

**LEILAH
VEVAINA**

TRUST MATTERS

**Parsi Endowments in Mumbai
and the Horoscope of a City**

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in Mumbai and the
Horoscope of a City

LEILAH VEVAINA

DUKE

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INTRODUCTION

Inheritances

During the tenth month of my fieldwork in Mumbai, I had scheduled an interview with an advocate and law professor who was very involved with minor property disputes in the Court of Small Causes.¹ As I walked through the complex, the stony structure of the courthouse was punctuated by a series of arched porticos lined with typists and benches of petitioners waiting for their matters to be called. As with such old buildings, the ceilings were very high, and while this dissipated the heat, all windows and doors remained open, making for an acoustic nightmare in the courtrooms. I was instructed to the Bar Room in the newer concrete building attached to the older stone court. The halls were quieter here, with several men sitting at typewriters typing on the now-familiar pistachio green court document paper. They barely glanced up as I walked by and continued their work, providing a soundtrack to the courtrooms with their manual typing. In a sharp but muted black-and-white sari, “Dr. Pandey” invited me to meet in the upstairs advocate’s lounge, a plain hall with a few long tables and plastic chairs, keeping with the functional theme of almost everything in this lower-level court. “So,” she asked me, “you said on the phone that you wanted to know about property. Is that true? Or do you want to know about people and property?” Her query got to the heart of the matter theoretically and literally; I was very interested in this relationship between social and religious life and materiality like housing, urban real estate, and the endowment form. I felt like her question had quickly pulled these strands together.

My research, while focused on the charitable trust as a legal form, is perhaps more accurately a study about the trust as a technology of property relations for Parsis (Indian Zoroastrians) living in Mumbai. In its simplest form, a public charitable trust is inaugurated when a person, the settlor, endows an asset for a particular charitable purpose, a residence to house the poor, for example. The trust is then managed by trustees for its beneficiaries into the future. As the state often wishes to encourage such endowments, it grants them tax exemption and perpetual life bound to the original wishes of the settlor. My book asks not what trusts are but what they do; how they were historically utilized and how these nineteenth-century technologies spill over their original purviews and become entangled in the fraught and overburdened landscape of built spaces in the city; how the residues of trust matters help to constitute Parsi property relations, their communal life, obligations, struggles, and death in Mumbai today.

As is often the case with fieldwork, I did not begin my research on Parsis with the trust squarely in my focus.² Instead, I was very interested in Parsi intracommunal governance and the institution of the Bombay Parsi Punchayet (BPP), the apex community organization, and its extensive land holdings in the city in the face of a community that was seen to be dwindling. While numbering less than fifty thousand in a city of over twelve million, the Parsis are said to be the largest private landowners in Mumbai through trusts like the BPP.³ I asked myself, what would happen if one of Mumbai's biggest landlords no longer had any tenants? Implicit in this question are notions of temporality, and of rapid changes in growing urban space in conflict, perhaps with the endurance of a legal technique. In this megacity, to say that living space is scarce is at once an understatement and yet also slightly misleading. Many of Mumbai's ultra-elite residents enjoy large flats, bungalows, and even entire high-rises.⁴ However, just as income is unequally dispersed through this and virtually any city, the density of living is as well (V. Rao 2007). It is quite striking to traverse a neighborhood like Lalbaug in Parel, the old mill district, with its bustling streets, flyovers, street hawkers, pavement dwellers, and unending vehicular, human, and bovine traffic, to pass through a gate and enter Nowroze Baug, a Parsi housing colony, with its open green spaces, low-rise, quiet yellow buildings, and one or two people in its lanes. So how can we account for this disparity? What is communal life like in these spaces, and what happens to the social life of these spaces if they are slated for redevelopment?

A Horoscope of the City

This begs the question of how we may comprehend a city, an already complex spatial arrangement teeming with sociality, with often deep histories and even more vast imaginaries, ethnographically. Some have tackled the city through infrastructure, housing, specific communities, and food—all different vectors into understanding the city through a partial yet no less critical vantage. Many scholars have offered the metaphor of the city as a palimpsest, wherein the traces of older-built forms remain visible even as they are replaced with newer buildings and construction (Huysen 2003). This metaphor says much about how the built form of a city accrues over time and is an excellent reminder to urban ethnographers that the city within which they traverse and research is one of just the present moment, having differed before, with a promise to change soon after that.

Formerly preoccupied with rural life, the urban turn within South Asian studies pushed away from viewing the city as colonial, in contrast to the “pure” native hinterlands, and toward understanding what it reveals about colonial and postindependence logics of space, sociality, and power (Glover 2007; Ring 2006; Searle 2016; Dharia 2022). Very recently, there has been a slew of excellent ethnographies on Bombay-Mumbai itself, capturing the politics and sociality around infrastructure, its street-food culture (Anjaria 2016), the history of informal settlements (Chhabria 2019), water politics (Björkman 2015; Anand 2017), and the lives of those living in postindustrial spaces (Finkelstein 2019). This book engages with these works and wishes to explore the distinct conjunction of time, law, and capital that arises when a charitable trust manages communal giving, keeping, building, living, and dying.

Being very interested in housing typologies in Mumbai, I saw that while there were several built forms like slums, cooperative housing societies, and heritage structures that were being dutifully attended to by diligent scholars (N. Rao 2013b; Ring 2006; Adarkar 2011; Chhabria 2019), the entire unevenness of landscapes held in trusts was being overlooked. This immense amount of land and spaces managed by charitable trusts is another landscape in great need of study. What is so particular about this landscape is its endurance. Offered in perpetuity because of charitable mandates, these spaces are allowed to live forever because they are obligated to do good. Yet these spaces perdure in time with a different circulation than other types of built forms in the city. My field research entailed extensive and repeated visits and interviews at trust offices, with residents of trust housing,

lawyers, accountants, Mumbai's municipal offices, and within the Charity Commission, the arm of the state that defines the good. During a visit to the latter, my interlocutor presented an answer to how one might comprehend the city. On passing me a copy of the directory of trusts, which described every single public trust holding in Mumbai, he declared, "This is the horoscope of the city!"

A horoscope might seem a strange term to label a thick directory that lists in detail every trust, every trustee, and annual reporting of funds, but I had an idea of what he meant. On each page of the directory were the details of trusts, their locations, and assets; that is, all their real properties in greater Mumbai. My interlocutor intimated that a horoscope might offer a unique frame for reading the city and its future potential, one framed around the timescale and spatial geography of the trust. This was a much more expansive understanding of the timescale of trust than a bureaucratic document might express. It pushed me to ask, what kind of relationship among urban space, time, and modes of action might a horoscope offer?

How can we understand the ways in which trusts represent this horoscope or a mode of seeing time? We can think of a horoscope both spatially and temporally: forecasting a temporal order through the relative position of a spatial one. A horoscope usually denotes a forecast based on the aspect of the stars and planets; I argue that this horoscope of Mumbai assumes a constellation of trust housing, temples, and other spaces that provide a possible future based on their relative positioning in the present. This horoscope, the directory of trusts, is one prognosis of time based on the relative positioning of perpetual trust assets in the city. Each line marks the historical inauguration of particular modes of action to achieve this possible future.

In 1910, the art critic Karl Scheffler memorably described Berlin as a city "condemned forever to become and never be." This provocative indictment of a place as never being complete in the present but continually reaching to fulfill its future potential may not resemble the city of Bombay-Mumbai itself, but instead the urban subjunctive mode of the trust and what it imagines for the city. By looking at the trust directory as a horoscope of the city, we are invited to understand this legal arrangement through its historical and current spatial constellations, but most importantly, what those past arrangements promise for the future. We are encouraged to understand the city in the subjunctive: what it should be.

