JUSTICE FOR THE UNDERPRIVILEGED:
THE OMBUDSMAN TRADITION OF IRA

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FEW societies have placed the ideal of justice on so high a pedestal as has Iran. From Achaemenid through Sassanian and Islamic times it has been extolled as a major, if not the supreme, virtue in a ruler; promptness of retribution and redress has been stipulated as a primary duty, and the equitable treatment of all classes of society has constantly been advanced as the foundation of the economic and political stability of the state. This principle, the “Circle of Justice,” is the keynote of the Mirrors for Princes literature, which furnishes innumerable examples of the ruler (usually Nushirwan the Just, i.e., Chosroes I, A.D. 531–79) not only as the fountainhead of justice in general, but as the redresser of particular wrongs and the protector of the rights of the individual subject against the transgressions of the powerful and of his own administrators. For every unjust action committed in his name, whether he was aware of it or not, was a dereliction of his divinely delegated responsibility, to be made good before the Supreme Judge should call him to account; he was thus expected not only to tolerate but positively to welcome the advice of a minister on how best to govern, and the implied criticism of a wronged subject appealing for redress.

This noble theory is, obviously fallible in practice. The ruler cannot be everywhere at once; he cannot be expected to burrow through impacted bureaucratic strata to ferret out an unfair subordinate or system, and the subject himself may be prevented from appealing in person by ignorance or intimidation. In the words of the late Edward Kracke: “In most cultures the myths of royal justice seem to precede the practical petitioning devices for which they prepared the way.” One such early device was a drum, or more commonly a bell, set up outside the ruler’s court so that any petitioner could call attention to his case. Such arrangements are reported of China in the second century B.C.; of Iran under the Sassanian kings; and later in India, Japan, and Thailand. But this smacks rather of a public relations stunt than a practical and universal mechanism of appeal. A similar device also widely attested—the sealed complaints box, with a slot for written petitions—is open to abuse by becoming a receptacle for malicious anonymous denunciations. A truly practical and impartial appeals system requires an intermediary official or officials to encourage, verify, assess, and present complaints. Such a system did evolve in China, from a corps of imperial investigators concerned with


the loyalty and efficiency of government officials. Like the Iranian vizier, they were also expected to admonish the emperor on the principles of government; and under Confucian inspiration they became, as custodians of the petitioners’ drum and the complaints box, guardians of the popular interest, reporting cases of negligence, injustice, and abuse of authority by local officials. Under the Sung dynasty (tenth–thirteenth centuries) the system was expanded and bureaucratized as the Consorate (tu ch’ a yüan), with attendants to write out petitions; though “its effectiveness naturally varied with the character and energy shown by the emperor of the time.”

It might be expected that in Iran, with a very similar conception of imperial justice going back to Cyrus and Darius and even Hammurabi, some such system would have evolved. But the Sasanian and early Islamic pandāma literature and administrative documents, for all their emphasis on the ruler’s duty to investigate and redress grievances, give no hard evidence that practical measures such as these were adopted. From late Safavid times, however, there are direct indications that such an official—the wakil al-ra’āyā—was appointed by the shah both in the capital and the provinces to act on behalf of plaintiffs from the lower classes who brought accusations of oppression by the powerful or of governmental negligence or injustice. It will be argued here that a similar post existed in Sasanian times and continued through the intervening millennium and a half into the present century. Much of the evidence is fragmentary or lies between the lines of a literature concerned more with the ideal and the symbolic than with the practical and the utilitarian; but together these fragments and nuances add up, I believe, to a strong thread of continuity in the matter of justice for the underprivileged in Iran.

The picture of the king’s justice preserved from Sasanian times by the early Islamic writers is of this ideal and symbolic kind, which nevertheless hints at the existence of machinery to realize these ideals. At the annual public audiences of Nawrūz and Mihrān, according to the Kūtb al-Tāj, any subject could bring an unsatisfied complaint directly before the king, even a complaint of the king’s own conduct. The chief mōbad, as attorney general of the realm, stationed his officers at the door to ensure that no one was denied entry. The secretary general (dabīr bād) summoned all with complaints against the king to gather at his side, to be dealt with first. Then the king knelt before the chief mōbad and swore to accept whatever verdict the court gave. If they found against the king, he gave redress, and if against the plaintiff, he was imprisoned for lèse-majesté. The cases not directly involving the king were dealt with next. “The closest to the king and the farthest, the strongest and the weakest, were equal before the law.” This continued from the time of the founder of the dynasty, Ardashīr I, until the reign of Yazdegird I, “the Sinner,” who repudiated it, proclaiming: “It is not for the flock (ra’īya) to demand justice of the shepherd (ra’ī), nor for subjects to complain of kings.”

