THE TRANSFORMATION OF THE *ULAMA* AND THE *SHARI'A*

IN THE VOLGA-URAL MUSLIM COMMUNITY

UNDER RUSSIAN IMPERIAL RULE

Rozaliya Garipova

A DISSERTATION
PRESENTED TO THE FACULTY
OF PRINCETON UNIVERSITY
IN CANDIDACY FOR THE DEGREE
OF DOCTOR OF PHILOSOPHY

RECOMMENDED FOR ACCEPTANCE
BY THE DEPARTMENT OF NEAR EASTERN STUDIES

Advisers: Muhammad Q. Zaman, Michael Reynolds

September 2013
ABSTRACT

This dissertation examines the religious transformation of the Volga-Ural Muslim community during the long nineteenth century with a special focus on the ulama and shari’a. It argues that these Islamic institutions as well as the Muslim population have experienced important changes after the Russian state established the Orenburg Muslim Spiritual Assembly in 1788. Since that time and throughout the nineteenth century, Russian statesmen introduced numerous laws that affected the Volga-Ural Muslim community. Many of these laws were designed to regulate specifically the religious life of Muslims, thus reformulating traditional religious practices through state law. The state created new rules for the appointment of the ulama, construction of mosques, functions of religious scholars within the Muslim community, procedures on how to perform marriage or divide inheritance. This allowed the state to intervene deeper into the Muslim community, braking traditional communal relationships and affecting the practice of shari’a in unprecedented ways. This also prompted state officials to sanction the violation of these laws.

The creation of the Orenburg Assembly as a court of appeal was itself a big novelty for the Volga-Ural Muslims. The possibility to appeal to a higher legal authority led to an increase in the number of appeals by Muslim lay people in the nineteenth century and decrease in the authority of traditional legal experts — the akhunds. Moreover, it distorted traditional organic legal order turning the resolution of shari’a disputes from a communal matter resolved within the mahalla to a practice regulated from above by a state institution, again drawing imperial authorities closer into the Muslim community. The existence of the OA and the legal pluralistic framework also facilitated state intervention into substantive law, thus redefining the practice of Muslim marriage.
# TABLE OF CONTENTS

ABSTRACT ........................................................................................................ h 

TABLE OF CONTENTS .................................................................................. ii 

TRANSLITERATION ..................................................................................... iii 

ILLUSTRATIONS .......................................................................................... iv 

ACKNOWLEDGMENTS ................................................................................... v 

GLOSSARY ..................................................................................................... ix 

INTRODUCTION ............................................................................................. 1 

CHAPTER I ..................................................................................................... 39 
Islam and the Orenburg Assembly between the Imperial State and Volga-Ural Muslims 

CHAPTER II .................................................................................................. 92 
Becoming an Imam 

CHAPTER III .................................................................................................. 161 
Institutionalizing the Mahalla and the Duties of the Ulama 

CHAPTER IV .................................................................................................. 220 
Transformation of the Religious Authority of Akhunds 

CHAPTER V .................................................................................................. 265 
Transformation of Shari’a and Russia’s Legal Pluralism 

CONCLUSION ............................................................................................... 317 

BIBLIOGRAPHY ............................................................................................ 324
A NOTE ON TRANSLITERATION

Muslims of the Volga-Ural region used the Arabic script until 1928. In 1928 they officially switched to Latin, and in 1931 to Cyrillic, although many people continued to use Arabic in their private lives. I used modern Tatar language for transliteration.

ä – ø (as in “man”, but less open)
e – e (as in “six”)
ö – ø (as in “urge”)
ü – y (as in “fruit, nude” and like German ü)
ı – ы (ı as in “number”)
ç – ч (as in “chair” but without first [t])
ş – ш (as in “shelf”)
ğ – г (soft g)
ñ – н (as in “English”)
j – ж (as in “garage”)
q – к (as in “Queen”)
y – й (as in monkey)
w – в (as in “wall”)
ğ – ( as in “helicopter”)

I left some Tatar words that are commonly used in the English-language literature (such as *mudarris, mufti, madrasa, maktab, mahalla*) in their conventionally accepted forms.
ILLUSTRATIONS

Figure 1: Certificate of proficiency in religious sciences. ........................................ 134
Figure 2: Certificate of proficiency in the Russian language. .................................. 145
Figure 3: A state license for an imam ......................................................................... 155
Figure 4: Letterhead of an akhund ............................................................................. 156
Figure 5: Letterhead of an imam ................................................................................ 157
Figure 6: Stamp of a licensed mulla ........................................................................... 157
Figure 7: Stamp of an imam-khatyp .......................................................................... 157
Figure 8: Stamp of an imam-khatyp .......................................................................... 158
Figure 9: Stamp of a licensed mulla ........................................................................... 158
Figure 10: Stamp of a mulla ...................................................................................... 158
Figure 11: An envelope of an imam ............................................................................ 158
Figure 12: Marriage registry from 1897 ..................................................................... 205
Figure 13: Divorce registry from 1897 ....................................................................... 206
ACKNOWLEDGMENTS

I thank God that He set me to the path of writing this dissertation and that so many people helped me along this path. I want to express my gratitude to Hakan Kırimlı who introduced me into the discipline of History at Bilkent University in Turkey and completely turned my academic interests in this direction. At his behest and with much hesitation I left aside my developing academic career in International Relations and started anew in the field of Eurasian history. Our academic circle at the Center for Russian Studies at Bilkent with Kırimlı, Norman Stone and Sergei Podbolotov gave me a solid background to enter this field in a more professional way.

The Department of Near Eastern Studies at Princeton University provided me with a profound training in Islamic history and politics, Muslim thought and law with Hossein Modarressi, Michael Barry, Michael Cook, Şükrü Hanioğlu, Muhammad Qasim Zaman, Michael Reynolds, and Mirjam Künkler. I am grateful to all of them and in particular to my advisers Qasim Zaman and Michael Reynolds. During my graduate studies, they offered invaluable guidance and support with regards to my scholarship and career, encouraged my intellectual curiosity and critical thinking and re-thinking over topics described in my dissertation. Mirjam Künkler’s encouraging support and comments on my work kept my mood high to continue with my research. I have benefitted greatly from Ekaterina Pravilova’s seminar on Russian imperial history and from her thoughtful comments over the chapters of my dissertation. I owe special thanks to Allen Frank and Mustafa Ö zgür Tuna who carefully read my dissertation and provided detailed feedback on its chapters. Edward Lazzerini kindly offered me his help at reading and revising my dissertation. When it was time to defend the dissertation, the Director of Graduate
Studies, Michael Cook, and the Coordinator of Graduate Studies, James LaRegina made impossible possible, for which I do not have the words to express my gratitude.

During my research in Kazan, Ufa and St. Petersburg I greatly benefitted from assistance and scholarly conversations of many people and institutions. In Kazan, my colleagues at the Institute of History and especially Il’ dus Zagidullin (who was once my history teacher at Tatar-Turkish high school) encouraged my work, informed me about new valuable publications of the Institute and kept responding to my questions. I am enormously grateful to Javdat Minnullin, the director of Kazan State University Library and of the Department of Rare Books and Manuscripts Collection, Nuriya Garaeva, Senior Researcher at the Department of Rare Books and Manuscripts Collection, Airat Zagidullin, the Director of Rare Books and Manuscript Collection of the National Library of the Republic of Tatarstan, and Marsel’ Ahmetjanov, former director of the archive of the Institute of Language, Literature and History for facilitating my work at these institutions, easy access to documents, taking digital pictures and sharing some works. I was also lucky to talk about my work with Rafik Mukhammetshin, Damir Iskhakov and Suleyman Rakhimov. In Ufa, I am extremely indebted to help and support of Rustam Tangatarov, Ramil’ Bulgakov, Danil Azamatov and Ramilia Sibagatova. I thank Anna Sukhorukova for invaluable assistance at the Russian State Historical Archive in St. Petersburg.

This work was made possible by the financial assistance of several institutions and programs. I am immensely grateful for the funding that I received from the Department of Near Eastern Studies, the Graduate School, Princeton Institute for International and Regional Studies (PIIRS), Center for the Study of Religion, Munir Ertegun Foundation, and the government of the Republic of Tatarstan. I was also fortunate to receive the Donald and Mary Hyde Fellowship for research abroad. I thank them all. This work was also greatly stimulated by vigorous discussions
and intellectual climate during weekly workshops at PIIRS and the Center for the Study of Religion during 2012-2013 academic year. I also benefitted from presenting and discussing earlier drafts of some chapters at several conferences held by the Central Eurasian Studies Society, Middle East Studies Association and History Institute at Kazan.

My friends were a constant source of support while writing this dissertation. Without them my life would really be empty. I am extremely grateful to Yeliz Baloğlu that she created home for me and my family at Princeton, became a part of my family, and always helped me in many ways when I needed. My other friends here – Berker Cengay, Amr Osman, Marwa Fikry, Zeynep Taşkın, Hakan and Hayal Karpuzcu, Alex Balistreri, Sarah Islam, Fadzilah Yahaya, Kate O’Neal, Zeynep Tüfekçi and Yeşim Erdemli filled my life with warmth, support and companionship. Although being far away, my other friends in Kazan, Alma-Aty, St. Petesburg and Turkey, Yuliya, Raushana, Liliya, Al’bina, Raise, Aidar, Ainur, Duygu, and Nurgül were much closer than distance suggests, and I always had a chance to meet them again and again when travelling. Being back in the US, I also thank Arshe Ahmed and Sohaib Sultan for creating a warm environment at Princeton MSA and to my friends of US’ Tatar community.

I want to express my deepest gratitude to my family. My parents, Ravil’ and Azhariye, instilled in me a deep passion for learning, diligence and resilience to go to the end. My brother Nail always encouraged me with his humor and easy-going nature. I owe special thanks to my precious daughter Dilara Safiya who arrived in this world right before I set off for research to Russia and who patiently travelled with me everywhere, adjusting to new places and people at a very young age and playing on her own when I was trying to wind up my dissertation. Hale Ebrahim, Yeliz from Ufa and my parents all helped me in taking care of my daughter when I worked in the archives or wrote my dissertation. I thank my relatives in Russia and Turkey for
encouragement and support. This dissertation would not be possible without the help of my husband, Halit Dündar, who endured all the hardships with me on this path and never stopped believing in me. He discussed with me this dissertation from its inception, inspired me with great ideas for each chapter, and read, revised and edited the drafts uncountable times. He has always been a great teacher and a great source of happiness.
GLOSSARY:

abi: in eighteenth century sources religious leaders functionally equivalent to imams; the term abi is derived from the word hafiz, or a person who knows the Qur’an by heart

abistay: usually a wife of a mulla (sometimes also daughter or daughter-in-law) or any woman who taught and transmitted religious knowledge to girls

akhund: in the Volga-Urals region and Siberia before the nineteenth century it signifies a high-ranking legal expert; after the eighteenth century it became a rank of a county level legal expert, but gradually lost its former prestige and authority

imam: formal religious head of a Muslim congregation, mahalla, that organizes around a mosque

khatyp or imam-khatyp: an imam formally licensed to give the khutba (the sermon performed on Fridays in a Friday Mosque), the communal Friday sermon

madrasa: higher school for the instruction of the Islamic sciences

maktab: primary school affiliated with a specific mosque and mahalla

mahalla: congregation of Muslims formally registered to and responsible for a single mosque headed by an imam

mudarris: imam formally licensed as an instructor in a madrasa

muazzin: a person affiliated with a mosque who is responsible for calling the adhan (call to prayer) five times a day at certain times

**mufti**: one who is entitled to give *fatwas* (non-binding legal opinion of an Islamic scholar); in the Volga-Ural region, the official head of the Orenburg Assembly after 1788, and head of the Muslim religious community

**mulla**: among the Muslims of the Volga-Ural region this term denoted an individual possessing a degree of religious authority and education; in this region, it was used as an equivalent of *imam*

**qadi**: a Muslim judge; one of the three assistants of the *mufti* in the Orenburg Spiritual Assembly

**shaykh**: Sufi master

**ulama**: collective term of Islamic scholars comprising *imams*, *akhunds* and *khatyps*

**zakat**: an obligatory annual Islamic tax equivalent to one fortieth of a Muslim’s wealth
INTRODUCTION

On his father’s side, Ğabdürraşit İbrahim (1857-1944) belonged to a family of *akhunds* for seven generations. His mother was an *abistay* and taught almost all the women folk of his hometown, Tara. Ğabdürraşit İbrahim got his education in religious sciences first at several *madrasas* in Siberia and then in Kazan before he went to Medina where he studied for five years and graduated as a *hafız*. When he came back to Tara in 1885, the *ulama* and the notables of the town celebrated his return and immediately employed him as a *mudarris* at a *madrasa* in the town. Since he had such a well-grounded education the *ulama* and the notables wanted to keep him in Tara and offered him the position of *imam* at a *mahalla*. Moreover, in order to assure that he would stay in the town instead of going to a bigger city, they also wanted him to marry to a young woman from a well-respected family. Ğabdürraşit İbrahim agreed to both proposals in principle and in response said that he would serve as an imam and improve the education in at local *madrasas*. However, he did not want to get the state license for he did not want to enter a binding commitment. Despite his perfect family and educational background and erudition in religious sciences, the notables and the *ulama* refused to have him as *imam* without a state license. Ğabdürraşit İbrahim had to travel to Ufa, which was 730 miles away, to get the state license. Not willing to go on such a long travel just to get his license, Ğabdürraşit İbrahim persuaded the notables of the town to let him go to Hijaz one more time. The town folks agreed, after of course, he married.²

Ğabdürraşit İbrahim served as *imam* for seven years in Tara, and in 1892 he was elected as one of the three *qadis* at the Orenburg Muslim Spiritual Assembly — the religious

---

² Ibid., pp. 134-135.
administration set up for the Muslims of Russia (hereafter the OA). There was no question that Ğabdûrrâşît İbrahim was one of the most prominent members of the ulama of his time. The notables and the ulama in Tara were not suspicious about his credentials as a religious scholar. Still, however, they required that he passed the examination at the OA and acquired a state license before he started to work as an imam. This episode illustrates the shift in the structure of religious authority within the Volga-Ural Muslim community that I aim to analyze in this dissertation. I argue that the structure of Muslim religious authority as well as the Islamic legal discourse — shari’a — underwent important transformations in the Russian imperial context of the nineteenth and early twentieth centuries. At the beginning of the twentieth century, the status of the ulama, their role within the community and their lives, as well as the practice of shari’a, all qualitatively differed from what they had been before the end of the eighteenth century. I also argue that the Russian imperial state, working through the OA, played an important, if not the most important, role in this transformation.