The subjunctive mood has often been used within anthropology to describe the dissonance in practices and beliefs surrounding health (Good et al. 1994; Mattingly 2014; Hardin 2021). The subjunctive here expresses a

condition of wishing or “an unrealis mood describing actions or emotions that have not yet occurred” (Hardin 2021, 433). Within urban studies, this wishing for an alternate future is often understood through the concept of aspiration (Appadurai 2004; Anand and Rademacher 2011; Van der Veer 2015; Goh and Van der Veer 2016), which we may understand as hopes for the future based on specific cultural and historical values. Yet, what the subjunctive adds to hope is a mode of being based on acting *as if* a wished-for condition should, in fact, be a reality. We will encounter several moments of acting as if, from residents who act as if they were legal tenants, to trustees who give out charity to high earners as if they were poor, flats sold as if they were legally owned, and women who are “deemed” as if they are no longer Parsi-Zoroastrian. Legal techniques incorporate the subjunctive mode in legal fictions, which are facts understood to be untrue yet useful because they allow for an understanding or an action as if they were true.⁵ Developed through precedent within the common law, legal fictions are often remedies to changing circumstances. The trust directory as a horoscope of the city encourages us to act as if the promises of settlors have come to be in the present and should continue in the future. They are thus apt instruments to deal with perpetual promises in an ever-changing cityscape.

Looking through the lens of urban space or development, the real estate managed by a charitable trust can be seen as a negative space, as it forecloses most possibilities of sale or alternative use. Once registered with the commission, these lands are potentially held outside market circulation and forever for a certain purpose. If one imagined a cadastral map of Mumbai with all its various trust properties marked, it would create a very particular property regime (Verdery 2003) with little or languid circulation: a kind of negative print that is meant to last in perpetuity versus the faster velocity of real estate on the open market. These presents, gifted in the nineteenth century to communal groups, the public, and the city, have enabled and constrained possible futures.

Studying the Trust Ethnographically

My ethnographic research explores this contingent connection among past, present, and future. Field research for this project was conducted in Mumbai from 2009 to 2018 in multiple phases and later extended to Hong Kong. The research entailed extensive and repeated visits to trust offices with residents of trust housing, lawyers, accountants, and numerous lay Parsis. My interlocutors spent much time with me describing

their relationships with these unique financial and legal instruments they encountered daily. The research extended into the heart of Mumbai's charity commission, municipal development authorities, and even the High Court. Trust secretaries and building managers were invaluable interlocutors for my study, as they had the in-depth knowledge and institutional memory of trust operations and policies.

Being Parsi has given me a distinct advantage in accessing these resources. I found that the unsettled state of being considered a native anthropologist is much more complex than an insider-outsider dichotomy (Narayan 1993). I found it to be more situational than dual. Being born in Bombay but growing up abroad also allowed me at moments to be seen as someone with no stake or involvement with local disputes but familiar enough to be told everything about them. Very often, trust was extended to me by an interlocutor who knew my distant relative in the city. Other times news of my inquisitiveness had been passed around within this small community. I was surprised and heartened by how openly and honestly my interlocutors shared stories of family disputes over property, their financial hardships, and estrangements caused by cleavages in religious practices.

I have no formal legal training, which often made me feel at a deficit, especially when reading legal texts or in conversations with legal professionals about how the trust should work, tenant rights, or property taxes. Sometimes during fieldwork, this was an advantage, as I could ask my interlocutors who were lawyers and accountants very basic questions because learning how trusts work in context was my ethnographic object. But other interlocutors, especially those financially or legally disadvantaged, often saw me as "the expert" and invited me to intervene in their family conflicts over property issues. Due to the sensitive nature of these disputes, I have used pseudonyms unless given explicit permission to use real names or the person is a public figure, elected trustee, or legal litigant.

Listening to stories of litigation, whether within interviews or in courtrooms, became a large part of my fieldwork. It seemed that just about everyone I spoke with was a trustee, suing a family member, or was being sued themselves over trust assets or property. Hence, far from being nineteenth-century relics of property management, trust matters really matter to contemporary Parsis, to this megacity, and to the issues of contemporary Indian secularism. My aim with this book is not to study public charitable trusts in Bombay-Mumbai for their own sake but to ethnographically show how people utilize them, build lives and homes, support rituals, and dispute through them.

When I began a fieldwork interview with a trustee or trust manager, they would often skeptically ask me precisely what I wanted to know. I would simply reply, “Can you tell me how your trust works?” On many occasions, the vehement response would be, “Trusts don’t work, Leilah!” This was followed by a much-welcomed long explanation of the struggles and issues the trust engendered or encountered in Mumbai: the frequent trips to court, the paperwork, and the accusations of corruption. In one meeting, an expert in trust law, answering the same question, assured me, “The law does not allow trusts to fail.” This book will be an exploration of people’s relationship with a legal instrument that does not work and yet cannot fail. As the following chapters will show, trusts are contentious and contingent forms of social relations through property. They are gifts and obligations connecting the past and the future in perpetuity, and they prompt us to question notions of reciprocity, continuity, change, and crisis; that is, they push us to rethink the relationships among giving, capital, law, and temporality, and how an instrument coming out of a system of equity can move through time and the city and produce deep inequalities.

While some, like Piketty (2018), have explored the relationship between capitalism and inequality, Katharina Pistor (2019, 2) asks how wealth is created and then accumulated in the first place. She reminds us that capital is created through an asset and the legal code, the latter being critical to how the asset may generate wealth (3). Since assets and the established legal regime differ so much over time and space, the big question remains, which assets are selected to be coded, by whom, and for whose benefit (3)? The trust is one such technique of the coding of capital, requiring extensive legal and financial knowledge from its inception. As will be described in more detail, Parsis were early and experienced coders of capital. The book will explore how, by whom, and for whose benefit the endowed assets come to be accrued and then distributed wealth. Through its chapters, it will examine the social and material relations that emerge from the trust’s paradoxes of ownership, dissected between trustees and beneficiaries; how this tenacious instrument pushes up against the changing cityscape; and how the objects of trusts begin to take on a (half)life of their own.

The Trust’s Inheritances

The contemporary form of the charitable trust has inheritances from three modes of giving (Zoroastrian, Islamic, and English) from distinct historical backgrounds, which merge in a contingent and piecemeal fashion.

Charitable giving is one of the pillars of the Zoroastrian tradition still maintained by Parsis. The acquisition of wealth is considered righteous if earned honestly and shared liberally (Cantera 2015, 315–22).⁶ In Zoroastrian theology, Ahura Mazda is the all-knowing but not all-powerful supreme deity. He is opposed to Angra Mainyu, his chief rival, who is responsible for bringing suffering, pollution, and evil into the world (Y. Vevaina 2015, 211–34). Humans are entrusted to make the right choices and follow the Prophet Zarathustra’s teachings by deploying “good thoughts, good words, and good deeds” (*humata, hukhta, huvareshhta*) to eventually vanquish evil. The aspiration to this credo is central to how contemporary Parsis describe their everyday relationship with their religious tradition. While large-scale philanthropy by the wealthy was often mentioned, all class levels of my interviewees detailed their small-scale acts of charitable works. Giving is further incorporated into several ritual practices such as thanksgiving liturgies, or *jashans*; *ghambars*, or community feasts; funerary rituals; and *muktads*, annual remembrances for the dead.

Pious endowments were common in the Zoroastrian tradition well before the migration to India. During the Sasanian period (224–651 CE) and after in Iran, pious foundations were established by individuals for the benefit of deceased souls and the performance of religious rituals and charitable acts. Divided into three types, a whole category of inherited property was reserved for the “preservation of the soul” (Macuch 1991, 380–82).⁷ This fund set aside by the settlor of the foundation was called the “property of the soul.” Maria Macuch relates how specific formulas within wills allowed for different uses and rights of trusteeship within these practices. The assets set apart consisted of a principle, *bun* (foundation or origin), which was usually some productive property, and the income, *bar* (fruit), generated from the *bun*. Only the *bar*, or surplus, could be used for the foundation’s expenses, while the principle itself could never be alienated. Endowments, like temples, which could generate no income, had other productive assets attached to the original principle and could not be separated from it. Critically, these endowments were registered and secured from government confiscation or debt repayment. In Sasanian legal terminology, there was no distinction between family endowments and those designated to benefit the public (Macuch 1991).

