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Edited by
CARLO G. CERETI
With the assistance of
Chiara Barbati, Matteo De Chiara and Gianfilippo Terribili

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ALBERTO CANTERA

LEGAL IMPLICATIONS OF CONVERSION
IN ZOROASTRIANISM

It is well known that the political situation notably influences the attitude towards conversion in the different religions. A proselytizing attitude occurs mostly in newly arising and expanding religions or in situations of strong political influence. Minorities with weak political influence tend, on the contrary, to be much more conservative towards conversion. After the Arab conquest, Zoroastrianism was no longer an official faith trying to gain more and more followers at the expense of other religions such as Christianity and Manichaeism, but competed with the successful Islam. Consequently Zoroastrianism adopted from then on a merely defensive position of trying not to lose too many followers.

Post-Sasanian texts concerning the subject of conversion concentrate on the consequences of the conversion of a Zoroastrian to Islam. We often read for example that the apostate is a tanāpuhr, and after a year, if he does not return to the Zoroastrian faith, he is a margarzān (RĒA 4.2, 25.2-3, Dd 40.2, etc.). The renegade loses his rights over his wife (RĒA 1) and over his former properties (RĒA 4.4-5, 25.4-8), etc. At that time a dominant “conservative” attitude tried to avoid conversion and to keep everyone within his community. So, in the Pahlavi Rivāyat accompanying the Dādestān i Dēnig (PRDd 7.3), it is praised that everyone remains in his inherited faith:

\[
\text{\'ān dād ī-š pad abarmānd frāz awiš mad ā-š xwad padiš wināhğar nē}
\text{bawēd ud im \text{"rōz ka ēk ī dīd gīrēd padiš wināhğar}}
\]

For (by) that law which came to him through inheritance, then thereby he does not himself become a sinner, and on this day when he takes another, (he is) thereby a sinner. (Williams 1990).

In former times the political situation had been quite different, and the attitude towards conversion seems to have been the opposite one.
Contrasting with the conservative attitude towards conversion in Islamic times, it is well known that there was an active proselytizing attitude in Sasanian times. We lack certain information about the political situation in the time the Avesta was written, but unless we place the writing of some Avestan texts in the Achamaenid Empire, we have no evidence of a state in which Zoroastrianism had a strong political influence. According to the Hërbadestân, priests were expected to leave their homes only so far that they could return at least three times in the year (Herb 5). Unfortunately we are not able to decide if the priest’s activity (a†auruna-) was connected with a missionary or proselytizing activity in far regions or just with the usual activities of the priest in the community. Sure evidence of a proselytizing activity is found, however, in Viďêvdâd.

The close connection between religion and law in Zoroastrianism and other religions also has important consequences for our analysis of conversion. Usually the religion with political influence determines the legal system of the group, but in theory it should not be applied equally for believers and non-believers. In principle only believers could be punished for crimes that were crimes only according to their own religious law. This point had important implications for converts. The convert accepts not only a new religion, but also a new legal system. How then are his previous crimes to be considered? According to his previous religion/law or according to the new one? The decision in one or the other direction depends strongly on the community’s attitude towards conversion. A proselytizing attitude will tend to make conversion easy and not to care about previous sins or crimes, while a more conservative attitude will probably tend to restrict tolerance towards these previous faults.

The only Avestan word surely designating the conversion of a non-believer to Zoroastrianism is the verb á-stu- and its derivatives1, and accordingly the only one for the apostasy is apa-stu-. It is used with this meaning in the history of the temptation of Zara†uštra by Aºra Mainiu to apostatize the Mazdayasnian religion (V 19.6-7). The verb á-stu- with middle ending is used in the story of Vištâspa’s conversion (Yt 19.84):

1 The verbs á-stu- is, together with fra-uuar-, the protagonist of the Zoroastrians’ profession of faith (Y 12-13). According to the tradition in Y 13.8, the articles of faith are divided into two parts: fraor™iti- (Y 12.1-7) and ˝staoƒßana- (Y 12.8-13.7) (Kotwal & Boyd 1991: 100 n. 99). About the structure of these prayers s. Kellens (2007: 95 ff.).