Before the creation of the OA, the traditional ulama culture defined the religious authority of the ulama. It was based on the networks of madrasas and Sufi hanaqs where students (shakirks) studied religious texts under the supervision of prominent Islamic scholars. The latter, in their turn, granted ijazas to their students and often initiated students to a Sufi tariqa (path). In the Volga-Ural region, many students, who aimed to acquire religious education and become imams travelled to Bukhara — an important center of Islamic education and Sufi training in Turkestan, or to other centers of Islamic education in the Volga-Ural region or abroad.³ After spending several years at these centers, the students would return to their

hometowns to teach at *madrasas*, to lead *mahallas* as *imams*, and to resolve conflicts of family life according to *shari‘a*.

After the creation of the OA, and increasingly in the nineteenth century, in addition to traditional patterns of acquiring religious authority, certification and state license became important components of the structure of religious authority. In other words, religious authority became anchored in state authorization. Through this new structure of religious authority the Muslims and local and central imperial authorities developed a certain dynamic of interaction, and this relationship had important consequences for the identity and the functioning of the Muslim community of the Russian Empire. The traditional order of the Muslim *mahalla* and the relationship of the *mahalla* members with the *ulama* fundamentally changed.

This dissertation aims to contribute to our understanding of Islam in the Russian Empire. The way Islam developed and transformed under imperial rule had important consequences and parallels in the Soviet and post-Soviet periods. There is now a rather extensive literature about Islam in this regional and historical context. Rather than focusing on how the traditional religious authority of the *ulama* was challenged by the Muslim reformists at the turn of the twentieth century, I investigate how acquisition and maintenance of the religious authority transformed. I specifically focus on the change in the religious authority of the *ulama* and *shari‘a* and try to analyze what impact it had on the Muslim community. I tried to focus on both because the two are inseparable. In this geography, after the Russian conquest, the *ulama* of local Muslim communities in villages and townships also possessed legal authority. They were *qadis* in their own right, and serving as judges was one of the most important functions they performed in the community.
I define the religious transformation as the breaking down of the traditional ordering of Muslim communal life. This transformation had two components — the appearance of new understandings and definitions of aspects of religious life which were redefined through the Russian state law, and a shift to new ways of handling conflicts and shari’a disputes within the community.

As soon as I started reading archival documents of the OA, and especially the petitions of Muslim people and the responses of the OA to them, some unusual definitions and explanations attracted my attention and prompted me to think about their meaning. To give just a few examples, Muslims from different localities wrote that their imam performed an illegal marriage, or that an imam was absent from his mahalla for prolonged periods of time. A father would complain in his petition that their imam did not recite the necessary prayers for his newborn child. Many women requested divorce because their husbands insulted them verbally, with “expressions that are against shari’a” (protivo-shariatnymi slovami) as they described. Responses of the OA were equally puzzling. OA officials wrote back to Muslims that imams should not interfere in the affairs of other mahallas, or that any unlicensed mulla was only a private individual and did not have the right to perform religious rites for Muslims. The nature and meaning of these definitions and notions was a point of interest to me. It was getting obvious that the Russian state law defined them in this way. I further understood that through the redefinition of aspects of Muslim life and of the duties and functions of the ulama, the state law became an important component of Muslim communal life.

However, the introduction of state law into the Muslim community destabilized organic Muslim communal order and relationships. In this way, mahalla as well as the shari’a ceased to be institutions independent from the state. As I show in Chapters II and III, the laws and
regulations that the state introduced became part of the communal understanding of shari‘a and Muslims increasingly referred to these laws and regulations in describing their cases regarding the conflicts within the community or between the ulama and the community. Besides, violation of state law could entail punishment or sanctions, ensured by the state — a practice that was novel for this Muslim community.

The second element of the breaking down of a traditional ordering of Muslim communal life is the transformation of shari‘a practice and the shift to new ways of handling conflicts and shari‘a disputes. This change is reflected in both the governmental and Muslim sources; so, the combination of the two clarified the picture about change in handling these disputes. One of the striking features was that there were too many petitions of individual Muslims to the OA requesting to solve their family problems and asking for divorce, which was a clear indication that, sometimes, conflicts could not be resolved within the community, as previously, and that traditional communal order of handling shari‘a disputes was distorted.

With respect to the transformation of the practice of shari‘a, Hallaq’s suggestion about incompatibility of state law and Islamic law deserves attention. Among the reasons explaining their inability to coexist are, first, that both are instruments of governance designed to organize society according to their own respective orders. Second, both are lawgivers, and thus cannot coexist, especially when the substance of law is the subject matter, when there is a substantive juristic intervention. Third, both systems claim ultimate legal sovereignty. Forth, the two operated in two opposing directions, with state law operating hierarchically, and Islamic law horizontally. Fifth, while state law conceals some ideology behind it, shari‘a does not have ideological agenda. Sixth, shari‘a law is therefore a grassroots system operating in the social structure, from which it originates, while state law is superimposed from above. Lastly, the
nation-state tends toward the homogenization of both the social order and the citizen, and to
achieve these goals, it engages in systematic surveillance, disciplining and punishment. Islamic
law, by contrast, has never had these goals and never claimed monopoly over violence. While
Hallaq speaks primarily about the law of the nation-state, this can be applied to the Russian
Empire as well: in the nineteenth century the Russian state has already began to acquire the traits
of the nation-state, trying to bring better order to its rule over different subjects and homogenize
its administrative, educational, and other institutions.

Indeed, as Hallaq points out, two systems represent two distinct orders with its own
mechanisms, rules, culture and logic. *Shari’a* rules and practice organized society differently
from those of the state. It was practiced horizontally, and a community, of which the *ulama* and
legal scholars were part, undertook mechanisms for the resolution of *shari’a* dispute. In the
Volga-Ural region, the *akhunds*, who were the legal experts, helped to solve difficult cases and
often did it together with other *imams*. *Akhunds* had a crucial role in the smooth functioning of
the Muslim society according to *shari’a* law. Therefore, the dissolution of their authority
interrupted the functioning of the society and the people started to appeal to the OA. As I show in
my dissertation (and especially Chapter IV), this organic order, which governed *shari’a* practice,
was broken because of state intervention. The OA became an institution with higher legal
authority and a mechanism to enforce law from above. However, the OA did not have the
physical capacity to enforce its orders and lacked natural ties with the community. So, the
conflicts often remained unresolved at many levels. Being stripped of the religious significance,
*akhunds* became like second-level inspectors as the OA reassigned unresolved cases to them.

Another reason for the loss of *akhunds’* authority was that the state did not endorse their previous

---

4 Wael B. Hallaq, *Shari’a Theory, Practice, Transformations* (New York: Cambridge University
status and did not officially include akhunds in the legal structure that it redefined. The degradation of akhunds’ authority and bureaucratization of imams definitely impacted the general image of scholars within the Muslim community.

Besides, as I will show in Chapter V, and especially illustrated by the case of marriage age law, the Russian state made substantive intervention in shari‘a practice in another way. It tried to bring homogeneity by introducing this law for all confessional and ethnic groups. State intervention in substantive law not only shows the desire of the state to homogenize certain practices (such examples would appear again in the late nineteenth century, like, for example, the law on divorce sought by women of exiled husbands), but also reveals that once a law was violated, the state resorted to disciplining and punishment. This concerned not only shari‘a law but also the duties of the ulama within the mahalla (see Chapter III). Definition of the duties and functions of parish imams through state law made such intervention possible.

As I show in my dissertation, despite the recognition of numerous legal systems, the ultimate aim of the Russian state was homogenizing the legal system and instituting one legal code. But the state did not have the capacity to do so and had to accommodate other legal systems, albeit reluctantly. This situation created a weak legal pluralist environment, in which the state law, with its system of enforcement, had a power to transform shari‘a law. In the case of the Volga-Ural Muslim community, such transformative impact was detrimental, because it broke traditional communal practices and created problems for the community and Muslim family.

These changes do not mean that they fundamentally undermined the function of the ulama and akhunds as representatives of religion and carriers of religious knowledge, but show us that state laws and institutions figured increasingly more prominent in the intra-communal
Muslim relationships. Therefore, religious authority was now increasingly connected to state authority or state law. I suggest in this dissertation that state law became part of the religious authority, and that the former also modified the latter. In other words, anchoring a religious rule or a procedure in state law, defining it through state law became an important feature of Islam in the nineteenth century. Therefore, the more the state defined religious rules through Russian state law, the more state law became a component of religious authority, and the more difficult it was for religion to function beyond these laws. Now the religious authority, in addition to traditional culture, would be also anchored in state authorization and state law, which now defined many aspects of religious life, including the position of the ulama — how they were elected, appointed, and functioned within the Muslim community. When religion is defined, it is easier to manage and control it. That’s why even the rules on how to perform the division of inheritance or marriage were defined by state law. This shift, I would suggest, by its nature is structural. Therefore, it is possible to talk about the change in the structure of religious authority.

This work lies at the intersection of the study of Islam in the Russian Empire, religion and governance in imperial contexts, and the transformations that Muslim communities around the world experienced in the nineteenth and twentieth centuries as a result of their encounter with state modernity. By state modernity I mean the processes that were undertaken by state structures to rationalize, unify, codify, order and legally define all aspects of imperial governance, especially with respect to different confessional and ethnic groups. In this respect, we can see the creation of the OA as an agent of state modernity.

The creation of the OA was a decisive moment in the imperial policies regarding the Muslim subjects of the empire. This endeavor proved to be quite successful from the imperial point of view. With the creation of the OA, the state kept the Muslim population and the Muslim
clergy under control, and no major anti-governmental revolts took place till the end of the imperial regime. The Russian state had already acquired experience with creating a similar institution, the Holy Synod, for the Russian Orthodox Church and the Russian population. As a modernizing state, the Russian Empire had to better comprehend and control another important section of the population under its rule. Therefore, empire-building and redefinition of the Muslim community and its institutions through the institutionalization of Muslim religious authority went hand-in-hand. Thus, I look at the role of the state and state regulations that shaped and directed religious change. There are certainly other forces that could impact religious transformation, but it can safely be said that the state played the most important role in it.

The OA facilitated the Russian rule in the region and contributed to the transformation of religious scholars and shari‘a in two ways. First, as Mustafa Tuna has put it, it created a perception of autonomy. Indeed, the creation of the geographic and institutional space created a feeling of certain autonomy regulated by this institution. But at the same time, we should bear in mind that the OA was not an autonomous space within which the state had no intervention. The state was defining the rules according to which Muslims could perform their religious rites. In other words, one could be a Muslim, live a Muslim life within this space, but there were certain limitations to it. This does not mean, however, that Muslims did not violate state-defined rules and that they strictly followed them. Secondly, the OA established itself as religious authority. It functioned as an appellation court for Muslim family law cases, administered examination of religious functionaries and teachers, and at least tried to exert control over local ulama in the vast territories under its jurisdiction. (I will discuss the limitations to this asserted religious authority throughout the dissertation.).

---

5 Mustafa Ö zgür Tuna “Imperial Russia’s Muslims: Inroads of Modernity” (PhD Dissertation, Princeton University, 2009), p. 46.
Another role of this institution was that “the OA transformed an obligation coming from
the imperial domain into a religious obligation in the process. It wrote to the Muslim population
not only as an imperial institution but also as a religious authority”. In this way, state authority
became part of the religious authority. To what extent the rulings of the OA were accepted by
Muslims as religious obligations is a different question and is often difficult to answer, but
apparently the OA acted as an institution having religious authority. From the archival
documents of the OA, containing responses of OA officials to the ulama and Muslim lay people,
the OA wrote from the position of an institution possessing religious authority, although it often
cited Russian laws in its responses. Claiming religious authority in legal matters was probably
one of the strongest ways to consolidate itself as a religious authority. This allowed Muslim lay
people to challenge in certain cases the authority of parish imams and akhunds.