During the Islamic era (seventh century onward) in Iran, a single person, if converted to Islam, was entitled to inherit the entire family estate, so to retain the family property, many Zoroastrians, now a minority, settled foundations and registered them with the Muslim authorities (Macuch 1991). The

foundation in this period was utilized to preserve and protect assets within a community that had newly become a minority. This new status and other religious and economic persecution encouraged many Zoroastrians to flee Iran. During this period, Zoroastrian foundations became subsumed under the law as *waqf*, the second historical antecedent to the contemporary trust, and were often used by Zoroastrians to protect their property.⁸

Waqf, the Muslim endowment form, stems from the Arabic root word, *waqafa*, to stop, hold, or tie up. When referring to a piece of land, that property is stopped or held outside market realms of circulation (Kozlowski 1985, 1). The *waqif* divests themselves of formal rights of possession of the moveable or immovable property but retains the right to appoint a custodian, or *matuwalli* (one who is trusted), to manage the property. The *waqif* designates beneficiaries who may enjoy the *waqf*'s yields. A *waqf* could be established for myriad reasons that cut across strict divisions of public and private use, and familial or charitable benefit. In practice, a *waqf* was often founded as a means to protect an estate from confiscation by the state or disintegration due to succession by strict following of sharia (Qadir 2004, 147).

Once a *waqf* was instituted, it was in most cases safe from seizure by authorities and became a favored instrument during times of political turmoil. In India, this practice was often used in opposition to Muslim personal laws of succession that emerged in conjunction with colonial rule. Due to the British enforcement and reification of textual sources for Islamic law, which provided for a consistent property division among rightful heirs, the *waqf* was often used to counter this strict division. For example, an estate owner with only wives and daughters would pass his property on to male first cousins by Quranic law. In contrast, an endowment allowed for the transmission of the income of an intact inheritance to his direct descendants (Qadir 2004, 147). The property could still be in the family name with its concomitant status associations, while family members could remain beneficiaries in perpetuity. This practice of giving to prevent the division of family property is critical to the work of all endowment forms.

A third ancestor of the contemporary trust is the introduction of English trust law into colonial India. Trusts are based on the concepts of guardianship and obligation; they are today the legal foundation of mutual funds, provident and pension funds, and of course, more explicitly for the endowment of assets for a particular purpose. From the British legal tradition's perspective, trusts were quintessentially British legal innovations that blossomed in the late eighteenth century.⁹ However, as we have seen, parallel traditions can be found between the Zoroastrian endowment

and the Islamic waqf. So often were trusts utilized in English and colonial courts that they were “like those extraordinary drugs curing at the same time toothache, sprained ankles, and baldness sold by peddlers on the Paris boulevards; they solve equally well family troubles, business difficulties, religious and charitable problems” (Lepaulle 1927, 1126).

The corporation is the other form of common property management that we are more familiar with. While trusts and corporations are similar in that they are instruments of common property, have perpetual succession, and have some form of legal personality, they are different in some fundamental ways. Legal historian Frederic William Maitland analyzed mechanisms that could offer groups a continuous life beyond the natural lives of their members (2003; Getzler 2016). Along with the corporation, he looked toward the English trust form, an endowment settled by a founder and managed by trustees, with beneficiaries reaping its fruits. Under common law, trusts with a religious or charitable purpose have indeed achieved this immortality, both from death and taxes. Unlike corporations, which began by being chartered by the state, unincorporate bodies were created on their own terms.¹⁰ I argue that this makes the trust a particularly apt mechanism for those who found it beneficial to follow colonial rules while insisting on managing their own communal affairs.

Trusts are bound by their deeds and original objects, and in cases of charitable trusts, by the laws governing charities. Corporations are organized under bylaws and may shift these regulations under certain circumstances. They each manage generated income and profits differently. A public trust must deposit its income into its corpus and is only allowed certain expenditures, while a public corporation is bound to distribute its profits among its shareholders. The trustee must be, again, at least in theory, disinterested. That is, they should not be receiving any gain from the trust. The beneficiaries are not stakeholders in the general sense either and therefore cannot make any claims to profit,¹¹ but only to the original objects of the trust. Shareholders, instead, are active and interested members of a corporation and share the tax burden of the income. The beneficiary of a public charitable trust may choose to receive and enjoy its assets and obligation but need not; they have no burden of duty or responsibility within this relationship (Maitland 2003). As Maitland insists, “Those who would understand how our ‘unincorporate bodies’ have lived and flourished behind a hedge of trustees should understand that the right of the destinator [beneficiary], though we must not call it a true *dominium rei*, is something far better than the mere benefit of a promise” (Maitland 2003, 95–96). The beneficiary is

not simply the receiver of a promise but the owner of an obligation.¹² These obligations are legal, financial, and temporal relations. These forms of obligations make giving through the trust such a distinct social form.

In India in the colonial period and beyond, we have a confluence of all three endowment inheritances. Ritu Birla (2009) traces the legal and discursive production of notions of community and temporality through the institution of legal infrastructure. Birla has shown how the British colonial government in India began to carve out preferred avenues of philanthropy through legal regulations on giving (and keeping) and market interventions like the legal contract. These legal interventions constructed the “market,” attempting to disembed it from the “native” customs of family and community. The market then “becomes a stand-in for ‘the public,’ a site of modernity and a space distinguished from the private realm of ancient and anachronistic ‘native culture’” (Birla 2012, 1018). Many scholars have noted the persistence of this dichotomy and how it obscures the workings and influence of vernacular forms of kinship and caste on contemporary Indian society (Mosse 2020; Gandhi et al. 2020). My work is influenced by Birla’s insistence on moving from the relationship of law and economy toward understanding the “law as economy” (Birla 2012). Instead of viewing the two as distinct, Birla shows their mutual embeddedness in colonial governance in India.¹³

Haynes (1987) has traced the shift of native giving “from tribute to philanthropy” as the colonial rulers encouraged giving to become more public and formalized. Yet, as Birla (2009) has shown, this shift was not a clear unidirectional one, as many forms of traditional or customary giving remain alongside more formalized and legalized philanthropy, although the former were coded as irrational or “nonmodern.” My work will deepen this articulation by showing how long-held endowment practices in the Zoroastrian tradition have enabled the deployment and convergence of more recent colonial legal forms within Parsi practice. The book will show that these practices remain deeply ingrained in customary Parsi kinship and ritual performances while being thoroughly formal and financialized through the public charitable trust.

Rethinking Trusts: From the “Dead Hand” to a Hinge in Time

Many scholars refer to the trust as the “dead hand” (Maitland, Runciman, and Ryan 2003; Friedman 2009; Birla 2009). This stems from the Roman legal term of mortmain, *manus mortus*, which in certain historical legal contexts assumes the unproductive uses of the asset after it is settled (Birla

2009, 68–73). The rules against perpetuities, known as mortmain laws, were first established in feudal England. The Church and other ecclesiastical bodies were the early targets of the rules, enforcing an end to the perpetual ownership of property unless exempt by decree of the Crown (Stebbing 1989, 5). These laws were enacted to curb the extensive property holdings of the Church by King Edward I in the thirteenth century. The big exception was the charitable trust. Perpetual status was given by royal charter to institutions of education, guilds, and some cities, and only later to business organizations.¹⁴ It was only in the mid-nineteenth century that groups could incorporate without a royal decree. The Mortmain and Charitable Uses Acts of 1888 and 1891 saw that land given in perpetuity without authorization was forfeited to the Crown. This law was never implemented in British India but was in other parts of the British Empire, like Hong Kong (L. Vevaina 2019).

