PIOUS MERCHANTS

Religious sentiments in wills and testaments

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Merchants in the Qajar period are a social group that it is hard to pin down. They emerge together with the Shiite clergy as the victors of the fundamental transformations in nineteenth-century Iranian society, and their close connection and interaction with the *ʿulamāʾ* is represented in the regularly adduced alliance between the bazaar and the clergy. But in fact, the anonymity of the bazaar constitutes a black box that hides, rather than elucidates, the identification of single personalities, whereas leading members of the *ʿulamāʾ* in comparison turn out to be easily distinguishable individuals carrying concrete names and faces.

Wealthy wholesale merchants (*tujjār*) clearly belonged to the Qajar elites and were also considered by their contemporaries as *aʿyān* or notables.[1] Through family relations, marriages, and common proprietorial and economical interests they were closely intertwined with other prominent notable groups from the administrative and clerical field. What distinguishes merchants primarily from other notables is their absence from most of our sources. While Western material provides in general a good and reliable picture of advantageous trade routes, estimates of imported and exported goods, or details of customs duties and the like, it is usually silent on the local protagonists of trade, namely the Persian merchants who despite the growing European involvement would still have operated and controlled most of the trade running through the bazaars – with the single exception of those who operated under foreign protection or who were directly involved in political affairs.

Even if we find references to influential merchants in Persian archival documents, we frequently lack the narrative sources to place them into a wider framework. While *rijāl*-works provide information on high-ranking clerics, biographical anthologies (*tadhkiras*) yield data on poetically inclined bureaucrats, and local histories can contribute to the understanding of tribal aristocratic elites, it becomes very difficult to construct genealogies or even to gain basic biographical facts on merchants. In

practice, we are therefore often left with mere names, without further knowledge of the merchants' family background, their social networks, or their precise economic activities and standing in local societies. It also appears that while other notables deemed it worthwhile, conceivably in order to uphold their status, to leave written traces of their lives to posterity, merchants rarely saw reward in such endeavours. They also tended to exercise their undoubted existing political influence more discreetly and to avoid both open association with state authorities and any form of public exposure.

Among the rare Persian primary sources where we can encounter merchants more regularly as individuals are *vaqf*-deeds and – what I want to focus on here – the testaments, wills or legacies (*vaṣīyatnāmih*), which they left behind. A closer look at some testaments from merchants resident in Tabriz during the second half of the nineteenth century should allow a fresh and quite different view of Qajar merchants. It might present an idea of what was of final importance to them, as well as elucidate certain points of the socio-economic background of religion and the financial bases of both the religious establishment and the expanding religious service-industry. With the examination of final wills, I intend to bring together aspects of both religious culture in practice and of the monetary affairs behind it, as expressed by the merchants' apparent commercial concern for their afterlife. Among the important questions in this regard is whether these testaments actually give us access to merchant mentalities – in particular, if we can read them as an expression of their individual piety and of religious sentiments. In addition, I would like to examine the legal form in which these often-diverse perspectives are executed and discuss testaments as an example of the increasing flexibility and fluidity of juridical categories in applied Islamic law of the Qajar period.

The introduction of a special indigenous source category for the social history of late Qajar Iran might be regarded as a supplementary outcome of this approach, and I will begin with a general introduction of the genre to which the *vaṣīyatnāmihs* under discussion belong. This will be followed by a detailed presentation and comparison of three specific testaments and their stipulations – the text of the shortest among them is included with a translation. The concluding analysis will focus on the close correspondence between the – more recognised and traditional – institution of *vaqf* and the legal form of a *vaṣīya*.

The legal concept of *vaṣīya*

The testaments I am dealing with in this contribution are straightforward declarations of exactly defined financial and economic intentions. They follow relatively strict formal guidelines and avoid any superficial narrative. In short, they are rather simple legal deeds, drawn up and sealed by a jurist, of the testator's trust, that in their outward form are very similar

to other civil contracts and unilateral legal assertions. And it is precisely their rigorously formal character that does not necessarily match the popular notion of what constitutes a will (i.e. who gets the house, the silver cutlery, etc.).

In this respect, our testaments should be carefully distinguished from a wide variety of other writings that are also termed *vaṣīyatnāmih*. Many of them are of an epistolary kind, addressing either descendants, relatives, members of the household, or followers and pupils not through legal categories, but by means of personal admonishments. Such wills might include detailed orders regarding the management of a household, perhaps similar to the detailed letter by Muṣṭafā Khān edited by Homa Nateq and translated by John Gurney.[2] Or, they might stand in the large tradition of Perso-Islamic *andarz* ('counsel' or 'wisdom') literature and thus represent political or didactic testaments that are coupled with wider ethical maxims and moral exhortations, whether written by kings and statesmen, or other individuals. The testament of Amīn al-Ḍarb for example, as translated by Shireen Mahdavi, can be subsumed as well under this epistolary category, as can texts by Yaghmā-yi Jandaqī.[3] Such epistolary writings, however, lack a pre-defined structure and have no direct legal footing and effect, quite contrary to our testaments.