Geography

This dissertation focuses on the Volga-Ural region, which can be regarded as the main
region heavily populated by Muslim Turkic peoples, such as Tatars and Bashkirs. While I prefer
referring to the region as the Volga-Ural, I take up the territory under the jurisdiction of the
Orenburg Assembly as the focal point of my dissertation. It is in fact larger than the Volga-Ural,
and the Muslim population is much more sparsely distributed in the regions beyond the Volga-
Ural. I take up this larger territory not only because people living there were under the
jurisdiction of the OA, but also because the novelties introduced by the state were valid for and
affected all these Muslim communities. In other words, they experienced a similar fate. I picked
up examples randomly, but since the majority of them are petitions from the regions of the

6 Tuna, ibid., p. 46.
Volga, the Ural, and Western Siberia, these constitute the majority of examples in my dissertation as well. I excluded examples only from the Kazakh steppe, a part of which was still under the jurisdiction of the OA till the end of the imperial regime.\footnote{There are a lot of petitions brought by Kyrgyzs (Kazakhs) of the Inner Horde to the OA, mostly dealing with family disputes, and I think it is a topic of a separate dissertation for scholars who would like to research on how shari‘a in the sphere of family law was practiced among Kazakhs and who study Islam among Kazakhs more generally.}

In the first half of the nineteenth century (1788-1860), petitions to the OA or the cases it dealt with came from the following provinces (guberniias): Arkhangel’skaia, Astrakhanskaia, Irkutskiaia, Kazanskaia, Kavkazskaia, Kostromskaia, Moskovskaia, Nizhegorodskiaia, Orenburgskaia, Odesskaia, Omskaia, Penzenskaia, Permskaia, Peterburgskaia, Poltavskiaia, Riazanskaia, Samarskaia, Saratovskaia, Simbirskiaia, Tavricheskaia (Nikolaevskii uezd, Sevastopol’skii uezd), Tobol’skaia, Tomskiaia, Tambovskaia, Vil’skaia, and Viatskaia. In the second half (1860-1917), due to the expansion of Russian territories, new administrative re-divisions and probably the migration of Muslims, as well as the creation of new army units and thus settlements where Muslim soldiers and army imams served, petitions, in addition to the above-mentioned regions, came also from Ekaterinburgskaia, Ekaterinoslavskiaia, Finliandskaia, Khar’kovskaia, Kostromskaia, Ufimskaia (previously Ufimskii uezd of Orenburgskaia guberniiia), Ural’skaia, Varshavskiaia guberniias, Vnutennaia Kirgizskaia Orda (Kyrgyz Inner Horde), Primorskaia, Turgaiskaia, Akmolinskaia, Zabaikal’skaia, Semipalatinskaia regions (oblast’) and the Cherkasskii district (okrug). This gives us an idea of the wide geographical body under the OA. It in fact covered almost the whole territory of the Russian Empire excluding the newly conquered Caucasus and Turkestan. It also gives us an idea of how dispersed the Muslim population already was in the nineteenth century.
This also opens up an important venue to think about Russian Muslim identity. With the development of railways, the opening of new army units and settlements, the development of trade, in search of new means of income, Muslims began to travel more extensively, especially in the second half of the nineteenth century. While the Volga and Ural as well as Western Siberia still constituted the core of the “Muslim” territory, by the turn of the twentieth century the whole of Russia could be considered home to Russia’s Muslims. In this respect the new communal identity had its reference point in the OA and the territories under its jurisdiction, which not just constituted an “imagined community” but in fact connected the ulama and Muslim population in different parts of Russia.  

The development of capitalism and urbanization contributed to the formation of permanent Muslim mahallas in almost all big Russian cities. With Muslims’ resettlement in central provinces, on the borderlands, and Siberia, new mahallas expanded the borders of the jurisdiction of the OA. Natives of the Volga-Ural region formed new communities in industrial centers in western provinces, Finland (kniazhestvo), Transcaucasia, and other places. The OA ensured control over them in religious-administrative matters such as appointing imams, constructing mosques, and opening new mahallas, creating in this way “islands of its authority in regions of other religious administrations”. Mulas could be sent to different regions of Russia to serve for Muslim army recruits or and for Muslim settlements in military districts (voennyi okrug); akhunds could be appointed to serve in territories other than their own mahallas; the development of Muslim businesses and especially factories (zavody) or the construction of new

8 On the networks of the ulama within the region and to other regions see Tuna “Imperial Russia’s Muslims”, pp. 8-11.
9 Zagidullin, Islamskie instituty, pp. 7-8.
10 For a few examples of mahallas at factories and the functioning of imams there see TsGIA RB f. 295, op. 6, d. 3953; f. 295, op. 2, d. 252, 0233.
plants with a considerable Muslim work force led to the establishment of new Muslim communities and *mahallas*, which required the appointment of new *mullas* there. All of this created a new awareness for the Muslim population — Muslims were governed by the same rules, the *ulama* had similar responsibilities, they received the same circulars from the OA and the state. This created a new sense of connectedness between them by way of the institution of the OA.

**Historiography**

My dissertation benefits from and aims to contribute to scholarly discussions of state-religion dynamics in the colonial/imperial world as well as the studies on governance, especially in the Russian Empire.

The Soviet Union did not break up along ethnic fault lines as Sovietologists expected. Although the union republics emerged as independent nation states, the Russian Federation remained a multinational state. Therefore, since the 1990s, historians of the Russian Empire began to pay more attention to the functioning of the empire, the forces that held the empire together, religious toleration, and the incorporation of non-Russian religious and other elites, among these, religious elites. Known as the “imperial turn”, this shift in historiography of Russia turned to analyze the imperial dimensions to Russian and Soviet history.\(^\text{11}\) Scholars tried to look at the forces holding the tsarist empire together for so long and of the long-term challenges and continuities. “Understanding the forces that helped the Russian Empire cohere in the eighteenth and nineteenth centuries revises the hoary view of it as a “prison house of nations. Flexibility and

centralization, naked coercion, and ‘enlightenment’ missions were often entangled in complex ways". Scholars of Russian history challenged the view of Russia as a corrupt, arbitrary, and dysfunctional state. Jane Burbank, Nancy Kollman and others drew attention to the effectiveness of legal institutions and presented them as sources of social integration and political legitimacy.

While the focus on imperial governance illuminates the policies of accommodation and adaptation of minorities to the Russian system, the continuing nature of conflict between these minorities and the Russian state should not be ignored. In this regard, works of Austin Jersild, Michael Khodarkovsky and Paul Werth expanded our understanding of imperial policies regarding the peoples of the southern and eastern borderlands. Khodarkovsky’s *Russia’s Steppe Frontier* is an overview of the development of imperial policies regarding the conquest of the incorporation of diverse confessional groups with a special emphasis on the role of religion in Russian imperialism and the transformative relations between the conquered peoples and the Russian state. Khodarkovsky suggests that the main nature in the relations between the Russian state and the peoples in the conquered regions was confrontation, although differently reflected throughout the centuries of Russian rule. While in the early phases of Russian presence in these steppe regions the policy was to “tame” the steppe, in the later phases the state portrayed itself as the bearer of civilization and all these policies inevitably led to reaction. Paul Werth’s *At

---

the Margins of Orthodoxy analyzes the “ways in which the imperial state sought to use confessional affiliation and religious institutions as tools in the governance of its ethnically and religiously diverse empire … [and] the ways in which local communities responded to these initiatives and shaped their own cultural identities in a process of interaction with representatives of the state”.

Moreover, Werth highlights official strategies towards winning Muslims over to the Orthodox Christianity, as well as “containing” Islam. He argues that Tsarist officials perceived Islam as a fanatical religion and dangerous for the imperial interests. Therefore, they tried to prevent its dissemination in the region and supported Orthodox proselytization instead.

Studies on the Volga-Ural region, especially by local historians, missed this imperial turn at first. Newfound freedom in expressing identities led them to focus on the study of this phenomenon in the imperial period, and they rediscovered the reformist intellectuals of the late imperial period as the builders of their nationhood. Historians of the Volga-Ural Muslim community of the late imperial period tended to focus on Jadid thought, politics, and activism as the major source of transformation of this Muslim community.

15 Werth, At the Margins of Orthodoxy, p. 3.
major important reformist movement, which tried to rescue the Muslim society from the shackles of the past, ignorance, and stagnation. Appropriating the language of Jadids, these scholars emphasized Jadids’ transformative efforts in social, educational, religious, and other spheres. Indeed, as Naganawa put it, “In Kazan, the study of reformist movements (Jadidism) was a booming industry in the 1990s, given the rise of a national movement and the obsession with providing the Tatars’ entitlement to elements of independent statehood (gosudarstvennost’).”

The best example of the analysis of Jadidism was most probably the study of Adeeb Khalid concerning the Jadids’ struggle with the traditionalist ulama over cultural capital in the Muslim society. Khalid’s focus on reformist elites, which is very well contextualized in the economic and social modernization, introduced by the Russian Empire, still tends to reiterate the Jadids’ own presentation of themselves as the vanguard of their society in its fight for modernization and of the ulama (usually referred to as qadimis, proponents of the old ways, in the literature) as their main enemies in this struggle.\textsuperscript{17}

As Mustafa Tuna effectively analyzed, Jadidism was an important attempt for the modernization of the Muslim society, however, its appeal and power was limited. Thus, focusing on the analysis of Jadidism to understand the imperial experience of Muslims would not be productive. Tuna has suggested that Jadidism has attained a potential to transform this society but failed to do that because Jadids “lost touch with the broader Muslim population by distancing

\textsuperscript{17} Adeeb Khalid, \textit{The Politics of Muslim Cultural Reform: Jadidism in Central Asia} (Berkeley: University of California Press, 1998).
themselves from the system of values upheld by Muslim peasants and also because the Russian state suppressed their activities”. While reformists’ activities was only one of the factors of transformation, Tuna also focuses on the forces of market conditions and globalization, institutional setup of the empire, the policies of the Russian state and in particular its efforts to homogenize the empire through Russification and the opening of special schools to teach the Russian language.\footnote{Mustafa Tuna “Imperial Russia’s Muslims”}

It did not take long for scholars of Russia’s Muslims to realize the limited framework of analysis of the modernist elite for understanding the Russian Muslim experience in the empire, and studies focusing on religion started to flourish. These works represent a lot of valuable accounts on local Islamic institutions and its functionaries. Scholars focused on specific institutions with more detailed analyses on the Orenburg Assembly and its muftis, mosques, \textit{mahallas}, or Islamic educational institutions such as \textit{maktab}s and \textit{madrasas}. Others focused their analyses on local histories depicting Muslim life in particular regions such as Nizhnii Novgorod, the Orenburg province, or St. Petersburg.\footnote{Ot’ga Seniutkina, “Osobennosti razvitiia musul’mansikh makhall na Nizhegorodchine,” in I. K. Zagidullin (ed.) \textit{Tatarskie musul’manske prikhody v Rossiiskoi imperii: Materialy vserossiiskoi nauchno-prakticheskoi konferentsii 27-28 sentiabria 2005g.} (Kazan: Institut istorii, 2006), pp. 158-172; Denis Denisov, “Prikhodskie mektebe seitovskogo posada (Kargaly),” in I. K. Zagidullin (ed.) \textit{Tatarskie musul’manske prikhody v Rossiiskoi imperii: Materialy vserossiiskoi nauchno-prakticheskoi konferentsii 27-28 sentiabria 2005g.} (Kazan: Institut istorii, 2006), pp. 173-182; Denis Denisov, “Vakufy na territorii Orenburgskogo kraia,” I. K. Zagidullin (ed.), \textit{Istochniki sushchestvovaniia islamskikh institutov v rossiiskoi imperii} (Kazan: Institut istorii, 2009), pp. 44-69; Ot’ga Seniutkina, “Formy soderzhanii musul’manskogo dukhovenstva, mechetei i konfetsional’nykh shkol na Nizhegorodchine,” in I. K. Zagidullin (ed.), \textit{Istochniki sushchestvovaniia islamskikh institutov v rossiiskoi imperii} (Kazan: Institut istorii, 2009), pp. 236-245; Ot’ga Seniutkina and Il’ dus Zagidullin, \textit{Nizhegorodskaiia iarmochnaiia mechet’} (Nizhnyi-Novgorod: Makhinur, 2006).} Yet others tried to analyze Islam in specific Russian
institutions such as the army and other civil institutions, therefore paying attention to the interaction of Muslims and the ulama with the Russian state.

One group of scholars focused their studies on the functioning of the OA and its Muftis. Azamatov’s pioneering work on the OA provided the basis for other works. Among these, Aidar Khabutdinov and Christian Noack also focused their studies on the OA, presenting it as the leading institution of the Muslim community. Khabutdinov sees the institution as the breeding ground for the future Tatar nation, and his analysis still reflects the modernist bias of the Jadidist approach, according to which the OA was a bastion of traditionalist ulama and had to be modernized in order to serve the contemporary needs of nation-building. Noack, however, sees the Muslim nation that would be mobilized around the OA as a viable option for the modernization of the Volga-Ural Muslims. James Meyer developed this approach in his dissertation. He also analyzed the OA as an institution, which had a potential to provide a community leadership. However, according to Meyer, the institution could not respond to the need for representation that became crucial in the aftermath of the Great Reforms, and especially after 1905, and thus gave way to a new search for leadership within the society.

---

22 Aidar Khabutdinov, Ot obschiny k natse: Tatary na puti ot srednevekovia k novomu vremeni (Kazan: Tatarskoe knishnoe izdatel’stvo, 2008).
Interest in local Islamic institutions led to the emergence of a series of works by a number of Tatar scholars on mosques and mahallas. Two conferences resulted in two edited volumes, the first on Tatar Muslim parishes in the Russian Empire, and the second on the place of mosques in religious culture of the Tatar people. These two volumes were followed by another edited volume on the financial aspect of the existence of Islamic institutions in the Russian Empire.