Understood to be one of the fundamental techniques of the trust, to hold and tie up assets for a particular purpose, this emphasis or evocative metaphor of the dead hand often elides the way trusts work in practice and in the context of the way settlors deploy them, beneficiaries enjoy them, and legal infrastructures manage them. What this book will emphasize is the binding of the obligation attached to these properties; that is, what is critically kept perpetual. Secondly, while trusts hold assets like real estate in their tight grip, the continuing quest to make the property more “productive” pushes to animate the dead hand (Moumtaz 2021). My research shows that such reanimation is not the endgame of the trust itself but a latent possibility from its very inception.

The birth of a trust is temporal, spatial, and material. Within three months of establishment in Mumbai, a new public charitable trust must submit a copy of its deed to the charity commissioner and register it in the Directory of Public Trusts. Since the directory was compiled after the Bombay Public Trust Act in 1953, many of the Parsi trusts settled in the nineteenth century have 1953 as their date of establishment. Once registered, a copy of the deed is kept at the Charity Commission, and the original is usually held in the trust office. In the case of the BPP, the original documents are kept in their library and not handled often, as they are older documents. Their deeds, with pages yellowing, have several small holes that betray many years of consumption by insects. The original documents then serve as a security of a promise once made.

In contrast, the commissioner’s office keeps the trust deed in an open file, ready to accept the annual financial reports, addendums, and other documents that keep the trust “alive.” Since recent high-profile cases are

under litigation, copies of the general trust deeds of the BPP have a new life too; they circulate via email, and one was handed to a nosy anthropologist over tea. While trusts are a central part of Parsi life, from managing sacred spaces, to housing, medical care, and education, trust matters do not affect community members in the same ways. Instead, they produce communal divisions and alliances and raise economic opportunities and lifelong dependencies.

Therefore, I will show throughout the book how the trust should be understood as a hinge structuring the temporal, spatial, and material lives of persons and things. This was inspired by Biagioli (2006), who described scientific names as a hinge between two moments of scientific production. Pedersen and Nielsen discuss the transtemporal hinge as that which “holds together otherwise disparate elements . . . in a manner that serves to maintain an optimal balance of distance and proximity between them” (2013, 124). They utilize the hinge concept as a methodological device based on symmetry. What the trust does, however, is hinge the donor and beneficiary asymmetrically by inserting the role of the trustees. It can be imagined more like a hinge on a scale between the weight and the object being weighed, easily tipping to one side but continually establishing a relation between the two entities. Trustees have fiduciary rights over the assets but not rights of complete alienation. They are bound by the settlor’s wishes and the deed. The recipients of charity have beneficial rights but have no duties to the trust or the deed. The representatives of the wish, the trustees, as the givers, are bound. Therefore, the trust, like the hinge, binds the trustee to the wishes of the settlor but also splits obligations, allowing for an opening and closing of the relation.

The settlor of a public charitable trust relinquishes their ownership right over the assets to obligate the trust to a particular purpose and for a certain but indefinite number of people. While divesting their ownership rights over the trust assets, the settlor preserves their charitable intention in perpetuity. That is, while the original ownership relation (settlor–asset) is lost at the moment of endowment, a trust’s obligation to fulfill its objects endures in perpetuity. Trustees may buy and sell assets to pursue the trust’s objects, although, for charitable trusts, these decisions are closely regulated by charity laws and the tax code.¹⁵ It is only when these objects fail that the trust’s perpetuity is in danger.¹⁶ If the objects are not upheld, the assets do not return to the settlor but may be captured by the state if the trust is dissolved. This threat of capture or the loss of tax-exempt status for charitable trusts raises the stakes and intensity of the obligation the trust holds to its objects.

Furthermore, the trust structures obligations as hinges in time: connecting the beneficence of the settlor to all beneficiaries through time. This time-work will be discussed much further in the book's first two chapters, using the concept of the horoscope. Just as the horoscope encourages circumscribed action in time, so too does the trust allow for circumscribed giving in space. The constraint of a horoscope is one's birth, as it is the configuration of the stars at that particular moment that ordains one's fortune, and so too, the trust is constrained by the original wish and intent of the settlor. The deed lays out the trust's character or attributes, if you will, for future action. These chapters will explore how formal endowments change the temporal compass and reach of charity, past the immediate and individual giving of the wealthy, into perpetual and communal giving, through the medium of real estate, into the cityscape. Once endowed, real estate becomes subject to a much slower velocity of circulation as it is obligated toward a specific purpose or to a distinct group. Again, here time is hinged asymmetrically. The trust privileges the donor's intention to choose who may enjoy a particular asset or service, and its self-perpetuation favors the future over the present. This makes for uneven temporality between the trust as a legal mechanism and the trust as a bureaucratic and charitable organization. The intense debates and litigation that stem from these dueling chronotopes will be explored throughout the book as they exemplify how the Parsi community is struggling with its hinged past and future, in the present.

Communal Imaginations: A Pinch of Sugar or a Coin

Parsi historical identity is synchronous with the arrival of boatloads of Zoroastrian settlers seeking refuge from Iran after the tenth century.¹⁷ "Parsi" became the ethnic term used to refer to Iranian Zoroastrians who had come to India's west coast.¹⁸ Zoroastrianism, one of the world's first revealed religions, began in the second millennium BCE in central Asia and Afghanistan, and at its peak was the state religion of the Achaemenid (550–330 BCE), Parthian (247–224 CE), and Sassanian empires (224 BCE–651 CE). While still a lived religion today, its practitioners are not only few but also increasingly scattered around the globe. The first substantial diaspora was formed when Zoroastrians fled Iran from the seventh century onward after the Arab invasion and settled in medieval India, forming the Parsi community. Due to merchant trade over the nineteenth and twentieth centuries, Parsis settled in various entrepôts of the British Empire, creating a second diaspora, with India as the new homeland.

Although historically unsubstantiated, the story of how this settler group gained permission to step on the shores of Gujarat continues to be critical to the contemporary self-identity and self-understanding of this group.¹⁹ The commonly told narrative relates how the rajah of Sanjan, Jaji Rana, summoned the Persians at his shores to his court and demanded to be told how they could prove that they would not be a burden on nor a threat to the indigenous Indian communities. They responded that they wished to till the land and practice their religion. In response, the rajah showed the Persians a jug full of milk, saying that India, like the jug, was full. In one version of the story, a high priest of the Persians, or *dastur*, added a coin to the milk and said that, like the coin, no one would be able to see that they were there, but they would enrich the milk, nonetheless. The more common version claims that the priest added a pinch of sugar to the milk and contended that, like the sugar, the Persians, while remaining invisible, would sweeten the lands of Sanjan. In both versions, the rajah approved their settlement and then addressed their conditions of entry: The newcomers were to explain their religion, promise not to proselytize, adopt Gujarati speech and dress, surrender their weapons, and only conduct rituals after nightfall.²⁰ The new migrants were allowed to maintain their sacred fire and began to build infrastructures to support their ritual practices.

It is worth noting that the assimilatory metaphors found in this narrative of rural Gujarat are essentially held and followed by the contemporary Parsi community in India. Most Parsis today continue to insist that cultural assimilation to some degree has been vital for their historically peaceful coexistence in India, often echoing the model minority narrative. I argue, however, that the coin and the sugar offer different modes of assimilation and integration through their respective materialities: the coin remains intact but raises the level of the milk, while the sugar dissolves and changes the composition of the milk itself. These metaphors of assimilation are apt ways of describing the two main strands of contemporary Parsi debate between the orthodox, who, like the coin, wish to remain ethnically intact, and liberal or reform Parsis, who wish to blend in with the rest of Indian society while claiming to sweeten it. One of the main disagreements between these two factions is over what constitutes proper religious practice, especially marriage choice and funerary rites. The lines of the debate reflect not only differing views of correct religious practice but also an ongoing tug-of-war between lay Parsis, the Panchayet, and the priesthood.

