

The Role of the Avesto in the Study of Children's Rights from Ancient Times

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Annotation: This article examines the genesis of children's rights in Central Asia from the earliest times. For the first time, the rights of the child were fully protected in the Avesto, the sacred book of Zoroastrianism.

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In the Central Asian region, legal relations aimed at protecting the interests of the child have existed and formed since ancient times. Legal relations with minors, as well as other branches of law, were reflected in the religious and philosophical views that existed in antiquity and the Middle Ages, including religious teachings such as Zoroastrianism, Christianity, Judaism and Buddhism, which were widespread in Uzbekistan at that time. Law scholar E.V. According to Rtveladze, the Central Asian legal system is based on two sources in the pre-Islamic period: the creative systems of Zoroastrianism and Judaism, and the adaptive systems of religious law (Buddhism, Manichaeism). Christianity took an intermediate position, emerging as an adaptive legal system, and later adopting Aristotle's philosophy and a number of other legal norms of Zoroastrianism, becoming increasingly creative¹."

The oldest religious doctrine in Uzbekistan is Zoroastrianism, which plays an important role in the study of the history of children's rights in our country. The main source and sacred book of Zoroastrianism is the Avesto². Zoroastrianism is one of the oldest religions in the world. It appeared in Central Asia in the II-I millennia. Zoroastrianism was the main religion of the local peoples until the spread of Islam in Central Asia in the VIII century³. The Avesto contains many important legal norms on the legal and moral relations between people, family and

¹Rtveladze E.V., Saidov A.X., Abdullaev E.V. Essays on the history of ancient Uzbekistan: statehood and law. - T.: "Adolat", 2000.-B.196.

²Before Zoroastrianism became official, parts of the Avesto were spread among the peoples of Turan and Iran. These were compiled in book form after the death of Zoroaster and called the Avesto - "established, fixed". See Religion / A.Muminov, H. Yuldoshkhodjaev et al .; Edited by NI Ibragimov.- Tashkent: "Mehnat", "UAJBNT" Center, 2004. B.88-96.

³Religious studies / A.Muminov, H. Yuldoshkhodjaev et al .; Edited by NI Ibragimov.-Tashkent: "Mehnat", "UAJBNT" Center, 2004.-P.91.

marriage, crime and punishment, as well as guarantees of the rights and interests of the child. The fact that the words "child" and "child" are mentioned more than 80 times in this source indicates that it pays special attention to children.

In general, despite the religious nature of Zoroastrian law, the principles of human rights, regardless of ethnic origin, religion, age, gender, and status, were more formed and strengthened than Roman law. Avesta scholars emphasize that Zoroastrian laws "strengthen human rights and freedoms."¹ The Avesto states that the child's right to life must be guaranteed from the time of conception:

"They guarded the heavens; they saved the water; they took care of the land; they took care of the animals; they took care of the baby so that he would not die in his mother's womb."²(Yasna, 23.1.)

The right of the child to a healthy birth and growth is also guaranteed. The Avesto pays special attention to the health of the mother and father before pregnancy, the ease of childbirth, and breastfeeding after birth. Because these are the main factors in the healthy development of a child:

"He purifies the male seed and cleanses the female womb of all impurities for their birth. It easily turns women's tears; pregnant women bring milk to the breast."³(Yasna, 65-hot, part 1, item 2)

"U-Ardivisura Anahita cleanses the semen of men for me and cleanses the vagina and breasts of women."⁴(Yasna, 65-hot, part 1, item 5)

Avesta scholar S. Ganbarov also writes in his research that "Avesto strongly protects the rights of minors and even unborn children."⁵The most remarkable aspect of Zoroastrianism in the field of ensuring the rights and interests of the child is that the issue of abortion, which is now widespread, was strongly condemned at that time. Abortion of a child is equated with the crime of murder. Those who deliberately aborted a child were severely punished:

"If a woman shamefully destroys the fruit of life in her womb, the sin of murder is on the shoulders of the woman and the husband. They are executed openly."⁶(Vandidot, chapter 15, chapter 2, paragraph 12)

¹Safa-Isfahani N. Rivayat-I Hemat-I Asawahaistan: A Study in Zoroastrian Law (Harvard Iranian Ser. Vol.2). Cambridge, 1980, p.x.

²Avesto. Historical and literary monument. Translation by Askar Mahkam.T.: "Sharq", 2001. P.68.

³Thatsource. B.92.

⁴That source. P.92.

⁵Ganbarov S.G. Politicheskiespravovyeidei v Aveste.-P.12-13.

⁶Avesto. Historical and literary monument. Translation by Askar Mahkam.T.: "Sharq", 2001. P.154

If a husband and wife abort a child by mutual consent, whether or not they are legally married, then the guilt is not only on the husband and wife, but also on the person who performed the abortion. So, helping to abort a child is also a crime:

If a man has intercourse with a girl or a woman who has reached puberty, whether he is married or not, and the girl or woman becomes pregnant with him, he will say to the husband, "You have made me pregnant!" The husband replied, "Find an old woman. So that she can abort you!"¹ And if the girl or the young man goes to the old woman and orders the old woman to abort the fetus in her womb. The old man used banga, shayita, gnon, fraspota and other medicines to bring the child down, but the husband said to him, "Take the fruit of your life far away!" If a girl or a young woman carries the fruit of life far away, the burden of this sin is on the shoulders of all three: husband, wife, old woman.¹"(Vandidot, chapter 15, chapter 2, paragraphs 13-14)