Other verbs are also used to manifest the acceptance of the faith, like fra-stu- (Y 11.16) and ˝-mr¨- (Y 13.1). For being contemptuous of the faith of the unbelievers the same verbs, except var-, are used, but with other preverbs: ut-stu- (Y 12.2), pa†-stu- (Y 12.3) and vi- mr¨- (Y 12.4-6). Nevertheless, the only verb attested for the expression of the conversion to the Zoroastrian faith from another one is á-stu.

(This xvar*mah) which accompanied the kauui Vištasp (inspiring him) to think according to religion, to speak according to religion, to act according to religion, when he vowed himself to this religion frightening off the enemies and rejecting the demons.

The same verb is found in a formulaic passage putting the question of the possible expiation of non expiable crimes (anãp*›r›ã. šiiadšna.). This passage is of great interest. In the Avesta three actions deserve the adjective anãp*›r›ã “non expiable”. All three are mentioned in the first chapter of Viđødád:

1. narõ.vaŋpiia—“homosexuality” (V 1.11);
2. nasuspatia—“throwing a corpse”, traditionally linked with inhumation;
3. nasuspaciia “cooking or cremation of corpses”.

In other Viđødád passages, the possibility of expiation of, and purification from, two of these three sins is asked about. The formulaic structure is always the same. At first, the degree of severity of sin which prevents them from being expiated is described:

V 3.38
datāra. gaëthãnaŋ. āstuaeiţingm. ašãum. yaŋ. aţhã. zomõ. nikaŋte. spânacsã. irista. naraęca. irista. bišãro. drăţö. anuskante. kâ.he. asî. cîba. kâ.he. asî. apor. atî. kâ.he. asî. yauždôbrem.

Creator of the osseous creatures, truthful, if on this earth dead dogs and dead men (lay) buried for two years and (they are) not exhumed, what is the penalty for it? What is the expiation for it? What is the purification for it?

2 For the right interpretation of this word s. Humbach (1962: 102) and Benveniste (1962: 39 ff.). However, the Pahlavi translation (nasã nīgãñh V 1.12, 6.3) understands this word particularly as the burial practice of the inhumation. The original meaning is “every corpse’s arrangement that doesn’t fit the Zoroastrian prescriptions and involves non-allowed contact with ground, water or plants”.

3 The forms nikante and anuskante are obviously n.pl. of the ppp.’s nikante- and anuskante- (Kellens 1984: 88). Also the substantive naraëca attests in this passage a secondary use of the pronominal thematic ending.
Creator of the osseous creatures, truthful, if someone sodomizes willingly or is sodomized4, what is the penalty for it? What is the expiation for it? What is the purification for it?

Then the questions are answered, and in both parallel texts we find an identical formulaic passage, organized in four paragraphs. In the first one (V 3.39, 8.27) Ahura Mazda excludes the possibility of expiation and purification:

Then Ahura Mazda said: “There is no penalty for him. There is no expiation for him. There is no purification for him because of this inexpiable deed for ever and ever”.

The following paragraph is very interesting. It asks for the conditions really excluding every expiation or purification. The answer states that there is no expiation or purification if the sin was committed by a Zoroastrian, but on the contrary, in the case of non-believers, there is expiation under certain conditions. If the sinner is someone who apostates from his religion and who converts to Zoroastrianism, then the conversion is itself the needed expiation (V 3.40, 8.28):

The terminology in this passage is worth a look. Three different forms from -stu- are attested. Firstly, -stu- means all the Zoroastrian believers, that is, everyone who recites the profession of faith. But it does

not imply that they have converted from other religions. His antonym ănastățãa- means the non-believer, the believer of a religion different from the Mazdayasnian. On the other hand, the part.pres.mid. āstauuana-, repeated in 3.41 and 8.29 (a middle form like ăștăota in the conversion of Viștăspa), is used especially for one who converts to the Zoroastrian faith from another one. More difficult is the exact interpretation of aiflī.srauuana- and its antonym anaiflī.srauuana-. The active forms of the verb aiflī.sru- have the meaning of “hearing (the recitation of a sacred text)” (N 6.5,5, 8.5), the same meaning attested in Rg-Veda for abhi-șrăva-. The middle forms are attested only in these two passages, and therefore their meaning is conjectural. Nevertheless, we could guess (with Bartholomae) a meaning “to hear (the religious instruction), to be taught (in the religion)”.