The role of the chief mage is twofold: to ensure that all plaintiffs have access to the court and to judge between the monarch and his accuser. Apparently he does not himself present the plaintiff’s case and is at least as likely to rule against the plaintiff as against the king. He is effectively the ruler’s alter ego as impartial judge of his own actions, his public conscience. However, there is other evidence that the mōbad—or at least his provincial counterparts—played a larger part in protecting the interests of the oppressed than is indicated in the bi-annual court ritual.

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* Ibid., pp. 496–97.
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Among the Sasanian functionaries referred to in seals and documents of the fifth to the seventh centuries are the drigōshān-yātakgōw (lit. “poor-attorney”) and the yātakgōw dātwar-e drigōshān (“attorney-judge of the poor”). The Pahlavi term yātakgōw and its cognates in other Middle Persian dialects is generally taken to mean advocate or intercessor, and its abstract derivative yātakgōvīh as legal aid or intercession; and indeed these are glossed in New Persian as wakil and wikalat respectively.  

De Menasse, however, argues for an extension of this meaning in the direction of “protector,” on the basis both of its use in near synonymity with ajār (comrade, assistant) in the Dēnkart, and of the Pahlavi gloss of the last verse of the well-known Mazdean prayer Ahuna Vairya. Here the Avestan phrase yim drigubgō hodat vāstārem, “whom they have given as pastors to the poor,” is explained in Pahlavi: kū shān yātakgōvīh kūnet, “i.e. they [the poor] are provided with yātakgōvīh.” Vāstār (shepherd, herdsman) is thus equated with yātakgōw.  

Bearing in mind the apposition of the title dātwar (judge) in one form of this designation, it seems clear we are dealing with a magistrate of some sort rather than an ad hoc public defender. Moreover, when it is explained in the Pahlavi juridical work Mātigan-e haṣār dātwistān that the magōpat (mōbad, senior mage) of Pārs province has his seal engraved not with the title of that office (magōpatīh) but with that of the drigōshān-yātakgōvīh, it tranpares that this position (whether of advocate, investigating magistrate or “protector” in some other sense) was not necessarily an independent office but a function assumed ex officio by the mage. It is also important to emphasize, as does de Menasse, that the word translated as “poor (man)” (Avestan drigu, Pahlavi drigōsh, New Persian darvīsh) has more specific connotations: he is not the penurious and underprivileged by chance, but the patient and virtuous member by birth of one of the working classes, content with and even proud of his lot, with elements both of the ascetic and devotional sense of darvīsh and of the “common man” of the Romantics. Collectively, the drigōshān are the ideal subjects of the ideal ruler. The New Persian gloss of drigōshān-yātakgōw could only be wakil al-ra’āyā. We will return to both these points below.

II

Searching for this official’s successor in the eastern Islamic empire, we encounter the conditions under which he would be expected to flourish, though no definition of an actual office with which he can be identified. He is not to be seen in the qādi (in some ways the successor of the magōpat), whose jurisdiction was limited to verifying offenses against Islamic canon law (shari‘at) and imposing the prescribed sanctions (ḥudūd); in civil litigation the qādi did act as an investigating magistrate, but he was not competent to handle appeals against governmental legislation or practice—indeed his own decisions could be appealed against before the ruler. This institution, the ruler’s appeals court dealing with cases of oppression and injustice (mazālim), attested in some form throughout the period of the ‘Abbāsid caliphate and its successor states, is solidly in the Iranian tradition of the

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7 See W. Geiger and E. Kuhn, eds., Grundriß der iranischen Philologie (Stuttgart, 1896–1904), vol. 1, pt. 1, pp. 47 (Vermittler), 63–64 (Fürsprecher); Bahram Farahvashi, Farhang-i Pārsi be-Pahlavi (Tehran, 1352).
9 Ibid., pp. 285–86.
monarch as supreme judicial authority, and its origins, as noted above, are traditionally ascribed to the mythopoetic Nushirawan. Its terms of reference, too, covered what we might expect to be the purview of an ombudsman: investigation and redress of injustice by public servants and government agents, tax and other financial irregularities, usurpation of property or violation of the rights of subjects by government or powerful, and appeal against judicial decisions. But it remained the prerogative of the sovereign and of his immediate political delegates (court ministers and provincial governors); it could not be delegated permanently to an autonomous and distinct person or body.\textsuperscript{10}

