



## KĀRGOZĀR

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**KĀRGOZĀR** (lit. agent), a term used from the early 19th century until the abolishment of capitulation (*kāpitulāšion*) in 1927 (see Judicial System iv and v) to refer specifically to an agent of the Ministry of Foreign Affairs, who was charged with regulating relations between Iranian subjects and foreigners. His function met the needs that had risen from growing interactions between Iranians and foreigners following the signing of the Perso-Russian Treaty of Torkamānčāy in 1828 (see concessions ii), which accorded foreigners certain extraterritorial rights (for the text of the treaty, see Hurewitz, 2nd ed., I, pp. 231-37). It also led to the development of the institution of *kārgozāri* within the government.

*Development.* The Treaty of Torkamānčāy was signed after Iran's defeat in the 1828 war with Russia. According to the commercial section of the treaty, contracts, bills of exchange, and bonds between Russian and Persian subjects had to be registered before both a Russian consul (or other official) and a *ḥākem* (governor). Each claim had to be supported by documents as set out in Article II. Claims based only on "proofs of testimonials" (such as were recognized as evidence in the *šar'* "religious" courts) would not be admitted in cases involving Russian subjects (Hurewitz, 1st ed., I, p. 100; 2nd ed., I, p. 236). Further articles guaranteed Russian subjects (and those under Russian protection) trial in a special court and granted them privileges in the pursuit of legal matters. Consequently, all Iranian legal authorities were forbidden jurisdiction over Russian-protected subjects except in cases specifically provided for by the agreement. Specific issues were addressed in Article V,



which gave Russian subjects the right to rent and acquire in full ownership houses for residency and space to store their merchandise. Accordingly, wealthier merchants and owners of substantial property tended to be the Iranians most commonly involved (Hurewitz, 1st ed., I, p. 100; 2nd ed., I, p. 236; Ṭabāṭabā'i Majd, pp. 144-69).

From 1828, the British pursued parallel concessions to those received by Russia and were successful in October 1841, with the Anglo-Iranian Commercial Treaty (Hurewitz, 1st ed., I, p. 123; 2nd ed., I, p. 280). From that time on, Iran's other trading partners followed suit. As a result of pressure from foreign governments and the increasing number of their subjects in Iran from the 1850s onward, as well as the inadequacies of the traditional Iranian legal system, the special courts flourished.

The precise date for the establishment of the kārgozāri system is not clear. Prior to 1837, reference is only made to the agency of a kārgozār under the Ministry of Foreign Affairs (Kürmuji, p. 202). This agency evolved from a *dabir-e mahāmm-e kāreja* or *monši-e mahāmm-e kāreja* (secretary of foreign affairs), as a result of the legal rights and needs of foreign subjects, which in turn led to the creation of the Justice Department (*divān-e moḥākemāt* or, as it was occasionally called, *daftar-e moḥākemāt*) of the Ministry of Foreign Affairs (*divān-e omur-e kāreja*) under the responsibility of the *nāzem-e mahāmm-e kāreja* or Nāzem-al-Molk (E'temād-al-Salṭana, I, p. 414). The earliest documentary evidence of the kārgozāri as an institution dates to the 1840s. The activities of the institution were further organized during the reforms of Mirzā Taqī Khan Amir Kabir (q.v.), the chief minister of Nāṣer-al-Din Shah (r. 1847-96), between 1848 and 1851. The institution gained political significance with the expansion of privileges provided to foreign-protected subjects under the Treaty of Paris between Great Britain and Persia, ratified in March 1857 (Articles 11 and 12; see Hurewitz, 2nd ed., I, p. 343; Ṭabāṭabā'i Majd, p. 285). The resulting increased flow of foreigners into Iran also augmented the young institution. Its jurisdiction was extended into additional cities, and its organization further defined under the direct supervision of the Minister of Foreign Affairs.

During the early 1880s, the Ministry of Foreign Affairs in Tehran expanded, and supervision of foreigners was further systematized into three sections: the office of the kārgozāri and passport affairs for Azarbaijan Province, the office of residence and passport affairs (for areas outside of Azarbaijan Province), and the office of the kārgozāri (for Khorasan, Gorgān, Fārs, and other



important provinces). Moḥammad-Ḥasan Khan E'temād al-Saltāna (I, pp. 412-16) mentions the titles and positions of those involved in this department, which indicate a major shift in imperial power policy in Iran from a primarily political to a commercial emphasis.

The Iranian government used the office of *kārgozāri* to facilitate, order, and control foreign activity in the country, including the movements of foreigners. This was especially the case in areas where the rivalry between imperial Russia and Great Britain posed a potential threat to Iranian national security (e.g., the northwest border area and Khorasan Province). The *kārgozāris* in the north tended toward a more political, diplomatic, and haphazard course, while those in the British-dominated south tended to be more commercially oriented and efficient (Nurā'i, p. 13).

The *kārgozāri* played an intermediary role in all local affairs involving foreign subjects, which included, for example, disputes or robberies (Martin and Nouraei, April 2006, pp. 29-41). Although such events had to be registered with the *kārgozāri* ahead of any other government body, this mandate was frequently ignored by both Iranians and foreigners, as evidenced by the complaints made by *kārgozārs*. Generally, however, complaints were registered by the consul with the *kārgozāri*. In accordance with Iranian cultural and legal tradition, the *kārgozāri* functioned largely as an arbitrator with an orientation toward steering a middle course. In this role, the *kārgozār* was in an uncomfortable position between strongly contending foreign and local parties. *Kārgozāri* rulings, based more on compromise in the local context than on official procedure, helped maintain regional order, but also meant that the *kārgozār* was considered as a foreign puppet by some, and by others as weak in the face of influential Iranians (Martin and Nouraei, 2005, pp. 268-69). Foreign authorities were less interested in how the system worked than in ensuring that it responded to their needs and appropriately managed their affairs. By contrast, proficient handling of foreign matters was a high priority for the Ministry of Foreign Affairs, which kept pressuring the *kārgozāri* to maintain its affairs in order (Nurā'i, pp. 57-64; Martin and Nouraei, April 2006, p. 40).

