



# DURHAM MIDDLE EAST PAPERS

UNEQUAL TREATIES AND THE QUESTION OF  
SOVEREIGNTY IN QAJAR AND EARLY PAHLAVI IRAN

Ali Gheissari

*Ann Lambton Memorial Lecture*  
**Durham Middle East Paper No. 106**

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INSTITUTE FOR MIDDLE EASTERN AND ISLAMIC STUDIES

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Professor Gheissari has served as the Editor-in-Chief of *Iranian Studies* (2016-2020); has been a consulting editor and contributor to the Encyclopaedia Iranica; is on the Editorial Board of Iran Studies book series (published by Brill); and serves on the Board of Directors of the Persian Heritage Foundation. His current research is on aspects of legal and constitutional history of modern Iran.

The present survey will be an overview of the Russian and British leverage in Iran during the Qajar and early Pahlavi periods through unequal treaties as one channel of extending their imperial influence and counterbalancing each other's rival presence. Although Iran was never directly colonized, on several occasions its sovereignty was compromised by competing foreign interests as reflected in a number of unequal treaties and concessionary agreements which, in effect, created a semicolonial situation for the country during the nineteenth and early twentieth centuries. The essay will attempt to address certain aspects of the above observations in three interrelated sections.

The first section will provide a general discussion on unequal treaties, notably the Golestan Treaty of 1813 and the Turkmenchay Treaty of 1828 between Russia and Iran, and their implications. Subsequently, the Qajar state's traditional perspective on sovereignty and its ways of maintaining it and Iran's semicolonial condition in the nineteenth and the early twentieth centuries will be discussed in the second section. Finally, by building on modern requisites of sovereignty based on the paradigm of nation-state and by introducing a number of corresponding legal and administrative reforms that were initiated in late 1920s and early 1930s, the early Pahlavi state set out to remove hitherto capitulatory agreements, a topic that will be briefly addressed in the last section.

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## INTRODUCTION

The present survey will be an overview of the Russian and British leverage in Iran during the Qajar and early Pahlavi periods through unequal treaties as one channel of extending their imperial influence and counterbalancing each other's rival presence.<sup>1</sup> Although Iran was never directly colonized, on several occasions its sovereignty was compromised by competing foreign interests as reflected in a number of unequal treaties and concessionary agreements which, in effect, created a semicolonial situation for the country during the nineteenth and early twentieth centuries.

**“ALTHOUGH IRAN  
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treatise) or opportunities to modernize the economy (in the case of concessions) and thereby perhaps even deserving to receive plaudits. But such views were seldom shared by those who were operating outside the parameters of the state and in general were also dismissed by common opinion. Consequently, signing of major treaties and concessionary agreements often fed directly into a nationalist counter-discourse bent on questioning Qajar legitimacy—as can be seen in, for example, the violent reactions to the Turkmenchay Treaty of 1828 or during the Tobacco Concession protests in 1891-92.<sup>2</sup> On the other hand, a significant agreement, such as the D'Arcy Concession of 1901 for the exploration of oil in southern Iran, was challenged effectively only half

a century later, during the oil nationalization movement, by which time oil had assumed a considerably more significant economic and political dimensions. There were also other forms of negotiations relating to Iran that bypassed the Iranian state altogether, such as the Anglo-Russian Agreement of 1907 dividing Iran into British and Russian zones of influence.

It is also imperative to note the role of (state and non-state) ideology, image industry, and propaganda in shaping Iranian historical memory—be it oral, textual, or material (including representations of the built environment). For instance, there was a clear contrast between the way in which the Pahlavi state portrayed foreign treaties and concessions that were signed by the Qajar state, and depiction of its own treaties and agreements with foreign powers. The Qajars were portrayed as a feeble and corrupt state that through outside pressure repeatedly compromised Iran's sovereignty, whereas treaties and concessions concluded by the Pahlavi state were avowedly carried out on equal footing to better serve national interests and the welfare of its citizens.<sup>3</sup> This state-sponsored historical interpretation under the Pahlavis was expectedly challenged by its opponents but without attempting in any way to rehabilitate the records of the preceding Qajar state. In fact the term *capitulation* (in its French pronunciation) involved a distinctly negative tone in the Iranian nationalist political language in the twentieth century and its abolition was viewed as priority by many among the country's statesmen or the opposition figures alike.<sup>4</sup> Legal reforms of the early Pahlavi period were in part presented as a step in that direction—especially with regard to the codification of the civil law and the introduction of modern procedural laws, ranging from the penal code to commercial laws affecting both domestic and foreign nationals.

This essay will attempt to address certain aspects of the above observations in three interrelated sections. The first section will provide a general discussion on unequal treaties, notably the Golestan Treaty of 1813 and the Turkmenchay Treaty of 1828 between Russia and Iran, and their implications. Subsequently, the Qajar state's traditional perspective on sovereignty and its ways of maintaining it and Iran's semicolonial condition in the nineteenth and the early

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twentieth centuries will be discussed in the second section. Finally, by building on modern requisites of sovereignty based on the paradigm of nation-state and by introducing a number of corresponding legal and administrative reforms that were initiated in late 1920s and early 1930s, the early Pahlavi state set out to remove hitherto capitulatory agreements, a topic that will be briefly addressed in the last section.

### ***I. Unequal Treaties and Capitulations***

Treaties in general refer to agreements between sovereign states, and concessions are usually given by sovereign states to individuals or private companies, whether domestic or foreign. At the outset it should also be qualified that not all treaties that Iran signed in the nineteenth and twentieth centuries were unequal or



*Map 1: Map of the “Guarded Domains” (Mamālek-e Mahruseh) of Qajar Iran (drawn by Ali-Ashraf Qarājedāghi, Tehran, 1907). Malek National Library and Museum Institution, Tehran.*

**“...THE GRAVELY  
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discriminatory, as certain treaties that catered to specific regional and international interests were often mutually beneficial to the signatories—for the duration of such agreements—such as, for example, the Treaties of Erzurum between Iran and the Ottoman Empire (signed in 1823 and 1847) that settled their border disputes or the Treaty of Paris (signed in March 1857) that ended the Anglo-Persian War and resolved the differences over the border between Iran and Afghanistan.<sup>5</sup> However, signing of the two clearly unequal treaties of Golestan and Turkmenchay in the early Qajar period were forced upon Iran following a series of military setbacks and territorial losses—and, by and large, the gravely unequal terms of the Turkmenchay Treaty set a precedence for subsequent capitulatory terms that other countries, while drawing on the principle of the “Most Favored Nation” (MFN), included in most treaties that they signed with Iran in the nineteenth century.<sup>6</sup>

Restoration of state authority and its maintenance in the early Qajar period was a particularly complex episode in Iran’s modern history. The efforts of the dynasty’s founder, Āqā Mohammad Khān (r. 1789-97), were almost entirely consumed by his priority of consolidating Qajar hold over his newly conquered domain and reestablishing sovereignty over vast territories that had been fragmented since the

fall of the Safavids in 1722. Many of these regions were later reunified under the Afsharid rule (1736–96) and the Zand dynasty (1751–94) during Iran's long eighteenth century—including large areas of Georgian territory in the Caucasus, before fragmenting in the course of tribal and inner-tribal warfare again, with the Qajars ultimately succeeding the short-lived Zand dynasty. This brought the Qajars on collision course with the Russians who around the same period had set out to expand their territorial gains in the Caucasus by annexing Georgia in early 1800s.

During the reign of the second Qajar sovereign, Fath-Ali Shah (r. 1797–1834), the First Russo-Iranian Wars (1804–13) resulted in substantial Iranian territorial losses to Russia. These were outlined in the Treaty of Golestan that was signed in October 1813, and later ratified in Tbilisi in September 1814. The draft of this treaty was prepared by the British diplomat and envoy Sir Gore Ouseley (1770–1844) and was signed from the Iranian side by the high ranking delegate Mirza Abu al-Hasan Khan Ilchi (1776–1845), and from the Russian side by Gen. Nikolay Rtishchev (1754–1835, in service 1773–1816).<sup>7</sup>

It concluded an almost decade-long conflict and resulted in a broad range of unfavorable concessions by Iran. These included Russian possession of several commercially and agriculturally important Khānates in both North and South Caucasus, including Qarabāgh, Ganjah, Shirvān, Shāki, Darbad, and Baku as well as parts of Tālesh and the fortress at Lankarān. Iran further abandoned its claims to other areas such as Dāghestān, Georgia, and Abkhāziā including various villages and towns on the coast of the Black Sea.<sup>8</sup>

Iran also conceded navigation rights to Russian commercial ships going to Iranian ports as well as exclusive rights to keep naval force in the Caspian Sea. Both sides further agreed to establish free trade, with each side given access to their respective domestic markets.

On the other hand Russia agreed to recognize and support the designated Crown Prince, Abbas Mirza (1789–1833), and his descendants as the heir to the Persian Throne.<sup>9</sup> From the Iranian point of view such specification would simultaneously confirm, at least on paper, that Russia would recognize the Qajar sultanate as a sovereign domain and its line of succession.<sup>10</sup>

We should also consider the uneven military prowess of the two sides, with Iran lagging behind in terms of both military technology and organization—in effect the Qajars had inherited a gunpowder empire but without the gunpowder. Furthermore, there was the impact of certain non-military factors during the war as well, not all of which can be blamed on the recently established Qajar