We are thus faced once more with the original problem: however benevolent a ruler, he cannot efficiently or credibly censor himself. The mašālim concept is essentially autocratic and arbitrary, as opposed to the democratic and procedural principles enshrined in the just ruler’s acceptance of the right of advisers to censure his policy and the right of the underprivileged to appeal through their own delegate against the results of his policies or the actions of his delegates. There is, however, a significant passage in an early Arabic Mirror for Princes: Tāhir Dhu’l-Yaminayn’s epistle to his son ʿAbdullah (286/821).\textsuperscript{11} Leaving aside the obvious question of how far this represents established practice as opposed to a pious wish, we note that the amir instructs his successor designate as follows:

Devote yourself to looking after the affairs of the poor and destitute, those who are unable to bring their complaints of ill-treatment to you personally, and those of wretched estate who do not know how to set claiming their rights... appoint as agents [wakil], in this work of seeking out the oppressed, reliable people from among your subjects [ra’iyyatiku], and give them orders to report to you their needs and conditions, in order that you may examine them and bring such relief as God may provide for their predicaments.

Although the ruler plainly reserves for himself the final judgment, he is nevertheless to appoint agents other than his governors, from the ranks of the underprivileged themselves, to investigate and even actively to solicit complaints. It is, I suggest, semantically if not syntactically legitimate to nominalize the significant phrase wakil... min ra’iyyatiku as wakil al-ra’iyyat/ra’iyyā. Again, the questions raised by this interpretation will be tackled more fully below.

III

At this stage we must define the concept of ra’iyyat and the words so far assumed to be near-synonyms. Originally ra’iyyat is the flock or herd, that which is driven to pasture and protected by the rā‘i, the shepherd or herdsman. This is used explicitly as a metaphor of the relationship between ruler and ruled, sovereign and people, throughout the Mirrors for Princes literature, as indeed in Tāhir’s epistle.\textsuperscript{12} By Seljuk times the word, and especially its plural ra’iyyā, is used generally to refer to the subjects of a ruler. The idea of


\textsuperscript{12} Bosworth, p. 37; Ibn al-Athîr, vol. 6, p. 364. See also the references given by Lambton, “Justice,” p. 94. Interestingly, rā‘i corresponds exactly with rā‘idh.
paternalistic protection is usually uppermost, though in the more Machiavellian passages of the Siyāsat-nāma the ra‘āyā are specifically tenant farmers or other taxpayers whose role in the state is to be fleeced, albeit judiciously. They are not in themselves one of the four traditional classes of Iranian society—the Priests, Warriors, Husbandmen, and Artisans of Sasanian times, as reflected (with obvious distortions resulting from the change of religion and of economic emphasis) in the People of the Pen, People of the Sword, Merchants, and Cultivators of the Islamic era. The Islamic ra‘āyā comprise the bulk of the latter two classes, presumably with a preponderance of peasants and omitting the wealthier international merchants as opposed to the mass of retail tradesmen. In later Iranian usage, the term ra‘iyāt/ra‘āyā also refers to sedentary peasants as opposed to ilāt, the nomadic pastoralists (who from the State’s point of view were also People of the Sword). The Sasanian driyōshān likewise were not a social class, but presumably comprised the bulk of the Husbandmen (whether peasants or pastoralists) and Artisans. As suggested above, they may thus be equated approximately with the ra‘āyā.

IV

An official of Seljuk times whose functions appear to have embraced those of a wakil al-ra‘āyā is the ra‘is. During the reign of Sultan Sanjar (A.D. 1094–1157), this term apparently referred both to a low-grade local government official and to a higher civil governor (as opposed to one of the religious or military hierarchy) appointed by the Sultan to supervise a city or province. The metropolitan ra‘is was to appoint a reliable deputy (nāṣib) in every city and district, “so that the affairs of the people [ra‘āyā] should be conducted with justice and integrity, and equality preserved between the owners and partners in property and landed estates in the payment of levies, so that the strong should not oppress the weak [da‘īf; darwish].” Appeal is again made to the Circle of Justice theory, and the ra‘is is specifically proposed as a just intermediary and impartial arbiter among the classes (ṭabaqāt) of the ra‘āyā and as a means to ensure their security from unlawful seizure of property and to promote harmony among all classes, including the nobles and the military. It would seem that the Seljuk sultan, conscious of representing a government by alien nomadic predators of an occasionally resentful peasantry, was following Tāhir’s example in setting up a clearing-house for bureaucratic abuse and misunderstanding.

V

Some three centuries later, after the Mongol interlude, appears a reference directly linking a public advocate for the underprivileged with the ruler and his conduct of the mazālim court. Uzun Hasan, ruler of the Aqquyunlu state of eastern Anatolia and northwestern Iran from 1457 to 1478, foreshadowed the early Safavid shah in many respects.

