

THE PERSIAN TRADITION OF MARRIAGE  
DOCUMENTATION:  
PRE-ISLAMIC AND ISLAMIC MARRIAGE CONTRACTS

*Amir H. Zekrgoo*

Introduction

Marriage documentation has been an ancient tradition in the history of Iran. It can be traced to the pre-Islamic era. The oldest reference to marriage is made in the *Gathas* (the Zoroastrian religious hymns) in which advice is given to all marriageable youths and virgins and mention has been made of the marriage of the daughter of Zoroaster.<sup>1</sup>

The tradition continued during the Islamic era with great interest and eventually gave way to the emergence of a unique form of art, the Art of Marriage Documentation. Historical sources inform us about the custom of marriage documentation in Iran throughout the Islamic era. As marriage, in Islamic jurisprudence, is viewed as a kind of 'contract' or 'agreement' with certain financial implications, it is but natural to assume that some system of 'recording' was being implemented. The recording system in the small communities and the rural areas was most probably in the way of oral agreement of the two parties that was endorsed and became legally valid by the presence of a number of respected members of the community. The preparation of a written form of agreement, 'the marriage contract', was practiced among the learned and elite who resided in big cities. A handful of Safavid marriage contracts have been preserved, yet the greatest body of historical marriage contracts of Iran, belong to a rather late phase, the Qajar period (A.D. 1794-1925).

The terms "contract" or "document" sounds dry and rather too harsh when what we are referring to are exquisite, ornamented and sometimes sumptuous pieces of art. But as these fine examples

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<sup>1</sup> Anklesaria, Ervad Tehmures Dinshaw, *The Social Code of the Parsees in Sasanian Times on the Madigan-I-Nazar Dadistan* (Bombay: 1912, Reprint Edition, Tehran: 1976).

of art, aside from their exquisite style of writing and impressive appearances, carry with them information of historical importance and commitments of socio-economic nature—among other religious issues—they are classified as ‘documents’.

### Marriage Documentation in Pre-Islamic Iran\*

Marriage was considered a sacred act bestowing man and woman with everlasting life through their children and their children’s children. It was believed that the good deeds of children were recorded in the name of their father; therefore by raising good children and providing them with proper education and moral values, the parents were actually doing good to themselves.

Amid the Pahlavi and Pazand texts, the number of the marriage documents—to the best of our knowledge—does not exceed six. The oldest among these beautiful texts belongs to 1278 A.D. Unfortunately, no older documents have been found; but from the few available ones, a fair amount of information concerning the traditions, customs, conditions and the structure of the marriage documents in the Sasanian period (A.D. 224-651) can be extracted. The study of these documents reveals a rather unified structure that can be classified as follows:

#### *A. Praise of the Lord*

The marriage document starts with the praise of Ohormazd, the Creator; wishing for His satisfaction, and supplication for the couples.

#### *B. Introduction of the newly weds:*

The main text after praising the Lord gives a detailed account of the marriage: It records the date (day, month, and year) of the marriage and provides the genealogical tree of the marrying couple.

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\* In the preparation of this section I have benefited from Dr. Saeed Oryan’s paper, entitled “The Structure of Marriage Documents in Pahlavi and Pazand Texts”.