In handbooks of Islamic Law, *vaṣīya* constitutes a separate legal category, often placed rather in the vicinity of other contractual forms than in direct connection with inheritance rules. In theory, a *vaṣīya* incorporates two independent and separate acts by the testator (called the *mūṣī*): One is the designation of an executor of the testament (the *vaṣī*), who is quite often a close relative and whose main function is the partition of the estate and to carry out or supervise any further ordinances. The other is the avowal of concrete legacies (pl. *vaṣāyā'*), as 'gifts' for specific individuals, to fund certain religious services or in favour of acts of welfare and charity. It is important to remember that such a legacy constitutes a concrete right *in itself*, not merely a claim against the heirs. Equally crucial is the restriction of possible legacies to one-third of the total estate (the *thulth*), unless the legal heirs give their consent to enlarge it. It is thus not allowed to disinherit children completely in favour of, let us say, a beloved nephew. That outstanding debts and obligations of the testator are deducted from the total of the estate before this third is determined also plays a major role in our later examples.[4]

Other *vaṣīyatnāmihs,* for example some of those included in Bīgdīlī's collection of family documents, might constitute semi-legal deeds without necessarily following the above definition and come very close to the conventional idea of a will. Thus, one starts with an explanation of the testament's purpose as preventing possibly ensuing quarrels and providing material support for yet unmarried daughters, before allotting properties, one by one, to the descendants in the judicial form of separate contractual declarations. Another testator addresses the heirs in a quite emotional

way ('I am now bedridden, . . .'), before continuing with an urgent plea to follow up the issue of a village lost through intrigue and deceit. People were often aware that their testaments were not actually legal, as in the case of a man who states that since he has no sons he intends to make over all his property to his son-in-law and admits explicitly that his testament is not really *sharʿī*.[5]

Three testaments by Tabrīzī merchants

The three *vaṣīyatnāmihs* I want to discuss in more detail were all made by merchants resident in Tabriz during the second half of the nineteenth century: the testament by Ḥājjī Mīrzā Jabbār Tabrīzī, known as Hallāj from 1275/1858, one by Ḥājjī Muḥammad ʿAlī from 1285/1868, and one by Mashhadī Muḥammad Riḍā Bāghbānbāshī from 1292/1875. Apart from Mīrzā Jabbār, whose name appears in a contemporary list of prominent Tabrīzī merchants, none of these individuals could be identified independently in other sources – so we have no further information about any of them. All testaments survived as handwritten transcripts that were made at the beginning of the century for the *Vizārat-i maʿārif va ṣanāyiʿ va awqāf* and are nowadays kept at the *Sāzmān-i awqāf* in Tehran.[6]

I came across these and other *vaṣīyatnāmihs* rather by chance, while looking primarily for *vaqf*-documents of that period, but it is obvious that quite a large number of them survived and are still on file. I chose the three examples primarily for the concise and clear manner in which they were composed. That nearly all testaments I found were made by merchants might of course be accidental, but the important question promptly comes to mind whether merchants tended more than members of any other social elite groups to record legal wills? Their deep involvement in public welfare and their position as solid pillars of Qajar religious life might be one reason. The different composition of their properties – being less dependent on state revenues, carrying more cash and commercial assets, and having a different ratio of ownership in real-estate versus landed property – might play a role, as well as a stronger inclination towards meticulous book-keeping and consequent management of their financial affairs. There are of course examples of testaments from other social groups, although prior to a more systematic survey, I would suggest a clear tendency within other elites to prefer the option of a pure *vaqf*-deed. The same, by the way, seems to be true for women who appear frequently as founders of endowments, but rarely as authors of testaments.

The basic legal definition of *vaṣīya*, as given above, already outlines the formal structure of our deeds. On the outset of the documents, that in all our examples begin without any kind of rhetorical decoration, stands the designation of the executor, the *vaṣī*. More elaborate testaments exist of course that would already introduce in a subtle manner the themes of subsequent legacies or allude to the desirability of providing for the afterlife:

'It is necessary, yet even obligatory, for every living being to contemplate about the beyond', writes a certain Ḥājjī Mahdīkhān.[7] They would also feature ornamental quotations from Qur'ān and *ḥadīth*: popular is Q2.180 'If death approaches one of you . . .'. The absence of such eloquent introductions in our cases, however, is congruent with the business-like style of the documents and probably reflects the social and educational status of the merchants ordering them. To commission a nice introduction would probably have turned out more expensive and would also have required a certain literary ambition. A second block names the outstanding obligations of the testator and other declarations, before the third and largest segment, which lists in detail the concrete legacies, made for individuals, funerals and various activities. In none of our examples any explicit reference to procedural aspects is given, such as who of the heirs was present, received a copy of the deed or was informed of its contents. We can assume, however, that a copy would have remained with the endorsing jurist for any later examination.