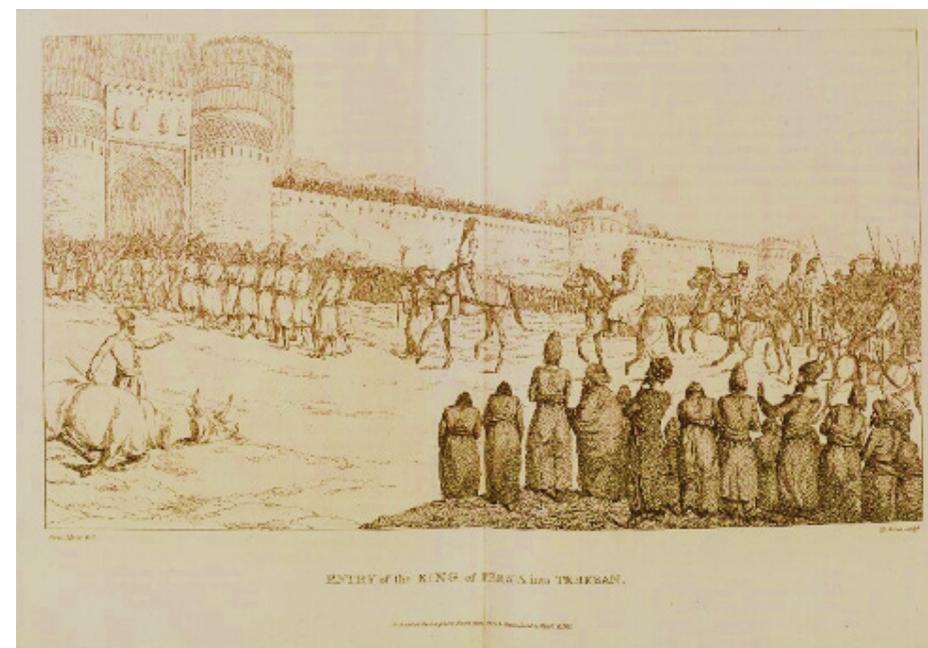


Fig. 1: Entry of Fath-Ali Shah Qajar into Tehran



Fig. 2: The court of Fath-Ali Shah Qajar, Arthur M. Sackler Gallery. Public Domain



Fig. 3: Crown Prince Abbas Mirza Qajar

dynasty. For instance, among such factors were the occasional interference of Shi'a hierarchy and tribal forces with the Qajar state's conduct of the war. However, adding further to the complexity of the situation, some of these interventions had in fact been initially asked for by powers within the state itself, as in the case of, for example, encouraging the high ranking ulema to declare jihad in order to mobilize irregular regiments to the war effort which at the end turned out to be counterproductive.<sup>11</sup>

Unequal terms of the Treaty of Golestan and its unclear demarcation of boundaries between Russia and Iran, subsequently paved the way for renewed conflict and, some thirteen years later, caused the Second Russo-Iranian Wars (1826-28). In this second round of conflict Iran initially regained some of the territories that it had lost as a result of the Treaty of Golestan. However, once the Russian forces were reinforced by new supplies and more advanced weapons, they succeeded in inflicting a severe defeat on the Iranian army. This in turn resulted in the Treaty of Turkmenchay that was signed on 10 February 1828. The Iranian signatories were Abbas Mirza, the Crown Prince and commandar in chief of the Persian forces, and Allah-Yar Khan Qajar Davallu (Asef al-Dowleh; c. 1760-c. 1820, in office c. 1825-28), chief minister to Fath-Ali Shah. The Russian side was represented by Gen. Ivan Paskievich (1782-56, in service 1800-1856) who, in recognition of his role in signing the treaty, was subsequently made Count of Yerevan in 1828. The Treaty of Turkmenchay forced Iran to cede to Russia additional territories in South Caucasus including Khanates of Yerevan, Nakhjavan, and the rest of Tālesh as well as the Ordubād and Moghān regions in the South Caucasus.<sup>12</sup> The new border between Russia and Iran was now set on the Aras River. In addition to the territorial losses Iran was also forced to agree to pay Russia a large financial settlement (estimated at 10 korur tumans in gold or 20 million silver rubles at the time).<sup>13</sup>

Shortly after the end of the war and signing of the humiliating treaty, the Russian mission in Tehran was attacked by an angry mob and the event resulted in a massacre of the mission staff and the Russian delegation traveling to Iran to collect the first instalment of the war indemnity. Among those who lost their lives was the newly appointed Russian ambassador and noted playwright Alexander Griboyedov (1795-1829) who had a significant part in negotiations and the signing of the treaty.<sup>14</sup>

In addition to large scale territorial losses and losses of navigation rights in the Caspian Sea as well as massive financial penalty, the Turkmenchay Treaty is also associated with granting of capitulation rights to Russian subjects in Iran. Although prior to this time a number of capitulation agreements already

№ 32.  
Сепаратный Актъ.

Съездъ Великихъ Императоровъ  
 въ Виссохеймъ, въ Дрезденѣ  
 постановилъ три пункта и  
 можно, дабы по взаимному  
 согласию, для дружбы и  
 мира, отъправлены посылы,  
 то посланные изъ Императории  
 прусской отъ Августейшаго  
 Императора короля и подданныхъ  
 къ Императору России  
 отъ Императора, повеленъ ему  
 отъ своего Министра прусскаго  
 ставитъ равною Великому  
 Императору Австрии, Императору  
 России и Императору Пруссии  
 почти и потребовать старшихъ  
 отъ Великаго Императора  
 короля подписали и печатьми своими  
 утвердили въ российскомъ лагерь  
 въ Гросенуръ Гелмштедтъ приртыль  
 сей 1813<sup>го</sup> года Сентября 12<sup>го</sup> дня.

Уполномоченный Главни  
 Командующий въ Грузіи  
 Николай Павловичъ

Съездъ Великихъ Императоровъ  
 въ Виссохеймъ, въ Дрезденѣ  
 постановилъ три пункта и  
 можно, дабы по взаимному  
 согласию, для дружбы и  
 мира, отъправлены посылы,  
 то посланные изъ Императории  
 прусской отъ Августейшаго  
 Императора короля и подданныхъ  
 къ Императору России  
 отъ Императора, повеленъ ему  
 отъ своего Министра прусскаго  
 ставитъ равною Великому  
 Императору Австрии, Императору  
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 сей 1813<sup>го</sup> года Сентября 12<sup>го</sup> дня.

Уполномоченный Главни  
 Командующий въ Грузіи  
 Николай Павловичъ

1813

16

Fig. 4: Treaty of Gulistan, 12 October 1813 (Last page)

du cachet de leurs armes et  
 échange entre eux, sera confirmé  
 et ratifié par Sa Majesté  
 l'Empereur de toutes les  
 Russies et Sa Majesté le  
 Schah de Perse, et les Rati-  
 fications solennelles, revêtues  
 de Leur propre signature, en  
 seront échangées entre Leurs  
 Représentatifs dans le terme  
 de quatre mois, ou plutôt si  
 faire se peut.

Fait au village de Tour-  
 mentchâi le 10. de Février  
 de l'an de grâce mil-huit-  
 cent vingt-huit et le 5. de  
 Schibane de l'an 1263.

Jean-Louis de Saxe

ایشان مورد و ما بین ایشان بادله شده است از جانب  
 امپراتور روسیه و امپراتور  
 شاهان ایران بران مصدق و مضمی تصدیق نماید  
 سده اوله که برستحقاق و صلح و صلح و صلح و صلح  
 اگر ممکن باشد بین امپراتور روسیه و شاهان  
 در 4 ماه یا کمتر از آن در صورت امکان  
 در 5 شعبان 1263

مسجد کعبه است از پنجم شعبان 1263  
 بملاحظه و تصدیق نواب عالی طهر سید

باشا می وزیر دولت خارجه چاه میر ابو خلیل خان

161

17

Fig. 5: Treaty of Turkmenchay, 22 February 1828 (Last page)

Persian Territorial Losses after the Gulistan Treaty of 1813 and the Turkmanchai Treaty of 1828



Map 2: Persian Territorial Losses after the Gulistan Treaty of 1813 and the Turkmanchai Treaty of 1828

existed between Iran and other countries, the general perception of the Turkmenchay Treaty was that it had gravely undermined Iran's sovereignty, in principle and in practice.<sup>15</sup>

## II. The Question of Sovereignty

The question of sovereignty and its maintenance continued as a major

political and legal preoccupation throughout the Qajar period. In practical terms, an overriding notion of sovereignty in terms of "guarded domains" (*mamālek-e mahruseh*) that the Qajars had inherited from their predecessors, more specifically from the Safavids, was a normative set of informal and unwritten arrangements between the institution of the crown (*sultanate*) and various regions and

provinces within their realm, including the central as well as the frontier areas. For instance, the term was used by the noted Iranian statesman, Mirza Abul-Qāsem Qā'em-maqām Farahāni (1779-1835), who had reflected on the causes and consequences of Iran's defeat in its wars with Russia that ended in Turkmenchay Treaty which he had witnessed.<sup>16</sup> In the nineteenth century Iran was pulled into the theatre of great powers politics at a time it was least prepared for it. The Qajars had only seized the throne effectively in 1796 after defeating internal tribal rivals. While lacking a coherent central administration and full control of the entire country, and without a modern military and, instead, chiefly reliant on various tribal armed contingents, they found themselves simultaneously at war with Russia over Georgia and the Caucasus while drawn into the European balance of power during the Napoleonic Wars, at a time when Britain was expanding its territorial control in the Indian subcontinent and the Persian Gulf. These wars posed a direct challenge to the early Qajar attempts towards consolidating their weak state's territory and building its "fragile frontiers."<sup>17</sup> Loss of territory, bankruptcy of the treasury and accumulating debt, among other factors, threatened Qajar legitimacy and eroded its self-representation as the protector of the *guarded domain*. Such



Fig. 6: Persian payment of indemnity in Tabriz, 1928, Hermitage Museum

unwritten set of arrangements that have also been referred to in terms of a “Qajar pact,” entailed granting and subsequently recognizing a degree of relative autonomy by the center, the embodiment of which was the institution of the crown, to various regions and provinces. Together they would form the collectivity of the Qajar domain.<sup>18</sup>

The Qajar pact was therefore an unwritten series of negotiations and expectations among the central institution of the crown and various regional political networks. It included manifold layers of tacit pacts between the center and provinces, between the political elite and different social classes, and among different social classes themselves. In a sense the analytical premise or the paradigm of Qajar pact was built on the memory of the Safavid state and adhered to its principal political foundations—both ideational (i.e. Shi’ism) and institutional (i.e. ministerial office and its various branches, collectively referred to as the *divān*). It is important to also note that in its early nineteenth-century wars with Russia Iran stood alone (notwithstanding the intermittent and minor French and British assistance, including as part of Abbas Mirza’s scheme of modernizing the army), because its “guarded” domain was no longer part of any larger Muslim dominion: when the Safavids broke off doctrinal path with the Ottomans, Iran was no longer part of, to borrow somewhat anachronistically, the lands of “the

Eastern Caliphate.”<sup>19</sup> Although this term has an orientalist overtone, its use here is not to imply the applicability of any sort of Muslim pact, rather it is intended to echo a gradual formation of an Iranian perception of domain and territoriality which came to be as much geographic as it was linguistic, denominational, military, and administrative. The Ottomans too had their own series of wars with Iran which, in one way or the other, were settled in the eighteenth century, notwithstanding later Ottoman territorial incursions during the Iranian Constitutional Revolution and/or during the World War One, as well as Iranian incursions into Anatolia and Ottoman Iraq.