As detailed in the following chapters, Parsi real estate in Mumbai is deeply imbricated in the formation of the original Bombay Settlement in

the seventeenth century. After much success in shipbuilding and trade in rural Gujarat, many wealthy Parsis were bequeathed lands by the British in the island city. By the nineteenth century, several Parsis in Bombay were prominent natives within the colonial system and were heavily influenced by British models of education and law. By 1865, lay Parsis in the community even drafted a Parsi communal code recognized by the British (Sharafi 2014). These early settlers constructed some of the city's foundational infrastructure, such as water tanks, schools, and hospitals. They built housing colonies called *baugs*, sanatoria, and funerary grounds reserved for their community. Upon their deaths, these wealthy benefactors often endowed their properties to the Parsi Punchayet or settled their eponymous endowments. Parsi settlers to the city tended to settle near older migrants to enjoy the closeness to temples and access to communal living spaces (White 1991).

Another large migration took place from Gujarat to Bombay in the middle of the nineteenth century, spurred on by the existence of these endowments, which supported subsidized homes and employment with public works projects. While many Parsi surnames denote their origins in southern Gujarat—"Bardoliwala," "Amroliwala," and "Billimoria" all denoting small villages—no one would dispute that they are also thoroughly "Bombay Parsis." This designation contrasts with others from around India. It strongly contrasts with later Zoroastrian immigrants from Iran, who still call themselves Iranis although their families have been born in India for generations. Under the law however, Iranis are counted as Parsi Zoroastrians and may avail themselves of all trust benefits.

As per the trust agreements, these properties were reserved for inhabitancy and use by Parsis only and were instrumental in increasing Parsi migration from rural Gujarat to Bombay, making contemporary Mumbai the city with the largest Parsi population in the world, even to this day. The social prominence of wealthy Parsi merchants in India and their ties with colonials further eclipsed the authority of the Parsi priesthood, which continued to lose influence as more significant numbers shifted to Bombay, attracted by housing and other support structures sponsored by such philanthropy (Ringer 2011, 32–37).

As Bombay lore goes, and this is true of many academic accounts of the city as well, the Koli people are "natives" of the area that we now call Mumbai. Small communities of Koli still live in the city today, in Koliwada and other places, and some continue to practice fishing as their subsistence. Sheetal Chhabria (2018) describes the ways in which Kolis were granted this aboriginal status in the first place and had their varied practices and

occupations fixed as a fisherman's caste over the eighteenth and nineteenth centuries. She argues that many other communities deploy this lore for their own narrative purposes. As Parsis and other merchant communities and cultivators were given incentives to settle in Bombay first by the East India Company and then the colonial authorities, many Parsis today claim a kind of nostalgic autochthony as well. This goes along with a strand of their discourse of "we built this city" often followed by a list of Parsi-constructed public works.

Due to this early access to prime real estate, a large number of Parsi residential settlements like baugs and sanatoria are in central locations in southern Mumbai. They remain subsidized at nominal rents compared to the market value of the land. The Doongerwadi or "Towers of Silence" funerary complex alone is about sixty acres of real estate in the exclusive downtown neighborhood of Malabar Hill. Some baug residents even pay as little as one dollar per month rent in a city with real estate prices that rival Manhattan. Apart from the enticingly low rent, most baugs have fire temples, ritual wells, playgrounds, parking, medical and dental care, facilities for festive events, and are relatively safe. Given the high value of these properties and their restricted use for this population alone, the question of who counts as a Parsi, and thus who can gain access to the material and social benefits of membership in the community, has become increasingly critical in the context of a rapidly growing megacity and a rapidly shrinking community. As my ethnography shows, the access and distribution of space and resources are far from settled but are ongoing sources of the struggles over class, gender, religiosity, and ethnicity within and beyond the Parsi community; it remains an unsettled state.

Parsis and Baug-Parsis

I sat down to dinner at an ultra-exclusive country club at the invitation of "Dinshaw," a descendent of one of Mumbai's oldest and wealthiest Parsi families, who had endowed many institutions in the city. Dinshaw sat as a trustee on several trusts, as did many of his family members. When I told him of my project on trusts and my particular interest in Parsi housing, he quipped, "Well, first you must understand that there are Parsis and then baug-Parsis," referring to Parsis who live in trust-managed housing colonies. Dinshaw enunciated this distinction as a joke about the social class and parochial attitudes of baug-Parsis, which made the rest of the guests at our table giggle or wince. But as I learned, the everyday lives of those living

within Parsi colonies were distinct from others who had to or could afford to live in private housing.

While it is often complex to talk about social class in any context, in postcolonial India, this is one of many categories (like caste) that have blurry boundaries, regional diversity, and layer upon layer of congealed histories that complicate easy classification. However, the distinction that Dinshaw made was often repeated in my fieldwork from both “categories” of Parsis. Unlike some early Parsi settlers who received grants of land from the British as rewards for being “good” natives, many Parsis did leave the very earliest settlements in Gujarat, in the second migration of the nineteenth and early twentieth centuries, because of the availability of subsidized charitable housing in baugs, managed by various charitable trusts like the Punchayet. Due to municipal regulations such as the Rent Act (1947), however, these families became tenants and remained in subsidized flats regardless of the growing income levels of their descendants.

It is estimated that about 50 percent of Parsis in Mumbai live in some form of trust housing like baugs and sanatoria. The other 50 percent would be spread over private arrangements: those who own their flat outright or through cooperative societies or those like Dinshaw who might reside in a private villa in the city. As is true of many cities, locating oneself and others by neighborhood and type of residence is very common and often a shorthand for denoting class, race, religion, or ethnicity. Describing someone as residing on Park Avenue or within the Marcy Homes of New York City, respectively, could denote completely different lifeworlds. Neighborhoods are used as markers of difference by those who deploy them in these ways, and clearly, Dinshaw was attempting to mark out the social class of those who live in baugs, as well as reaffirming his own.

Within the Parsi Zoroastrian tradition, there are divisions among family lineages that were strict in terms of marriage endogamy in the past. Some descend from priestly, *navar* families whose sons are the only ones sanctioned to become Zoroastrian priests. Lay Parsis are known as *behdins* (those of the Good Religion), and non-Parsis as *juddins* (those of other religions). These terms do not correspond directly to social class in the sense of income or educational levels. Some more orthodox members still frown upon marriage between *navar* families and *behdins*. Marriage between Parsis and *juddins*, while an increasing occurrence, is one of the most controversial issues within the community and further complicated due to the specific legal arrangements of many trusts. These marriages reveal the cleavages of access to trust assets as they trouble the beneficiary status

of female Parsis who might be “deemed” to no longer be Parsi after marriage. Hence not only are intermarriages purportedly threatening to community demography, but they have also become central to understanding the stakes of trust matters.

In terms of levels of education, most Parsi girls and boys would have completed primary and secondary schooling with either English or Gujarati as the medium. One of the earliest schools for girls in India, the Alexander Girls’ English Institution, was founded by a Parsi in 1863, and almost all other Parsi educational institutions established since are funded and managed by charitable trusts. Women’s education has been a priority for the community since the mid-nineteenth century. I claim that education levels do not map neatly onto Dinshaw’s binary categories. Regarding employment, trusts have served to keep most Parsis within white-collar jobs as several offer educational funds for college, study abroad, and the high fees for medical, dental, and law schools. While most elite Parsis attend convent schools and universities, schooling and higher education are highly regarded within the community and, with the aid of charitable trusts, are attainable for almost all.

Religiosity also differs quite a bit among these categories. Other terms that cross-cut Dinshaw’s binary would be the self-description of many Parsis as orthodox or liberal, who are split on some of the community’s most controversial topics such as intermarriage, proper disposal of the dead, conversion, and the validity of priestly authority, further discussed in the following chapters.²¹ While it is a stereotype that non-baug Parsis are all rich and more religiously liberal, plenty of conservative and orthodox Parsis live in private homes. Because of the historical geography of Parsi settlements, many baugs are located close to Zoroastrian temples, or *agiaries*, if one is not directly on the premises, making them at least convenient for pious baug residents to visit.