The *vaṣī*

In the following case studies, I will employ the most compact and straightforward *vaṣīya*, which is the one by Mashhadī Bāghbānbāshī, as a standard of comparison (compare the complete text of this testament as added in an appendix to this chapter). The nomination of sons or other close relatives as executors was common in order to avoid later conflicts with remaining heirs.[8] Bāghbānbāshī names his eldest son as the executor of his will who is to be supervised by a certain Ḥājjī Ḥasan Ṣarrāf, perhaps a close friend or business-partner. Ḥājjī Jabbār also designates his oldest son, and only Ḥājjī Muḥammad ʿAlī who obviously had no descendants of his own, names the two sons of an already deceased friend or remote relative. Other children, sometimes also daughters, are regularly included as supervisors (*nāẓir*), partly assisted by a *mullā* who would act as an additional agent to oversee the proceedings. As a member of the lower *ʿulamā'* he would probably also have acted as a direct link to those offering the later on recorded religious services.

Khums and *māl-i imām*

Following the nomination of a *vaṣī*, all deeds give instructions on the payment of *khums* and *māl-i imām*, the religiously ordained taxes that in the Qajar period were collected and disbursed through the *ʿulamā'*, as well as the fulfilment of other obligations that were not to be deducted from the 'one-third' reserved for legacies proper. In some testaments there is a certain confusion whether *khums* should be deducted from the total of the estate or from the *thulth*, and we can then find separate designations in both parts of the respective wills.

Khums was due on all commercial activity and amounted in theory to one fifth of the profits. The reason why we find large sums reserved for it in testaments is that its payment could be deferred without clear limits, which was especially important for merchants who were thus able to balance profits and losses over a longer stretch of time. The religious obligation to pay was consequently often fulfilled with the donation of a generously calculated lump sum after one's death. One also has to keep in mind that the *ʿulamāʾ* were not able to enforce payments through direct force, nor were they able to draw up estimates of due taxes and thus had to rely on moral and social pressure. Only in the testament of Ḥājjī Muḥammad ʿAlī are the executors explicitly asked to check the books on the amount of *khums* already paid. The sums reserved for this category are huge and should be seen in relation to other amounts mentioned later on: Bāghbānbāshī records 1,000 *tūmān*, Ḥājjī Muḥammad ʿAlī 700 plus an additional 500 *tūmān* from the 'one-third', and Ḥājjī Jabbār also admits his obligation to pay 1,000 *tūmān*, in a later addition raising it even to 1,500 *tūmān*.

It is very difficult to convert these abstract sums in a meaningful way into another currency or to give a concrete idea of their purchasing power. Following Walther Hinz, we can calculate the value of the *tūmān* around this time at about 10 'Goldmark', which if transformed into present day market rates for gold would make 1,000 *tūmān* easily more than 35,000 Euro.[9] If we attempt to set daily consumption prices, i.e. for bread or meat, as a means of comparison we get even higher results. The same is true for real estate prices of the time: a thousand *tūmān* would have bought a nice house in Tabriz at that time, or substantial land holdings in the area.

The irregular payment of such large sums – instead of a steady and calculable cash flow – must have considerably influenced the organisational and financial structure of the clerical establishment of the Nāṣirī period. This is particularly true if one realises that deaths might have peaked at times of epidemics, while stagnating in other years, whereas fixed costs for the upkeep of buildings, employees, religious ceremonies, or student grants would have remained stable. This in turn necessitated long-term financial planning for leading *ʿulamāʾ*, including clear strategies of distribution and investment. Only Bāghbānbāshī names the actual recipient of *khums* as the well-known leader of the Shaykhī-community of Tabriz Ḥājjī Mīrzā Muḥammad Shafīʿ Thiqat al-Islām who, together with his son, had also issued and endorsed this *vaṣīyatnāmih*. This is the only case where a clear connection to one specific leading cleric is documented in one of our testaments.

Further non-legatory provisions

Other stipulations that do not yet constitute legacies (*vaṣāyāʾ*) proper are the fulfilment of other obligations, such as open debts mentioned by

Bāghbānbāshī and Muḥammad ʿAlī, and the establishment of foundations (*awqāf*), a point I will take up later on in more detail. In a wider sense, also the remittal of dowries, the technical term used is *ḥaqq al-ṣadāq*, by Muḥammad ʿAlī to his two wives with 30 and 32 *tūmān* respectively are considered debts, in the same way as Ḥājjī Jabbār declares himself obliged to bestow 150 *tūmān* on his spouse. Bāghbānbāshī does not provide any concrete sum for his wife, but states that all movable small objects of the house should be considered her property. Care for surviving wives can be encountered frequently, also independent of dowry payments, and might include the simple affirmation of continuing housing rights after the testator's death.[10]

Whether the payment of money under the title of *radd-i maẓālim* to the poor should be considered as debt or as legacy seems to have been legally disputed. Ḥājjī Jabbār includes it with the amount of 500 *tūmān* under the former, while Ḥājjī Muḥammad ʿAlī includes it as legacy with 220 *tūmān*, distinguishing between poor recipients in his place of origin and the poor of Tabriz. The understanding of *radd-i maẓālim*, literally 'rejection of unjust deeds', is not clearly defined. In its basic meaning it refers to the remittal of debts of which the original owner is not known anymore or the fulfilment of other financial obligations that for some reason became impossible.[11] However, the large sums reserved in this regard – indeed few merchants can be imagined to have had so many debts of unknown origin – suggest that these payments included a general quest for absolution for wealth acquired with partly illicit means. Money reserved for *radd-i maẓālim* might then be understood as a kind of indulgence-payments.