Thus, according to Zoroastrian law, some sins that cannot be expiated either by the Zoroastrian or by those who have been instructed in religious matters, become remitted through conversion for the non-Zoroastrian or by those who have not been instructed in the religion. The remitted faults are not just moral or religious, according to Zoroastrianism (like homosexuality and inhumation), but also civil and penal offences could be expiated only through conversion to Zoroastrianism:


The Mazdayasnian religion really remits the imprisonment⁷, Spitâma

⁷ The text spaiieiti. yătuynêm appears in the Iranian and in the oldest Indian Sâdes, but does not appear either in L4 or in the conservative copies of K1. The lack of this text in the PV manuscripts led Geldner to omit it. The Sâdes show two different variants of the text which do not appear in the PV manuscripts:

A  B

spaiieiti. yătuynêm  spaiieiti draθzôm  (spaiieiti.) aθaθaθynêm
spaiieiti aθaθaθynêm  spaiieiti. yătuynêm

Variant A appears in the Iranian Sâdes, represented by Mf2, K9, and in some Indian Sâdes such as T46, B2, L1, P1. Variant B, including (spaiieiti.) aθaθaθynêm, appears in the following Indian Sâdes: G12, B4, L2, E4, L5. The omission of spaiieiti. yătuynêm is due to an error in the written transmission of the Pahlavi-Vidvâd manuscripts.

⁸ Chr. Bartholomae (1904) translates baθdôm in V 3.41 as “Bande, Fessel”. Its Pahlavi translation band means “bond” as well as “imprisonment”. Its correlatives in several Middle Iranian languages often mean also “imprisonment”: MMP. band “bondage, prison”, prth. bnd “bondage, prison; bond, fetter”, sogd. bûnd “prison”.

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Zaraḵštra, for the man who converts. It remits the droš-penalty\(^1\) (for robbery). It remits the murder through sorcery. It remits the murder of a truthful person. It remits the throwing of a corpse. It remits the inexpiable deed. It remits the debt difficult to pay. It remits any deed that he does.

Thus the faults religion can remit are not confined to the purely religious sphere, but civil and penal offences are covered as well. Actually, as the final sentence says, every previous crime is expiated through conversion. It seems obvious that this is much more than a mere consequence of the legal status change of the convert. The problem of the adoption of a new legal system is resolved by remitting all the previous sins, revealing a clear proselytizing attitude that tries to get as many new members as possible into the community.

In the Sasanian Empire mainly three religions competed to increase their influence: Zoroastrianism, Manichaeism and Christianity. The concurrence of these three great religions, each of which claimed to be the only true religion in the same area at the same time, led all of them to a very active proselytism. The only official religion of the state was Zoroastrianism, and the other two minorities often had to suffer persecutions of varying degrees throughout history. Nonetheless, every community tried to attract as many new members as possible and to prevent apostasy. Therefore, apostates were treated harshly in the three communities. Colditz (1998: 30) has collected in the *Syriac Chronicles of the Christian Martyrs* the different penalties for Zoroastrians who converted to Christianity.

Besides the punishment of apostasy, the attraction of new members was also positively stimulated. The *Syriac Chronicles of the Christian Martyrs* also attest the promise of titles, gifts and offices for apostates (*ibid.*: 31 and n. 51) converting to Zoroastrianism.

In this context we would expect the Sasanian church to continue the proselytizing policy of using the remission of penalties of former crimes in order to attract new members to the Zoroastrian faith. But interestingly

\(^1\) *Phl. band ud dr˛π* is a fixed expression for “imprisonment and stigmatization”. Stigmatization is a usual punishment for robbery (Dk 8.20.46 [M 710.12]):

\textit{abar ẓein i band ud dr˛π ud p˝hifr˝h i asparon anumˇ ud st˛r ^ duz^dag.}

On the punishment, that is, imprisonment and stigmatization, and the compensation for the robbery of an asparon, sheep and large cattle.