Therefore, in the nineteenth century, in the absence of a centralized administration and a centrally organized force, such informal arrangements were the Qajar state’s method of maintaining sovereignty at home—a method which perhaps can be described in terms of rule by designation or franchised statecraft, reflecting the “multipolar nature of Qajar sovereignty.”<sup>20</sup> Furthermore, resorting to such a diversified method at home also complemented the Qajar state’s accepting or accommodating capitulatory terms in its foreign treaties such as the Treaty of Turkmenchay which, in spite of all its unequal and detrimental terms, secured an international recognition of Qajar sovereignty, territory, and specified dynastic lineage.

“...RECOGNITION  
OF RECIPROcity  
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AFFIRMATION THAT  
THE WEAKER  
PARTY WAS NOT  
A COLONY OF THE  
STRONGER PARTY.”

In Iran, the signing of agreements with foreign powers, notably with Russia and Britain, and with foreign subjects, by and large fell under two broad categories, namely treaties such as Golestan and Turkmenchay, the signing of which were forced upon the Iranian state, and different types of agreements, treaties or concessions such as the ones on a short Railway (in 1886),<sup>21</sup> Tobacco (1890),<sup>22</sup> and Oil (1901),<sup>23</sup> that were signed by the state to attract investment and benefit from royalties for its expenditures.<sup>24</sup> An obvious dimension in concessionary and capitulatory treaties, in spite of their differences, was that in principle capitulatory clauses were presented and phrased as reciprocal arrangements, although in reality prospects for real reciprocity to materialize in Iran’s mutual advantage after the start of the nineteenth century were dim or even largely nonexistent.<sup>25</sup> On the other hand recognition of reciprocity was itself an affirmation that the weaker party was not a colony of the stronger party. In this arrangement one would simply capitulate on legal matters (relating mostly to the domain of private law) as far as the subjects of the other state were concerned but was not going to relinquish its own sovereignty (that is, the domain of its public law) to the stronger state.

By extension, granting of concessions to foreign interests (c.

1850s through 1910s) either directly by the crown or by its regional governors, such as the Prince Masud Mirzā Zell al-Sultan (1850-1918) in Isfahan, who occasionally operated as de facto provincial rulers, was generally perceived by those who were being adversely impacted, such as merchants and their clerical supporters and wider social networks, as a veritable extension of a pattern that had begun by unequal treaties. Hence unequal treaties and the capitulation regime that was associated with them on the one hand and concessions on the other, were often being regarded in the public eye as two faces of the same reality, a general perception that from time to time challenged and weakened the legitimacy of the crown and its designates as defenders of the faith and protectors of the country and its subjects.

However, although this trend should not be ignored it should not be overstated either, since many of the clergy who, for example, supported the Tobacco Protest or even the Constitutional Revolution of 1906, had no intention of bringing about the collapse of the Qajar state.<sup>26</sup> If there was any sort of a Qajar pact, it was indeed the one between the Qajar state and the high-ranking clerics, in terms of their mutual dependence—but that did not prevent either side from occasionally challenging the leverage and authority of the other. There were different levels and dimensions to any form of consensus between the two.

In this context one can identify a complex configuration of three analytical trajectories that in just over half a century (from late 1860s to late 1920s) evolved from (a) the state opting to grant concessions (with or without unequal treaties); to (b) challenges to such concessions by forces outside the parameters of the state who simultaneously set out to undermine Qajar legitimacy and, in spite of the internal ideological heterogeneity in the ranks of these critics, eventually moved towards agreeing on a constitutional solution, albeit short term; and (c) the formation of a modern centralized state under the banner of the newly-founded Pahlavi “state nationalism” and the dismantling of many key structures of the Qajar state as well as an attempted reconfiguration of Iran’s relations with foreign powers. In this same context, and in particular domestically, in almost 10 to 15 short years, from 1910s to late-1920s, we can see a clear shift in the political mindset: from *the reality* of having too little state during the late Qajar period towards *the idea of* having too much state under the early Pahlavi period.<sup>27</sup>

### ***Not Colonizing Iran***

The above argument may have also been a reflection or an implication of a revisionist assessment within the imperial mindset and the colonial perspective



Fig. 7: Mirza Abul-Qāsem Qā'em-maqām Farahāni

that could approximately be traced back to the mid-nineteenth century. Seen from this perspective, a distant colonial power, such as Britain, could continue exploiting the resources of a foreign territory without having to “colonize” it—because by the mid-nineteenth century colonization had already resulted in various kinds of demands, obligations, and antipathies.<sup>28</sup> The argument here extends to the contested principle of so-called *imperialism of free trade*, while also more broadly distinguishing between *formal* and *informal* empires—maintaining that the preservation of free trade at times served as a pretext for imposing informal or formal imperial hegemony, as in the case of the British in China.<sup>29</sup> Paralleling this mode of reasoning, it may also be suggested that by signing

“reciprocal” capitulation agreements the party that had the upper hand would (a) secure the legal protection and jurisdiction for its own subject, and (b) free itself of any moral or juridical obligations towards the weaker partner in the agreement, while claiming the agreement was mutually beneficial to both states.

Moreover, Iran, while increasingly assuming a semi-colonial status in the nineteenth century, did not become an outright colony of either the British or Russian empires, not because they had already lost the momentum for their respective colonial ambitions but because Iran played a balancing act between the two rival powers that bordered it and sought to check the growing leverage of the other imperial power in Iran.<sup>30</sup> By late nineteenth century, the rise of a militarist and unified Germany with its own formal and informal imperial aspirations also affected Anglo-Russian relations, including in Iran. Shortly after the Iranian Constitutional Revolution of 1906, Britain and Russia concluded an Agreement in 1907 that also resolved their century-old rivalry in Iran to offset the potential German threat to British and Russian interests

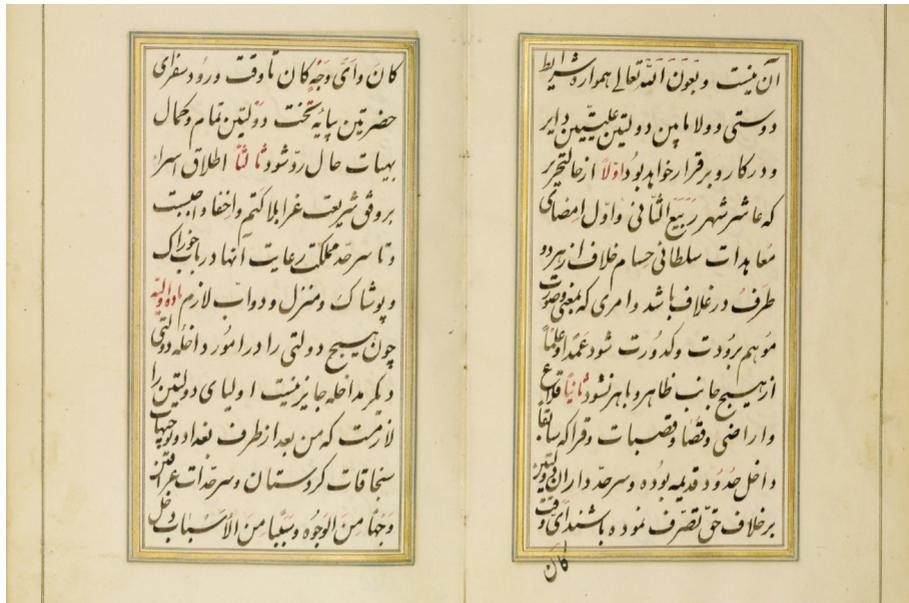


Fig. 8: Part of the First Treaty of Erzurum, 1823



Fig. 9: Ardeshir Mirzā (Rokn al-Dowleh) and Soleymān Khān (Sahām al-Dowleh) reviewing the reformed Persian troops. Drawn by Abul-Hasan Ghaffāri (1851)

(in Russian calculations Germany was an ally of Austria). Meanwhile Britain and Russia were also keen on avoiding a coterminous frontier in Iran that could lead to future direct military confrontation between them. Iran's vast territory and its relatively isolated state must also have impacted the apparent ambivalence in desire and/or ability of outside powers' to directly colonize it in the nineteenth century, even if it did not stop Russia from annexing vast Iranian territories along its frontier in the early nineteenth century, nor did it deter Britain from curtailing Qajar ambitions of formally annexing Herat and its environs to the east, in what later became part of Afghanistan. The closest that Iran came in late Qajar period to a colonial condition was its division into zones of influence in the above mentioned 1907 Agreement between Russia and Britain, which divided Iran into Russian and British zones of influence in the north and the south respectively, with a nominally "neutral" buffer zone in the middle.<sup>31</sup>



Map 3: Iran's regional position in the 19th century



Fig. 10: "Feline Friends; or, the British Lion and the Persian 'Chat!'" By Joseph Swain, *Punch (or the London Charivari)*, June 21, 1873.<sup>50</sup>

The regional developments following the First World War effectively changed geo-political calculations affecting Iran.<sup>32</sup> Although the preferred imperial option of finding strong allies had not yet materialized (albeit this being a counterfactual assumption), instead one could see a regionalized approach by the sole imperial player, Britain, throughout the Middle East, including Iran. In the period after the First World War the region witnessed a sudden absence of two former imperial powers: briefly Russia in the immediate aftermath of the Bolshevik seizure of power, and the Ottoman Empire that began to dismantle after the Great War.<sup>33</sup>

Meanwhile, elsewhere in the larger region France, an ally of Britain, emerged from the war devastated and could not even secure all the territories in the former Ottoman Empire that the 1916 Sykes-Picot Agreement had allotted to her, and the US, in accordance with its stated isolationism in foreign policy, was withdrawing from international entanglements. In effect, Britain was the only dominant imperial player in the region, with a vastly expanded empire, a depleted economy, and the potentials and prospects of benefitting from the resources of the weaker countries in the region, in particular regarding oil.<sup>34</sup>