To this, we should add two important monographs by Il’dus Zagidullin on Islamic rituals in institutions of the Russian Empire and on mosques in central Russia and Siberia. Zagidullin’s study on mosques shows how the legal status of mosques changed in the imperial period with the development of Russian laws on prayer houses and the overall development of imperial understanding about it. How mosques got adjusted to Russian realities is the main question the author tries to address in this monograph. Imperial officials elaborated on new laws, which became a normative basis for the construction and operation of mosques, and reshaped the mosques’ status within the Muslim community.

Other scholars have focused on popular Islam. Usmanova, Farkhshatov, and Kefeli-Clay, have focused their attention on the interaction of popular Islam with the official Islam and the state. Usmanova’s pioneering study opened to scholars of the Volga-Ural Islam a new

---

understanding of the processes going on in the second half of the nineteenth century. In particular, she analyzed the Vaisov movement in the new light explaining its causes in the framework of serious crisis, which affected the “official” Islam and Muslim clerics in the late imperial period. She rightly claimed that the movement was not accidental but reflected the specific mood of the Muslim community of Volga and Ural, and specifically the real fears of Muslims due to increasingly repressive policies of the state, including social problems in the region which were often interlinked with the religious component.\footnote{Usmanova, \textit{Musul'manskoe sektanstvo}, p. 9.}

These studies contributed a great deal to the understanding of Muslim experience within the Russian Empire and in addition to Russian governmental sources they included some Muslim sources which started to illuminate the functioning of the Muslim society, as well as the Muslim side of the interaction between the state and the Muslim community. In this respect, studies of Michael Kemper and Allen Frank are crucial as both of them meticulously studied and analyzed treatises of Muslim scholars in manuscript and published form. Kemper arrived to the conclusion that due to the benevolent ignorance of the Russian state, an Islamic discourse that was independent of the Russian and Western influences developed within the Muslim society of the Russian Empire. Kemper writes that “although in economics, local administration and the army there were numerous points of contact between Muslims and Russians, Islamic discourse

remained largely free from the impact of ‘western’ ideas.”\(^{33}\) He based his book on the literary-Sufi works of prominent Muslim scholars. However, if discourse was naturally “internal”, the real life could be different. The isolation of discourse does not necessarily mean the isolation of the community. In fact, Kemper’s narrative also reveals many points of connection between the Muslim scholars and the Russian state. However, his sources, the treatises of Muslim Sufis and scholars, do not build upon the impacts of these interactions.

In his analysis of the Muslim institutions, Allen Frank also reaches a similar conclusion.\(^{34}\) According to him, “the local community fundamentally controlled Muslim religious institutions and these institutions were autonomous in the fullest sense of the word.” The imperial authorities very rarely interfered, and the local authorities had only bureaucratic relations with Muslim institutions in a “cooperative rather than confrontational” way. This kind of autonomy “isolated, or rather insulated” the Muslim communities from local and imperial Russian authorities. Although many Muslims continued to have social and economic interactions with the Russian state and society, “the self-sufficiency of the Muslims’ religious institutions eliminated the need for rural Muslims to expose themselves to Russian institutions”.\(^{35}\)

I agree that local Muslim communities controlled Muslim religious institutions, but the involvement of the state was gradually increasing since the establishment of the OA, and this had crucial impact on the Muslim communities. Muslims themselves more often resorted to state institutions in dealing with each other. Since the number of petitions is in fact huge, we have to take them into account not as an exception from the rule or practice but as a phenomenon that


\(^{35}\) Frank, ibid., p. 314
was getting more frequent in the second half of the nineteenth century. Self-sufficiency is one thing, with which I would agree, but the existence and the increasing number of state rules also led to more exposure of Muslims to Russian institutions in one way or another — opening of a mosque, the approval of a new imam in his position, disagreement within a community, violation of Russian law — all required or invited the state into the Muslim community.

Another scholar who based his research on Muslim sources, mostly the Muslim press, is Stéphane Dudoignon. His analysis of the Muslim “isolation” or autonomy is quite different from that of Kemper and Frank. The religious nature of the Russian state and the confessional structure of the empire shaped the experience of Russian Muslims with modernization. According to Dudoignon, “the Russian state authorized for its Muslim populations an autonomous modernization in the framework of their ‘confessional’ institutions, including the educational ones”. In this general context, secular or laicist tendencies did not develop and the modernists had to set up religious schools. Dudoignon explains the multiplication of *imams* at the end of the nineteenth century within this context “as a logical result of the development of Muslim capitalism and patronage of community institutions in the framework of a specific Christian domination.”

---

One of the most influential recent studies analyzing Muslim experience in Russia is Robert Crews’ *For Prophet and Tsar.* 37 Robert Crews’ attempt to revise the understanding of the relationship between the Russian state and its Muslim populations is praiseworthy. In his analysis of the relatively peaceful coexistence of imperial state and its Muslim subjects he claims that the “Russian state made Islam a pillar of imperial society, transforming Muslims into active participants in the daily operation of the autocracy and the local construction and maintenance of the empire”. 38 On the other hand, he further claims that “the Muslims engaged the regime not simply as an instrument of repression, but as a means to advance true religion — to set spouses, children, relatives, and others on the correct path to God, the shari’a”. 39

These claims, according to my understanding, are misleading on several accounts. Like all other empires, the Russian state had to find a *modus vivendi* to rule over diverse populations. The pre-modern and modern empires had to control large territories and multi-ethnic and multi-religious populations with limited bureaucratic and military prowess. The Russian Empire was not an exception. It was only a matter of time before the Russian rulers set aside the methods of repression, forceful conversion, and expulsion in order to rule the ever expanding Muslim population and territories that they inhabited. The methods that the Russian state employed during and after the reign of Catherine II, especially the establishment of the OA, a church-like institution, did not make the Russian Empire a Muslim power as Crews claims. Crews also admits that the Russian state prevented the expansion of the influence of this institution and later curbed its powers within the Muslim society by appointing non-religious Muftis to this institution.

---

38 Crews, ibid., p. 3.
39 Crews, ibid., p. 21.
Secondly, Crews wishes to show cooperative relations between the state and the Muslim population, but conflicts also occurred even in the nineteenth century, although without much violence. It was much easier now for the state to suppress the conflict or block the potential for conflict. The OA played an important role in this. The mufti’s fatwa in support of state rule or policy was instrumental in this respect. For example, Rizaeddin Fahreddin noted the role of Mufti Tevkelev in convincing Bashkirs to agree to army service or in convincing Muslims to stop resisting the introduction of Russian-language requirements in Muslim schools.⁴⁰

Thirdly, the argument that the Muslim population sought the help of Russian officials in the resolution of shari’a disputes, or that they demanded state enforcement for the imposition of religious Orthodoxy is, thus, also an exaggeration. Again, like in other colonial contexts, the subjected people manipulated state law and institutions in order to attain a more beneficial solution for their problems. A close study of Muslim petitions and other Muslim written sources shows that Muslims never regarded state officials and state institutions as experts or enforcers of shari’a. Nor did Russian officials claim such authority. In fact, they were not interested in shari’a disputes (see Chapter V) but often requested that petitions be sent to Muslim religious authorities at the OA. As Sartori also disclosed in the case of Turkestan Muslims, Muslims tried to benefit from the ignorance of Tsarist officials about Muslim law, not from their knowledge of it, and Russian tribunals never became an alternative to Muslim courts.⁴¹ I also observed that Muslims resorted to state institutions not with the aim to redefine the content of or to enforce religious orthodoxy, but to the contrary, to circumvent the shari’a. In other words, both the state and Muslims were not after the protection of an orthodoxy which was never defined. The people

⁴⁰ Fahreddin, Âsar, vol. 3-4, pp. 129, 132.
were protecting their interests when they consulted state institutions, and the state was concerned about political order and state interests.

As Crews suggests, the Muslim population and the state found a *modus vivendi* after the establishment of the OA. However, this did not eradicate suspicions on both sides. The state was always apprehensive about the negative consequences of the increasing influence of Muslim institutions whereas Muslims reacted with suspicion to interventionist policies of the Russian state such as the imposition of the Russian language or the transfer of Muslim schools to the jurisdiction of the Ministry of Public Enlightenment.

Lastly, I suggest that the cooperative relations between the state and the Muslim community were not always constructive, as Crews suggests. On the contrary, I think that such restructuring of Muslim communal life was often destructive, because resorting to state law and redefinition of aspects of religious life through the state created new conflicts within the community. Although that may not always be the case, but I suggest that interference of the state in *shari’a* practice and especially in substantive law (like marriage age) created problems for the Muslim community and in particular for the Muslim family. Thus, for example, the institution of divorce was destabilized: women whose marriage was not properly registered in the civil registry books encountered problems. Unable to receive divorce in some cases, they would enter a new marriage without official divorce.

Rather than glossing over these controversial aspects of the *modus vivendi*, I try to depict the transformative impacts of this phenomenon. I follow Paul Werth’s suggestion for the study of religions not in their essence but in their relationship to larger historical and imperial problems. As Werth argued “the degree of religious transformation resulting from state intervention would
contribute significantly to our understanding of the imperial experience”. According to my interpretation of the dynamic between the state and Muslims, accommodation or collaboration was not the only outcome. After the establishment of the OA Muslims tried to expand the Assembly’s juridical and administrative power and the state tried to restrict it. This dynamic was evident in the functioning of the ulama and in the practice of shari’a. Therefore, the most conspicuous character of this dynamic between the state and the Muslims was transformative. Perceptions of the Muslim community about the ulama, and the ulama’s perceptions about their own status were transformed. The practice of shari’a within the limited sphere of autonomy provided by the benevolent ignorance of the Russian state was also transformed. In the meanwhile, the Muslim community sometimes peacefully adapted to these transformations and sometimes resisted it by non-violent means.

In my attempt at understanding these multi-level transformations I benefited from the studies on Islamic institutions and Islamic law within colonial/imperial regimes. The history of Islamic institutions and their representatives (scholars, functionaries, and other religious figures) within the European empires has attracted much attention among historians. Studies have examined the ways in which the imperial powers engaged with Muslims and their faith, addressing the accommodation of Islam in the colonies as well as anti-colonial Islamic resistance movements.

From the beginning of the European expansion into Muslim lands, imperial authorities not only made significant efforts to integrate Islam in the colonial state, but also often actively

---

sought Islamic legitimacy for their rule. We can see that in many imperial contexts, imperial officials tried to establish a certain kind of cooperation with the local religious authorities, be it the *ulama* or Sufi shaykhs. In return, the latter endorsed the colonial regimes. The colonial regimes often provided Muslim religious functionaries and institutions with certain kinds of autonomy, but neither complete nor unlimited. Scholars examined cooperation between Islamic dignitaries and imperial statesmen in different contexts, and showed that religious leaders also sought accommodation in some cases. To what extent were religious leaders loyal to imperial rulers shows different markers. Their rule, though, affected various Islamic legal practices, and many of their edicts and rulings even destroyed Islamic institutions.⁴⁴ In many contexts, higher religious officials, like muftis in Egypt, for example, underwent a gradual institutionalization, and the *ulama* became part of the new religious hierarchy. The positions of official muftis evolved considerably with the emergence of modern states. A state mufti is vested with an authority of a kind that simply did not exist prior to the twentieth century.⁴⁵ In the Volga-Ural context, Muslims also recognized the importance of state mufti and the Muftiate in general, despite the criticism of its activity.

Scholars have also focused on the transformation of *shari‘a* under imperial and colonial rules. Wael Hallaq, Nathan Brown, Aharon Layish, and Murtaza Bedir have all pointed to a fundamental shift in the meaning of *shari‘a* from jurists’ law to statutory law, which had several important implications including the loss of *fuqaha* of their juristic authority and transformation of the legal culture. Brinkley Messick skillfully depicted one of such transformations in the case of Yemen where *shari‘a* was transformed from an open societal discourse to a different legal

---

culture dominated by courts, order, and paper documentation. Nathan Brown has argued with reference to the changing conceptions of shari‘a in the Middle East that under the impact of colonial rule, the shari‘a came to be increasingly seen as “content” rather than “process”.46

Moreover, most of the colonial states, not exempting the Russian Empire, restricted shari‘a to family law. Gail Minault asserted that this was the part of the colonial state’s understanding of the distinctions of their Muslim subjects, rather than the implementation of a legal system. Moreover, this limited implementation would be possible only within the new legal structure of the colonial, and, afterwards, nation-state. This incorporation, limitation and enforcement disturbed the discursive nature of shari‘a, which did not require state enforcement but was a natural part of the communal moral system. “Family law, backed by the coercive power of the state, became a ‘law’ proper and slowly drifted away from notions of morality,

causing deleterious consequences for women and children in many contexts, especially in instances where family law had been codified.\textsuperscript{47}

Among other consequences of colonial impact on Islamic law, as Muhammad Qasim Zaman showed in the Muslim Indian context, was the creation of a hybrid “Anglo-muhammadan law”. The colonial authorities aimed to diminish their dependence on local legal experts. The outcome was a new body of jurisprudence, which developed outside of the ulama’s legal tradition, thus “the ulama themselves were not part of this development”. One important implication of this creation was that the Islamic legal sphere and, in particular, the interpretation of the law was not under the guidance and control of the ulama anymore.\textsuperscript{48}