Vaṣāyā' – Legacies

Mashhadī Bāghbānbāshī is more transparent than the other testators in the way he separates legacies from other provisions, starting out with the unmistakable declaration of *vaṣīyat namūd* ('he made a will') and a clear estimate of the *thulth* at 3,000 *tūmān* which, as he states, should turn out to be equivalent to his real-estate property in Tehran. This actually allows us to estimate the total worth of his estate at a minimum of roughly 10,000 *tūmān*. Quite contrary to this, Muḥammad ʿAlī seems to have been much less certain about his assets. He orders the executors first to define the exact size of the *thulth* that should be taken primarily from capital invested in trade (*māl al-tijāra*). Only if this should prove insufficient, real-estate property should be included in its calculation. Ḥājjī Jabbār in turn merely reserves the limited amount of 550 *tūmān*, probably much less than the possible *thulth*, for specific expenditures and legacies.

Funerals

What one would imagine to come first in a testament are instructions for the funeral, and indeed we find them in all of our exemplary testaments,

although not necessarily at the beginning. Bāghbānbāshī summarily destines 100 *tūmān* for both funeral – which appears here simply as *taʿzīya va khatm* – and the transport of the corpse to Najaf. A second position is reserved for the travel costs of his children and their mother to accompany the deceased to his final resting place, that with 200 *tūmān* is estimated considerably higher. Other testaments rather distinguish between the immediate funeral ceremonies after the death of the testator, and the sometimes much later effected burial at the ʿAtabāt or other places.[12] Most detailed is the prescription given by Ḥājjī Jabbār:

- costs and expenditures of furnishing the funeral, shrouding the corpse, and three days of mourning, including the ceremony on the fortieth day: 60 *tūmān*;
- costs of sending the corpse to Najaf, the digging of a stone grave, the furnishing of the grave, the transport of the corpse accompanied by the testator's children, the circumambulation of the corpse around the sacred tombs, recitations of one section of the Qur'ān every day on the way to Najaf, distribution of adequate alms in Najaf: 100 *tūmān*.

Similar instructions, though less detailed, are given by Ḥājjī Muḥammad ʿAlī, who reserves 55 *tūmān* for the funeral and no specified sum for the transport of the body. We know from travelogues about the long and arduous caravan transports of corpses to the ʿAtabāt, but it is in these *vaṣīyatnāmihs* where we see who ordered these transports, which rituals accompanied transport and burial, and what exact costs were connected with it.

Religious services

Not directly linked to the funeral proper, but also destined to procure a good outlook for the deceased testator's afterlife are numerous religious services to be performed directly or indirectly in favour of the defunct. In the case of Mashhadī Bāghbānbāshī, these comprise first supererogatory prayers and fasting, whose religious reward would be counted directly to his benefit. The price for *ṣawm va ṣalāt* ('fasting and prayer') was clearly a fixed and generally recognised unit that was calculated on a yearly basis with two *tūmān* a year. Bāghbānbāshī stipulates the period of fifty years, Ḥājjī Jabbār of sixty-seven years, adding a separate amount for prayers to prevent earthquakes and eclipses. Ḥājjī Muḥammad ʿAlī omits to name a clearly defined period, but ordains similar services also for a deceased sister and his ancestors.

Another important segment of religious services demanded are pilgrimages by proxy (*ḥajj-i badal/ḥajj bi'l-niyāba*), or the hiring of permanent agents or representatives at major Shiʿite shrines. To contract a pilgrimage to Mecca to be performed by somebody else, even after one's death, was

seen as an adequate fulfilment of the *sharʿī* obligation, if for whatever reason, i.e. sickness, one was unable to perform the *ḥajj* oneself. Shiʿite law permits direct payment to the one performing the pilgrimage, contrary to rulings of other schools of law which exclude financial motives on the side of the proxy. Precise regulations on the conditions of such a contracted pilgrimage can be found in the Shiʿite handbooks of law, at least from the Safavid period onwards.[13] Prices also appear to have existed at a fixed market rate of 100–150 *tūmān*, although no information on the kind of people who accomplished these journeys and their precise contracts are provided.[14] Bāghbānbāshī only prescribes a normal *ḥajj* and reserves the amount of 150 *tūmān* for it. It is interesting to note that pilgrimages were also contracted by people who, at least if deduced from their address as Ḥājjī, had already been to Mecca. Thus we find sums for pilgrimages also mentioned in the testaments of Ḥājjī Jabbār and Ḥājjī Muḥammad ʿAlī. The former adds furthermore a pilgrimage to Mashhad and Qum, as well as to all major shrines of the *ʿAtabāt* (for 25 *tūmān* each), while the latter orders a pilgrimage not only for himself, but also one in favour of his late father.