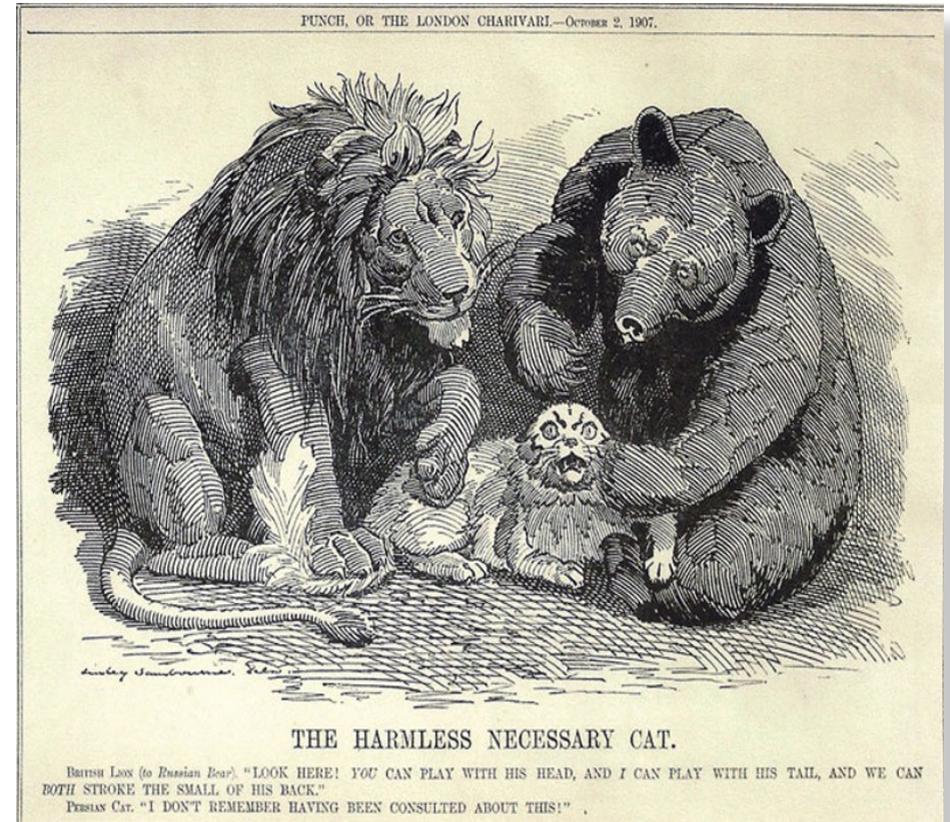


Fig. 11: "The Harmless Necessary Cat." By Sambourne, *Punch (or the London Charivari)*, October 2, 1907. British Lion (to Russian Bear), "Look here! You can play with his head, and I can play with his tail. We both stroke the small of his back." Persian Cat: "I don't remember having been consulted about this!" — *the Great Game*, 1907.

In the ill-fated 1919 Anglo-Persian Agreement, whereby the Iranian government, headed by the prime minister Hasan Vosuq (1868-1951; in office 29 August 1916 – 5 June 1917 and again 8 August 1918 – 3 July 1920) agreed to the British protection for its foreign affairs and to the British supervision for its domestic reorganization and reform. Imperial pursuit of regional politics was viewed by Vosuq with a clear sense of anxiety and prompted his government in 1919 to negotiate the agreement with the British. Vosuq believed such an agreement with the British would offset any potential imperial designs to dismantle Iran's territory; thus for Vosuq delivering Iran to a semi-protectorate status



Fig. 12: "As Between Friends." By Raven Hill, *Punch (or the London Charivari)*, December 11, 1911. Caption: British Lion to Russian Bear, "If we hadn't such a thorough understanding I might almost be tempted to ask what you are doing there with our little playfellow."

## “IN RETROSPECT THOSE PARLIAMENTARY DEBATES SET THE STAGE FOR THE 1921 COUP...”

appeared to be a lesser evil before imperial interests would indulge on regionalizing the country. In this context we can further refer to the fear of communism and also to the remnants of the Ottoman Empire in Anatolia who were struggling to survive against the continued Allied onslaught, mostly by the British imperial forces. The 1919 Agreement was also largely aimed at bolstering Vosuq's own leverage in Iranian domestic politics, to strengthen the reach of the central government in the provinces and in tribal regions, and to prevent the spread of regional insurgencies similar to the Jangali Movement (1915-1920).<sup>35</sup> At that time the British also had military leverage in Iran, such as the British-officered South Persia Rifles and the Norper Force.<sup>36</sup>

Vosuq's maneuvering could also be seen as a microcosm of broader trend by Iranian statesmen throughout the late Qajar period to preserve Iran's territorial integrity.<sup>37</sup> The 1919 Anglo-Persian Agreement was never ratified by the Iranian parliament. On the contrary, the parliamentary discussions over the draft of the Agreement triggered a nationalist backlash which in effect was as much anti-Vosuq and anti-British, as it was anti-Qajar.<sup>38</sup> In retrospect those parliamentary debates set the stage for the 1921 coup and the eventual rise to power of Brig. Gen. Reza Khan and culminated in the fall of Qajar dynasty and founding of the Pahlavi state by 1925.

### III. Modernizing the State, Reforming the Law

As noted above, although the Qajar pact was a domestic political solution that was adopted by the Qajar state in the course of the nineteenth century in order to maintain sovereignty, from mid-1920s onwards, there was almost a complete reversal in this arrangement by the early Pahlavi state. Instead of reproducing any pact between the center and the provinces, the Pahlavi state was determined to bring the provinces, as well as all social classes, under the singular jurisdiction of the center.

Although there were several attempts and initiatives in mid- to late Qajar period to reform the law and better organize its administration, a more systematic reorganization took place during the early Pahlavi period.<sup>59</sup> Reforming the legal system in early Pahlavi Iran had two immediate motivations. First, it was prompted by a political decision to take the task of the administration of justice away from clerical control and place it under the state's constitutional prerogative—hence also introducing uniformity in the application of the



Map 4: The Russo-British Agreement, 1907



Fig. 13a-d: Iranian Stamps, cancelled in Bushire, with the cancellation mark: "Bushire Under British Occupation," dated 1915 – Coronation of Ahmad Shah Qajar (1914), overprint. During WWI the Iranian port of Bushire on the Persian Gulf, was occupied by British forces from 8 August to 16 October 1915. They issued overprints on Iranian stamps, as shown above.



Fig. 14: Premier Hasan Vosuq, drawn by Mohammad Ghaffari (Kamāl al-Molk) (created between 1900-1917)

laws within the country as its sovereign domain. As I have argued elsewhere, in this regard the early Pahlavi's opposition to the clerics was not entirely jurisprudential but also administrative and, in a narrow sense of the term, sociological—in the sense that the state was adamant to enlist independently trained, and independently retained, personnel for the judiciary and put in place ways and procedures that were independent of the traditional sharia-based and informal methods.<sup>40</sup> The second motivation was to formally annul existing capitulations. This was specified in an announcement in May 1927 by Iran's foreign ministry revoking previous capitulatory treaties. In a follow up letter to the British Legation, the ministry outlined some 18 articles on Iran's new judicial commitment on preserving the rights, freedom, and properties of British subjects in Iran. Similar letters were also sent to US and German, and later to the French, Swedish, and Danish legations.

One of the earliest accounts on the abolition of capitulation regime in Iran was published in 1930 by Ahmad Matin-Daftary (1897-1971) who was among the younger generation of legal experts in Iran that were instrumental in several key aspects of judicial reforms during the early Pahlavi period. His 1930 study on the cancellation of capitulations in Iran was originally

written in French and published in Paris.<sup>41</sup> For the most part Matin-Daftary's book is a descriptive account and gives some parallel examples of similar efforts in other countries as part of their political modernization. The issue here is articulated within the general framework of identifying political with legal sovereignty, regarding legal sovereignty as an indispensable attribute or condition of political sovereignty.

In fact, Matin-Daftary presented his arguments within a straightforward constitutional framework which, in the case of Iran and in a period that necessary institutions of modern state had not yet developed, was clearly *étatiste*. In retrospect, however, as shown above, we can see how the unequal treaties, not necessarily associated with modernity, nevertheless contributed to the development of the modern state in Iran.

Matin-Daftary was also particularly noted for his significant contributions in articulating and organizing a wide range of procedural laws in Iran.<sup>42</sup> In this context modern notions of sovereign nation-state involved a constitutional framework in which citizenship rights were recognized in principle and gradually institutionalized also in practice. This new approach replaced the traditional, or pre-modern, notions associated with the concept of domain in which personal rights were primarily demarcated along confessional and denominational lines—which, as shown above, was the main legal ground that justified earlier reciprocal provisions in international treaties for granting capitulatory concessions to foreign nationals during the Qajar period.

Examples of other countries, notably Turkey, also encouraged statesmen in Iran to envisage plans in the direction of modernizing the state. To this end the cancellation of capitulatory agreements and a general reform of the legal system were viewed as necessary first steps. Although modernization of state institutions in Turkey and Iran are both attributed to, respectively, the founding of the Republic and of the early Pahlavi period, in both cases the trend and the general mindset were largely the products of the late Ottoman and of the late Qajar periods.<sup>43</sup> Also particular events, such as the Tehran's diplomatic dispute with the US over the murder of the US consul in Iran, Robert Imbrie, in 1924 by a mob, while Reza Khan was still prime minister, may well have played a part in soon-to-be Reza Shah's subsequent determination to abolish extra-territorial jurisdictions and abrogate capitulations at the earliest opportunity.<sup>44</sup>

### ***Concluding Notes: from Nation-State to State-Nationalism***

By way of comparing late Qajar and early Pahlavi periods, in addition to differences in their respective state structures one can also note differences

in the context of the state (i.e., the crown and various authorities and institutions and that were associated with it) vis-à-vis the private sector, and the typology of granting permits, awarding concessions, or signing of treaties. In this respect the actual monetary value and the duration of the treaty or the concession were influential and should be taken into consideration along with how such permits, concessions, and treaties were understood or perceived by the state and also by the general public. As noted above, by the late Qajar period concessionary privileges and capitulatory rights were being increasingly viewed by segments of the public as two major obstacles to asserting Iran's sovereignty, and their cancellation was considered a national priority; a task that was followed up by the new Pahlavi state. The early-Pahlavi modernization vision also dissociated itself, in principle and gradually also in practice, from the notion that concessions were in fact beneficial to national economy both in the short run and in the long run.

