

## CONCEPT OF COPYRIGHT IN THE PERSPECTIVE OF HISTORICAL INDO-IRAN RELATIONS

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Historical relations between Iran and India seem to have begun in prehistoric times although it is very difficult to determine the date. India is one of the well-known toponyms in the Avestan, Royal Inscriptions of Achaemenid Kings and in Middle Persian documents. Under Khosrow Anoshirvan, some known Indic texts were translated into Pahlavi and later into Arabic by Indo-Iranian scholars. In Medieval period, Arabo-Persian texts have preserved valuable data about India. In this article, a tale has been referred which is being studied here from the point of view of copyright. The tale is about bringing Kalilava Demna (Pañcatantra), part of collection of India's king to Iran. It is interesting to note that India's king clearly tells Borzuyeh, the envoy of king of Iran, that: "you can read the book but you can't copy it."

**Keywords:** Khosrow I; Sasanian; Arabo-Persian texts; Pancatantra; Borzuyeh; Copyright.

### INTRODUCTION

Historical relations between Iran and India seem to have begun in prehistoric times although it is very difficult to determine the date. Since it is not possible to determine a specific time for this relationship based on archaeological and historical texts, there has been a real debate among scientists. Therefore, the term "Indo-Iranian Languages", as one of the most important groups in "Indo-European" languages, is witness to a specific claim [1]. Due to this relationship, the Vedas and Gāhān (in Avesta (northeast) have privileged positions among all Indo-European languages. Moreover, India is one of the well-known toponyms in the Royal Inscriptions of Achaemenid Kings (530- 331 BC (southwest). It is clear that Middle Persian texts (331 BC- 651 AD) such as Dīnkard, Bundahišn (in Pahlavi) recognise India well. In short, India was a well-known toponym in Sasanian texts [2].

It is obvious that Medieval period (Arabo-Persian texts) provide valuable information about India where Muslim authors mingled the new data with old data. Meanwhile, Iran-India's literary and scientific relations can be considered as one of the significant parts of the relations from Sasanian to Islamic periods.

### Pañcatantra or A source Book of Indian Library

It is a well-known tale that Borzuyeh, the physician of Khosrow I<sup>i</sup>, had brought a version of Pañcatantra into Iran after his journey to India [3], [4] & [5].

Borzuyeh, Anoshiravan's (Khosrow I) Minister<sup>ii</sup>, translated it from Prakrit into Pahlavi and added some Indian tales to the text such as the Mahabharata

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<sup>i</sup>Khosrow Anōšrīwān or Khosrow the first (531–579 AD) ruled over Iran as a powerful Sasanian king. His brilliant reign is corroborated by texts and archaeological evidences such as his coins. He appears as an idealistic king in Sasanian and Post-Sasanian texts.

<sup>ii</sup>He was Anoshiravan's minister and brought Kalilava Demna from Hindustan to Iran (cf. Gardizi: 2005, 98)[6] [7].

(Mojtabae: 1991, 475). This text has been known in different versions since the 6<sup>th</sup> century AD. In Sanskrit literature, the story cycle is known as the Pancatantra, while it was often called the Fables of Bidpai in early modern Europe. It is obvious that “IbnMoqafa” has translated the text from Pahlavi into Arabic and “AbanLahaqi”<sup>iii</sup> versified it. His original translation was destroyed but different poets have versified it; for example, AbanLahaghi’s versification is more famous than others. A number of Lahaghi’s verses have been preserved through different texts. Biruni has confirmed the translation of the text of IbnMoqafa’s son.<sup>iv</sup> This valuable text has been translated from Arabic into New Persian<sup>v</sup> under Nasr Ibn Ahmad Samanid (301-331 Hegira) but this translation was gradually destroyed; Rudaki, the great Iranian poet, used this version. Rudaki versified it on 320 Hegira and it was destroyed in the next centuries, but a few verses survived.<sup>vi</sup>

### **Borzuyeh, His Journey to India and and Arabo-Persian Texts**

Tarikh-e Tha’labi [9] writes:

“Anoshiravan had 120 Roman, Indian and Iranian physicians and Borzuyeh was the most senior among them as an Iranian physician. He studied many books and discovered some texts about an herbal medicine in the mountains of India which can bring death. He urgently wished to obtain this medicine. He informed Anoshiravan from his decision and requested a permission to visit India. Maybe he obtained it. Anoshiravan not only permitted him, but also wrote a letter to the king of India to prepare some facilities for Borzuyeh.

Borzuyeh departed for the Capital of India and gave Anoshiravan’s letter to the king. The king of India respected him and ordered support to help him find this herbal medicine. Borzuyeh checked herbal medicines; sometimes he mixed and tested herbals. He became hopeless and tired so he thought of his shame when he came back empty handed to Anoshiravan. This thought troubled him. He asked people to reveal the most superior scientist among the Indian savants. They showed him an old man who told him how to discover stories about that herbal medicine, which could overcome death, in ancient texts, and it was found in the mountains of India.