Legacies for individuals and charities

Real legacies in favour of specific individuals appear mixed in between the above instructions. Their intent is primarily to support relatives who would not receive adequate amounts from the normal partition of the estate. Thus Bāghbānbāshī leaves 100 *tūmān* to a niece and 50 *tūmān* to a certain Āqā Ḥusayn whose relation to the testator is not clear. Ḥājjī Muḥammad ʿAlī leaves 20 *tūmān* for each of his – presumably younger – three brothers and sisters. Interesting to note in this case is that both brothers and sisters, contrary to common inheritance rules, receive equal shares. However, if compared with the sums reserved for religious taxes or charitable acts, all these individual 'gifts' turn out to be rather meagre.

Quite common is also the allotment of large sums for acts of charity and welfare or for religious services of which the merit (*thavāb*) would of course go to the deceased, although they are not directly related to him as an individual as in the case of prayers or contracted pilgrimages. Mashhadī Bāghbānbāshī destines a sum of 800 *tūmān* for charities and welfare (*iḥsān va birr*). Ḥājjī Muḥammad ʿAlī devotes money on quite a number of charitable activities for the public, among them yearly 58 *tūmān* for *taʿzīya*-activities, 30 *tūmān* to buy books on *fiqh* and *ḥadīth* for students of religion (*ṭullāb*), and a sum of 500 *tūmān* for acts of charity to be spent as his executors deem most appropriate.

Testaments and *vaqf* – a symbiosis

In these general provisions for welfare and public beneficence the testaments come closest to the institution of *vaqf*. What I left out in the presentation

of the above testaments is indeed the close symbiosis and mutual connection between the legal form of *vaṣīya* and 'pious endowments'. All our testaments include an endowment in one way or the other.[15] Once again, the testament by Mashhadī Bāghbānbāshī is the most transparent: he simply incorporates a formal acknowledgement (*iqrār*) of a separately recorded *vaqf* in the testament. This separate *vaqf* over parts of a village near Marāghih names the Sayyid al-Shuhadā', i.e. Imam Ḥusayn, as the sole beneficiary of the *vaqf* and thus constitutes a typical Qajar *taʿzīya-vaqf*.

Things become more complicated in the case of Ḥājjī Muḥammad ʿAlī, where the establishment of an endowment is completely integrated in the *vaṣīyatnāmih* and not recorded anymore in a separate document. It is inserted after the stipulations concerning the payment of *khums* and the legacies taken from the 'one-third'. Still, the formal demands of a *vaqf* are all fulfilled when four shops in the bazaar of Tabriz are transformed into a *vaqf* in favour of the poor (*fuqarā'*).

This adherence to legal formalities – at least to what constitutes a correct *vaqf* – is completely evaded by Ḥājjī Jabbār. He orders the executors of his will to guard in perpetuity a number of real-estate objects in his possession. The revenue derived from them should be disbursed for charities and welfare as deemed appropriate by the executors. They were also free to nominate another person as the legal administrator of this foundation, although Ḥājjī Jabbār preferred this task to be accomplished by one of his descendants. So far all aspects of a 'normal' *vaqf* are covered. A number of clearly defined objects that yield a regular usufruct are to be preserved for eternity. Their income is to be used for charitable activities, thus constituting a public foundation, and the administrator of the foundation should be chosen from the descendants of the founder, and although he is not called *mutavallī*, his functions are indisputably the same.

However, there is one particular stipulation that hints at the reasons for choosing this particular legal construction, instead of establishing a standard *vaqf*. Ḥājjī Jabbār states explicitly that the descendants and executors of the will are authorised to sell, exchange and substitute some of the properties in case of need, as long as they do not act contrary to his overall intentions. This is an option that is only admitted by way of exception for a normal *vaqf* and allows the descendants a much larger flexibility in operating the donated properties. In addition, such a foundation does not comprise any actual transfer of ownership. Although the question of who finally owns *vaqf*-properties is an issue of controversy among jurists – whether God, the community of believers, or if they are simply removed from the definition of ownership – there can be no doubt that with the creation of a *vaqf* actual proprietorship is terminated. In the case of a testamentary legacy, on the other hand, ownership clearly continues.

Quite often such pseudo-*vaqfs* were later on simply treated as 'normal' *vaqfs*, or they were later on 'legalised' and also formally transformed into

correct *vaqfs*. An example for the latter process can be observed in a case outside our three examples, namely that of a certain Ḥājjī ʿAbbās. In a Sharīʿa-court protocol that outlines the proceedings surrounding his testament, the descendants declare that Ḥājjī ʿAbbās had always displayed an obvious liking for *rawḍa* and *taʿzīya* during his lifetime. Therefore four shops and part of a *ḥammām* (bath-house) were kept after his death 'as if they were *vaqf*" (*bih rasm-i vaqf*) and thus remained in the possession of this unofficial foundation (*muddatī dar taṣarruf-i vaqf* . . .) which was controlled by Ḥājjī ʿAbbās's testamentory executor. Soon, however, conflicts between the executor and the other heirs occurred and thus a number of them decided to transform the pseudo-*vaqf* now into a legally correct endowment.[16]

The close symbiosis between *vaqf*s and testaments as shown by the fact that one could incorporate complete *vaqf*s into testaments, or alternatively use a testament to establish a semi-official foundation, should be seen as sign of the fluidity of legal concepts and contractual forms that in my view are decisive for the understanding of late Qajar society.