Thus, the renewal of concessionary agreements was viewed and presented as temporary measures on grounds that Iran was still lacking necessary domestic technical expertise, the development of which the state assumed and announced

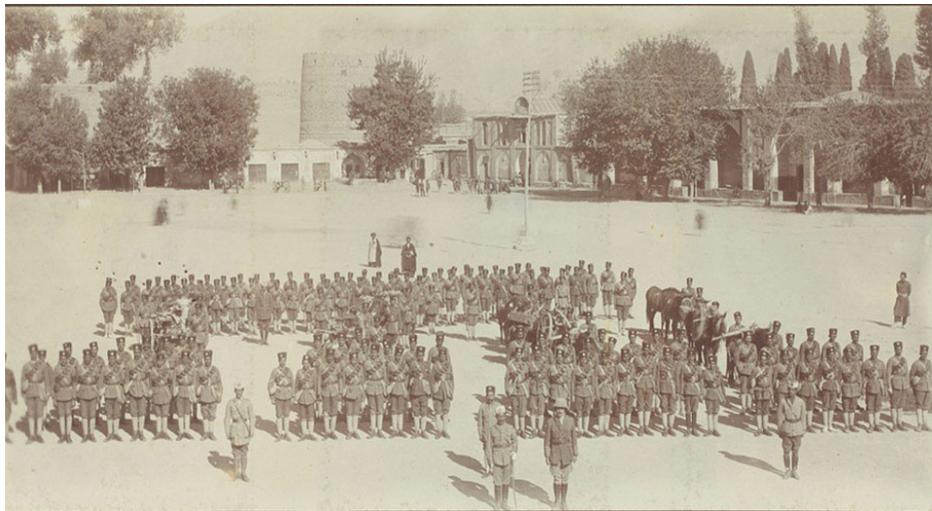


*Fig. 15: Mirzā Kuchak Khān, seated in the middle, photo taken after the first round of meeting with the Russian delegation (c. 1918)*



*Fig. 16: British and Persian officers of the South Persia Rifles, 1918*

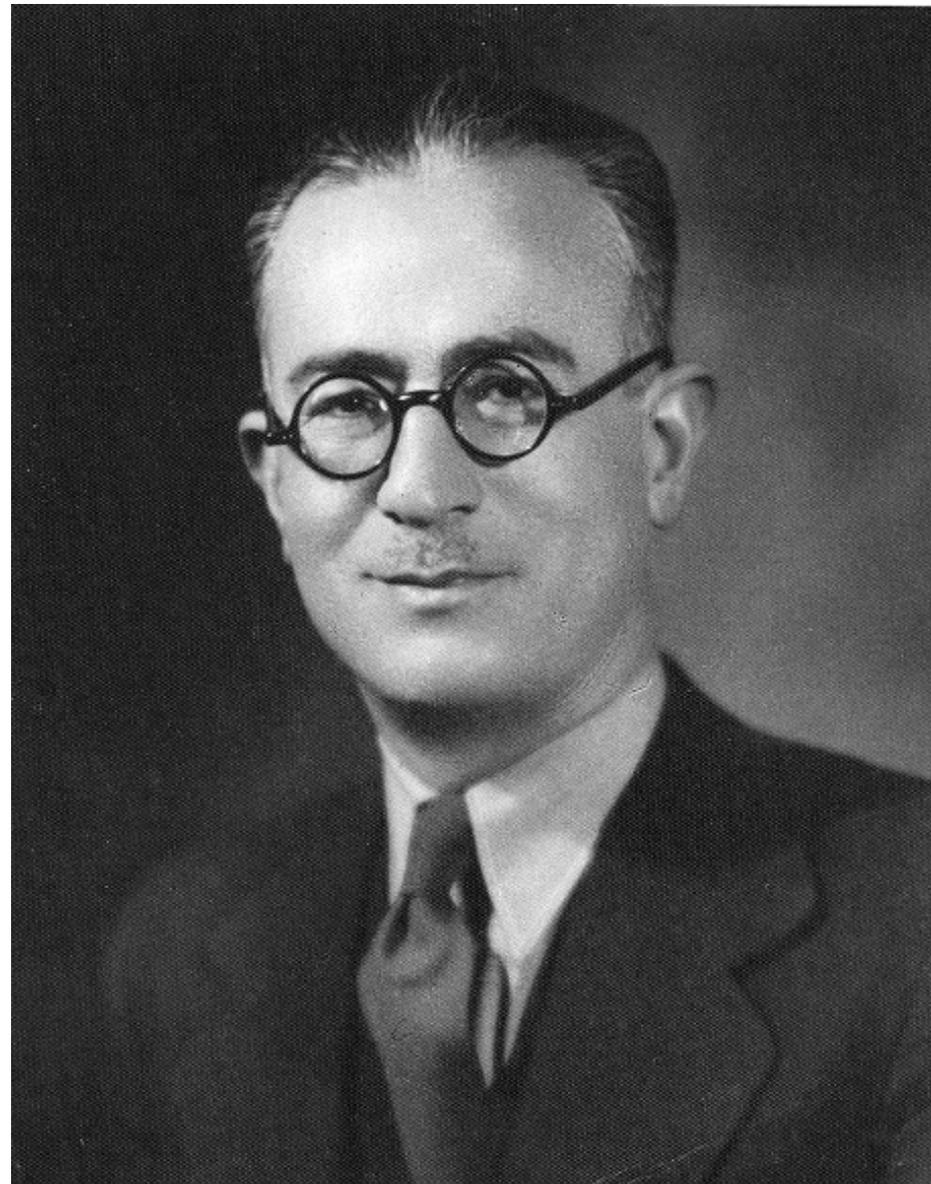
that it would be facilitating. In Qajar period concessionary arrangements that affected the financial or commercial interests of a given social group (often from the bazaar), were frequently seen by those groups as interference by the state and often provoked a backlash—perhaps the best-known example being the popular-clerical reaction to the Tobacco Concession. Turkmenchay Treaty was an imposed settlement, that, as noted earlier, subsequently also prompted a mob attack on the Russian legation in Tehran and the massacre of its staff. But some concessions had a different nature. For example, Naser al-Din Shah's (r. 1848-96) or Mozaffar al-Din Shah's (r. 1896-1907) occasional permits to European explores for archeological excavations, were often viewed by them to be well within their own domain, and the majority of ordinary people, even many among the elite at the time, had little clear idea about the significance or potential future value of the archaeological finds.<sup>45</sup> It should, however, be noted that, in connection with the topic of concessions, Reza Shah's extension of excavation rights to foreign teams, albeit under different arrangements,



*Fig. 17: Parade of the South Persia Rifles, 1918*



*Fig. 18: Ahmad Shah Qajar and Brig. Gen. Reza Khān before takeover*



*Fig. 19: Ahmad Matin-Daftari*

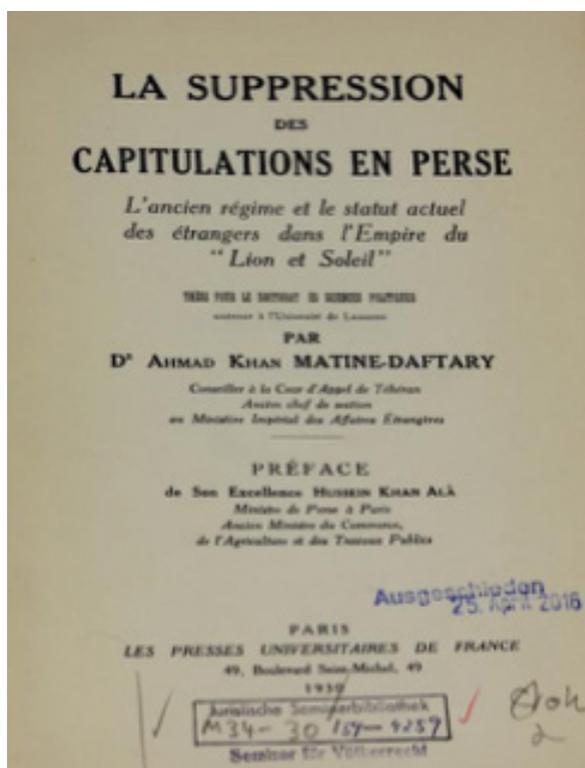


Fig. 20: Matine-Daftary, Ahmad Khan. *La Suppression des Capitulations en Perse. L'ancien régime et le statut actuel des étrangers dans l' Empire du "Lion et Soleil,"* Préface de Son Excellence Hussein Khan Alâ, Ministre de Perse à Paris. Paris, Les Presses Universitaires de France, 1930, 265pp.

and also in view of the fact that Iran lacked its own means and expertise at the time for such excavations, were to promote publicity and wider recognition (both at home and abroad) of Iran's national and ancient heritage rather than handling such items as personal belongings that could be liquidated at will. Also, there was a difference between excavation rights and concessions—a gradual shift in Iranian public attitude and opposition toward the sale and export of the country's antiquities occurred largely after the Constitutional Revolution of 1906.<sup>46</sup>

Some other concessions, such as the one with a Belgium company for the construction of a short railway from Tehran to the 'Abd al-'Azim sanctuary in its southern suburb (in 1886), though beneficial,

were short lived or were limited in scope in terms of the foreign company's participation and lack of domestic technical know-how.<sup>47</sup> In part the setback was also caused by the 1890 joint Russian and British moratorium on the construction of railroads in Iran that prevented the country from constructing railroads, which both of these imperial powers feared could be used by their rival for military transport to their respective frontiers with Iran (Russia in the north and British India in the southeast) in the event of hostilities between the two.<sup>48</sup> However, by contrast the telegram agreement of 1865, connecting Britain to India and passing through Iran, was a relative success story. The telegram line was used not only by the concessionaires, but also by a wide range



Fig. 21: Mostapha Adle, former Minister of Justice; Chairman of the Delegation from Iran, signing the UN Charter at a ceremony held at the Veterans' War Memorial Building on 26 June 1945 [standing from right: Bâqer Kâzemi, Ali-Akbar Siyasi, Nasrollah Entezâm]

**“OIL WAS ONE  
FIELD OF ACTIVITY  
THAT HAD NOT YET  
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IRAN.”**

of users such as the merchants, émigré intellectuals, reporters and journalists, as well as the clerics, including by those who were in opposition to the government. But the 1901 oil concession took place in almost total oblivion in so far as the so-called public opinion was concerned. Oil was one field of activity that had not yet been developed a viable private business sector in Iran. Closest news about oil concerned the Russian oilfields in the Caucasus where a sizeable community of Iranian migrant workers existed, mostly in and around Baku. However, by the time oil operations expanded in Iran's southern oilfields, the volume of investment and necessary expenditure required for the operation was such that the private sector was not prepared and could not afford to join in. Hence from the start the state assumed complete monopoly over all aspects of oil-related concessions, negotiations, and operations.