13 Nişām al-Mulk, p. 41.
16 Ibid., p. 387; Muntaz al-Din Badi‘ Atabak al-Juwayni, Kisā‘ ‘Atabat al-Kataba, ed. A. Iqbal (Tehran, 1329), pp. 23–24, 29. Lambton’s translation of the last clause conflates two near-synonymous phrases which oppose qurt to farš and tasnef to darwish.
Not least of these was his affectation of the role of dervish-king, a composite symbol of the traditional secular sovereign, the sectarian champion, and the humble man of the people. The first and third of these aspects are clearly paraded in Būdāq Munshi's description of his mazālim session: 18

When Uzun Hasan had finished the morning prayer, the “drum of justice” would be sounded to indicate the convening of the court of appeals [divān-i pursūdān]. There he would appear in person clothed in dervish attire [ibās-i darwīsān]. . . . Needy, indigent plaintiffs [hār kās az faqīr wa darwīs] were then summoned to present their suits through a public official who acted as their advocate and intermediary [parwānchī-yi ‘ajaza wa masākin dar ān dawr ītibār dāshī sukhan-i faqīrārā migūf wa dar maqām-i muḥimmāt masht]. Cases would be settled immediately and the secretaries in attendance would draft and issue the orders. The plaintiffs would leave the court with firm decisions not subject to change or alteration.

This parwānchī-yi ‘ajaza wa masākin (lit., “secretary of the powerless and indigent”), whose syntax is so evocative and whose functions are so precisely described, is none other than a wakil al-ra‘āyā. At the risk of hairsplitting, ‘ajaza may be glossed as the underprivileged, who would not be bold or articulate enough to plead their cause man-to-man with the sovereign; masākin are the humble supplicants, the drīgāshān (darwīsān) of Sasanian society (since the epithet darwīsh has here been appropriated by the ruler as a symbolic identification of his needs with theirs). As we have seen in the case of the Seljuk ra‘īs, one underlying purpose in the establishment of such an intermediary was to promote harmony among the classes of peasants, nomads, and urban dwellers, 19 whose economic interests could clash violently. Though ostensibly remedial, such an office once advertised, such an office once advertised could be preventive of social unrest, in accordance with the principles of the Circle of Justice.

Whether this parwānchī had his counterpart in the provinces is not clear. It could be that we have so far two separate traditions: that of the public advocate for the central mazālim court, and that of the provincial ombudsman. However, the coincidence of nomenclature from Safavid times on demonstrates that these were recognized as allied if not identical functions which ultimately fused.

VI

Looking ahead two centuries to the not dissimilar administration of the later Safavid period, we at last encounter an official who combines the salient functions of the Seljuk ra‘īs and the Aqquyunlu court advocate. The kalāntar—a locally appointed head of a town or ethno-religious community—enjoyed various statuses and functions in the different locales where he is encountered between the seventeenth and the nineteenth centuries. Lambton abstracts one common factor as being a concern for the subjects vis-à-vis the government and sees his forerunner in the ra‘īs. 20 During the seventeenth century, European visitors saw the metropolitan kalāntar especially in his role as people’s


19 Ibid., p. 122.

representative: Du Mans defines his function as “to defend and maintain the rights of the inhabitants when they are crushed by the vexation of the wazir.” le Brun describes the kalāntars as “protectors of the people,” who “defend their cases in the tribunals of justice,” and Tavernier adds the function of representing the merchants to the king against the governor’s exactions.\(^{21}\)

So far the kalāntar, like the ra‘īs, qualifies as an ex officio ombudsman, especially in matters of taxation. Two Safavid administrative manuals of the early eighteenth century confirm that, as with the Mōbad of Pārs, this function was recognized apart from his administrative duties and bore an independent, semi-formal designation and that he was also the subjects’ advocate and intermediary at the ruler’s appeals court. The Tadhkirit al-Mulāk notes that it is one of his duties to prevent the powerful wreaking violence and oppression on the weak (ḍu‘a‘afā‘), to constantly strive to improve the condition of the ra‘īyat, and to act as advocate on behalf of peasants and artisans (az jānib-i ra‘īyat mudda‘ī shuđa) when they bring accusations of oppression and exploitation.\(^{22}\) The term mudda‘ī (which Minorsky translates “proctor”) normally refers to the plaintiff, but is in this context synonymous with yūtakow and with vakil in its modern juridical sense. Finally, the Dastūr al-Mulāk, after a description of the kalāntar’s standard administrative duties, adds: “and in his capacity of vakil-i ra‘īyat, he is responsible for submitting their (the subjects’) request to the ruler (pādshāh) or to others in authority, for eliminating any oppression, injustice or exploitation suffered by the subjects (ra‘āyā), and for carrying out the terms of the regulations issued by the guilds in connection with their work” (wa chūn vakil-i ra‘īyat ast . . . dar ‘uđa-yi mushār ildāyi ast).\(^{23}\)