However, those living within baugs are surrounded by other Parsis in these enclaves. This style of segregated living is assumed to have contributed to the flourishing of specific communal ways of life often depicted in novels and other media.²² Furthermore, I argue that a critical difference is the greater involvement of trusts in the lives of those within their walls. As singular authority, either from priests or other community leaders, has splintered, more and more often, trust housing has been utilized to enforce “proper” Parsi behavior and practice. Aspi, a lifelong baug resident in his sixties, who spoke with me one sunny afternoon, frustratingly remarked how “grossly unfair” it was that he had to abide by specific rules like marrying within the community for fear of being evicted while “those that can



FIGURE I.1. Bhika Behram Well. Photo by author.

afford it do whatever they want.” Hence, for many baug residents, being a tenant of the BPP comes with both incredibly subsidized housing in an extremely expensive city and specific rules and norms of behavior. It is, therefore, no accident that Parsis, who successfully and publicly challenge community codes and mores, tend to live independently from trusts.

Another and perhaps most vulnerable subset of Parsis are those who reside in various sanatoria or widow residences managed by trusts. Originally meant as temporary rest homes after medical treatments, most of the former have become permanent housing for the poorest Parsis. This shift is discussed further in chapter 1. Many sanatorium residents also benefit from trust welfare programs. On my third visit to the famous Bhika Behram Well (see figure I.1), located on the west side of the Oval Maidan in south Mumbai, I met Freni, an elderly Parsi woman. The well is just off the main road at the southern end of Cross Maidan and has been open to passing travelers since 1725 when it was built and endowed by a Parsi traveler from Gujarat. Freni could barely speak clearly; her teeth were rotted out, and her eyes were a milky grey, betraying her lack of medical care. She lived in the widow *chawl* on Modi Street, a walking distance from the well.²³ She

sat in disheveled clothes and asked all visitors for a bit of help by nodding and putting out her hand, palm up. She and others walk here daily to receive alms from other community members who often bring food or offer small amounts of money. They would press their gifts into her palm and then hold her palm in both hands while whispering a blessing. Therefore, while there are reportedly no Parsis living in slums or informal housing in the city, primarily due to the availability of charitable housing, there remains a wide range of Parsi lifeworlds in Mumbai.

There are also “Bombay Parsis” who don’t live in the city permanently. Many Parsi college-age children are able, again often with trust scholarship funds, to go abroad for college or university, most often within the boundaries of the former British Empire: the United States, Canada, the U.K., Hong Kong, Australia, and New Zealand.²⁴ While many end up settling abroad, they are a floating population in Mumbai, especially during the cool winter, the season for weddings and *navjote* celebrations. Even within the global Parsi Zoroastrian diaspora, being a Bombay Parsi carries a connotation of authenticity, assumed traditionality, and even orthodoxy in practice. Among diaspora Parsis, Bombay-Mumbai is now the new homeland that evokes a return to an authentic form of practice and religiosity. I do not believe this is due only to Mumbai currently holding the majority of Parsis in the world, but rather the intimate connections that Parsi life and traditions have with the city itself, ties that Parsis and others see as slowly fraying in the twenty-first century. Since the 1990s, their foreign capital has been welcomed back to India within the particular legal category of the Non-Resident Indian (NRI). The BPP is especially fond of this group and courts them as prime consumers of the trust’s redeveloped apartments. Since 2008, these Parsis are also allowed to vote in BPP elections if they are physically present to cast their ballot in Mumbai, an attempt to make the Panchayet the apex body of the global Parsi community. Hence, while most Parsi trusts have a relatively small population of beneficiaries, this population may be shrinking or expanding through various legal and enforcement mechanisms.

The trope of the Parsi *bawaji* was quite vivid at one time, brought to life in Parsi theater and often in Indian films (Desai 2019).²⁵ The character would most likely be portrayed in traditional Parsi dress as old, middle-class, eccentric, and almost always benign. These portrayals were often held up proudly by Parsis of an older generation as gentle teasing: “All Parsis end up being eccentric because we live so long.” This trope is rarely seen in more contemporary popular culture. It is even seen as embarrassing by some younger Parsis, who strive to talk, dress, and comport themselves like

other residents of Mumbai, or New York or London, for that matter. Portrayals of Parsis in contemporary media often center around intense community infighting, often with a tone of ridicule, or are preoccupied with the “extinction” of Parsis in India, with their decreasing demography. Many Mumbaikars today, especially those who have migrated to the city themselves, often have no recognition of who Parsis are or, if they do, assume that they have already died out. This shift from being renowned natives of a city to being slowly erased from its memory is felt acutely by many Parsis. It is acknowledged as a crisis and mobilized by many Parsi trusts. As trustees strive to be guardians of lands and wealth, they must ensure that beneficiaries, properties, people, and things have perpetual life in the city.

Hinging Time: Why Trusts Matter

The following chapters will retheorize trusts and their structured obligations as hinges, both spatially and materially, through familial and religious property. It is assumed that an endowment of any kind hinges together productive and unproductive capital in pursuit of an obligation, for instance, using trade profits to support a temple or investing dividends to fund a school. The settled property is considered unproductive because it is stopped and tied up by the trust and must be supported by attaching itself to productive property to attain perpetuity. As a tool of finance, a trust generates wealth and benefit by managing its liquid assets over time (Hertz 2010, 807). An important distinction here, illuminated throughout the book, is that what is being hinged together are forms of liquid finance capital with solid, immovable assets like land and material infrastructure, in pursuit of the objects of the trust. Both forms of assets circulate but at different tempos and can be enabled or constrained by regulation at different choke points. The issue of productivity is also at large. The two asset forms must produce goods or services of general public utility; that is, they must provide for the good.

By acting in the subjunctive mode, that is, what should be, this econo-legal form privileges obligation and certainty rather than precarity, and perpetuity rather than circulation. It is only through seeing its effects over time that we see the paradox of how the law facilitates capital to accumulate and be distributed in particular ways. As the trust comes out of the framework of Equity, it is a legal instrument that attempts to address the inflexibility that results from strict adherence to the law. This allows the trust to circumvent taxes to fund the public good, avoid strict inheritance, and even

have a person's wishes fulfilled after death. Yet the perpetual nature of the charitable trust in relation to urban space and communal history serves as a constraint on the space of a developing city and on shifting gender and religious norms of a community. Therefore, *Trust Matters* explores an alternate imagination of the workings of capital.

This book speaks to broader scholarship linking faith and fortune (Weber, Wells, and Baehr 2002; De Goede 2005; Maurer 2005; Birla 2009). The literature relating ideas of the supernatural and notions of the economic have been long-standing within anthropology compared to other disciplines more concerned with theories of secularization. The latter theories held that the more untangled these two domains were, the more a place or time had achieved modernity.²⁶ By analyzing the trust as an economic legal mechanism that serves as the infrastructural backbone of religious giving and practice, my research shows how there is no opposition between these two but examines instead how this legal mechanism hinges them together in charitable giving. Our understanding of this supposed separation of religious from economic life has marked our inherited genealogy of finance, resulting in finance's apotheosis in the West. In contrast, the book will show that communities like the Parsis have historically harnessed finance with the endowment form to shore up and nurture their religious and communal life, offering an alternate genealogy to finance.

De Goede reminds us that "financial instruments and practices are discursively constituted and firmly rooted in cultural, moral, political, and religious history" (2005, xvi). There has been a growing body of work in this vein that firmly historicizes rather than exoticizes colonial and postcolonial India's tryst with financialization (Searle 2016; Bear 2015; Bear, Birla, and Puri 2015; Bear 2020; Goldman, Gidwani, and Upadhyaya 2017; Upadhyaya 2020; Bhattacharyya 2018, 2020) with a particular focus on the work of speculation in India's various constellations of capitalism.