These developments in Iran were not taking place in isolation and can be examined in a broader comparative historical context, not overlooking the continually changing sets of objectives and interests, short-term and long-term as well as local, regional, and global calculations and configurations, and also various unanticipated contingencies and variables. In fact from the Safavid period onwards such variables also shaped and

impacted the Iranian perceptions of foreign imperial powers. Similarly, by the time of the introduction of legal reforms from the late-1920s onwards during the reign of Reza Shah, which, among other developments, also paved the way for later abolition of capitulatory rights, a number of significant domestic, regional, and international developments had occurred—such as the abrogation of most (though not all) unequal treaties between Iran and the former Russian Empire following the Bolshevik Revolution of 1917,<sup>49</sup> and also the refusal by the Fourth Majles (1921-23) to approve the 1919 Anglo-Iranian Agreement, on stated grounds that the proposed Agreement would reduce Iran to a virtual British protectorate. However, by adopting the conceptual and institutional prerogatives of nation-state, legal reforms of the early Pahlavi period set out to present a modern framework and a new narrative, based on state-nationalism, in order to more clearly define citizenship and sovereignty.

## END NOTES

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- 1 A shorter version of this paper was presented as the Ann Lambton Memorial Lecture on 6 April 2022, hosted by Durham University, Institute for Middle Eastern and Islamic Studies, and the British Institute of Persian Studies. I am grateful to the organizers of the webinar for their kind invitation and the participants for their incisive questions. Some of the points raised in the paper drew on an earlier presentation, “Off-Guarded Domain: Unequal Treaties, Capitulations, and Reforming the Legal System in Qajar and early Pahlavi Iran,” given at the conference on “Sovereignty and Imperialism: Non-European Powers in the Age of Empire,” at the Centre for Research in the Arts, Social Sciences and Humanities, University of Cambridge (10-12 September 2015). A further note of acknowledgement also goes to the organizers and participants of that conference. I am grateful to Mansour Bonakdarian, Houchang E. Chehabi, David Motadel, and H. Lyman Stebbins for their valuable comments on an earlier draft of this essay and to Abbas Amanat, Anoushiravan Ehteshami, Paul Luft, Vanessa Martin, Nader Sohrabi, and Fariba Zarinebaf for their helpful comments and follow-up discussions, and Clive A. Jones and Carly E. Beckerman of the School of Government and International Affairs, Durham University, for their collegiality and assistance with the publication. The responsibility for all shortcomings, however, rests entirely with myself.
- 2 For few representative examples of this perspective, see Teymuri, *‘Asr-e Bi-Khabari*; Vahid-Māzandarāni, *Qarārdād 1907 Rus va Engelis*; Shamim, *Iran dar Dowreh-ye Saltanat-e Qajar*; and, from a more conspiratorial perspective, Rā’in, *Hoquq-begirān-e Engelis dar Iran*; and idem, *Farāmūsh-hāneh va Ferāmāsūnerī dar Irān*.
- 3 For various assessments of nationalist trends in Iranian historiography in the twentieth century, see for example, Ansari, *The Politics of Nationalism in Modern Iran*; Atabaki (ed.), *Iran in the 20th Century*, including chapters by Bayat, “The Pahlavi School of Historiography on the Pahlavi Era” (pp. 113-120) and Chehabi, “The Paranoid Style in Iranian Historiography” (pp. 155-176). For additional surveys of the making of modern Iranian nationalism and historical self-image, see Marashi, *Nationalizing Iran*; Vejdani, *Making*

*History in Iran*; and Zia-Ebrahimi, *The Emergence of Iranian Nationalism*.

- 4 In technical terms capitulation in Persian is rendered as *qezāvat-e konsuli* (lit. consular judgment or consular jurisdiction). In recent years the Persian Academy has approved *qezāvat-sepāri* (lit. relinquishing [or surrendering the right to] judgement). However, in Iran, following the French pronunciation, the term *kāpitulāsiyun* has long been in common use, both orally and in writing.
- 5 For the Treaties of Erzurum and the Treaty of Paris see, respectively, Masters, “The treaties of Erzurum (1823 and 1848) and the changing status of Iranians in the Ottoman Empire,” pp. 3-15, here p. 10; and Potter, “The consolidation of Iran’s frontier on the Persian Gulf in the nineteenth century,” pp. 125-148, here p. 138.
- 6 A selective list of Iran’s international treaties from the mid-sixteenth to the mid-twentieth centuries is given in the Appendix. For Iran’s participation in several international agreements signed in 1899 and 1907 at The Hague, see Scott (ed.), *The Hague Conventions and Declarations of 1899 and 1907*, for example, Conventions X, XII, XIII, pp. 181, 208, 218 and numerous additional entries. For the Persian version of Iran’s international treaties and agreements during the Qajar period, see Tabātabā’i Majd, *Mo’āhedāt va Qarārdād-hā-ye Tārikhi dar dowreh-ye Qājāriyeh*. For a list of capitulatory concessions that Iran, after the Treaty of Turkmenchay, made to foreign countries, see Chalungar, *Kāpitulāsiyun dar Tārikh-e Iran*, pp. 70-100.
- 7 Regarding the British mediation, however, it can be noted that it reflected the British interests at the time in settling the war in Russia’s favor and also the absence of an Iranian alternative, other than possibly losing even more territory. See Bonakdarian, *Britain and the Iranian Constitutional Revolution of 1906-1911*, p. 2. For a general account of the Qajar army, see Cronin, “ARMY v. Qajar Period.”
- 8 In fact since 1700s both the Russians and the Ottomans had deep involvement in the Caucasus, and in early Qajar period Iran did not have strong hold on some of the Sunni provinces such as Shirvān that had once been annexed by the Safavids.
- 9 For the text of the Golestan Treaty, see Tabātabā’i Majd, *Mo’āhedāt va Qarārdād-hā-ye Tārikhi dar dowreh-ye Qājāriyeh*, pp. 76-86 (note in particular Article 4, *ibid.*, p. 80); and for additional details, see Daniel, “GOLESTĀN TREATY.” For a detailed study of the First Russo-Iranian Wars, see Bournoutian, *From the Kur to the Aras*. For Abbas Mirza, see Busse, “ABBĀS MĪRZĀ QAJAR;” and Werner, “Abbās Mirzā.”
- 10 In this context it is significant to note that Tabriz, as Abbas Mirza’s main base, was more than a provincial capital and was referred to as “Dār al-Saltaneh” (abode of sovereignty), while Tehran, perhaps in competition with the Ottomans, was referred to as Dar al-Khelāfeh (the abode of the caliphate). See Amanat, *Iran: A Modern History*, p. 189. Qajar reference to

- Tehran as Dar al-Khelāfeh dates back to Āqā Mohammad Khan's period. For a general discussion of these designations and their Safavid precedence, see Sefatgol, "From Dār al-Sal'ana-yi Ifahān to Dār al-Khilāfa-yi 'īhrān." For Dār al-Saltaneh-ye Tabriz, see also Tabātabā'i, *Mabāni-ye Nazariyeh-ye Mashruteh-khwāhi*, pp. 257-260.
- 11 For historical and theoretical assessments of issuing jihad in these developments see, for example, Amanat, *Iran: A Modern History*, pp. 209 and 214; Tabātabā'i, *Maktab-e Tabriz va Mabāni-ye Tajaddod-khwāhi*, pp. 76-84; and Gleave, "Jihād and the religious legitimacy of the early Qajar state."
  - 12 On Khanate of Tālesh in this conflict, see Shahvar and Abramoff, "The Khan, the Shah and the Tsar: The Khanate of Talesh between Iran and Russia."
  - 13 For the text of the Turkmenchay Treaty, see Tabātabā'i Majd, *Mo'āhedāt va Qarārdād-hā-ye Tārikhi dar dowreh-ye Qājāriyeh*, pp. 125-157. One "korur" stands for 500,000. For additional details on the war indemnities, see Amanat, *Iran: A Modern History*, pp. 212-213.
  - 14 For the mob attack on the Russian Embassy in Tehran and the murder of Griboyedov, see Amanat, op. cit., pp. 215-217; Bournoutian, "GRIBOEDOV;" and Kelly, *Diplomacy and Murder in Tehran*. On Iran's relations with Russia in early Qajar period and the Treaty of Turkmenchay, see, for example, Atkin, *Russia and Iran, 1780-1828*; and idem, "The Early Stages of Russo-Iranian Relations;" Kazemzadeh, *Russia and Britain in Persia, 1864-1914*; and idem, "Iranian relations with Russia and the Soviet Union, to 1921."
  - 15 See, for example, the Appendix, documents 6, 7, 9, 10, 17.
  - 16 See Amanat, "Russian Intrusion into the Guarded Domain: Reflections of a Qajar Statesman on European Expansion;" and idem, *Iran: A Modern History*, (Part II: Reshaping the Guarded Domains, pp. 177-386).
  - 17 For analyses of the borderland and notions of territoriality in Qajar historiography, see Ateş, *Ottoman-Iranian Borderlands: Making a Boundary: 1843-1914*; Kashani-Sabet, "Fragile Frontiers: The Diminishing Domains of Qajar Iran;" idem, *Frontier Fictions*; idem, "Baluchistan: Nature, Ethnicity, and Empire in Iran's Borderlands;" Tapper, *Frontier Nomads of Iran: A Political and Social History of the Shahsevan*; Zarinebaf, (Guest Editor), "Commercial, Confessional, and Military Encounters in the Ottoman-Iranian Borderlands in the Early Modern Period," Special Section, *Iranian Studies*, 52/3-4, 2019. For various Qajar attempts to maintain sovereignty, see Nasiri-Moghaddam, "Iran and its Eastern Regions (1848-1989)," pp. 461-79.
  - 18 For further elaboration on this notion, see in particular, Martin, *The Qajar Pact*.
  - 19 The term was used by Le Strange, in his *The Lands of the Eastern Caliphate*. For the notion of "protected domains" in the Ottoman Empire, see Deringill, *The Well Protected Domains: Ideology and the Legitimation of Power in the Ottoman Empire, 1876-1909*.