VII

From this time forth until the early years of the present century, there are sporadic references to the vakil al-ra‘āyā (with variants vakil-i ra‘āyā, vakil-i ra‘īyat) as an autonomous functionary. Among the eight administrative officials appointed to Isfahan in 1752 by Karīm Khān Zand were both a kalāntar and a vakil al-ra‘āyā.\(^{24}\) When Karīm Khān’s governor (ḥākim) of Kāshān, Mīrzā Mu‘īz al-Dīn Ghaffārī, resigned that office through illness, he continued to function as vakil al-ra‘āyā.\(^{25}\) Like other such offices, the vakilat al-ra‘āyā tended to become hereditary. The vakil al-ra‘āyā of Kāshān in 1834, Mīrzā Abu‘l-Ḥasan b. Mahdī, had succeeded his father in that office; he ruled as governor (ḥākim) for a time, and was succeeded in this post by his son whose eldest son in turn became vakil al-ra‘āyā.\(^{26}\) In the farmān appointing Ḥājjī Mīrzā Kāẓım to the vakilat al-ra‘āyā of Tabriz in 1280/1863, the post is formally recognized as his hereditary profession (shuḥḥ-yi muwarraḥ-yi ʿā).\(^{27}\)

\(^{21}\) Ibid., p. 207.

\(^{22}\) V. Minorsky, ed. Tadhkirit al-Mulak (with translation and commentary) (London, 1923), folia. 77b-78a, p. 82.


Such *farmāns* provide some definition of the *wakil al-raʿāyā*’s status and function at this time. ’Ali Murād Khān Zand in 1194/1780 appointed one Āqā Muḥammad Mahdī to the *wakalāt-i raʿāyā* of Qum with a fixed salary, instructing him merely “to carry out the above task uprightly and efficiently”; it is stressed, however, that the governor and other functionaries (*ummāl . . . kalamār wa kadkhudāyān*) should acknowledge him as sole and autonomous *wakil* (*wakil bi’l-istiqlāl wa’l-infrād*). The same formula is found in the letters patent appointing Mīrzā Muḥammad Ja’far *wakil-i raʿāyā* of Tabrīz in 1314/1896; the other administrators, the nobles, and the *raʿāyā* are additionally exhorted to defer to his seal and signature and to heed his advice and arrangements, “which are to the advantage of the state.” The incumbent is urged, in terms reminiscent of the *ʿAtabat al-Kataba*, to devote himself to the elimination of inequity between partners and of oppression of the peasantry.

Though the theory is clear and constant, there is still a frustrating sparsity of documentation concerning this official in action. From the documents quoted above, it can be gleaned that the arbitrary duties of the Seljuk *raʿīs* extended to disputes over legacies, those of the Safavid *kalamār* as *wakil* to suppressing competition judged unfair by the artisans’ guilds, and of the Qajar *wakil* to adjustment of land-tax assessments. Later in the century the Qajar title often occurs together with similar appellations (*wakil al-tujjār, muʿin al-tujjār, amin al-raʿāyā*), which by this time may be no more than honorifics bestowed on rich or influential local bourgeois by a calculating governor or prince. The *wakil al-raʿāyā* of Ardabil in about 1906, who appears in a group photograph of the local dignitaries, is described as an important personage in the province. A *wakil al-raʿāyā* of the Banādir region even later was concerned with a parliamentary commission on mineral exploitation in the Gulf provinces, involving disputes over the revenues payable. An earlier *wakil* already referred to, Mīrzā Abū’l-Ḥasan of Kāshān, played no small part in local politics during the succession struggle that ensued on Fath ’Āli Shāh’s death in 1834. He joined with Līsān al-Mulk Sīpīr in favor of the heir apparent, Muḥammad (at that time still in Azerbaijan), was arrested by the forces of the rival pretender, Zīl al-Sūtān, and was only saved by a coup which installed Muḥammad Shāh at Tehran.