Legal systems of the Muslim communities in the Russian Empire also underwent important transformation under Russian rule. In recent years there appeared very good analyses, which prepared the ground for further development in this field. Vladimir Bobrovnikov carefully studies the interaction between legal systems of the Caucasus and the Russian state in his \textit{Musul’mane Severnogo Kavkaza}.\textsuperscript{49} Similar to the creation of the Anglo-muhammadan law, the Russian state managed to create a hybrid of \textit{adat} and \textit{shari’a} based legal system, which was actually a redefinition of the practices of the Caucasian mountaineers. Whereas the state seemed to be partially successful in the reformulation of \textit{adat} and \textit{shari’a}, its attempts to introduce Russian law was not that successful. The mountaineers accepted to live under the Russian rule on their own terms and never agreed to “ascend” to the level of Russian citizens. The Russian state

\textsuperscript{47} Gail Minault “Women, Legal Reform and Muslim Identity” in Mushirul Hasan (ed.), \textit{Islam, Communities and the Nation: Muslim Identities in South Asia and Beyond} (Dhaka: University Press Limited, 1998), p. 156.
\textsuperscript{49} Vladimir Bobrovnikov, \textit{Musul’mane Severnogo Kavkaza: obychai, pravo, nasilie} (Moscow: Vostochnaia literatura RAN, 2002).
had a similar experience in the Kazakh steppes, where, as Virginia Martin describes, the Russian colonial administration also tried to introduce civilization by institutionalizing and codifying the legal norms of the Kazakh people. As in all other colonial settings, the traditional legal system of Kazakhs was flexible and the implementation of it was a communal process. The interventions of the Russian state destabilized the previous legal system and degraded the authority of its overseers, in that case the biys.\(^{50}\) The hybridization of the legal system and the local people’s success at manipulation of the new legal system is also the main theme in the studies of Paolo Sartori and provided a perfect point of comparison for my own analysis in the last chapter of my dissertation.\(^{51}\)

However, even within this new hybrid system, as Zaman showed with respect to the Indian Muslim community, the ulama found ways “to alter and expand the contours of shari’a rulings” even in colonial times. “When convinced that there was no way but to change, the ulama could ‘discover’ resources within the juristic tradition to legitimize the required change”.\(^{52}\) In this way shari’a remained a rather flexible system of law, a point that I am trying to highlight in Chapter V within the context of the Volga-Ural Muslim community. Here is another point of departure from what Crews suggests about the impact of Russian imperial rule on shari’a in the Russian context. He has claimed that “with time, legislation and the rulings of the Assembly introduced changes to local Islamic judicial practices by imposing binding precedents” and that the regulations of 1841 compiled by Mufti Söläymanov “bound clerics and

\(^{50}\) Virginia Martin, *Law and Custom in the Steppe: The Kazakhs of the Middle Horde and Russian Colonialism in the Nineteenth Century* (Richmond: Curzon Press, 2001)  
\(^{52}\) Zaman, *The Ulama in Contemporary Islam*, p. 32.
laypeople alike”. As I show in Chapter V in the case of marriageable age and illegal underage marriages among Muslims, the ulama and laypeople continued to display flexibility in interpreting shari’a under the end of the imperial, despite the fact that the law on marriage age was part of the codification attempt of 1841. Not only did the ulama continue to perform underage marriages but they also displayed adaptability by finding a way to redefine Muslim marriage.

Sources and methodology

In this dissertation I use two types of sources, which can be roughly characterized as governmental documents from state archives and published and unpublished Muslim sources. The major archives that I consulted are the Central State History Archive of the Republic Of Bashkortostan (Tsentralnyi gosudarstvennyi istoricheskii arkhiv respubliki Bashkortostan (TsGIA RB)) in Ufa, the National Archive of the Respublic of Tatarstan (Natsional’nyi arkhiv respubliki Tatarstan (NART)) in Kazan, and the Russian State History Archive (Rossiiskii gosudarstvennyi istorcheskii arkhiv (RGIA)) in St. Petersburg. The documents consulted in TsGIA RB belong to the archive of the Orenburg Assembly. The majority of the documents used from NART belong to the administration of the Kazan governorship. In St. Petersburg, the folios used for this dissertation are the documents of the Department of Religious Affairs of Foreign Confessions of the Ministry of Internal Affairs. While the documents of the Kazan gubernatorial administration and the Department of Religious Affairs of Foreign Confessions represent purely state documentation, at local and central imperial levels respectively, we cannot say the same about the archive of the OA located at TsGIA RB. While the OA was created by state authorities,  

53 Crews, For Prophet and Tsar, pp. 160, 177.
the Volga-Ural Muslims increasingly accepted this institution as their own and more often than not applied to it as to a Muslim institution; hence, there are a huge number of petitions to the OA and a rather tiny number of petitions to imperial institutions. They wrote to the OA in the Tatar language, with Arabic script, and these petitions were partially translated into Russian. Muslims often wrote to it as to an Islamic court instead of state institution using the following expressions: “Din mohammädiyä qadahanäsenä…, Dar al-qada-i şärgiyä ırmıburgiyaya…”. Usually, it was Russians who wrote petitions on behalf of Muslims to the Kazan gubernatorial administration and the Ministry of Internal Affairs. I think that materials from these three different levels of institutions complement each other very well.

The majority of the archival documents that I used for this dissertation are Muslim petitions to the OA. In the second half of the nineteenth century the number of petitions to the OA increased progressively. Statistics as to how many petitions of what sort would be very useful here, but so far I can only generally describe that Muslim petitions included complaints about inheritance divisions, bride price, petitions for divorce (the majority from women), petitions requesting permission to marry, different sorts of petitions concerning family life and family quarrels (about abusive husbands), abduction, about wives leaving their husbands and marrying other men, about daughters who married without the consent of their parents or who were given in marriage by force, about the refusal or inability of husbands to maintain families financially or those refusing to pay alimonies (nafaqa), and about underage marriages. There were also petitions against mullas, their immoral behavior and consumption of alcohol, faulty performance of marriage and divorce, about failure to properly perform their communal duties, about erroneous entries in civil registry books or negligence in keeping these registires, petitions

54 I have attempted to do that but this turned to be very time-consuming, so hopefully I can bring statistical information with more or less concrete figures when I turn this dissertation into a book.
of mullas against other mullas, including complaints about interference of mullas into the affairs of other mahallas, about their absences from mahallas, petitions requesting permission to construct mosques and open mahallas, and to take exams at the OA. The OA archive also contains other types of documents such as correspondence of the OA with local and central imperial institutions, reports of akhunds and imams about the cases under their investigation, and the journals of the OA, which contain summaries of all the cases, and petitions they received and discussed during their regular meetings, and also civil registry books and annual statistical data about the number of mosques and Muslim clerics.

I address the questions posed in my dissertation by engaging with the history from below. I analyze the above-mentioned petitions and legal cases of the ulama and lay people. My methodology centered on reading large amounts of petitions and summaries of legal cases, and observing repeated patterns of attitudes in the relationships between the ulama and lay people, the ulama and the OA, and Muslims and local and central state institutions. I am interested in the relationship between the law and legal/social practice; I have tried to make connections between what was instituted at the state level and formulated as state law in order to see what was going on at the societal level, how the law was implemented, accepted, resisted, or modified at the level of Muslim mahalla. This is because state law is a tricky matter, and the introduction of a law into a community does not tell us much by itself. Reading the journals of the OA, where summaries of petitions are recorded, allowed me to observe repeating patterns: what kinds of problems and questions Muslims applied to the OA with and how the OA responded to them.

To better understand the transformation from the perspective of the Muslim community and to balance the archival material, I also analyze published and unpublished Muslim sources. Among these, the most important sources that I used is the most complete biographical
dictionary Āsar which represents a compilation of biographies of prominent Volga-Ural religious scholars — it includes important correspondence of the ulama among each other and with the OA. I used memoirs of the ulama and about the ulama (Şihabeddin Märjani, Rizaeddin Fahreddin, Ğabdürrâşit Ibrahim, Ğalimjan Barudi, Häsänjän Ahmärov), as well as their travel records (Dāure ğalām by Ğabdürrâşit Ibrahim, Qızılyar sâfäre by Ğalimjan Barudi). I also used those Muslim periodicals of the beginning of the twentieth century which often wrote about religious affairs and the issues related with the ulama (both Jadid and that of conservative ulama), in particular Din və Adāb, Din və Māğiyyat, Şura as well as the official newspaper of the OA, Mağlūmat. An important source for a study on ulama is the village history manuscripts written by members of ulama. I used a few of them in this study and perused the ones that I could locate in the archives and libraries and those that Allen Frank graciously shared with me. I will include more in depth analysis of this last but very important source in my future publications.

Outline

The first chapter of this dissertation analyzes the history of the institution of the OA and contextualizes the discussion about this institution among the Russian state authorities as well as within the Volga-Ural Muslim population. With this chapter, I provide a historical background to the religious transformation that I will explain in the following chapters. It is important to place the OA at the center of this discussion because it was largely through this institution that the state introduced changes into the Muslim community. The state created not only this institution, but also an institutional and discursive space, which facilitated change and allowed transformation to take place. Secondly, I show in this chapter that although the Russian imperial state created the
OA for promoting and ensuring state interests, Muslims gradually understood that this institution was also important for their own interests, given that the state was regulating the activities of traditional Muslim institutions — mosques, mahallas, and the ulama — through the OA. At the beginning of the twentieth century, Muslims would consider the improvement and reformation of the OA vital for the proper functioning of Muslim institutions. Who would hold the authority over this institution was thus another pressing and important question for them.

The following chapters of this work will touch upon several aspects of the transformation, which the Muslim community experienced in the long nineteenth century. The presence of this institution was important not only because it was a means to introduce changes. Being a state institution, it also drew the state closer into the Muslim community. It played an important role in this respect, be it delivering state decree to imams and mahalla communities, referring Muslim lay people to imperial institutions if their petition concerned state law, or using excerpts and articles from imperial law in its explanation on this or that issue or question. Therefore, it played a role in the transformation itself.

Chapters II and III analyze the transformation of Muslim religious scholars at two levels. I discuss how the process of becoming an imam transformed with the creation of the OA and with the certification requirements for the ulama in chapter II. First, in order to become an imam, a candidate had to pass through a specific bureaucratic procedure, preparing a number of required documents. Second, by the turn of the twentieth century a number of new requirements appeared for the candidates of Muslim religious titles and positions, aside from having a religious expertise and piety. I argue that the new process broke traditional communal order of electing an imam with its own mechanisms of authority and power, checks and balances. This was largely because the procedure and requirements for electing an imam, as well as that of
constructing a mosque, was defined in detail by state law. This definition by state law gave opportunities for laypeople as well as the ulama to challenge the candidate in new ways. This also drew imperial authorities closer into the process of electing an imam, because they had the authority of the approval of candidates in Muslim clerical ranks. I also show in this chapter that the new institutional framework did not leave many options for the ulama to remain unlicensed and that the ulama increasingly sought to receive a state license. This was linked to the further institutionalization of Islam and to the introduction of new state laws into the mahalla. Moreover, Muslim laypeople would also consider it important for their imams to receive a state license. Hence, it gradually acquired prestige in the Muslim community.

I deal with the transformation of the role of Muslim religious scholars within the Muslim community, the mahalla, in Chapter III. I discuss how the state redefined traditional functions of the ulama and how it assigned new tasks to them within the mahalla. The new functions of mullas were primarily social and administrative turning the ulama more into state bureaucrats. The appearance of official letterheads and stamps of Muslim clerics was an important reflection of such bureaucratization. One of the most important new duties of the ulama was keeping the civil registry books. The appearance of a state documentation and its increasing importance for Muslims brought disorder into the Muslim community. It exacerbated rivalries between the ulama, which involved the financial issue, and prompted laypeople to complain increasingly to the state for such disorders. In its turn, the disorders within the Muslim communities led to the introduction of punishment for the ulama for violating state laws and rules. Once again, communal relations and organic order that regulated the functioning of the mahalla and the duties of the ulama were broken and the mahalla ceased to be an institution independent of the state.
The next two chapters, Chapter IV and Chapter V, investigate the transformation of *shari‘a* within the Muslim community. I analyze change in the legal functioning of the *ulama* in Chapter IV. In particular I analyze the authority of the legal experts of the Volga-Ural region — the *akhunds*. I suggest here that after the creation of the OA, the traditional legal order, in which the *akhunds* were the highest legal experts, was distorted and this had important consequences for the practice of *shari‘a* and the Muslim community at large. One of the main reasons, I claim, was the creation of a higher legal authority at the OA and the inability and reluctance of the state to legally recognize the status of *akhunds* whose role the OA assumed to a large extent. This caused a structural shift in the religious authority of *akhunds* and they were left in a legal limbo. Despite the fact that *akhunds* continued to serve as legal experts, laypeople could now easily challenge or refrain from following their decisions. This chapter also discusses attempts to officialize the legal activity of *akhunds* in the second half of the nineteenth century and the unwillingness of the state to take any measures in this respect.