According to the Avesto, the father of the child is responsible for the care, financial support and protection of the pregnant woman:

"If a man has intercourse with an adult girl or woman, whether married or unmarried, and the girl or woman is pregnant with him, the husband must take care of the girl or woman until the baby is born." (Vandidot, 15-fragdad, 3-chapter, 15-band)

"It is the duty of every nobleman to protect him."² (Vandidot, chapter 15, chapter 3, paragraph 19)

But if, on the contrary, the husband refuses to take the woman into his care, does not protect her, does not provide for her financially, and as a result the child suffers, then the husband is openly executed:

"If the husband does not protect the woman enough and injures the baby, the punishment for such a husband is obvious death."³(Vandidot, chapter 15, chapter 3, paragraph 16)

From the above, it can be seen that in ancient times in Central Asia, children were carefully protected from the womb, and pregnant women received special care. The importance of caring for the baby from the mother's womb and the importance of this period for the child's future health has been proven by modern medical science. Having a comprehensively healthy and harmoniously developed child was one of the most important issues of that time, and it was reflected in the desires of every Zoroastrian:

¹That source. P.154.

²That source. P.154.

³That source. P.154.

“Give me children who are harmonious and religious, patriotic and pious, kind, kind-hearted, who save me from darkness and hardship. So that they may raise the address, the city, the country, and its name and sound.”¹(Yasna, 68-hot, 5-band)

In Zoroastrianism, special attention is paid to the upbringing of children. It is recommended to teach science to children from an early age. "If you have a son," says Adurbad, "send him to school at a young age, for knowledge is the light of the eye."² In the Avesto, both educators and learners are applauded (Yasna, hot-43, item 6; Yasna, hot-59, item 21). Bad educators are strongly condemned:

“A bad educator, by his teaching, reverses the divine words and destroys the perception of life.”³(Yasna, 32-hot, 9-band)

The importance of ensuring the right of minors to life and protection in ancient times can be seen in the appeals to the holy divine forces in the teachings of Zoroastrianism:

“O waters! I have a few requests from you: Give me strength. Protect the children of everyone's dreams from the harm, oppression, and murder of enemies.”⁴(Yasna, 65-hot, part 1, item 11)

According to law scholar A.G. Perikhanyan's research, in Zoroastrian law, the removal of minors from their parents, leaving them unattended, was considered a serious crime⁵. A. Perikhanyan and S. Ganbarov in their research classified the crimes in the Videvdat part of the Avesto into six types. These are: crimes against religion, crimes against animals, crimes against property, crimes against morality, crimes against the forces of nature, and crimes against the person. Intentional abortion of a child in the mother's womb (harm), harm to the health of a pregnant woman is considered a serious crime against the person⁶.

According to Zoroastrian teachings, a child is considered an adult after the age of fifteen and has the full capacity to behave like an adult. A person, whether a girl or a boy, after the age of fifteen will have to wear a special belt and a sudra dress, which is one of the most basic conditions of Zoroastrianism, which means that he has grown up. After the age of fifteen, a person who takes three steps without wearing a special belt of Mazda worshipers and without wearing a sudra dress will be beaten thirty times with a whip, and the fourth step will be

¹That source. P.154.

²Explore the roads and paths of the righteous. Pahlavi edifying texts. - p. 78.

³Avesto. Historical and literary monument. Translation by Askar Mahkam.T.: "Sharq", 2001. P.

⁴That source. P.93

⁵Perikhanyan A.G. Society and law in Iran in the Parthian and Sassanian periods. -P. 248.

⁶ See: Rtveladze E.V., Saidov A.Kh., Abdullaev E.V. Essays on the history of ancient Uzbekistan: statehood and law. - T.: "Adolat", 2000.-P.168-169.

followed by the giants¹ (Vandidot, 18 fragdad, item 54). Every Zoroastrian wears a sudra and a belt as a sign of puberty and a sign of joining the ranks of Mazda worshipers at the age of fifteen.

Since wearing a belt was the most important event in the life of every Zoroastrian, it served as a special ceremony.

According to the Avesto, they had a number of privileges, given that the minor was not financially independent². In particular, a certain group of people were exempted from sacrificing to the God of Asha:

- Infertile men;
- Buzurriyot youth;
- Juveniles;
- Underage girls who have not touched the ground³ (Yashtlar, Asha ode, part 10, item 54).

It was also the duty of every child to mourn for them after the death of their parents, which was their childhood duty, and it was their duty to mourn if both parents and children died⁴ (Vandidot, 12-fragdad). In addition, sources say that in ancient times, large families were socially supported by neighborhood elders. A cow was given to a mother who gave birth to twins.⁵

In conclusion, it is clear from the above that the focus on the protection of the rights and interests of the child in the territory of Uzbekistan has existed and formed since ancient times. The book "Avesto" has an invaluable role in the study of children's rights in our history. As a source of law, the Avesto has served to regulate juvenile justice on the basis of many high human values.

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¹Avesto. Historical and literary monument. Translation by Askar Mahkam.T.: "Sharq", 2001. P.164.

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³See Avesto. Historical and literary monument. Translation by Askar Mahkam. T.: "Sharq", 2001. P.214.

⁴See Source. P.151.

⁵H.Tuychieva. Legal awareness and legal education. –T.: «Editor». 2010. - P.49.

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