Iranians considered the court of the *kārgozāri* superior to other Iranian courts, largely due to better representation and more positive outcomes. The main advantage was the participation of a diplomatic representative who could protect involved parties from the worst kinds of corruption and arbitrary decision-making. Otherwise, foreigners and other protected parties



would experience many of the same difficulties ordinary Iranians faced in the common courts around the country.

Land disputes were a common focus of the *kārgozāri*'s attention. Considerable evidence points to confusion over the exact rights of foreigners to own land, and foreigners undoubtedly sought to take advantage of this situation. Eventually, the Iranian Ministry of Foreign affairs issued regulations on foreign property ownership with reference to the Treaty of Torkamānčāy. The Iranian government expected *kārgozārs* to enforce such regulations and impede property acquisition by foreigners, which put them in an awkward position vis-à-vis the consuls of the Great Powers (Martin and Nouraei, July 2006, p. 161).

For reasons not entirely clear, the religious minorities— Christians, Jews, and Zoroastrians, including converts—often received special protected status, particularly from the British, and thus came under the jurisdiction of the *kārgozāri*. Certain foreign nationals also gained such privileges through association with a Great Power (e.g., Indians and Afghans). Finally, in some cases other Iranians, mostly prominent members of society but at times even the clergy, sought such privileges for legal disputes (National Archives of Iran, no. 291003576; see also Martin and Nouraei, July 2006, p. 161).

As a general rule, a *kārgozāri* office existed in cities with a foreign consulate, with a corresponding *kārgozāri* representative in those with a foreign agent. The *kārgozāri* had expanded to thirty-six branches throughout the country by 1902, nearly double the number in 1886, due to the increasing presence of foreign subjects from the final decade of the 19th century up to World War I.

The *kārgozāri* of Azarbaijan was exceptionally significant, due to the fact that Tabriz often functioned as the second capital of Iran and, moreover, was the place where the first *Kārgozāri* was established. The officials of this *kārgozāri* numbered twenty-two in 1305/1888, which was equivalent to the normal number of officials in a ministry in Tehran. In the same period, a single person ran foreign affairs in other cities like Saraḵs, Darragaz, and Astarābād/Estrābād (National Archives of Iran, no. 240011876).

Overall, *kārgozāris* were ranked into four categories according to proximity to the important borders with sizeable movement of commodities and the significance of the province of their jurisdiction. First-grade *kārgozāris* were those in the provinces (*ayālāt*) of Azarbaijan and Khorasan in the north and in



the southern ports, with Bušehr as their center. Second-grade kārgozāris included those located in such cities and border provinces as Moḥammara (present-day Ḳorramšahr), Gilān, Kermānšāhān, Gonbad-e Qābus, and Astarābād/Estrābād. Third-grade kārgozāris were found in inland provinces (*welāyāt*) and major cities such as Isfahan, Ardabil, Shiraz, Urmia, Kermān, Qazvin, Ahvāz, Torbat-e Ḥaydariya, Birjand, and Bojnurd. Fourth-grade kārgozāris operated in cities where the community of foreign-protected subjects was small and representation was by agents rather than consulates, such as Ḳoy, Salmās, Neyšabur, Sabzavār, Langarud, Lāhijān, Ṭavāleš, Anzali, Darajaz and Kalāt, Bandar-e Gaz, Kurdistan, Hamadān, Jolfā, Marāḡa, and Āstārā.

*Contraction and closure.* The Constitutional Revolution of 1906 (q.v.) introduced significant developments in the administration of justice. In 1908, the Justice Department (*ʿadliya*) was established, and a Provisional Law for the Regulation of Judicial Procedure eventually was passed, though it did not cover litigation that involved foreigners (Majles-e šurā-ye melli, I, p. 117). The Majles, however, did not ignore the kārgozāri, and its functions were more precisely defined and regulated in guidelines (*dastur al-ʿamal*) and by an office of appeals (*divān-e estināf*) on 30 November 1916 (Foreign Ministry Archives, no. 1335-58-18).

Simultaneously, from 1908 to 1928, there were many attempts to abolish the system of capitulations and with it the kārgozāri (Saʿīd Waziri, pp. 37-38). But the lack of a unified legal system in Iran, especially considering its continuing variance with foreign legal conventions, prevented the redundancy of the kārgozāri. Nonetheless, references to the kārgozāri in historical sources dwindled after 1919, with some of its functions being transferred to the Justice Department. In 1927 the reformation of Iran's legal institutions, with the establishment of a new-style Ministry of Justice (Wezārat-e dādgoštari) that accorded with international legal conventions, persuaded foreign powers to abandon their extraterritorial rights, which led to the obsolescence of the kārgozāri. The shah abolished the capitulations and gave a one-year extension to the kārgozāri to transfer its responsibilities, some to local branches of the Ministry of Justice and others to the office of the governor-general (National Archives of Iran, no. 390006404), and certain officials of the kārgozāri were reassigned to sections of the Ministry of Foreign Affairs.



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