The same punishment is given for the person who voluntary does not pay back a loan (s. PV 4.1).\(^1\)

\(^1\) *дрош* is a *hapax legomenon*. Bartholomae gives as meaning “Bezeichnung einer sündigen Tat”, and from the gloss in the Pahlavi translation he deduces that it is the “Diebstahl bei Reichen zum Zweck der Unterstützung Armer”. Phl. *дрош* is, however, well attested. Its meaning is the “punishment for robbery”, and as such it can even be a “fine” (MHD 73.1-2 ). The original meaning is “stigmatization” (s. phl. *дротидан* “to burn”).
enough, in the interpretation of this passage by the Sasanian exegetes we find a very significant change in attitude: conversion is no longer enough for the remission of a penalty for a previous fault. This passage is interpreted as shifting the central point of interest from conversion to the awareness or not of committing a fault. The indispensable condition for remission is now ignorance that one is perpetrating a crime. This involves Zoroastrians as well as non-Zoroastrians converting to Zoroastrianism.

This shift is already obvious in the Sasanian interpretation of the termini technici in V 3.40, 8.29 designating the believer, the non-believer and the convert. Clearly the Sasanian exegetes interpreted every pair (āstūta- and aifī.srauuana- besides anāstūta- and anaifī.srauuana-) as indicating the Zoroastrian and the non-Zoroastrian, although this interpretation is not right from the point of view of the relevant texts. In fact, this distinction is meant by the pairs āstūta- :: anāstūta- and aifū.srauuana- :: anaifī.srauuana-. The wrong interpretation of the Sasanian exegetes is evident from the glosses for each terminus technicus:

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<tr>
<th>Avestan word</th>
<th>FT</th>
<th>Gloss</th>
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<tr>
<td>āstūta-</td>
<td>āstāwan</td>
<td>kā wehdēn dānēd kā wināh</td>
</tr>
<tr>
<td>“believer”</td>
<td>“the believer”</td>
<td>“that is, the believer of the Good Religion. (He) knows that (it is) a sin”</td>
</tr>
<tr>
<td>aifī.srauuana-</td>
<td>ayāb-aš aβar āstāndaβ dēn i māzēsānān</td>
<td>kū aγdēn u-š pad wināh uskārd estēd</td>
</tr>
<tr>
<td>“non-believer”</td>
<td>“the believer of the Bad Religion; he considers it to be a sin”</td>
<td></td>
</tr>
<tr>
<td>anāstūta-</td>
<td>anāstāwan</td>
<td>kū aγdēn u-š pad kirbag uskārd estēd</td>
</tr>
<tr>
<td>“the non-believer”</td>
<td>“That is, the believer of the Bad Religion; he considers it to be a merit”</td>
<td></td>
</tr>
<tr>
<td>anaifī.srauuana-</td>
<td>ayāb-aš aβabārānā dēn i māzēsānān</td>
<td>kā wehdēn pad swāhān ud purṣīn wināhāgār pad abēgūmāntīk ud kirbag menīnāh kunēnd</td>
</tr>
<tr>
<td>“the non-believer”</td>
<td>“that is, the believer of the Good Religion acts as a sinner by wish and instruction without doubt and with the consideration (of this action) as a merit”</td>
<td></td>
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</table>

For the Sasanian priests the main opposition thus was not between Zoroastrian or non-Zoroastrian, but between the awareness or not of committing a fault. For the first one, there is no expiation, while for the second, expiation is possible. This is independent of the fact of being or not a member of the Zoroastrian community. Only the awareness or unawareness of committing a fault is important. Otherwise inexpiable sins are nevertheless fit for expiation if the sinner has acted without awareness of
the sinfulness of his action. The change of attitude is evident. The glosses in V 3.41 (= 8.30) develop this subject and show the importance of this change for the Sasanian exegetes:

For the Mazdayasnian religion, Spitāmān Zardušt, remits the imprisonment for the man who (has done) the profession of faith [the imprisonment to which he has to be sentenced]. For it remits the drōs-penalty [that is, they know that the theft is not allowed, but they make this consideration: “I steal from the riches and give it to the poor. It is a merit for me”]. For it remits the killing of a righteous man [they know that they must restrain themselves from being involved in judicial dispute, but they do not know that, although they should keep back from judicial disputes, it is proper to engage in them against a person when it is necessary. There is (a commentator) who says the following: a person worthy of death (margarzān) should be killed, but they do not know that he should not be killed without the order of the (legal) authorities]. For it remits the inhumation [that is, they know that the inhumation of a corpse is not allowed, but they make this consideration: “If thus (through inhumation) a dog or a fox has not brought (the corpse) to the water or the fire, it is a merit for me”]. It remits the non-expiable sins [the margarzān-sins; they are not mentioned explicitly]. It remits the debt that is difficult to pay off [with high interest rates. They know that it is allowed to

8 For this translation and the legal term pahikārradīh s. Macuch 2002, mainly p. 89.
9 The Pahlavi translation of Av. děrēzānō pāršā- is škwpt pwltkhy. The usual translation for “pāršā- and other derivates from the root par- is pārhr and its derivates:

<table>
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<th>pāršā-</th>
<th>pārhr</th>
<th>pārhr</th>
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<tbody>
<tr>
<td>pāršā-tanu-</td>
<td>pārhr-tanu-</td>
<td>pārhr-tanu-</td>
<td>pārhr-tanu-</td>
</tr>
<tr>
<td>pāršā-tanu-</td>
<td>pārhr-tanu-</td>
<td>pārhr-tanu-</td>
<td>pārhr-tanu-</td>
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take (interest), but they do not know that above the (rates allowed) in the religion it is not allowed to take (interest) above the (rates allowed) in the religion. It remits whatever action they do.

The common denominator of the glosses is the interest in showing the lack of will, intention or awareness that the action is a fault. It seems that for the Sasanian exegesis the only possible expiation of non expiable sins is that the sinner does not act with the intention or awareness of committing a sin. The Sasanian exegesis does not find (or rather does not want to find) in this passage evidence of the possibility that only the act of conversion could remit these penalties. In fact, as we will see later, in V 3.42J this possibility is denied expressis verbis.

Another important change takes place also in the interpretation of another term, *astauana*—“the man who converts (to the Zoroastrian faith)” (V 3.41). They render it through ˝stawan^h but gloss it with pat^t^g^h “confession (of sins)”. This again causes an important change in the interpretation, which becomes clear in the glosses of the PT of V 3.40d:

\[awˇπ˝n-iz \text{win}^h \text{az awˇπ˝n} \text{[mard˝m˝n]} \text{abgan}^h \text{astaw‰n} [\text{pat^t^g^h}] \text{pad dˇn} \text{[} \text{m}^\text{azd}^\text{‰} \text{m˝} \text{] abgan}^h \text{[} \text{pat^t^g^h} \text{]} \text{ka} \text{awarz^d˝r} \text{pas} \text{[} \text{k} \text{]} \text{pad} \text{[} \text{e} \text{]} \text{men}^\text{in} \text{[} \text{pat^t^g^h} \text{]} \text{ka az n˚n} \text{[} \text{fr} \text{]} \text{z win}^h \text{ne kunam}].\]

The profession of faith [the confession] remits these sins from these men, (as) [it is manifest] in the religion, if in the future they do not commit improper actions [that is, they make confession with the thought “From now on I will commit no more sins”].

According to the Sasanian exegesis the second essential condition for the religion’s capability to remit otherwise non-expiable crimes is confession (and not conversion), together with the intention of not committing more sins in future.

Although the Sasanian exegesis links ˝staw‰n^h with confession more than with conversion, it is evident from the closing Pahlavi commentary of
this section that the Sasanian exegetes knew well that the problem faced in the Avestan text actually was conversion. In the commentary we read (V 3.42G-J):

(G) winaghgar an pad abegumanh kirbag menišn kuned ka winah o bun u-š pad spaiieiti wzärišn (H) ka kirbag a-m nè rö̃nag ay ma agar čiś-e az hād spöstan nè käyed ōh baweśd (I) ěn čyön anér kē o čiś-e o dinh ayed ud agdēn kē bē o web dëninh ayed ud jдрistagān kē bē o pö̃yotkašīh ayed har is pad dād i swëš pad kirbag uskārd āstēd ā-š az bun bē šawēd (J) ān i-š pad winah uskārd ēstēd ā-š ōh tōzišn u-š tōzišn ēdōn baweśd čyön amā u-š pādīfrāh barēd nè pad būrd dārišn.