Finally, I analyze the change in *shari‘a* within a legal pluralistic framework that the empire created for its subjects in Chapter V. Such a framework not only made Islamic personal status law a part of the imperial legal system and officially recognized it to be a prerogative of Muslim scholars, but also allowed the state to interfere in it. Autonomy in family matters was thus a tricky matter. In the nineteenth century, the state increasingly interfered in this sphere, and the legal pluralistic framework facilitated such intervention and led to the transformation of Islamic legal practice, as I show it in the case study of marriage age law. This chapter also shows that in other Muslim communities of the Russian Empire, the legal pluralistic framework allowed imperial rules to develop some legal systems, like *adat*, at the expense of others, like *shari‘a*. Overall, the imperial state was not interested in promoting or maintaining *shari‘a* law,
but the tendency toward unifying the law into a single civil code for different confessional communities was not realized until the beginning of the Soviet rule.
CHAPTER I. ISLAM AND THE ORENBURG ASSEMBLY BETWEEN THE IMPERIAL STATE AND VOLGA-URAL MUSLIMS

Introduction

This chapter aims to survey the history of Islam in the Volga-Ural region and of the institution of the Orenburg Assembly from its creation and until the end of the imperial regime to analyze its role within and for the Muslim community. The OA was created as a Russian institution and was largely directed by imperial interests. Gradually, however, increasing number of Muslims from all walks of life interacted with this institution, used it as a court of appeal, and worked for the improvement and strengthening of its authority. Thus, despite the fact that the Muslim elite expressed their disappointment with this institution, they also became aware that this institution acquired a certain importance within the Muslim community. This led to a paradoxical struggle between Muslims and the Russian state. While Muslims were trying to expand the powers of the institution and secure its autonomy, the Russian state tried to curb its influence. The long-desired goal of Muslims to elect the head of this institution (mufti), which was the right of Muslims according to the Russian law, could only be realized after the end of the empire.

Speaking about the Muslim spiritual assemblies that the Russian state founded for its Muslim subjects in central Russia, the Crimea and the Caucasus, James Meyer made an important observation in his dissertation, stating that “While many Muslims continued to view the assemblies as an ultimately foreign innovation imposed upon Muslim communities by the Russian government, the important role of these institutions and their personnel in so many aspects of the lives of Muslims made the prospect of living without these institutions hard to
imagine”.

I would like to take up this statement and ask why that was the case. What was it about the Orenburg Assembly that made it important for the functioning of the Volga-Ural Muslim community? How can one explain its importance given that Muslims were highly critical of its muftis and its activity? Muslims perceived it as a malfunctioning and corrupt institution, which was incapable of meeting their needs, prone to prioritize state orders over shari’a injunctions, and oblivious to Muslim sentiment on many important issues. In 1908, an imam from Isterlitamak wrote the following:

At the entrance of the Spiritual Assembly there is a sign, which says: Court of Islamic law (Din-i mohammâdiyye tâdbirindä olan mahkâmâ). Millions of Muslims under its jurisdiction also think so. After all, they have sent numerous petitions to the Ministry [of internal affairs] and many societies have submitted projects asking for the authorization of the Assembly to handle all the issues concerning Muslims. Thus, all Muslims expect their happiness from the Spiritual Assembly and tie their future with this institution.

(saadâtlärini duhovnty sobraniyädän ğênä kötälär, duhovnty sobraniyägä ğênä bağlylar.) Had our Assembly been a Muslim court it should have taken all its decisions according to shari’a, which depends on the Qur’an and the hadith of the Prophet. However, does shari’a really prevail at the Assembly? It’s not very clear: Sometimes the Assembly sends an order to imams telling them to observe shari’a in handling an issue but sometimes it informs imams that the Assembly took a decision according to such and such article of the Russian civil law. It is not rare that those articles of the civil law contradict shari’a.

Why would Muslims be interested in the OA and talk about its importance for the Muslim community when they were aware that this was simply a Russian imperial agency and its muftis Russian officials, and could not make a meaningful contribution to the lives of Muslims? The reason for this change, I suggest, lies in the fact that this institution created a new

---

structure of religious authority whose primary legitimacy would be based in the state and that would become the new point of reference in Muslims’ affairs.

It is difficult to write a religious history of the Volga-Ural Muslim community in the long nineteenth century without placing the OA at its center. Even if for Muslims of some villages or communities it remained a remote institution, and even if we could write a religious history of a single village without much reference to the existence of the OA, we cannot ignore it when we think about the history of the whole region, especially by the end of the nineteenth century. The institution, and the imperial state acting through it, brought important changes to Muslims’ lives, which caused unforeseen problems and opportunities and made the institution a hot issue of discussion among the ulama and Muslim intellectuals. Muslims resorted to the OA in everyday life when they complained against each other, when they questioned the authority of their local imam, when they did not agree with the decision of their imam in matters of marriage, divorce and inheritance division, and when they simply wanted to legalize the birth of their child or a marriage. As Rizaeddin Fahreddin spoke about the time of Mufti Tevkelev, whenever Muslims heard some worrisome news, they immediately sent their representatives or petitions to the mufti.³

No one remained indifferent to the necessity of reforming the OA, because that would not only impact that institution, but the whole Muslim community. Popularly debated reforms concerned the ideal character of the mufti and his universal election, practices of shari‘a in the contemporary context, redefinition of the role of akhund and imams, status of waqfs.

³ Rizaeddin Fahreddin, Âsar: Üz Mämläktæmezdæ oğan islâm şalimlæreneñ tærjemä wä tabaqaları (reprinted Kazan: Ruhiyat, 2006), vol. 3-4, p. 130. [Âsar is a four-volume biographical dictionary of major religious scholars of the Volga-Ural region compiled by a prominent religious scholar and historian Rizaeddin Fahreddin. The first two volumes of Âsar were printed in Orenburg in 1901-1904].
restructuring of curriculum and establishment of religious schools, status of women, and
expansion of the jurisdiction of the OA or establishment of new religious administrations for
Kazakhs and apostate and convert groups, all of which meant widening and strengthening the
position of Islam within the Russian Empire.

The increasing importance of the OA by the turn of the twentieth century was disturbing
for the Russian officials who in several special meetings on “the Muslim problem” held in 1914
mentioned concerns such as the following:

The attention of the participants of Muslim congresses to the question of the Muftiate,
and the lively interest of the Muslim press in this issue, is a proof of significance that the
progressivists attach to the organization of religious administration which would play a
leadership role for Muslim masses in different aspects of their life…\(^4\)

… initially the Assembly was a purely religious institution. With time, however, the OA
gained a representative and leading status among Muslims of the Russian Empire. Freed
from the immediate control of state authority, the OA gradually began to ignore the
expectations of state law, then became susceptible to the emerging nationalist move
ment among the Muslim population, and thus became an illegal organization. Obviously, in its
current form, the institution is discordant with the interests and aims of the Russian state.\(^5\)

The history of the OA can be analyzed in two periods. The first period begins with the
creation of the OA and lasts until the Great Reforms in 1860s, while the second period opens
with the Great Reforms and lasts till the end of the empire. The first period can be generally
characterized by the Muslim community’s gradual acceptance of this institution. The second
period is marked by the state’s attempts to limit its influence and by the efforts of Muslims to
enhance its power and expand its functions and jurisdiction. To what extent the population
accepted it is difficult to judge. Most probably we can infer this from the growing number of
cases the OA received from Muslims of all social groups and from the increasing public

\(^4\) Fahreddin, Āsar, vol. 3-4, p. 136.
\(^5\) Il’dus Zagidullin (ed.), Osoboe Soveschanie po musul’manskim delam 1914 goda. Zhurnal
visibility of debates about reforms proposed to improve the OA to fulfill the needs of Muslims more properly.

The creation of the OA: examples to follow

Before the establishment of the OA, the Russian state had attempted to cooperate with akhunds – prominent religious scholars of the region. This worked to a certain extent. However, two events in the second half of the eighteenth century – the Batyrsha revolt (1755) and the Pugachev rebellion (1773-1775) – compelled officials to rethink the ways of dealing with Muslim subjects. Ensuring the support of Muslim religious elites was a tricky matter. Batyrsha (Čabdulla Čaliev) was an akhund who had been confirmed in his position by the Russian state, so his role in the revolt was especially bothersome for the Russian authorities. Similarly, many Muslims sided with the rebels of Pugachev upon the instigation of prominent ulama. As the Russian state maneuvered to govern its Muslim population, it found that it could not easily resort to the traditional “imperial method” – that is to co-opt existing elites as instruments of control and rule. Muslim society showed a pronounced tendency toward disaggregation. In response, the regime attempted to build a new authority structure and to establish an official clerical hierarchy, the OA.

The OA’s establishment reflected Catherine’s famous proclamation on the “Toleration to All Faiths” edict of 1773. Its purpose was to grant Islam a legally recognized status, but as Catherine II openly stated, she aimed “not at the promotion of Mukhammedanism”, but at using Islam as a “bait to catch a fish with” in order to establish a stronger control over Muslim
borderlands. This policy reflected the Enlightenment ideas, as well as the pragmatist Cameralist approach. Obligatory enrollment in a religious community brought all Russian subjects under state supervision.

On September 22, 1788, Catherine II signed a decree about the establishment of the “Spiritual Assembly of the Mukhammedan Law” (Dukhovnoe sobranie Magometanskogo zakona) in the city of Ufa. The institution would govern state relations with the Muslim population of the Russian Empire with the exception of the Taurida province where a separate spiritual administrative institution was to be created for the Muslims of the recently incorporated Crimean Khanate. The initiative came from the Advisor to Simbirsk and Ufa Governor-General Dmitrii Borisovich Mertvago and was supported by the provincial Governor Osip Igel’strom who was in charge of the colonization of the Kazakh steppe and sought to establish a better control over the ulama of the region. Baron Igel’strom was an experienced administrator and had been the “chief architect” of the integration of the Crimean Khanate. Igel’strom knew the importance of the Muslim elite in the administration of the conquered khanate. Building upon his experience in the Crimea, Igel’strom established close ties with the local ulama in Bashkiria after his assignment as governor in 1784. In a time when Russia was at war with the Ottoman state, the loyalty of Muslims was of utmost importance. Igel’strom used Akhund Mohammädjän Hüseïnov to establish ties with the Kazakh people. His success in securing the cooperation of

---

some members of the ulama and his reports on these policies convinced the higher authorities in St. Petersburg of the necessity to institutionalize this cooperation and took the ulama under state control. Seeking to integrate the ulama into a colonial administration and at the same time to limit and control their activities, the Empress officially appointed Akhund Mohammädjän Hüseinov as Mufti, or the head of the institution, who was to be aided by “three mullas chosen from among the Kazan Tatars”. The decrees assigned them the task of securing control over “mullas and other clerical ranks (dukhovnye chiny) of the Mukhammedan faith” in all provinces of the empire where Muslims lived. Upon the success of its role in the steppe, and after the Russian state strengthened its control over Muslim borderlands, the “tsarist administration increased the OA’s size, subordinated it to higher levels of tsarist bureaucracy, and gave it greater responsibilities in primarily secular, domestic affairs.” Soon the OA became equal to Russian middle-level courts and subordinate to Ufa and Simbirsk provincial authorities (from 1803 – directly to Chief Procurator (oberprokuror) of the Holy Synod at St. Petersburg and from 1817 – to the Ministry of Internal Affairs).

In the historiography of Muslims of the Russian Empire, scholars generally accept that starting with Catherine II the state radically changed its policy towards its Muslim subjects. Catherine II launched a new policy of toleration of Islam and other non-Orthodox faiths. From

---

then on, the state proclaimed Islam a “tolerated” religion; it allowed the construction of mosques and abandoned the policy of forced conversion to Christianity. But policies of both toleration and repression had continued as previously. I contend that change and continuity were both observable in the policies of the Russian state towards its Muslim subjects, and there were many similarities when these policies are compared to the regulation of other religions, including the Russian Orthodoxy. It was a continuation of Russian state policies and a way of governing in two ways. First, the Russian state continued to cooperate with and support local elites, this time the *ulama* instead of nobility. With time, Russian statesmen realized that the *ulama* had an enormous influence over the Muslim population. Thus, Andreas Kappeler writes of Catherine’s “pragmatic flexibility” and suggests that her tolerant attitudes were dictated by quite pragmatic concerns. Already from the very start of the Russian rule over Muslim territories, tsarist authorities — and especially Ivan IV — had worked with the Tatar nobility. Kappeler sees the continuity of such policies under Catherine who decided to work with the clergy and made religion a means of bringing her policy to fruition.\(^{13}\) Secondly, as I will show below, the attempt of the state to organize its relations on the example of the organization of the Orthodox clergy and the way that was very similar to the one applied for Russia’s Christian population reflected continuity.\(^{14}\) So, the creation of an institution governing Muslims, i.e. institutionalizing Islam, was a novelty that the state introduced for the Muslim population. At the same time, continuity is observed in the fact that the state had already applied similar institutionalization for its main

---


\(^{14}\) I do not want to claim that the organization of Muslim religious scholars was identical to that of Orthodox clergy, but simply suggest that in many ways there were many parallels between the two, and especially in the functions assigned by the state to Muslim clerics.
population. Thus, Russian statesmen had already had such an experience: this mode of governance was not something completely new to them.

While discussing the organization of the OA, scholars point to two examples that Russian authorities use. The Ottoman Empire is one of them. Scholars have suggested that the existence of Muslim “clerical” posts in the Ottoman Empire headed by the Ottoman Shaykh al-Islam inspired the Russians.\textsuperscript{15} Robert Crews suggests that the Tsarist authorities had thoroughly studied the Ottoman experience of administering Islam and other religions. However, it seems that both the situation of minority religions and Muslim ulama in the Ottoman Empire were very different from what the Russian state wanted and did establish for its subjects. The main reason for that difference was succinctly explained by Michael Khodarkovsky, who noted that “the Ottoman Empire was primarily a fiscal-administrative state concerned above all with revenues; the Russian Empire was a military-police state preoccupied with the matters of geopolitics and internal stability.”\textsuperscript{16} The Russian state constantly intervened in the functioning and formation of religious authority in all religious groups whereas that was not the case in the Ottoman Empire, to whom this was not of interest.