These works argue that speculation, also a form of seeing, enacts the relation of uncertainty to value production. Deeply grappling with temporality, "[speculation] does not reckon risk and probability or tame uncertainty; it is a practice that aims to realize incalculable possible futures" (Bear, Birla, and Puri 2015, 388). I will argue that the trust is the obverse of speculative practice, distinct but not separated from it, dwelling in the mode of the subjunctive. To endow or entrust is a formal legal attempt to fix a particular obligation and attach it to an asset. By focusing on what should be, those acting in the subjunctive mode attempt to gain or maintain value (economic or moral) through tying up and preserving; this is the act of endowment. As a mode

of action, the trust intentionally acts against the *what if* and instead acts *as if*. Emerging out of a philosophy of equity, it is remedial rather than anticapital. It is only through time and the cityscape that trust matters reveal the stakes and conflicts of acting as if, as they run up against urban development, a divided community, and their own historicity.

Structure of the Book

Trust Matters will explore how nineteenth- and early twentieth-century deeds seem to spill over their original purposes and are contested both from within the community and from the spatial pressures of a growing megacity. As a document and legal mechanism, the trust serves as a hinge connecting the temporalities of religious giving, which helped build Bombay and maintains an almost glacial landscape of communal real estate in Mumbai. The following chapters trace the transformative process by which these trust assets shift from being objects of property relations to being subjects in property relations (Moumtaz 2012; Verdery and Humphrey 2004). That is, they shift from objects through which social relations, like charitable giving from donor to beneficiary, are managed to assets with perpetual obligations.

Chapter 1 takes up the provocation from my interlocutor within the Charity Commission that the trust directory might offer a horoscope of the city. It will explore the historicity of trusts and how they capture and utilize time in urban space. This chapter follows the trust as it traverses the timescape and municipal regulatory constraints of Bombay-Mumbai. It will show the early transformation of Parsi property into real estate during the colonial period and then discuss some critical figures who founded the trust landscape in the city. It will end with a discussion of how the doctrine of *cy près* allows the trust to work within “the meantime” (Riles 2011, 173), the temporality of the subjunctive, rather than allow its objects to fail.

In chapter 2, “Presents and Futures,” I will further explore issues of temporality through charitable giving with the story of Jerbai Wadia, the widow of a hugely wealthy family. She endowed several plots to the BPP as communal housing for Parsi beneficiaries. While greatly benefiting her coreligionists and encouraging Parsi migration from rural areas to the city, Wadia’s communal beneficence came from partially disinheriting two of her sons, who had converted to Christianity. Her current descendants are now in a battle with the BPP over the management of her charitable gifts. The chapter will examine how the trust troubles the giver–receiver binary

of reciprocity in terms of the obligations owed and the temporality of those obligations. I show that the trust's tripartite structure (the settlor, trustee, beneficiary) reorganizes religious giving into an intergenerational relation of obligation and accountability and challenges assumptions of the centrality of reciprocity to social life.

Chapter 3 examines how contemporary Parsi family and marriage practices intersect with trust bureaucracy and organizational practice. With current demographics deemed to be in crisis, this chapter explores what this designation entails and calls forth. The BPP's obligations to distribute its assets to its beneficiaries can only be maintained in perpetuity if beneficiaries exist; therefore, reproducing its beneficiaries through methods like enclave housing, marriage bureaus, and IVF becomes the object itself. Maintaining the trust structure has become the purpose. While housing, for decades, has been offered to encourage endogamous marriage, a new and controversial fertility scheme entangles the knot of ethnic and religious subjecthood in particularly gendered ways.

More than just a framework for disputes and the maintenance of justice, the law is "an element in political strategies—especially strategies for destroying old options and creating new ones" (Asad 1993, 335). As all religious endowments formally circumvent established rules of inheritance and property transfer by attaching specific (religious) obligations and naming beneficiaries (worshippers), the laws governing them have the capacity to radically shape the form and even content of religious practice. Chapter 4 further explores how "one of the most effective ways of making proper subjects is by managing proprietary objects" (L. Vevaina 2019, 261). Through the analysis of landmark Parsi legal cases over beneficiary access to trust-managed sacred spaces, this chapter will show how the role of trust beneficiary both enables and constrains notions of ethnoreligious identity and to what degree a secular court will interfere in religious trust matters.

Chapter 5 explores the relationship between trusts and Zoroastrian mortuary ritual practice. Atop the glitzy neighborhood of Malabar Hill in Mumbai rests the poetically named "Tower of Silence" funerary complex wherein Parsis still leave their dead to be excarnated by carrion birds. The endowment of this mortuary space augured the first governance structure for the community in the city, with the BPP, remaining the apex body for Parsis in India. Chapter 5 examines the role of mortuary ritual infrastructure and its relation to critical disputes in the community over the form and content of death rituals and who may participate in them. A newly built prayer hall attached to a cremation ground has offered a ritual alternative

to some. To others, the idea of a corpse, the ultimate in Zoroastrian impure material, being placed into the purest fire is an outrage. This chapter shows how the trusts supporting and managing mortuary infrastructure first oblige and then enable ritual transformation. From excarnation to ashes, this chapter shows the entanglement of ritual infrastructure, created and managed by the trust, and the property and propriety of Parsis.

After a deregulation of land markets in India in the 1990s, many trusts, historically large landowners, had the opportunity to redevelop open plots on their existing properties. Chapter 6 explores how new development projects, while filling their coffers, may undercut and fragment the charitable obligations of the trust. As accusations of corruption and breach of trust plague the BPP, other smaller Parsi trusts with lands are receiving donations from Hong Kong to undertake development projects. This chapter places Parsi trusts and built spaces in the city within global networks of philanthropic capital flows and blockages. As several trusts in Mumbai struggle to maintain their assets as their corpus funds run out, monies have been sought and secured from wealthier coreligionists. With this beneficence often come differing views on how charitable funds should be spent. This chapter offers an analysis of the liquidity of capital outside the world of private finance and into the communal worlds of religious charities. It explores how the charitable trust, and the circulation of its obligations, generate new geographies of community across the city and the global diaspora.

The book concludes with a broader reflection on the expansive ways the trust mechanism allows one to rethink notions of time, obligation, kinship, and capital. Within the constant transformation of Bombay-Mumbai, the trust's endurance and particular material, social, and legal constructions push toward new potentials for the ways in which religious groups may manage their lifeworlds in cities today. It will reflect on how the trust, as a time-keeping device, has been pivotal as a mechanism of finance and communal connection across generations.

NOTES

INTRODUCTION: **Inheritances**

1. Throughout this work, I will use Bombay for the city pre-1995 and Mumbai post-1995, when the official name was changed.
2. I use the common orthography for Parsi, with the older spelling being Parsee.
3. The largest public landowner is the Mumbai Port Trust, which is owned by the government of India.
4. Industrialist Mukesh Ambani's twenty-seven-story high-rise in Mumbai is the world's most expensive private residence.
5. Fascinatingly explicated by Hans Vaihinger (2001) in his philosophy of the "as if," which he claims is central to human life. He argues that this mode is not useful because it is true but because it is a fiction. See also Riles (2011).
6. See also Hinnells (1985, 26). For a comprehensive analysis of various aspects of Zoroastrianism's historical and contemporary concepts and issues, see Stausberg and Y. Vevaina (2015).
7. For the Sasanian law of property and inheritance, see Macuch (2005, 125–33) and Jany (2004).
8. For more on the historical inheritance of the Zoroastrian foundation in the Islamic *waqf*, see Macuch (1994).
9. Even though the broad rules guiding charities in India did develop from English notions of charity from the sixteenth century, the concepts at their foundations are not the same, as both in Hindu and Muslim *waqf*, the property is vested in the deity or Almighty, respectively, and not in the trustee, for which, see Setalvad (2009, 234; Birla 2009).
10. Maitland held that trust laws were allowed to develop unhindered because they were not seen as a threat like corporations were. "Editor's Introduction" in Maitland (2003).

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11. See Birla (2018) for a discussion on whether instruments of philanthropy, particularly corporate social responsibility (CSR), were indeed meant to be instruments of profit-making.