(G) If someone acts as a sinner without doubt and thinking that it is a merit, but a sin goes to his account, then the spaiieiti-expiation is (possible)10. (H) If (according to the Zoroastrian law) it is a merit, it is not clear to me (if it has to be considered as such), that is, maybe it could be (a merit)11, in spite of (being a merit according to a law) that from now on he is not allowed to obey. (I) It happens as when a Non-Aryan comes into the Aryanship and a believer of the Bad Religion comes into the Good Religion and a heretic comes into the doctrine of the former authorities. Everything he has considered as a merit disappears from his debit. (J) Everything he has considered as a fault has to be punished. The punishment is the same as for us. He will be punished and cannot be considered as previously punished.

The problem of adopting a new legal system at the moment of the conversion is now treated differently. Unlike in the Avesta, for the Sasanian exegetes the adoption of the Zoroastrian religion and legal system is not enough to redeem all the previous faults. They have given up attracting new members by remitting all their previous sins. The new approach tries to solve the difficulties of integrating new members into a community with its own legal system different from the previous one of the convert. They put two conditions on the remission of non-expiable sins according to Zoroastrian law, committed before conversion: the non-awareness of having committed a fault and confession with repentance.

In fact, spaiieiti becomes in Pahlavi the *terminus technicus* for the remission of penalties without punishment, only on the basis of faith and

10 That means that the religion can remit the penalty.
11 In fact, only a merit done consciously is to be considered a merit, s. MX 1.25-26:
čiś-e an kirbag i mardôm anagāhībāh kunēd kirbag kem ud ěn winah i mardôm anagāhībāh kunēd winah pad bun i ōy baweśd.

Then the merit a man does unconsciously is a small merit, but a sin a man does unconsciously, is a sin that goes to his account.

In post-Sasanian times only the merits done under supervision of a *rad* are considered as such, s. Cantera 2003: 20.
repentance. Given these two conditions, the canonical position in the PT of Vidēvdād is that the previous actions have to be judged according to the previous legal system, but the actions that are considered as faults in both systems have to be punished according to the Zoroastrian one, independently of the fact that they were already punished in the person’s previous faith or not.

This to some extent magnanimous tendency to proselytizing has several aspects that are not always easy to assume, for example, the remission of the penalties for violent crimes or offences against third parties. It is not rare to find voices that object to such generosity for converts. The always conservative and often inflexible Sōšān is, of course, one of them. He excludes from remission all violent crimes, be the sinner Zoroastrian or not, aware or unaware of the sinfulness of his action (V 3.42B-C):

(B) sōšān guft pad ‘zaxm nē bawēd pař kauuahmāt narašt (C) u-š sōšān bē o dādestān ēdīn bawēd kā ‘zaxm hamāg kēn nām.

(B) Sōšān said: “The (spaiieiti-remission) does not happen for the zaxm-sin”, (as it is revealed in the passage) parā. kauuahmāt naraşt”. Sōšāns has the opinion that zaxm is the designation for every sin of revenge.

Weh-šābuhr is against the remission of penalties for crimes against third parties (V 3.42D):

(D) weh-šābuhr guft ay wināh ī hamēmālān pad ēk-iz nē bawēd nāi [?] māraṃ pairištām.

Weh-šābuhr said: “In case of the sin against third parties, for one party there is no (spaiieiti-remission of the sin, as is revealed in the passage) nāi [?] māraṃ pairištām”.

The always reactionary Manuṣcīhr tried to impose more restrictive principles in Islamic times. The problem he poses is a slightly different one: the re-conversion of a Zoroastrian who previously has abandoned the faith (Dd 40). He bases his answer on V 3.38 ff. He assumes the change in

12 The same is true for the purification, but in this case Māhgušnasp disagrees. In his opinion former purification is valid also after the conversion (V 3.42K):

(K) u-š sōy nē pad sōy dārišn māhgušnasp guft ay har ān ī kas kē pad dād ī xwēš sōy ka īst dē pad īst dāršn.