Perhaps the clearest instance of a *wakil al-raʿāyā* in action concerns Mīrzā Kāzim of Tabrīz, who as noted above took up his “hereditary profession” in 1863. During a riot in which several residences were looted, a certain merchant (*khwāja*) lost a wallet containing important documents which could embarrass him if they fell into the wrong hands. He advertised a thousand tumans reward for their recovery, in vain. Then someone reported to the *wakil* that he had just seen a man whom he recognized as one who on the night of the riot had raided various houses, including that of the *khwāja*; the man had now hidden some loot at his brother-in-law’s home. The *wakil* sent his men (*farrāshān*) to bring the brother-in-law before him and threatened to jail him unless he handed over what his relative had brought him. The man swore he had not been at home that day but revealed that his wife had indeed been given a wallet full of papers by her brother, with instructions to throw them in the river after dark. At nightfall she had felt too tired

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29 Nādir Mīrzā, p. 238.
to bother, and the wallet was still in the house. It turned out he was telling the truth; the wallet was restored to the merchant, and the man was released with a small reward.  

VIII

While it must be admitted that none of these incidents reveals the wakil al-ra‘āyā as specifically a people’s ombudsman rather than any other kind of magistrate, they are at least not inconsistent with his duties as defined above. Two further arguments will now be presented to show that the wakil al-ra‘āyā of later Safavid times, whether or not he ordinarily used this autonomous title, was an official of considerable symbolic importance and that the same title as employed, now autonomously, by his successors of the later Qajar period must still have retained much of its meaning, even amid the luxuriant blossoming of similar honorifics.

The most (in fact, the only) famous bearer of this title was, of course, Karīm Khān Zand, who ruled most of Iran from 1751 to 1779, first under no specific title as regent on behalf of a puppet Safavid prince (Shāh Ismā‘īl III), then from about 1765, when he finally settled at his capital of Shiraz, under the title of wakil al-ra‘āyā. Contemporary observers stress that he refused to be addressed as shāh, insisting on the form wakil till the end of his days (though the nominal shāh predeceased him in 1773).  

Dumbult attests the alternative wakil al-khalā‘iq (attorney of [God’s] creatures), and in general Karīm Khān was referred to then as now simply as the Wakil. It is a curious fact, however, that the meaning and origin of his unique regnal title (it was not adopted by his successors of the Zand dynasty) has been ignored or obscured ever since.

It is popularly assumed (though no authority other than the relatively late Riḍā Quli Khān actually asserts) that on his entry into Shiraz, Karīm Khān substituted the title of wakil al-ra‘āyā for that of wakil al-dawla, which he had inherited on his defeat of his erstwhile partner ‘Alī Mardān Bakhtyārī, the first viceroy of the puppet shah. There was ample precedent: wakil in the absolute was the term for the chief officer of state in early Safavid Iran; wakil al-dawla was the title conferred upon Fath ‘Alī Khān Pā’īn as commander-in-chief for Šahmāh II in 1728 and assumed by Nādir Quli Khān (together with its synonym nā‘īb al-saltana, “deputy of the monarchy”) on his investiture of the puppet ‘Abbās III in 1732, before he usurped the title of shāh. Karīm Khān’s title has been seen as an arbitrary and unexplained substitution of ra‘āyā for dawla, as in one of the definitions offered for wakil in a modern Persian dictionary of legal terms: “In Safavid times the nā‘īb al-saltana was called wakil, and from this originated the title wakil al-ra‘āyā.”  

But apart from the question of whether Karīm Khān had ever assumed the title wakil al-dawla, a simple substitution of this sort in eighteenth-century Iran, changing at one blow a Viceroy of the State/Monarchy into a Viceroy (or even Representative) of the People, would constitute a semantic and political revolution to rival the

32 Nādir Mīrāz, p. 200.
manifesto of 1776, 1789, and 1848. The Zand leader did not pluck an unprecedented title from an idealistic imagination or even adapt an existing political location; he adopted that of the ready-made—and presumably well-known and respected—tradition of a popular ombudsman.

Karim Khan did thereby promise a revolution (negated as it was by his immediate successors) against arbitrary and unjust government, and one that must have been as apparent to his contemporaries as it was welcome. Though he remained in effect the sovereign, his symbolic identification with a local advocate of the underprivileged was as it were a reversal of the polarity of the term wakil, a declaration that he would act not as a delegated despot (wakil al-dawla) but as the guardian of social justice (yālakgīw-ē drīgōshān). This, in conjunction with his genuinely fair treatment of all classes, was undoubtedly calculated to facilitate his initial task—to remedy forty years of artificial famine brought on by alternating despotism and anarchy and to overcome the peasantry's mistrust of yet another tribal ruler who had recently been one of the competing warlords responsible for their plight. Other monarchs had expressed their concern for the ideal of justice in their regnal names: such was 'Ādil Shāh, the “Just King” who succeeded Nādir Shāh briefly at Mashhad and was deposed a few years before Karim Khan came to power. The latter expressed in his title rather a concern for the grassroots machinery of justice, as indeed he showed in practice throughout his reign.