Conclusion

I realise that there has been much talk of money, sums and obligations paid, unpaid or deferred. If I created the impression that everything comes down to money in the end, this is not exactly what I intended. But institutionalised religion, after all, is never free from mundane material concerns, as I hope to have demonstrated convincingly through the analysis of the above wills.

In the testaments of the merchants from Tabriz considered here, there are, if any, very few traits of individual beliefs, convictions, or personal devotion. We recognised Mashhadī Bāghbānbāshī as an adherent of the Tabrīzī Shaykhī community, and saw that some preferred to donate money to the poor, whereas others supported Shiʿite mourning rituals. Whether our merchants were 'pious' in a narrow sense, whether, for example, they were more or less devoted to religious duties than other social elite groups is difficult to decide. To employ testaments as a one-to-one representation of merchant mentalities becomes especially cumbersome in our examples which turned out to display an extremely sober and matter-of-fact style. While this tone might go well with the image of people dedicated to daily down-to-earth business affairs, we should be well aware that the deliberate calculation of investments for profits in the afterlife that appears at first as a typical mercantile attitude, is to a not-insignificant degree shaped by the legal formulary of the testaments. And the ones controlling, issuing and endorsing the legal writing of these documents were not merchants, but, once again, the *ʿulamāʾ*.

Still, what our testaments prove persuasively is the degree to which merchants of the late Qajar period were integrated into the economic

Appendix:
The Testament by
Muḥammad Riḍā Bāghbānbāshī

وصیت نامه مشهدی محمد رضا باغبانباشی

وصی شرعی و نایب مناب خود گردانید عالیجاه عزت همراه مشهدی محمد رضا باغبانباشی ولد ارشد خود عالیجاه آقا محمد باقررا که بنظارت خیر الحاج حاجی حسن صراف ولد مرحوم حاجی رحیم اقاریر و وصایای معزی الیه را بعد از آنکه داعی حق را المبیک گفت عمل نمایند. اولاً قروض ثابته اورا اداء کنند و یکهزار تومان از اصل ترکه بجناب مستطاب ثقة الاسلام آقائی حاجی میرزا محمد شفیع آقا بدهند از بابت مال امام و خمس که بمستحقین برسانند. و اقرار نمود بر آنکه ثلث قریه صغایش من محال دهخوارقان وقف جناب سید الشهداء علیه السلام است که منافع آنرا هر سال در تعزیه آن حضرت مصرف نمایند. و رخوت دوخته و خورده ریز صندوق والده وصی مرقوم هر چند است مال اوست.

و وصیت نمود بر اینکه سه هزار تومان بابت ثلث موضوع کرده خانه و باغچه و اثاث البیت طهران را یکهزار و پانصد تومان حساب کرده بعالیجاهان آقا محمد باقر و برادرش آقا علی اکبر بالمناصفه برسد. و یکهزار و پانصد تومان باقیرا بتفصیل ذیل بصوابدید جناب معظم له مصرف نمایند:

- صوم و صلوة پنجاه سال: 100 تومان
- نیابت حج از هر کس که جناب معظم تصدیق نماید: 150 تومان
- خرج یکی از اولاد موصی با والده که همراه جنازه میرود: 200 تومان

- مخارج تعزیه وفات و حمل و نقل جنازه بنجف اشرف: 100 تومان

- بزهرا بیگم خانم نواده موصی و دختر مشهدی علی بدهند: 100 تومان

- بآقا حسین پسر مرحوم مشهدی حسن بدهند: 50 تومان

- در سایر وجوه برّ و احسان صرف نمایند: 800 تومان

«فمن بدله بعد ما سمعه فإنما اثمه علی الذین یبدلونه» (سورة 2:181) و کان ذلک فی 12 شهر ذی قعده الحرام تنگوز ئیل من شهور سنه 1292.

سجلات:

- وضح و ثبت ما رقم فی الورقة لدی حرره الداعی: محل مهر مرحوم حاجی میرزا شفیع آقا ثقة الاسلام «صراط علی حق محمد شفیع»، محل مهر مرحوم حاجی میرزا موسی آقا ثقة الاسلام «ابن محمد شفیع موسی»

- الکتاب علی نسختین

- عالیجاه باغبانباشی با کمال شعور و اختیار بمراتب مسطوره اقرار و وصیت نمود حرره الافقر، محل مهر «عبد الجلیل الحسنی الحسینی»، محل مهر «رق الولی عبد الغنی»، محل مهر «یوسف بن محمد شفیع»

- ثبت شد «یا امام رضا»

- محل مهر «مرتضی قلی» «هاشم الموسوی»

system that supported Iranian Shiʿite Islam. Testaments show the huge amounts of *khums* that were paid to the clerical establishment and in what form this was done. As benefactors, whether through traditional *vaqfs*, testamentary endowments or a variety of straight legacies, merchants funded, in an extensive manner, social welfare and *taʿzīya*-rituals. Finally, with their meticulous and detailed concern for their own afterlife, Qajar merchants provided for the existence of a widespread religious service-industry. This includes not only the funeral services that connected every major Iranian city with the graveyards of Najaf and offered the necessary logistics of transport and travel for accompanying family members, but also people taking over assignments for yearlong prayers and fasting, as well as for the performance of pilgrimages. What only testaments can show us, is that fixed market prices existed for these services and to what they amounted. Thus *vaṣīyatnāmihs* constitute an important source genre for both the socio-economic and religious history of late nineteenth-century Iran – and as I tried to show in the case of the symbiosis of *vaqf* and *vaṣīya* – for the change in the nature of legal transactions in the Nāṣirī period.