12. Maitland in *Equity* defines the role of a trustee as “when a person has rights which he is bound to exercise upon behalf of another, or for the accomplishment of some particular purpose he is said to have those rights in trust for that other or for that purpose he is called a trustee” (1913, 44).

13. As part of what Foucault et al. describe as a thoroughly modern arrangement of power wherein the task of political economy is to manage subjects as bodies and populations (1991).

14. In 1844, with the Companies Act, business groups could incorporate without a royal charter, and in 1855 with limited liability. These laws were consolidated into the English Companies Act in 1862.

15. The trust settlor no longer pays taxes on those assets as they are wholly divested.

16. While the main source of “object failure” in my research is due to the lack of beneficiaries, Moutaz has shown the intense effects of regime change on the landscape of *waqf* in Beirut, with different property configurations during various empires as well as in the postcolonial era (2012, 2021).

17. See Ringer (2011) and Stewart (2012) for more on Zoroastrians in Iran.

18. Iranis are Zoroastrians who arrived in India from Iran in the nineteenth and twentieth centuries. They often speak Zoroastrian dialects of Persian and have some social distinctions. In terms of trust and other legal matters, they are included under the rubric of Parsis.

19. See the discussion in Cereti (1991).

20. This story has several different forms and is common lore among Parsis, but common to all versions is the contract between the settlers and the rajah regarding the low profile that the Parsis were to keep. For the oldest written source, see the *Qisse-ye Sanjān*, written in Persian couplets in 1599, with text and translation in Williams (2009).

21. See Kreyenbroek and Munshi (2001) and Luhrmann (2002) for more in-depth characterizations of contemporary Parsi religious categories, beliefs, and sects.

22. For instance, the works of Rohinton Mistry (2001, 2010, 2011a, 2011b); Cyrus Mistry (2013); Gieve Patel (2008); and Thrity Umrigar (2001). For films, see *Shirin Farhad Ki Toh Nikal Padi*, Sehgal (2012); *Little Zizou*, Taraporevala (2008); *Being Cyrus*, Adajania (2006). For Parsi theater, see Gupta and Hansen (2005) and Nicholson (2021).

23. *Chawls* are residential buildings with small units and shared toilet and kitchen facilities. They were built to support working-class accommodations and often are found adjacent to factories or mill lands. A few Parsi colonies are built in *chawl* style and remain heavily subsidized for widows or very low-income Parsis. Most tenants pay only a ceremonial amount like a few rupees for the rent.

24. For more on the diverse Zoroastrian diaspora, see Hinnells (2005) and Hinnells and Williams (2007).

25. *Bawa* is a term used humorously and sometimes disparagingly to describe a Parsi.

26. Scholars like Asad (1993), Keane (2007), and Appadurai (2015) have remarked how this very notion has deep roots in Protestant thinking itself, having to do with issues of mediation between invisible and visible realms.

CHAPTER 1. In Perpetuity

1. Refers to all communities.
2. The Directory of Public Charitable trusts is a document (soon to be digitized) that lists trust names, asset information, and current trustees. The information is split by region and religious community, with one section for cosmopolitan trusts. There are about three thousand Parsi public charitable trusts in the state of Maharashtra. Most are small endowments that deal with medical or educational welfare.
3. In other contexts, see Holston (1989) on Brasilia, Makdisi (1997) on Beirut, and Berman (1983) on New York.
4. For a complete list of the buildings that Murzban designed and constructed, see Murzban (1915).
5. See also Chopra's discussion of the network of Freemasonry that connected wealthy Parsis, and other prominent natives and the British in mutual obligation (92–100).
6. This chapter discusses public charitable trusts within the British Common Law. For more on trust-like instruments in ancient Zoroastrian law, see Jany (2004) and Macuch (1994).
7. The currency conversion through the text have used the historical conversion rate (INR-USD) at each instance.
8. Known as the “King of the Colonies,” this twentieth-century Parsi colony is known for its large two- to three-bedroom flats, open verandas, and large green spaces.
9. While I agree with the former assessment, there is some evidence that segregated living was also quite prevalent in cities in Gujarat with the *pol* system (Doshi 1991).
10. For an in-depth discussion of this very critical historical moment of property development in Bombay, see Nikhil Rao (2013b).
11. It is essential to note that covenant agreements are not the same as trust deeds. While public charitable trusts are allowed to discriminate as to their beneficiaries because the latter still constitute a segment of the public, restrictive covenants are private contractual agreements. They are allowed to discriminate on these grounds. Hence, the “indefinite” public of trusts and the highly defined nature of two or more persons in a contract escape the antidiscrimination ethos in the Indian Constitution.
12. FSI—Floor Space Index—which refers to a building's total floor area indexed to the size of the plot of land it is built upon. In Mumbai, various ratios are fixed by the municipal government, in the development plan, onto specific wards of the city. So in this example, the buildings in the Parsi colony in Dadar were underdeveloped, having fewer floors than they potentially could have, making them prime areas for further development.
13. Parsi Central Association Housing Society representative quoted in “Dadar Parsi Colony to Stay ‘Exclusive,’” by Nauzer Bharucha, TNN December 24, 2009.
14. The Transfer of Property Act ensures nondiscrimination to anyone who is allowed to form a contract.
15. As the Parsis gained much wealth and status during the colonial period from trade with China, many wealthy Parsis display antique Chinese vases and other interior décor.
16. This is not the case with private trusts, whose lifespans are usually only a few decades beyond the human lives of their beneficiaries.

17. Khoja Muslims are a distinct group that follow the leadership of the Aga Khan and have firm structures of Ismaili councils. The authority of the Aga Khan was established after an 1866 court decision in the Bombay High Court. While Mr. Vakil points to the Khojas as having firm communal authority, this itself is a function of litigation (Purohit 2012).

18. This is especially acute for older trusts and those that have received Heritage status from the city.

19. For a deeper discussion of the debates around legal fiction in law, see Riles (2017) and Fuller (1930). See Samuel (2004) for the status of fact in legal argument. For more on the epistemological basis of legal fictions, see Vaihinger (2001). Wagner (1986) thinks through Vaihinger's claims in relation to ethnography and fiction.

20. While related, these are not the same *Petits* of *Petit v. Jeejeebhoy*, the landmark case described in chapter 4.

21. In recent times, the hospital trust has also been running at a loss, and a huge donation has been pledged by a family in Hong Kong, although not without controversy, as the new building is meant to have cosmopolitan beneficiaries.

22. The hospital was once directly at the seaside, but the coastline was extended through large-scale reclamation projects throughout the western coast of south Bombay.

23. See L. Vevaina (2018a) and chapter 3 for a fuller account on the experience of one family living through this mobility.

24. Riles maintains that legal fictions are nonrepresentational speech, and therefore their meaning is not as important as their efficacy to produce action (2011, 173).

CHAPTER 2. Presents and Futures

Sections of this chapter have appeared in L. Vevaina (2018b).

1. All communities in India are governed by personal laws; these are civil law statutes on marriage, divorce, adoption, and inheritance that are specific to each community. In Parsi personal law all children inherit equally from their parents.

2. Children of intermarried Parsi women have varied status within the community in Mumbai, as to whether they are counted as Parsi and what benefits they may claim as such. This has been the source of several intense disputes that have been taken to court. This issue will be taken up further in the following chapters.

3. The settlor of a trust no longer pays taxes on those assets as they are completely divested of them.

4. See Friedman (2009, 125–39) for more on the rule against perpetuities.

5. The Wadia family descends from a family of shipbuilders who were the first builders to construct for the British Navy outside of England. They later moved into trade and cotton production with the still-successful Bombay Dyeing Corporation founded in 1879.

6. Cusrow Baug, Ness Baug, Rustom Baug, Jer Baug, and Nowroze Baug, with 1,545 flats in total.

7. Trust Settlement—The Nowrosjee Nusserwanjee Wadia Trust Buildings for Parsees. 16 August 1916, p. 3.

8. Trust Settlement—The Rustomji Nowrosjee Wadia Trust Building for Parsees. 10 November 1921, p. 5.