It is thus possible that the Zand ruler's adoption of the title encouraged the development of the wīkālat al-raʿāyā from being apparently a function of the kalantarate in Safavid times to its autonomy under the Qajars. The question remains: if such a development there was, why do we hear so little of the office at work in the relatively well-documented late Qajar period? And, as a corollary, what finally became of it?

IX

It would not be remarkable if the last vestiges of any local wīkālat al-raʿāyā were submerged in the revolutionary upheavals of the late Qajar and the administrative reforms of the early Pahlavi period, though it would not surprise me if a representative of the tradition still flourished in some form in some urban or rural community, waiting to be recognized by a field sociologist. However, since from earliest times bureaucratic posts have tended never to die but only to metamorphose, I wish to suggest in conclusion that the wīkālat al-raʿāyā was only sublimated during the early years of this century, and in a way hearteningly reminiscent of what I have called Karim Khan's reversal of the polarity of the term wakil.

As early as about 1815 an Iranian visitor to London gossiped House of Commons as khāna-yi wakil-i raʿāyā (as opposed to khāna-yi khwānin, the House of Lords) and referred to an individual Member of Parliament as wakil-i raʿāyā.39 The semantic transition has already been made in the mind of the liberal intellectual from a delegate of the monarch charged with handling the complaints of the people to a delegate of the people themselves meeting with his fellow representatives to put their view to the monarch. Some ninety years later, the Constitutional Revolution swept Iran, involving community spokesmen both official and unofficial, in the capital and all over the provinces, as pro-

testers, fighters, and in many cases ultimately as delegates to the newly formed national assembly, the majlis. One of the revolutionaries active in western Iran was the wakil al-ra'[ayā] of Kirmānshāh. More significant, among the provincial deputies to the first majlis were at least two prominent wukalā'-yi ra'āyā. One, Ḥājjī Shaykh Taqī, the member for Hamadan, was the first such deputy to take his seat in October 1906. The other, Mirzā Muḥsin of Jahrum, came of a line of wukalā'-yi ra'āyā; his son Ḥusām al-Din, who assumed the patronymic Wakilpūr as surname, was in turn a deputy of the seventeenth majlis. A deputy from Mahābād (formerly Șavijbulāgh) from the sixth to the twelfth majlis was likewise the son of a wakil al-ra'[ayā]. Apart from these unequivocal cases, there are at least nine further instances of majlis deputies who, judging by their titles or surnames (Wakil, Waklī, Mu'in al-Ra'āyā) could well have been local wukalā'-yi ra'āyā or the sons of such.

While it would be too much to suggest that Iran on the eve of the Constitution was dotted with ready-made deputies awaiting only a parliament, it is clear that the transition from wakil-i ra'āyā to wakil-i majlis (for such was the original term for parliamentary deputy—namāyanda replaced wakil some time after 1925) was both natural and inevitable.

X

Before concluding, let us play devil’s advocate and anticipate two possible objections to the arguments pursued above.

It might be pointed out first that, even accepting an approximate equivalence for drigōshān and ra'āyā, the noun phrases yātkōw̱ [dāsavār]-i drigōshān and wakil-i ra'āyā and its variants, because of the multivalence of the Arabic and Persian ḏāfā construction, are semantically inconsistent, being derived from several different underlying structures. Thus yātkōw̱, whether we interpret it as “advocate (for)” or “protector (of),” is active in sense, reflecting an underlying “he speaks on behalf of (the people)” or “he protects (the people),” which when nominalized involve drigōshān as an objective genitive. Wakil on the other hand is fundamentally passive in meaning (a quasi-participle as noun, cf. French député) deriving from “X appointed him as X’s agent to deal with (the people).” It involves three participants, and depending on which participant is dropped from the simplified construct of two nouns, it is capable of producing either a subjective or an objective genitive:

1. a) Wakil al-ra'[ayā] derived from: X appointed him X’s deputy to deal with the people
   b) Wakil-i majlis derived from: X appointed him X’s deputy to deal with (sit in, represent X at) the parliament

2. a) Wakil al-dawla derived from: the (head of) state appointed him his deputy
   b) Wakil-i (mardum-i) Kirmān derived from: (the people of) Kirmān appointed him their deputy

41 Muhammad Karīm Idrās, Șuṣurgān-I Jahrum (Tehran, 1351), pp. 80-81; Shajfī, p. 378.
42 Shajfī, p. 320.
43 See Shajfī, pp. 338, 343, 368, and 378.
These examples represent four different though normal uses of wakil-constructs referred to in this article. The unspecified subject X in 1. a refers (in the accepted political context) to the ruler, as does the subject of 2. a), whereas X in 1. b) refers to the people, as does the subject of 2. b). In view of this semantic crossover of the syntactic grouping, it would not be surprising if wakil were to transpose its underlying subject in 1. a), which is semantically akin to 2. b), to give the intuitive derivation “the people appointed him their deputy,” i.e., “he speaks for the people,” thus qualifying it as a calque on yātakgōw and an ancestor of namāyanda.