Translation

The honourable Mashhadī Muḥammad Riḍā Bāghbānbāshī designated his eldest son Āqā Muḥammad Bāqir as his legal testamentary executor and empowered agent. Under the supervision of Ḥājjī Ḥasan Ṣarrāf, son of the late Ḥājjī Raḥīm, he shall execute the stipulations and legacies of the above-named after he will have passed away.

First, his confirmed debts shall be paid and 1,000 current *tūmān* from the total of the estate shall be given to the excellent Thiqat al-Islām Ḥājjī Mīrzā Muḥammad Shāfiʿ Āqā under the title of *mal-i imām* and *khums*. He also acknowledges that one third of the village Ṣaghāyish from the vicinity of Marāghih is *vaqf* to the benefit of the Sayyid al-Shuhadāʾ; its revenue shall be spent every year for his *taʿzīya*. Clothes and small articles from the chest, as much as they may be, are the property of the executor's mother.

He made a legacy to the effect that 3,000 *tūmān* should be considered the one-third (*thulth*), consisting of the house, garden, and household articles in Tehran. Āqā Muḥammad Bāqir and his brother Āqā ʿAlī Akbar shall be given 1,500 in equal parts. The remaining 1,500 *tūmān* should be spent according to the detailed list below under supervision of the above-mentioned.

- Fasting and prayers (*ṣawm va ṣalavāt*) for fifty years: 100 *tūmān*.
- Agency (*niyābat*) for the *ḥajj* by anybody nominated by the executor: 150 *tūmān*.

- Costs for one of the children and their mother to accompany the corpse: 200 *tūmān*.
- Expenditures of the funeral and the transport of the corpse to Najaf: 100 *tūmān*.
- To Zahrā Bigum Khānum, niece of the testator and daughter of Mashhadī ʿAlī: 100 *tūmān*.
- To Āqā Ḥusayn, son of the late Mashhadī Ḥasan: 50 *tūmān*.
- To be spent on other charitable acts (*vujūh-i birr va iḥsān*): 800 tūmān.

'If anyone changes the bequest after hearing it, the guilt shall be on those who make the change' (Q2.181). This took place on the 12th Dhī qaʿda of the 'Year of the Pig' 1292.

Notes

1 As in many other instances of terminology, it seems to me that the understanding of *'aʿyān'* became much more relaxed towards the later Nāṣirī period. Thus Nādir Mīrzā *Tārīkh va jughrāfī-yi dār al-salṭanih-yi Tabrīz* (Ghulāmriḍā Ṭabāṭabāʾī-Majd (ed.): Tabriz, 1373sh) 47, 81, 85, 334 uses it quite interchangeably with *akābir* and *buzurgān*, sometimes mentioning *tujjār/bāzārgānān* separately, and sometimes including them. Adīb al-Mulk Muqaddam Marāghaʾī *Dāfiʿ al-ghurūr (yā rūznāmih-i safar-i Ādharbāyjān)* (Īraj Afshār (ed.): Tehran, 1349sh) 288–90, a Persian travelogue from the early years of Nāṣir al-Dīn Shāh's reign, includes a list of merchants under the heading of *'Asāmī-yi tujjār va aʿyān-i shahr'*. This list also includes the name of Mīrzā Jabbār, the author of one of our testaments. For an overview on wholesale merchants in Qajar Iran see Willem M. Floor 'The Merchants (*tujjār*) in Qājār Iran' *ZDMG* 126 (1976) 101–35 and the introductory parts of Shireen Mahdavi *For God, Mammon, and Country. A Nineteenth Century Persian Merchant, Haj Muḥammad Hassan Amin al-Zarb (1834–1898)* (Boulder, 1999). A good case study is Kamran Ekbal 'Der politische Einfluß des persischen Kaufmannstandes in der frühen Kadscharenzeit, dargestellt am Beispiel von Ḥāǧǧī Ǧalīl Khān Qazwīnī Maliku't-Tuǧǧār' *Der Islam* 57 (1980) 9–35.
2 John D. Gurney 'A Qajar Household and its Estates' *Iranian Studies* 16 (1983) 137–76.
3 Mahdavi, *God, Mammon, and Country*, 187–93 (Appendix B). Yaghmā-yi Jandaqī *Majmūʿa-yi āthār-i Yaghmā-yi Jandaqī*. 2: *Makātīb va munshaʾāt* (ʿAlī Āl-i Dāʾūd (ed.): Tehran, 1362sh) letters no. 297 and 298, 313–14, and no. 316, 328–30 (my thanks to Roxane Haag-Higuchi for this reference).
4 Joseph Schacht *Introduction to Islamic Law* (Oxford, 1964) 173f. In a Shiʿite context see for example, Muḥammad b. Ḥusayn Bahāʾ al-Dīn al-ʿĀmilī *Jāmiʿ-i ʿAbbāsī: Yak dawrih-yi fiqh-i Fārsī*, with marginal notes by Shihāb al-Dīn Marʿashī-Najafī (Tehran, 1985) 379–84, or Amédée Querry *Droit Musulman: Recueil de lois concernant les musulmans schyites*, 2 vols (Paris, 1871–2) 610–38 as the translation of Ḥillī's *Sharāʾiʿ al-islām*. The discussion in all these works remains however on a purely theoretical level.
5 All examples from Ghulāmḥusayn Bīgdilī *Tārīkh-i Bīgdilī: Madārik va asnād* (Tehran, 1367sh). In order of quotation: testament 1 (dated 15 Muḥarram 1325) 969–74, testament 3 (dated 17 Dhī ḥijja 1252) 977f, testament 4 (dated 2 Rabīʿ I 1326) 979f.