Furthermore, the mufti of the OA cannot be compared to muftis in the Ottoman Empire. In the most basic sense, a mufti is one who issues fatwas or opinions or rulings in Islam. The nature of the activity of futya (legal consultation) or ifta’ (fatwa giving) is different from that of the Muftiate in the Russian Empire. Fatwa-giving denotes the issuance of nonbinding advisory opinions by jurisconsult (mufti), to the questions of an individual questioner (mustafti). This


activity was also different from legal process – *qada*, which consisted of delivering binding judgments and state enforcement. In many historical settings, therefore, the activity of the mufti was far less institutionalized than that of the *qadi*.\(^{17}\)

In the Ottoman Empire, while the state was small and not yet bureaucratized, the Muftiate remained independent from state authorities. When the state expanded into an empire with a well-developed bureaucracy and the Hanafi legal doctrine became the legal basis, muftis were gradually incorporated into an increasingly centralized judicial administration. As the demand for fatwas increased, the office of shaykh al-Islam underwent a process of bureaucratization. The sultan established an official department for issuing fatwas, with a professional staff headed by the fatwa superior (*fetva emini*). But despite this bureaucratization, the Ottoman shaykh al-Islam retained some autonomy from the sultan. The shaykh al-Islam was not a member of the highest Ottoman political council (*diwan*), and this situation also contributed to the autonomy of his office. Although open to political influence, the shaykh-al-Islam still enjoyed the power of sanctioning even over the acts of the Sultan. “Sensitive to the legitimizing function of a fatwa, the Ottoman Sultans customarily would not proceed with any important decision relating to either foreign or domestic policy without first securing a legal opinion from the shaykh al-Islam”.\(^ {18}\) Even those who wanted to topple a Sultan would seek his fatwa. Clearly, state legitimacy was bound to the functioning of the shaykh-al-Islam.\(^ {19}\)

---


\(^ {18}\) Masud, Messick and Powers, ““Muftis, Fatwas…””, pp. 8-12.

In the Russian context, the mufti was just the head of a religious administration, which was a subordinate to the Department of Religious Affairs of Foreign Confessions at the Ministry of Internal Affairs. Muftis’ main task was not to give fatwas, but to lead the OA according to the orders of the state. The muftis could never develop their activity independently from the state. The fatwas of muftis seem to have worked in two directions: on the one hand, muftis were supposed to advise state officials in matters of Muslim religion and community; on the other, they were a means to deliver state decrees to the Muslim population, which had a binding character. Vis-à-vis the Muslim population, the activity of the mufti was curtailed by that of three other members of the Assembly, called qadis20, and their election and appointment was not within the mufti’s rights. Therefore, the OA was designed as a collegiate body delivering the collective decision of all the four members. In this way, the authority of the mufti would be checked as his opinions alone in matters of family disputes were considered invalid. So, the OA had rather a hybrid nature, combining in itself the functions of both mufti and qadis and working as both an Islamic court and legitimizing state laws in the form of fatwa for the Muslim community.

The comparison of Mashayikh (the body of ulama in the Ottoman Empire) in the eighteenth century which had a monopoly of control over education and which was the main juridical body, with the OA, which had very meager (and more administrative) responsibilities, may not even be proper. The OA took its legitimacy from the state, while the shaykh al-Islam lent legitimacy to the Ottoman state. It was rather the Ottomans who followed the Western examples of subordination of Church to the state authority in their attempts at modernizing the

---

20 On a thorough explanation about qadis see Azamatov, Orenburgskoe magometanskoe dukhovnoe sobranie, pp. 70-88.
Rather, the structure and the functions of the religious administration for the Muslim population were very similar to that of the Orthodox Church. At least, in general terms, Russian statesmen drew on the example of organization and governing of Orthodox clergy. In the 1840s the example of the organization of the OA would be to a large extent copied when creating a similar institution – a Jewish Supreme Court, called Rabbinic Commission - for the Jewish population.22

As an important part of the modernization program of Peter I, the Church became a state institution and a part of the state structure whose servants received a salary when necessary. This signified, as scholars have observed, that the Tsar was superior to the church’s authority and had thereby become the head of the church.23 Thus, the secular government held ultimate authority over the Church despite the fact that the Synod still maintained considerable autonomy throughout the eighteenth century. By the early nineteenth century the actual administration of the Church passed under the control of the supervisor of the Synod, the Chief Procurator (a governmental official who was a member of the cabinet and the lay head of the Orthodox Church). The Church, as Anisimov put it, started to serve the regime of autocracy and started submissively to consecrate all the latter’s initiatives. Thus, he argues that Petrine reforms led to the decisive triumph of secular principles over confessional and religious ones.24 For Peter, any

22 See ChaeRan Freeze, Jewish Marriage and Divorce in Imperial Russia (Hanover and London: Brandeis University Press, 2002), especially Chapter II.
24 Anisimov, The Reforms of Peter the Great, p. 2.
independent force that might oppose the autocracy was unacceptable. In the words of Gregory Freeze, “the new confession was the state itself”.  

Ideas of state building that were widespread in modern Europe shaped the restructuring of the state and society in Petrine Russia. First of all, it was the period of the rise of the secular state and institutionalization of the secular control over the Church. As Freeze underlined, the rise of the secular state in modern Europe was marked by the “defeat of the Church by a secular authority that pursues its own immediate aims without regard to other-worldly values and religious institutions.” The Petrine reforms were also in line with the new understanding of state, which emerged first among the Protestant states of Germany. This “modern” way of governing “the well-ordered police state” would require an intervening and regulating state involved in all aspects of social life in order to maximize the state power. As a result, “the traditional mandate of government shifted from the passive duty of preserving justice to the active dynamic task of fostering the productive energies of society and providing the appropriate institutional framework for it”.  

The well-ordered police state was concerned with the promotion of rational organization of all public activity, including the ecclesiastic sphere. The main aim of Petrine reforms related to religion was the “religious disciplineering” of the subjects within the program of establishing a “regulated” state. While secularizing the state, Peter did not want to diminish the importance of religion within the society, to the contrary, he wanted the society to be better controlled by the “correct” form of Orthodoxy he had in his mind through the new ecclesiastical hierarchy he set

up. Within this program the state would fight against any deviation from the “correct” form.\textsuperscript{28} Whereas the head of the Church had been the patriarch, Peter introduced the supervision of the Holy Synod instead in 1721, thereby incorporating the Church into the bureaucratic state structure. “Instead of a single omnipotent patriarch, a collegial board now governed the Church, which became a part of the general state structure.” The Church lost its economic independence and the bishops and parish priests became economically dependent on the state. This strengthened and sealed the central control of the Holy Synod over all Orthodox clergy. “Now a bishop had to follow the Synod’s orders, implement its decrees, and submit reports at its request, therefore ceasing to be an autonomous ruler and becoming an agent of the Synod”, and eventually of the state. As Freeze suggests, bureaucratization of the clergy was so profound that the parish priest soon became part of a vast administrative web unimaginable to his Muscovite predecessors.\textsuperscript{29}

The subordination of the Church to the state would continue under the reign of Catherine II. Although her policies of “enlightened absolutism” entailed toleration of religious dissenters, which had already started under the reign of Peter II, the main line of policies did not change.\textsuperscript{30} “Whether through Petrine regulation or Catherinian ‘enlightened absolutism’, the state expected more effective service from the clergy, although the definition of that service would change considerably.”\textsuperscript{31}

The approach of Russian officialdom in creating the OA was pretty much the same. They envisioned the OA as a collegiate board. It would be under the jurisdiction of Ufa governorship,

\begin{itemize}
  \item\textsuperscript{28} Viktor Zhivov, \textit{Iz tserkovnoi istorii vremen Petra Velikogo. Issledovaniia i materialy} (Moscow: Novoe literaturnoe obozrenie, 2004), pp. 41-51.
  \item\textsuperscript{29} Gregory Freeze, \textit{The Russian Levites}, pp. 48-52.
  \item\textsuperscript{30} Irina Paert, \textit{Old Believers and Religious Dissent and Gender in Russia, 1760-1850} (Manchester: Manchester University Press, 2003), pp. 59-60.
  \item\textsuperscript{31} Gregory Freeze, \textit{The Russian Levites}, p. 15.
\end{itemize}
and thus be a part of general state structure and bureaucracy. Its members would be on the payroll, thus making them dependent on secular authorities. As one of its main functions, it would act as a general supervisory organ over the parish imams ensuring the performance of their duties. As in the Russian Orthodox community, the new structure of Muslim clergy would have unprecedented control over the parish clergy – it could examine imams, control and supervise their legal activity, and even punish them for wrongdoing. In principle, such functions allowed the OA to penetrate the Muslim parish, although in practice the OA did not have effective means to do that.

The main function of the OA reflected its main aim: to control Muslim religious scholars and integrate them into the colonial-imperial administration. The control was undertaken in several ways. “In the course of the nineteenth century the OA evolved into the administrative center of the ulama network in the Volga-Ural region and Siberia”. The OA was primarily responsible for certifying Muslim scholars as akhunds, imams, khatyps and in other religious positions. (See Chapter II) This measure, which required candidates to travel to Ufa and take an exam in Islamic sciences, already contributed to “gathering mullas” under the supervision of this institution. One of the important functions of the OA was to oversee family disputes and act as a court of appeal in case Muslims appealed the decisions of their local imams. (See Chapter IV) It also assigned akhunds and khatyps (and rarely imams) to investigate and report on such cases. After the introduction of civil registry books, the OA was responsible for ensuring their proper upkeep by the ulama (See Chapter III). Throughout the nineteenth century the OA delivered state circulars to Muslims through the parish ulama who were to announce state decrees after Friday

---

33 *Materialy po istorii Bashkirskoi ASSR*, vol. 5, pp. 563-64.
prayers. The OA was also responsible for punishing the *ulama* and for keeping track of violations of law by the *ulama* as well as supervising the behavior of Muslim scholars more generally. It redirected Muslims to Russian courts when the law required it and when the subject of petitions fell under the jurisdiction of imperial institutions. Throughout the nineteenth century it also compiled all sorts of rules for the *ulama*—on how to keep the civil registry books, how to perform marriages, how to perform division of inheritance. The rules not only ensured that the *ulama* maintained certain administrative standards but also helped keep them under control.

During the reign of Alexander I (r. 1801-1825) and Nicholas I (r. 1825-1855) the state increased its interference in the confessional sphere according to the principles of the well-ordered police state (Polizeistaat). Especially, the rule of Nicholas I introduced several changes for the peoples of different confessions, including Muslims. Mikhail Speranskii, the influential adviser to Alexander I, created the Religious Affairs of Foreign Confessions. In 1810 the Main Directorate of Religious Affairs and Foreign Confessions was set up and in 1832 the Holy Synod and the Religious Affairs of Foreign Confessions were integrated into the bureaucratic structure and came under the jurisdiction of the Ministry of Interior. In this way the OA also came under the jurisdiction of the Ministry of Interior. In 1828 the state introduced into the Muslim *mahalla* civil registry books and made the *ulama* responsible for their upkeep. To keep a better eye on the activity of the OA, the state introduced the obligation to record all hearings and resolutions at the OA in the Russian language. An official was to record each assembly meeting and to summarize the cases and petitions including the résumé of petitions, reports of local *imams*, testimonies of witnesses, and the resolution of the OA at the end, as well as to provide an explanation of how

---

34 See: Raeff “The Well-ordered police state…”.
35 Since 1803 the Assembly was subordinate to the Holy Synod in St. Petersburg, and from 1810 to the Department of Religious Affairs of Foreign Confessions.
the qādis came up with their verdicts in the journal proceedings (*Zhurnal zasedanii prisustviia Orenburgskogo Sobrania*). The OA continued to keep these records until the end of the imperial regime in 1917.\(^{36}\) It is not a coincidence that the introduction of this requirement for the OA officials almost coincided with the introduction of keeping civil registry books. The government under Nicholas I aimed to establish better control over its population, including its Muslim subjects. As Iris Agmon, whose research focused on recording procedures in Ottoman courts, suggested, “like many other regulations issued by the Ottoman reformers, the instruction to record the initial proceedings in the sharia courts had as its goal the tightening of the central governments’ control over the provincial administration, i.e. to provide higher legal authorities with the means to keep track of work in lower courts. Similarly, the requirement to keep journals of the proceedings was a means of control, which allowed Russian officials to keep this Muslim institution under control and keep track of the Muslim population.\(^{37}\)

**The muftis and the Russian state in the first half of the nineteenth century**

The first mufti, Mohammädjän Hüseinov (1789-1824), was known to be ambitious and discontented with his role as a minor government functionary. However, as Danil Azamatov rightly pointed out, his transformation into an important figure might have contributed to turning the OA into an independent institution. Therefore, Russian authorities agreed to place him under

\(^{36}\) A similar requirement was later instituted in the work of Rabbinic commission, which, similar to the OA, was to function as a court of appeal. As ChaeRan Freeze describe, a clerk was to record an extract of the case, cite the relevant Jewish and state laws, and present the Commission’s final resolution. It was to provide a formal legal explanation of how the commission arrived at its conclusion. ChaeRan Freeze, *Jewish Marriage and Divorce*, p. 86.