Old man: Oh! Borzuyeh! You discovered one thing, but did not achieve! There is a secret about persistence and it means the mountain are like the savants, the herbal medicines are like advice and dead people are like ignorance; it also means that savants teach ignorance and all sciences have been collected in a book in the name of KalilavaDemna which is in the royal treasury.

Borzuyeh was very happy and hastily went to the king to borrow it. The king told him: respectfully to your king and you, *I order it to be given to you, but you can only read it here, you can’t copy it. Borzuyeh accepted this condition.*

He daily visited the king’s court to read a part of the text so as *to memorise it and to rewrite it at his home*. He was finally allowed to return to the king of Iran. He narrated his story for Anoshiravan and informed him that he obtained that text. He showed him the text and the king accepted it and paid him a handsome reward. The King ordered him to translate this text into Pahlavi (language)...Rudaki versified it by order of Nasr ibn Ahmad.”

<sup>iii</sup>IbnNadim [8](2003: 196, 272): “He was an expert to versify prose texts; of his works (in this case): KalilavaDemna, Hilm-al-Hind...”

<sup>iv</sup> See: Introduction of Panckhayana[10]: 2003, iii.

<sup>v</sup> The complex relations between the extant New Persian versions, a lost original Sanskrit, and a lost Middle Persian translation have been studied since 1859 when the German Indologist Theodor Benfey (1809-1881), a pioneer of comparative folklore studies, published a translation of extant Sanskrit versions of the *Pancatantra*. Benfey was the first to note the independence of Arabic and Syriac translations from a lost Middle Persian version. It provides the only terminus ad quem for the lost Sanskrit original.

<sup>vi</sup>Dagmar Riedel [11](2010: online) writes: “de Blois considers a lost Middle Persian translation of the prototype of all subsequent versions of KalilavaDemna.” Tafazzoli [12](1997: 303) writes: “A Christian priest called Bud, in 570 AD, translated the book from Pahlavi into Syriac. It is now available. Another person translated this text into Syriac, Latin and Greek based on IbnMoqafa’s version.”

Shah-nameh (2003: 1561-1566):

"Listen to what ShādānBurzīn said, when he began to tell (this) tale:

In Anoshiravan's court, his name is immortal; they were many priests, who were experts in different sciences; Borzuyeh was one of the physicians, as an elite man. Once he told the king, "I studied Indian texts and discovered that there is an herbal medicine in the mountain of India which is an immortality medicine; Khosrow sent a letter with colourful gifts to India's king to support Borzuyeh... Borzuyeh tested many herbs in India, but he was hopeless in finding it. He asked a sage; the old sage told him: "This "herb" is "knowledge" and that "mountain" is "science." This herb is the book of knowledge which, in Indic language, is "KalilavaDemna" and that is in the royal treasury; you need the *permission* of the king." Borzuyeh asked the king; the king was absorbed in thoughts and mentioned that: I give the permission because (of my relation to) Khosrow (Anoshirvan). *He read the text* daily and noted later. Borzuyeh returned finally to Iran. So, this text was translated into Pahlavi, the official language of that time, by this way. It was in Pahlavi until the Arabs translated it into Tāzīg<sup>vii</sup> (Arabic) language under the king Nasr (Samanid). The king's minister ordered someone to read it for Rudaki<sup>viii</sup> and he versified it...<sup>ix</sup>

Tha'labi and Shah-nameh, two main sources in Islamic period, mentioned a kind "permission" by the king for Borzuyeh. It is quite possible to claim the two sources benefited from a single old origin. These two texts have benefited oral and written sources. Meanwhile the permission is a unique report which appears in India's royal archive!

This permission can remind us of a kind of copyright for main sources (or unpublished works) which is most popular in the world. This official permission or copyright was used for KalilavaDemna that was called the book of knowledge in Arabo-Persian texts.

## CONCLUSION

Iran-India's historical relations go back to ancient times. Indic heritage translated to Persian language are a well-known tale. KalilavaDemna is one of the most important text which was translated into Pahlavi by Borzuyeh as the early texts have mentioned. Two most important sources, Shah-nameh and Tarikh-e Tha'labi, have reported that Borzuyeh asked (India's king) an especial permission to visit the royal library to see the text in his journey to India; additionally India's king told him that you "can't copy the text."

I consider the narration a prototype of the copyright in the ancient world. Borzuyeh had to go through two Indian rules: a permission to see KD, the book of knowledge and prohibition to copy the text. The narrations never mentioned that such rules applied to Iranians only; these texts described mutual relations between Iran and India, as very positive and frankly. I am proud to say that India was the leader in copyright and the only country in the world to enact the standard rules of library in the world.

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<sup>vii</sup> Persian texts have frequently used this term as Arabic which means the language of "aggressors."

<sup>viii</sup> Rudaki (859-940/1) is a famous blind Iranian poet. The text supports that "he was blind" by "someone reads a text to him."

<sup>ix</sup> Cf. Masudi [13]: 2008, 261; Mojmal-al-Tawarikh [14]: 2009, 96

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