6 The details of the three testaments are as follows:

   i Testament by Hājji Jabbār, *tājir-i tabrīzī*, known as Hallāj, dated 2 Ṣafar 1275 (11 September 1858), call-number in the *Sāzmān-i awqāf va khayrīya* in Tehran: 53-T 'Tabrīzī Ḥājjī Jabbār'. The transcript includes a later *ḥukm* dated 3 Muḥarram 1336 (19 October 1917). The edited Persian text of this testament with a translation is included in Christoph Werner *An Iranian Town in Transition: A Social and Economic History of the Elites of Tabriz, 1747–1848* (Wiesbaden, 2000), 363–7.
   ii Testament by Ḥājjī Muḥammad ʿAlī, *tājir-i Tabrīzī*, dated 19 Rajab 1285 (5 November 1868), call-number in the *Sāzmān-i awqāf va khayrīya* in Tehran: 118-Ḥ 'Ḥājj Muḥammad ʿAlī'.
   iii Mashhadī Muḥammad Riḍā Bāghbānbāshī, dated 12 Dhī qaʿda *tangūz yil* 1292 (10 December 1875), *Sāzmān-i awqāf va khayrīya*: included in a manuscript ledger of *vaqf*s from Azerbaijan, 743f.

7 Bīgdilī, *Tārīkh-i Bīgdilī*, 979. As an example for a much more intricate testament that includes Quranic quotations and numerous stylistic ornament see the one included in Sebastian Beck *Neupersische Konversationsgrammatik* (Heidelberg, 1914) 299f.
8 There are also cases where spouses would be named as testamentary executors, see Bīgdilī, *Tārīkh-i Bīgdilī*, 975, where a certain ʿAbd al-Rashīd names the mother of his oldest/preferred son as *vaṣī*.
9 These remarks are only intended to offer a very rough idea about the amounts mentioned, they cannot replace a clearly needed independent study on the development of prices based on indigenous Persian source material. Note that all testaments discussed here record price levels before the massive inflation of the 1880s. Walter Hinz *Islamische Währungen des 11. bis 19. Jahrhunderts umgerechnet in Gold. Ein Beitrag zur islamischen Wirtschaftsgeschichte* (Wiesbaden, 1991) 86–9. Tables on prices and Sterling exchange rates compiled from European sources in Charles Issawi *The Economic History of Iran: 1800–1914* (Chicago, 1971) 335–43, according to his tables, one *tūmān* would have bought at least 20 kg of meat in our period, making it feasible to conceive one *tūmān* as equivalent to at least 50 Euro.
10 Bīgdilī, *Tārīkh-i Bīgdilī*, 980.
11 See ʿAlī Akbar Dihkhudā *Lughatnāmih*, 14 vols (Tehran, 1994) VII, *cf. 'radd-i mazālim'*.
12 Alternatives to the ʿAtabāt were of course the shrines in Mashhad or Qum (as in the testament by ʿAbd al-Rashīd in Bīgdilī, *Tārīkh-i Bīgdilī*, 976).
13 Bahā' al-Dīn al-ʿĀmilī, *Jāmiʿ-i ʿabbāsī*, 134–6: *Ḥajj-i niyābat*.
14 This practice does still exist, a US-based travel agency offers pilgrimages by proxy for $600, see www.hudaatravel.com/Service/hajj/package/badal/.
15 The impression that every testament must necessarily include an endowment is of course not tenable. The origin of the material, here the archives of the *Sāzmān-i awqāf*, leads to a pre-selection of certain testaments and the exclusion of others.
16 Document kept in the *Sāzmān-i awqāf* in Tehran, call-number '309-ʿayn, ʿAbbās, Ḥājjī', dated 6 Rabīʿ II 1270AH, later transcript of the court-protocol from the *Vizārat-i maʿārif*. Another, much more complicated example for the close interaction between *vaqf* and testamentary legacies can be seen in the attempt by Mīrzā Muḥammad Mahdī Qāḍī to revive a much earlier foundation, Jamāl Turābī-Ṭabāṭabā'ī *Nasabnāmih-yi shākhaʾī az Ṭābāṭabāʾīhā-yi Tabrīz* (Tabriz, 1376sh) 51–3.