(K) The purification (that someone has done according to his previous faith) has not to be considered as a (valid) purification. Māhgušnasp said: every one who has done purification according to his own law has to be considered as purified.

13 The manuscripts show ztm instead of zm. The sin zaxm is one of the most grievous sins a person could commit and consists of a violent attack against a person. A complete treatise of the Nīgādom, the Zaxmestān (Dk 817 [M 695.6 ff.]), was devoted to this sin.
Vidēvdād that makes of repentance a *conditio sine qua non*, but unlike the canonical view in the PT, he claims that the previous sin has to be punished (Dd 40.5). For this sin there is no *spaiieiti* (Dd 40.6).

It is interesting that he invokes the authority of the beneficent law but not of the *pōryōtkēsān*, as he does in the following paragraph, because, as we know, even his most conservative colleagues among the *pōryōtkēsān* did not share his restrictive interpretation of the law, and the canonical attitude of the PT of Vidēvdād is even the contrary (V 3.42A):

(A) ēn az abastāg paydāg spaiieiti pad har kas-ē ō abāyēd pad har wināh ōh bawēd.

(A) It is revealed in the Abastāg: “*spaiieiti*-remission is allowed for every one. It may happen for every sin”.

This attitude reminds us of the statement of the later Pahlavi Rivāyat accompanying the Dādestān ī Dēnīg, which presents conversion to the Zoroastrian faith as the greatest merit a man can do and compares it with the merit of the *xwēdādah* (PRDd 8a1):

ud agdēn-ē kirbag ūn meh ka az dād ī agdēnīh be ēo wehdēn āyēd ud weh- dēn pas az ān ka-ē yašt kard kirbag-ē ūn meh ka xwēdādah kunēd.

And (for) an infidel this is the greatest virtue, if he comes from the law of evil religion to the Good Religion; and (for) the man of Good Religion, after he has performed worship, this (is) the greatest virtue, if he performs *xwēdādah*. (Williams 1990: 2.10).

Even the conservative Manuščīhr seems to have shared the view that the conversion to the Good Religion implies the *spaiieiti* expiation of several sins. This is nevertheless indirectly attested. He denies this possibility to the Zoroastrians who have left the Good Religion in favour of another one and later return to the Good Religion (Dd 40.6):

40.6 ēyōn pad xwābarīg dād ī yazdān kē wehdēn ī yazdān <ud> māzdēsnān abarīgān pad tōzīn brēhēnīd kē wināh ī spaiieiti padiš nē bawēd ā-ē tōzīn az dēn paydāg.

As it (is said) in the beneficent law of the yazdān: “The Good Religion of the yazdān and the superior of the Mazdeans has decreed the atonement so that the atonement for this sin for which (usually) there is *spaiieiti* expiation does not apply for him. His atonement is as stated in the Religion”.

It is obvious that Manuščīhr accepts that there is *spaiieiti* expiation for converts, but excludes from it the converts who have previously repudiated the Good Religion.

In conclusion, in Zoroastrianism conversion implies the adoption of a new legal code. This has important consequences for the convert, above all
regarding the actions done in the past and which in Zoroastrianism are considered as sins or crimes. In Avestan Vidēvdād the position is clear: every past sin or crime is remitted through conversion. The convert begins a new legal life. This is not only the solution to the problem of the adoption of a new legal system, but also a useful instrument for attracting new members to the community. In the later Sasanian times, although the proselytizing proves to have been very strong, the position regarding the consequences of the adoption of a new legal system by the convert is more conservative. The canonical position of the PT of Vidēvdād shows understanding for the problem of having committed crimes without knowing that they were such crimes. In order to remit those previous crimes they turn to the concept of awareness or lack of it. If in his former religious-legal system an action was not a crime, the convert cannot be judged for it after the conversion. But if the action was also a crime according to his previous faith, then he has to be punished and the penalty is decided according to the new code, the Zoroastrian one. If he was previously punished, this punishment is not effective. He has to be punished again according to Zoroastrian law. For some priests even this punitive system was not enough. They could not accept that violent crimes or crimes against third parties remain unpunished, even if the religious-legal system of the convert allowed these actions.
REFERENCES

Bartholomae, Chr. (1904) Altiranisches Wörterbuch. Straßburg.