Second, the paucity of regular and specific evidence for the continuity of such an office over the fourteen centuries proposed needs some apology. The points at which evidence was adduced lie at intervals of some two to three hundred years. It can only be stressed that the Iranian ombudsman appears repeatedly to have occupied an office with a separate designation and different primary function while acting ex officio as the people’s advocate. Thus the Mūbad of Pārs also wore the hat of ḍrigōshān-yātakgōw, the Kalāntar of Isfahan that of wakil-i raʿāyā; it would be perfectly consistent for the Seljuk raʿīs or some unidentified Tāhirid functionary to have performed unsung a similar double duty. Moreover, bureaucratic designations are notoriously imprecise and ambiguous, not only in Iran. Britain’s ombudsman, popularly so called, is officially and opaquely titled the Parliamentary Commissioner, and it is conceivable that a researcher of the future would gain no direct clue to his function from a first glance at his inter-office memos, letter-head notwithstanding.

In regard to the parliamentary sublimation, or submersion, of the wakil al-raʿāyā, analogous functionaries in other societies show certain similarities in their development. The four Tribunes of the Plebs in the Roman Republic, though chiefly concerned from their inception with the commons as a political group rather than a socio-economic class, also handled complaints by individuals against the acts of magistrates; by 287 B.C. they were fully represented in the Senate and disappeared as independent functionaries under the Empire. The Justicia Mayor of the Aragonese cortes was a hereditary and immovable official who heard complaints in parliament against the king or high officials or of violations of charters and rights. The Swedish Ombudsman (“agent”) originated in an eighteenth-century official whose function it was to press appeals from plaintiffs even against the king, who was otherwise immune from prosecution; by 1809 such public defenders were elected by the parliament, and today the central ombudsman—like his British and New Zealand counterparts—is a parliamentary appointee. As well as redressing individual grievances, the duties of modern ombudsmen tend more towards improving the quality of administration and helping the legislation to supervise the bureaucracy, i.e., they contribute in general to the vertical integration of the state.

In addition to his role as a vertical link between government and governed, with which we have primarily been concerned, the Iranian ombudsman in most of his guises was evidently meant to contribute to the horizontal integration of society, which is also the sovereign’s responsibility. This has been seen in the injunctions to the raʿīs, the kalāntar, and the Qajar wakil to mediate between partners in property, to ensure respect for the regulations of the artisans’ guilds, and generally to promote harmony among all classes,
i.e., between both the constituent classes of the raʾâyā and between this and the adjacent classes of the military or the nobility. This aspect of the wakil’s function has been partly revived in the khānahā-yi inṣāf (“houses of equity”) as established in Iran in 1963. These are local rural tribunals of five, unsalaried, and elected for a term of three years from and by the community. They deal with civil litigation on a small scale, such as disputes between neighbors and financial claims involving sums no greater than 10,000 rials. Designed on the principle that a farmer best understands a farmer’s problems, they provide opportunity for redress to a peasant who would otherwise be unable or unwilling to travel to the city and undergo the trouble and expense of a regular lawsuit; conversely, they spare the overworked machinery of the law for more complex matters. Emphasis is on reconciliation and avoidance of formal litigation.45

Since the powers of a “vertical” ombudsman are solely recommendatory and depend for their effectiveness on the prestige of the incumbent and the goodwill of the appointing authority, whether monarch or parliament, it is only to be expected that at times the office might be in abeyance or, what is more pernicious, submerged in the very bureaucracy it should be supervising. The present wide popularity of the office of ombudsman on the Swedish model, which has been enthusiastically adopted at central or local government level in other European countries, in New Zealand, and in the United States, reflects an increasing need to supervise the juggernaut of an increasingly complex bureaucracy. Should Iran again feel this need, it would be appropriate to revive the wakil al-raʾâyā in title as well as function, as representing one of the oldest traditional systems of justice for the underprivileged.

45 See Mohammad Reza Pahlavi, Inqilāb-i Sofīd (Tehran, 1945), pp. 165, 166–73.