- 20 Amanat, *Iran: A Modern History*, p. 189.
- 21 It was given to the French engineer and "concession-hunter" Fabius Boital; see Shahvar, "Railroads i. The First Railroad Built and Operated in Persia."
- 22 See Lambton, "The Tobacco Regie: Prelude to Revolution;" reprinted in Lambton, *Qajar Persia*, pp. 223-276.
- 23 For D'Arcy and his oil concession, see Ferrier, *The History of the British Petroleum Company*, (Vol. 1: The Developing Years, 1901-1932), note in particular, pp. 15-41; Rouhani, "D'ARCY, WILLIAM KNOX;" Brew, "In Search of "Equitability": Sir John Cadman, Rezā Shah and the Cancellation of the D'Arcy Concession, 1928-33."
- 24 Here we should also note other range of treaties, such as treaties of friendship concluded with Britain in the early nineteenth century, the one with the Soviet Union in 1921, or the treaty with the US in 1955. For the Soviet-Iranian Treaty of 1921, see Bast, "Duping the British and Outwitting the Russians?;" see also Matin-Asgari, "The impact of Imperial Russia and the Soviet Union on Qajar and Pahlavi Iran." For further discussion on a wide range of Qajar-era treaties, concessions, engagement of foreign military advisers, and obtaining foreign loans, see Bonakdarian, *Britain and the Iranian Constitutional Revolution of 1906-1911*, Chapter 1: "The Making of an Onerous Inheritance," pp. 1-26. For a general assessment of granting concessions in Qajar period, see for example, Ettehadieh (Ne'ām Māfi), "CONCESSIONS (emtiāzāt), ii. In the Qajar Period;" Farmanfarmaian, "The Politics of concession: Reassessing the Interlinkage of Persia's Finances, British Intrigue and Qajar Negotiation."
- 25 However, one should note that in the case of the earlier arrangements made by the Ottomans, the capitulation rights were considered beneficial to them. Or in the case of Egypt, the construction of the Suez Canal (1859-69) that was to boost Egyptian economy, but instead rendered Egypt a British protectorate by 1882. European banks and various concessionary companies were also involved in developing public utilities in different parts of the Middle East during the nineteenth century. See Hourani, *The Emergence of the Modern Middle East*, p. 16. See also Issawi, *An Economic History of the Middle East and North Africa*, note in particular Chapter IV: "The Influx of Foreign Capital," pp. 62-76. For a study of the early history of the capitulatory regime in the Ottoman Middle East, see De Groot, "The Historical Development of the Capitulatory Regime in the Ottoman Middle East from the Fifteenth to the Nineteenth Centuries," pp. 575-604.
- 26 See Lambton, "The Tobacco Regie: Prelude to Revolution;" Keddie, *Religion and Rebellion in Iran: The Tobacco Protest of 1891-92*. For additional discussion in the context of Iran's Constitutional Revolution, see also, Sohrabi, "Revolution and State Culture: The Circle of Justice and Constitutionalism in 1906 Iran;" Gheissari and Nasr, *Democracy in Iran*, pp. 24-30.
- 27 See Gheissari, "Iran's Dialectic of the Enlightenment," p. 39.

- 28 For further discussion in this regard that was developed in the theory of “the imperialism of free trade,” see, for example, Gallagher and Robinson, “The Imperialism of Free Trade.” Also, Robinson, “Introduction: Railway Imperialism” (pp. 1-6); and idem., “Conclusion: Railways and Informal Empire” (pp. 175-196). This approach was later challenged by, among others, MacDonagh, “The Anti-Imperialism of Free Trade;” and Platt, “The Imperialism of Free Trade: Some Reservations.”
- 29 See Morris, *Africa, America and Central Asia: Formal and Informal Empire in the Nineteenth Century*; see also Barton, *Informal Empire and the Rise of One World Culture*, in particular note chapter 2: “The Idea of Informal Empire,” pp. 30-47.
- 30 Something that from time to time was also being noted abroad—as can be seen, for example, in Figures 1, 2, 3. For general assessments of the Iranian views of Russians and of the British, see respectively Deutschmann, *Iran and Russian Imperialism*; Matthee, “Facing a Rude and Barbarous Neighbor: Iranian Perceptions of Russia and the Russians from the Safavids to the Qajars;” and Amanat, “Through the Persian Eye: Anglophilia and Anglophobia in Modern Iranian History.” For an example of the occasional agreements that Iran utilized in order to balance imperial leverage, see Nasiri-Moghaddam, “Un traité «secret» Irano-Russe de 1881.” For a critical assessment of the Qajar state’s dealing with Russia and Britain, see for example, Sheikholeslami, “‘Elal-e Afzāyesh-e Nofuz-e Siyāsi-ye Rus va Engelis dar Iran – dar ‘Asr-e Qajar.”
- 31 Which in effect occurred as a means of two rival imperial powers temporarily (although not entirely) setting aside their rivalry in Iran. We should also note the dynamic historical developments in Iran, Russia, and Britain at the time—in terms of domestic, regional, and international/global transformations during the period under consideration. For instance, examples of this in the case of Russia prior to 1907 would include its rapidly falling behind in technological development vis-a-vis other major European powers, the Russo-Japanese War of 1904, the suppressed 1905 Revolution in Russia, Russia’s dependence on French and British loans, and the Austro-German alliance. For a general survey of Russian and British rivalry in Iran, see Kazemzadeh, *Russia and Britain in Persia, 1864-1914: A Study in Imperialism*. See also MacLean, *Britain and Her Buffer State: The collapse of the Persian Empire, 1890-1914*.
- 32 For an overall assessment of the British imperial presence and regional policy in southern Iran during this period, see Oberling, “British tribal policy in southern Persia;” Shahnava, *Britain and the opening of South-West Persia, 1880-1914*; Stebbins, “British Imperialism, Regionalism, and Nationalism in Iran, 1890-1919;” idem., “Extraterritoriality, Nationality, and the Empire in the Persianate World, 1890-1940;” and idem., *British Imperialism in Qajar Iran: Consuls, Agents and Influence in the Middle East*.

- 33 The Ottoman forces occupied Tabriz from July to November 1918, for the second time during the First World War.
- 34 The British Admiralty’s 1914 purchase of majority shares in the Anglo-Persian Oil Company (APOC, 1909), that was founded following the D’Arcy Oil Concession of 1901, was contrary to the terms of the original concession. Although there were passing minor objections to the original D’Arcy concessions, it was not until after 1908, with the discovery of a substantial oil deposit in southern Iran by D’Arcy’s company, that the financial ramifications of that concession became evident. Prior to 1914, when the British Admiralty became the majority shareholder in APOC through an Act of the British parliament, this concession had remained a private undertaking with the Iranian government. Additionally, in contrast to the Tobacco Concession, the oil concession did not compete with Iranian merchants and also enjoyed the support of the Bakhtiāri chieftains, who were given 3% share of the profits. For an account of the British oil concession and the Bakhtiāri shares, see N.n., “*Ma’āden-e Naft-e Bakhtiāri*” (i); and “*Ma’āden-e Naft-e Bakhtiāri*” (ii). The Berlin based periodical Kaveh regularly targeted other forms of Russian and British influence on Iran’s domestic affairs. See N.n., “*Engelis-hā va Jonub-e Iran;*” “*Bāten-e Engelis;*” N.n., “*Omid Bara-ye Iran*” (Persian translation by Browne, “*Hope for Persia: the New British Policy,*” *Manchester Guardian*, 26 January 1918). See also Cronin, *Tribal Politics in Iran: Rural Conflict and the New State, 1921-1941*, note Chapter 6: “The Politics of Debt: The Anglo-Persian Oil Company and the Bakhtiyari Khans,” pp. 133-159; and Ross, “Lord Curzon and E. G. Browne Confront the ‘Persian Question.’”
- 35 See Nuri, “*Dowlat-e Vosuq al-Dowleh va E’ādeh-ye Hākemiyat-e Melli dar Māzandarān.*” Jangali Movement, led by Mirza Kuchak Khan (1889-1921), was an insurgency in the northern province of Gilan in defiance of the central government and in response to the incursions into Iran and occupation by Anglo-Russian and Ottoman forces during the late Qajar period. See Dailami, “JANGALI MOVEMENT.”
- 36 South Persia Rifles (S.P.R.) was an Iranian infantry force, recruited and led by the British in 1916. They also served in the Persian Campaign during the First World War. The force was disbanded in 1921. North Persia Force (Norper Force) was a British military brigade that was stationed in northern Iran in 1918-1919. See Moberly, *Operations in Persia: 1914-1919*. For the S.P.R. see Safiri, “The South Persia Rifles;” for a Persian translation, see idem, *Polis-e Jonub-e Iran (Es.Pi.Ār.)*. For the British presence in southern Iran, see also N.n. “*Engelis-hā va Jonub-e Iran,*” Berlin: *Kāveh*, 3/25 (15 February 1918), pp. 4-6 (consecutive 180-182).
- 37 See, for example, Bast, “Putting the record straight: Vosuq al-Dowleh’s foreign policy in 1918/19.”
- 38 However, it should be noted that not all opponents of Vosuq and the

1919 Agreement were anti-Qajar, in the sense of wanting to overthrow the Qajar state. Some even decried the later establishment of the Pahlavi dynasty in 1925, along with earlier suggestions of establishing a republic as an alternative to the Qajar rule. See Bahār, *Tārikh-e Mokhtasar-e Ahzāb-e Siyāsi-ye Iran*, vols. 1 and 2. For a general account of the 1919 Agreement, see Fatemi, “ANGLO-PERSIAN AGREEMENT OF 1919.”

39 In 1870s the prime minister Mirzā Hossein Khān Moshir al-Dowleh (Sepahsālār) (1828-81, in office 1871-73) introduced certain procedural reforms following western models such as “trial by jury, respect for the rights of the individual, the application of scientific methods in establishing evidence, and a formalized trial procedure.” See Neshat, *The Origins of Modern Reform in Iran, 1870-80*, pp. 43-54. Sepahsālār’s judicial reforms were also inspired by the Ottoman Tanzimat. Ibid, p. 48. Also, in late 1907 the Iranian parliament (Majles) passed the “Law on the Formation of States and Regions and the Governors’ Mandate” (*Qānun-e Tashkile Ayālāt va Velāyāt va Dastur al-’Amal-e Hokkām*), which detailed the administrative tasks among various domestic subdivisions of the executive branch, see Majles, *Qānun-e Tashkile Ayālāt va Velāyāt va Dastur al-’Amal-e Hokkām*, dated 14 Dhu al-Qa’da 1325 AH (19 December 1907). For further information on Qajar administration, see also Bakhash, “ADMINISTRATION in Iran vi. Safavid, Zand, and Qajar periods.”

