influence paradigm. Obviously, such studies would be more beneficial if the historical backgrounds of these systems were taken into account; some of the similarities between

these religions stem from their shared historical heritage.¹

- 2- The second part (Chapter VI) is devoted to matrimony in the three religions. In this section, the author discusses the essence and rationale of the marriage institution, as well as the various types of marriages in these three religions. To this propose, the author explains which types of marriage were permitted or prohibited in these three religions. In the Zoroastrian tradition, next of kin marriage and polygamy were recommended, while in the Syriac church lineage exogamous marriage and monogamy was ideal. Islamic tradition was different from those two traditions, permitting polygamy, but not next of kin marriages. In terms of the lawful marriages, the author focuses on cosmological reasons for the perfect marriage in Zoroastrianism and within the Syriac church, however in the Islamic tradition, he skips over the theme and discusses marriage conditions (*shuruṭ al-zawāj*).
- 3- In the third part (Chapter VII) of the book the author examines the concept of slavery in these three religions. He is correct in noting that there is no monograph on topics such as slavery in the Syriac or Zoroastrian legal traditions, only a few short studies and notes. In this part, he explains how slavery was classified as a religious punishment by the Syriac church and Islam. In the Syriac church, enslavement was viewed as a result of original sin, whereas in Islam, enslavement stems from unbelief. The author also discusses the position of slaves in society and their rights. Slaves as property are considered to be composed of substance or root in these religions (particularly in the Eastern Church and Zoroastrianism), and what they possess or produce is considered their fruits. The author mentions that slaves in the Zoroastrian and Islamic traditions have the right to possession rather than ownership, but in the Syriac church, male and female enslaved persons have the right to ownership on their properties, but if their master frees them they lose their property. The author then moves on to the topic of manumission, focusing on conversion as one of the reasons for an enslaved persons' emancipation. He explains how this factor can change the relationship between master and slave. Since all three religions encourage conversion, they welcome new converted people, including enslaved persons. Nevertheless, this emphasis on conversion could cause problems; for example, mass conversion following the early stages of the Islamic conquests had financial ramifications for the conquerors. Because they had to share the booties with the proselytes, it harmed and reduced their financial benefits from conquered people significantly. Thus, the Arabs decided to exclude them from the benefits of victory. Unfortunately, the author makes no distinction between different types of enslavement, especially debt slavery from other forms of enslavement. There is a significant difference in legal practice between debt slavery and other forms of enslavement.² Notably, debt slavery is a temporary situation, while the other types of bondage are not; if the enslaved person pays off his or her debt, or if someone else does it on his or her behalf, he or she is free. However, this does not apply to house-born enslaved persons or captives. These types are not time-limited, and it is up to the master to decide when his or her slave will be emancipated.

1- About characteristics of law in the ancient Near East, see: Westbrook and Wells, 2009. *Everyday Law in Biblical Israel: An Introduction*. Westminster: John Knox Press, 23ff. Remarkably there were very interesting discussions in the early twentieth century about the historical backgrounds of Syriac law-books. Nevertheless, these discussions have been out of favor for a long time. For a short account of these discussions, see Vööbus, A: 1973. "Important Manuscript Discoveries for the Syro-Roman Law Book," *Journal of Near Eastern Studies*, Vol. 32, No. 3 Pp. 321-323.

2- About debt slavery in the ancient Near East, see: Chirichigno, Gregory C: 1993. *Debt-slavery in Israel and the ancient Near East*, Sheffield: JSOT Press.

Following are some observations on the author's methodology and sources:

- 1- In the book, the author prefers to use the 3th singular feminine pronoun for both 3th singular pronouns, which is very confusing and misleading, because male and female slaves have different rights and duties based on their gender. Given that, it would have been preferable if the author had used both genders of the 3th person pronouns when describing their shared rights.
- 2- Because the author is selective in his sources, the reader should exercise caution when generalizing or extending the author's ideas for the entire Islamic or Syriac legal systems on matrimony and slavery.³ Furthermore, his interpretation of the Zoroastrian legal tradition is based on the works of Macuch. It would be desirable if the author had looked into other studies. Shaki's works⁴ on matrimony, for example, are extremely valuable, and Hjerrild's publications on Zoroastrian family law are also useful.⁵
- 3- The author quotes original Syriac and Arabic passages with translations, but he only provides translations for Pahlavi passages. In Iranian philological tradition, Pahlavi texts are quoted in either transliterated or transcribed form, or both. It would be useful if the author had quoted at least transcribed versions of Pahlavi passages.

Given the lack of comparative studies on slavery and matrimony in the three religions, and the fact that this book discusses them from a neglected aspect, namely cosmology, I regard the book under review as a useful short introduction to the themes of matrimony and slavery in late antiquity and early Islamic times in the Near East.

3- For example, the author excludes some other Syriac law books in his studies which have important information on matrimony and slavery. See Simon rev Ardeshir in Sachau 1914 and new edition with English translation Harrak, 2019.

4- "The Sasanian Matrimonial Relations," *Archív Orientální*, 39 (1971), S. 322-345 and "The Concept of Obligated Successorship in the Madiyan i Hazar Dadištan," *Monumentum Nyberg, Acta Iranica* 5 (1975), Pp. 227-242, and his contributions in *Encyclopedia Iranica*.

5- Particularly her book *Studies in Zoroastrian Family Law: A Comparative Analysis*. Museum Tusculanum Press. (2003).

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