40 Gheissari, “Constitutional Rights and the Development of Civil Law in Iran.”

41 See, Matine-Daftary, *La Suppression des Capitulations en Perse*.

42 See, for example, Matine-Daftary, *Ā’in-e Dādrasi: Madani va Bāzargāni*. See also Enayat, *Law, State, and Society in Modern Iran: Constitutionalism, Autocracy, and Legal Reform, 1906–1941*, pp. 116-118 ff.

43 In the Treaty of Lausanne, which paved the way for the Declaration of Turkish Republic (on 29 October 1923), Capitulations were abolished between the signatories (France, Britain, Italy, Japan, Greece, Romania, and the Kingdom of Serbs, Croats, and Slovenes) and the Turkish state. For the full text of the Treaty of Peace with Turkey signed at Lausanne (on 24 July 1923), see Carnegie Endowment for International Peace, *The Treaties of Peace 1919-1923 (Vol. II)*, 1924. This was anticipated some ten years earlier when in 1914 the Committee of Union and Progress abolished the capitulations in the Ottoman Empire. Literature on capitulations and concessions in the Ottoman Empire is vast. For a general discussion and analysis see, for example, Ahmad, “Ottoman Perceptions of the Capitulation, 1800-1914.” For an overall survey and a comprehensive bibliography, see Inalcik, “Imtiyāzāt.”

44 For these events and further analyses, see Zirinsky, “Blood, Power, and Hypocrisy: The Murder of Robert Imbrie and American Relations with Pahlavi Iran, 1924;” and Rubin, “Stumbling through the ‘Open Door’: The

US in Persia and the Standard-Sinclair Oil Dispute, 1920-1925.” For Reza Shah’s abolition of capitulations, see N.n. “Abolition of capitulations in Persia;” Zirinsky, “Reza Shah’s Abrogation of Capitulations, 1927-1928.” See also Mirfendereski, *The Privileged American: The U.S. Capitulations in Iran, 1856-1979*, Chapter 3: “Reza Shah and the End of Capitulations,” pp. 26-65.

45 See, for example, Gasche, “SUSA i. EXCAVATIONS;” Calmard, “DIEULAFOY, JANE HENRIETTE MAGRE.”

46 For a contrast with the Reza Shah era (and Reza Shah’s cancellation of archaeological and antiquities concessions), see, for example, Magee, “The Foundations of Antiquities Departments,” in Potts (ed.), *A Companion to the Archaeology of the Ancient Near East*, pp. 70-86, here p. 83.

47 Shahvar, “Railroads i. The First Railroad Built and Operated in Persia.”

48 Galbraith, “British Policy on Railways in Persia, 1870-1900,” here pp. 493-4. See also Luft, “The Persian Railway Syndicate and British Railway Policy in Iran. For political concerns regarding the construction of railway during the last years of the Qajar period, see Bast, “‘Sheer Madness’ or ‘Railway Politics’ Iranian Style? – The Controversy over Railway Development Priorities within the Persian Government in 1919–1920 and British Railway Imperialism.” For a general discussion, see Davis et al (eds.), *Railway Imperialism*.

49 See in particular, League of Nations – Treaty Series, “Treaty of Friendship between Persia and the Russian Socialist Federal Soviet Republic, signed at Moscow, February 26, 1921;” also listed below in Appendix (I: 58).

50 The cartoon shows the Russian bear shackled in the background as the Persian cat cuddles with the British lion. This relates to Naser al-Din Shah’s 1873 visit to London during which he was received “with formality and courtesy [and] Russia had recently taken Khiva, in independent Turkestan. However, it was believed that British interests in the East were safe whilst stable relations were maintained with Persia.” [https://www.mediastorehouse.com/heritage-images/feline-friends-or-british-lion-persian-chat-14831654.html#v2\\_scrolltoinfo](https://www.mediastorehouse.com/heritage-images/feline-friends-or-british-lion-persian-chat-14831654.html#v2_scrolltoinfo).

## APPENDIX

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A selective list of Iran's international treaties, 1566-1945.

### I.

Source: Hurewitz (ed.), *The Middle East and North Africa in World Politics: A Documentary Record, Volume 1: European Expansion, 1535-1914.*

#### **Document No.**

3. Grand Commercial Privileges to the (English) Moscovy Company by Shah Tahmasp of Persia, 1566-1568, pp. 5-6.
6. Promise of Extraterritorial Privileges to Europeans by Shah `Abbas, 1600, pp. 15-16.
7. Grant of Capitulations to the Netherlands by Shah `Abbas, 17 November 1623, pp. 17-18.
9. Grant of Capitulations to England by Shah Safi, July – August 1629, pp. 22-23.
10. Grant of Extraterritorial Privileges to Persian Merchants in the Netherlands, 7 February 1631, p. 24.
11. Treaty of Peace and Frontiers: The Ottoman Empire and Persia, 17 May 1639, pp. 25-27.
17. Grant of Capitulations to France by Shah Sultan Husayn, 7 September 1708, pp. 49-54.
19. Treaty of Friendship and Commerce: France and Persia, 13-15 August 1715, pp. 56-58.
22. Russian-Ottoman Treaty for the Partition of Persia's Northwest Provinces, 13/24 June 1724, pp. 65-68.
26. Treaty of Peace (Kurdan): The Ottoman Empire and Persia, 4 September 1746, p. 79.
41. Treaties of Alliance and Commerce: British India and Persia, 10 October 1799 – 28 January 1801, pp. 134-139.

50. Treaty of Alliance (Finkenstein): France and Persia, 4 May 1807, pp. 184-185.
51. Napoleon's Instructions to the Chief of the French Mission to Persia, 10 May 1807, pp. 186-188.
55. Treaty of Peace (Gulistan): Russia and Persia, 30 September / 12 October 1813, pp. 197-198.
56. (Definitive) Treaty of Defensive Alliance (Tehran): Great Britain and Persia, 25 November 1814, pp. 199-201.
60. General Treaty Suppressing Piracy and Slave Traffic: Great Britain and the Arab Tribes in the Persian Gulf, 8 January – 15 March 1820, pp. 217-218.
61. Treaty of Peace (Erzurum): The Ottoman Empire and Persia, 28 July 1823, pp. 219-221.
65. Treaty of Peace and Commerce (Turkmanchay): Persia and Russia, 10 / 22 February 1828, pp. 231-237.
88. Treaty of Commerce: The United Kingdom and Persia, 28 October 1841, p. 279.
98. Undertaking by Persia Not to Attack Herat, 25 January 1853, pp. 304-305.
106. Lease by Persia to Masqat of Bandar `Abbas, Qishm, and Hurmuz, 17 November 1856, pp. 322-323.
108. Treaty of Friendship and Commerce: The United States and Persia, 13 December 1856, pp. 337-338.
118. Convention on Telegraphic Communication between Europe and India: Great Britain and Persia, 23 November 1865, pp. 360-362.
121. Lord Clarendon's Formula of the British Position on the Bahrayn Islands, 29 April 1869, pp. 371-372.
126. Reuter and Falkenhagen Draft Railroad Concessions in Persia, 25 July 1872 – 17 / 19 October 1874, pp. 382-390.
141. Agreement between Great Britain and Shaykh of Bahrayn, 22 December 1880, p. 432.
149. Reuter Concession for the Imperial Bank of Persia, 30 January 1889, pp. 457-460.
150. Concession of the Tobacco Régie in Persia, 8 March 1890, pp. 461-462.
151. Russian-Persian Railroad Agreement, 28 October / 10 November 1890, p. 463.
153. Exclusive Agreement: The Bahrayni Shaykh and Great Britain, 13 March 1892, p. 465.
158. The William Knox D'Arcy Oil Concession in Persian, 29 May 1901, pp. 482-484.
160. British Policy on Persia, 6 January 1902, pp. 489-492.
163. British Position in the Persian Gulf: The Landsowne Statement of Policy, 5 May 1903, p. 506.
178. British-Ottoman Draft Convention on the Persian Gulf Area, 29 July 1913, pp. 567-569.

182. Agreement of the British Treasury and Admiralty with the Anglo-Persian Oil Company, 20 May 1914, pp. 576-578.

## II.

Source: Hurewitz (ed.), *The Middle East and North Africa in World Politics: A Documentary Record, Volume 2: British-French Supremacy, 1914-1945*.

### Document No.

30. Denunciation of Tsarist Russian Privileges in Persia by the Persian and Soviet Governments, 27 July 1918 – 26 June 1919, pp. 116-117.
45. Agreement: Great Britain and Persia, 9 August 1919, pp. 182-183.
58. Treaty of Friendship: Persia and Russia, 26 February – 12 December 1921, pp. 240-244.
63. Treaty of Friendship: Afghanistan and Persian, 22 June 1921 – January / February 1923, pp. 260-261.
89. Soviet Caspian Sea Fisheries Concession in Persia, 1 October 1927, pp. 385-388.
90. Treaty of Guarantee and Neutrality: Persia and the USSR, 1 October 1927, pp. 389-390.
91. Treaty of Friendship and Security: Persia and Afghanistan, 27 November 1927, pp. 391-390.
91. Treaty of Friendship and Security: Persia and Afghanistan, 27 November 1927, pp. 391-390.
96. Political Control in the Persian Gulf: Memorandum of India Office, 5 October 1928, pp. 414-416.
102. Revised Agreement: Persia and the Anglo-Persian Oil Company, 29 April 1933, pp. 441-443.
110. British Interests in the Persian Gulf: Report of the Political Department of British India, 25 June 1935, pp. 475-478.
118. Treaty of Nonaggression (Sa'dabad Pact): Afghanistan, Iran, Iraq, and Turkey, 8 July 1937, pp. 509-510.
137. Treaty of Alliance: Britain and the USSR with Iran, 29 January 1942, pp. 587-588.
157. The Tehran Declaration, 1-9 December 1943, pp. 680-683.
167. Iranian Law Prohibiting the Grant of Oil Concessions to Foreigners and Its Effect, 2 December 1944 – 15 January 1956, pp. 738-741.
172. Allied Troop Withdrawal from Iran: Views of Iran, Britain, the Soviet Union, and the United States, 19 May – 17 August 1945, pp. 786-790.

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