\(^{37}\) Iris Agmon, “Recording Procedures and Legal Culture in the Late Ottoman Sharia Court of Jaffa, 1865-1890,” *Islamic Law and Society*, vol. 11, no. 3 (2004), pp. 333-377. I will discuss the impact of registries and other documentation on the transformation of *ulama*’s role and the functioning of *shari’a* in Chapter III.
the control of the local Governor-General and limited his duties to administering strictly religious matters. He had proved his loyalty earlier as an akhund when he took part in the pacification and subjugation of the steppe people, and continued serving as a mufti. Muslim sources of the nineteenth and early twentieth centuries speak negatively about his competence and activity as the head of the OA. Rizaeddin Fahreddin regarded him as a person who helped subjugate Kazakhs and Bashkirs, who treated qadis as his servants and was too independent in his decisions. Among the general population and even among the qadis who worked at the time of Mufti Hüseinov, the latter’s authority greatly decreased by the end of his life. He is remembered for his extraordinary corruption and for acquiring immense wealth by “selling” certificates and titles to the ulama. Mufti Hüseinov was also noted for his debates and quarrels with the famous Sufi sheikh Habiballah al-Orwi who attempted to establish a separate religious administration unifying five provinces — Penzenskaia, Saratovskaia, Simbirskaia, Nizhegorodskaya and Kazanskaia — however without success. Such claims, as Michael

38 Danil Azamatov, “The Muftis of the Orenburg Spiritual Assembly in the eighteenth and nineteenth Centuries: the Struggle for Power in Muslim Religious Institution” in Michael Kemper and Allen Frank (eds.), Muslim Culture in Russian and Central Asia from the eighteenth to the early twentieth centuries, (Berlin: Inter-Regional and Inter-Ethnic Relations, 1998), 355-384, here at pp. 356-357.
40 See for the account of this debate Kemper, Sufi i uchenye, pp. 98-103.
41 Ol’ga Seniutkina “Osobennosti razvitiia musul’manskhikh mahalla na Nizhegorodchine” in Il’duzagidullin (ed.), Tatarskie musu’ manskie prikhody v Rossiiskoi imperii (Kazan, Institut istorii, 2006), pp. 162-163. The arguments for the creation of separate administration for Muslims of these provinces included a long distance of Ufa from the majority Muslim populated Volga region, inconvenience of appointment of imams due to great distance, inability of local imams to get any information/knowledge from far-away Ufa, failure of the OA to designate imams according to skills and knowledge. The petitions also underlined the high competence and religious authority of Habiballah al-Orwi, who was able to deal with all questions of Muslim law.
Kemper underlines, demonstrate the extent to which Muslim scholars wanted to free themselves from the influence of the religious administration in Ufa.\textsuperscript{42}

In 1824 and 1825 a group of Kazan mun\textit{las} and merchants held meetings to propose candidates for the position of mufti, after the death of Mufti Hüseinov. This would become a usual pattern after the deaths of later muftis as well. The m\textit{ulas} and merchants would propose their candidates but the state would never accept their suggestions and would never even consider the proposed candidates, selecting the most appropriate mufti in terms of his loyalty and ability to serve the imperial state. Thus the state chose the next two muftis, Ğabdessałām Ğabdrəшимов and Ğabdəlwhəd Sələymanov.

Kemper notes that unlike the previous Mufti Hüseinov, Mufti Ğabdrəшимov was a knowledgeable religious scholar and was genuinely interested in the functioning of religion, and in the religious problems within his community.\textsuperscript{43} He is known, for example, for the construction of the mosque in Ufa and undertaking a few other initiatives. Azamatov, however, suggests that Mufti Ğabdrəшимov “belonged to the category of servitors who can be categorized as “consensual agents”; because, unlike his predecessor, he did not challenge the decision of his superiors” and energetically carried out the orders and requests of the Orenburg Border Commission and of the Governor-General. He was noted not for his activities in the religious sphere but for promoting the secular orders of the Russian state such as encouraging Muslims to study medicine at Russian universities (as a response to the spread of plague), urging Muslims to work in the fields claiming that bad harvest may result in impoverishment of the Muslim

\textsuperscript{42} Kemper, \textit{Sufii i uchenye}, p. 103.
\textsuperscript{43} Kemper, \textit{Sufii i uchenye}, p. 110.
population, and reprimanding young Muslims who wanted to evade army service and blaming them for self-mutilation.\textsuperscript{44}

The third mufti, Ğabelwahid Söläymanov (r. 1845-1862), was a merchant-\textit{mulla} in St. Petersburg, and in 1822 the Muslim community of St. Petersburg elected him as their \textit{imam}.\textsuperscript{45} His service at the military high schools, which started to include children of Muslim nobility from the Caucasus, opened for him new opportunities, and later, upon the suggestion of the head of military high-schools Grand Prince Mikhail Pavlovich, he was appointed as the next mufti in 1845. The Russian authorities expected that he would be useful in increasing the affinity of the Muslim subjects with the state and would accelerate the acceptance of the Russian language among Muslims. However, mostly due to his meager religious educational background,\textsuperscript{46} he could not establish good relations with the \textit{ulama} and his attempts came to a naught. Azamatov suggests that Mufti Söläymanov had attempted to reform the Assembly and to determine clearly the mufti’s legal status as the head of the religious institution. The mufti complained to the military-governor of Orenburg, V.A. Perovskii, about his powerless situation. According to Söläymanov, the mufti neither had any influence in the resolution of religious legal cases, nor could control the clergy under his supervision. In order to remedy these problems, Mufti Söläymanov proposed strengthening the mufti’s administrative functions, but the government found it pointless to introduce any changes into the structure of the Spiritual Assembly.\textsuperscript{47} In particular, he tried to restore the importance of \textit{akhunds} as independent \textit{qadis} (\textit{qadi mutlaq}) at

\begin{itemize}
\item \textsuperscript{44} Kemper, \textit{Sufii i uchenye}, pp. 118-119.
\item \textsuperscript{45} He was son of an \textit{akhund} and received his religious education in Kargaly \textit{madrasa}. At the beginning of the nineteenth century he happened to work with Tatar merchants in St. Petersburg and is known to lead them in prayers.
\item \textsuperscript{46} Rizaeddin Fahreddin notes that we do not have any knowledge about where Mufti Suleimanov studied and with whom. Fahreddin, \textit{Âsar}, vol. 2, p. 91.
\item \textsuperscript{47} Azamatov, “The Muftis of Orenburg Spiritual Assembly,” p. 371.
\end{itemize}
the province (uezd) level, but as we shall see later the state was not interested in that proposal either (See Chapter IV). 48

Thus in the first half of the nineteenth century the Russian state kept appointing members of the ulama as muftis and tried to figure out how to utilize this institution for the interests of the government. Muslims, on the other hand, were adjusting to this innovation and imposition. New state regulations were compelling the imams to be affiliated with the OA. Despite the anti-mufti movement, known as the abızs’ movement 49, gradually more members of the ulama applied for state licenses. The ulama and the merchant elite were becoming more concerned with the functioning of the OA and proposed their candidates when the incumbent mufti passed away. Even those ulama who were against the authority of the OA, like Habiballah al-Orıwi, did not reject the idea of having a supervising religious institution and proposed to establish alternative institutions like the OA.

The OA in the second half of the nineteenth century

The second half of the nineteenth century was a new period in the history of Islam in Russia. The reign of Alexander II (r. 1855-1881) witnessed vast annexations of Muslim lands, the conquest of which was completed by the mid-1880s. The end of the long Caucasian war

49 For the anti-Mufti movement, see Aidar Khabutdinov “Dvizhenie abyzov i nekotorye aspekty funktsionirovaniia islama v tatarskom obschestve” in M. H. Hasanov and R. S. Hakimov (eds.), Islam v Srednem Povolzh’ie: istoriiia i sovremennost’: Ocherki (Kazan: Master Line, 2001), pp. 105-113. As Märjani explained, the term “abız” is derived from the word hafız, or a person who knows the Qur’an by heart. The term was used interchangeably with imam in the context of Russian Muslims. See also Kemper, Sufii i uchenye, p. 251; M. Gainutdinov “Razvitie obnovlencheskikh idei v tatarskoi obschestvennoi mysli” in R. M. Amirkhanov, Yahya Abdullin and R. M. Muhammedshin (eds.), Problema preemstvennosti v tatarskoi obschestvennoi mysli (Kazan: Institut iazyka, literature i istorii, 1985), pp. 31-46, here at pp. 41-42.
(1864) brought the mountain peoples of the North Caucasus under Russian rule. In Transcaucasia, Russia also acquired western Armenia and southern Georgia (Muslim Lazistan) as a result of the Russian-Ottoman wars of 1877-1878. Between 1862-1885 Central Asian khanates were also conquered, and Khiva and Bukhara were turned into Russian protectorates. While some people accepted the imposition of Russian rule, many others opposed the Russian presence by initiating revolts, raids into Russian lands, proclaiming holy war against Russian conquerors as well as massive exodus to Iran and the Ottoman Empire. As Vladimir Bobrovnikov rightly underlined, the government became especially anxious about Sufism which was a source of inspiration behind Muslim resistance in the borderlands and which Russians mistakenly considered as a force behind the jihad state of Shamil in the North Caucasus.\textsuperscript{50}

Importantly for the Volga-Ural region, the fear that resulted from Russia’s conquest of new Muslim territories and encounters with new Muslim populations also transformed imperial attitudes toward the Muslim communities of the Volga, the Ural, and Western Siberia.

As views of Islam and Muslims grew darker in imperial circles, Russian officials at the center and in the periphery began to fear the spread of Islam, or “Tatarization” as they called it. Here is the appearance of the so-called “Muslim question”. Although connected to the larger Muslim question in the Russian Empire, in the Volga-Ural it was concerned with particular problems and developments which alarmed Russian officials. They were particularly alarmed by mass apostasies of Kriashens and by further islamization of the region, including Finno-Ugric peoples, as well as of the Kazakh steppe.

Especially the apostasy movement of the 1860s, which involved not only “new converts” (novokreshennye), but also the old converts, Chuvashs, Cheremis and Votiaks, was remarkable

\textsuperscript{50} Bobrovnikov, “Islam in the Russian Empire,” pp. 210-211.
for its size and extent. The state was concerned about the spread of Sufism in the region because it played an important if not central role in attracting Kriashens and other peoples to Islam, and was thus the main force behind apostasies. These apostasies coincided with the attempts by Russian statesmen to reform and renew Russian society by creating Russian citizenship and attracting more of its citizens in the building of a modern and homogenous society. As Kefeli-Clay’s analysis of debates between missionaries, orientalists and functionaries of the Ministry of Education showed, apostasies and their eschatological components were viewed as “an unacceptable product of traditional Islamic schooling, a product alien to Russia and its quest for modernity”. If the Russian state could not devise a new education policy regarding non-Russian Christians in the region, soon the whole region would be Islamized and the goal of creating a modern citizenry would never be realized.

In light of these developments it makes perfect sense that the Russian state tried to curtail the power and influence of the OA and would nominate muftis who would be easy to control and not especially knowledgeable about Islam. When Mufti Söläymanov died in 1862, Muslims again appealed to the Russian authorities to elect the new mufti. Although the Muslim community had the legal right to elect their mufti, for Russian officials this issue was out of question. The governor-general of Orenburg and Samara reported to the Ministry of Interior that convening deputies from among Muslims to elect the Mufti could not ensure that the elected people would “be appropriate for the desired tasks”. He therefore found it useful to keep the

---

previous practice of the appointment of the mufti. In 1863, the Orenburg Governor-general A. P. Bezak wrote to the Minister of Interior P. A. Valuev, reporting on the possible candidates, that a mufti with a purely religious education could be very harmful in view of the religious fanaticism of Muslims in consideration. It is necessary that the head of the Muslim community sympathize with the reforms initiated by our government because only with such sympathy can we hope for the merging (sblizhenie) of Muslims with the Russian population.

It took three years (from 1862 to 1865) for the Russian central and local officials to decide on the next candidate to the position of mufti. The inability of the state to promptly find another mufti to replace the deceased Mufti Söläymanov prompted Muslims in Birsk and Menzelinsk provinces to write to the Ministry of Interior and request that it appoint a mufti as soon as possible. They claimed that they could not remain without a mufti, that the Muslim community needed a religious leader without which “it was like a flock without shepherd”, and that prolonging this issue would be of no good to the community.

The Russian state saw appointing a layperson with more connection to the Russian state as a remedy to this situation. Thus, the muftis in the second half of the nineteenth century were not even religious scholars. The fourth Mufti Sälimgäräy Tevkelev (1865-1885) was the first mufti who did not have any religious education. Tevkelev belonged to the nobility and was a Russian officer. Other candidates, who were religious scholars, were found not to be appropriate to fulfill the aims of the Russian state. Although Muslims sent numerous petitions expressing their resentments to the appointment of a mufti who was not even a religious scholar, the Russian

---


54 Tatarskaia ASSR, pp. 167-168.

55 Tatarskaia ASSR, p. 165.
authorities did not change their mind, because, as the governor-general Bezak stated, only Tevkelev was capable of overcoming “the mullas’ harmful influence”.

Around the time of the appointment of the new mufti and during his term, Russian officials were contemplating new policies to prevent that harmful influence, and stop the further Islamization of the empire. Nikolai Andreevich Kryzhanovskii, the Orenburg Governor-General, was one of the imperial officials most critical of the Russian policies toward its Muslim community. In 1867 he noted that the “Muslim question” in the eastern provinces of Russia was to be the main concern of the government circles as “the whole space between Kazan and Tian’-Shan’ comprised of a seamless mass of Muslim population”. He claimed that Russian policies so far failed to reach its aim to merge (sblizit’) its Muslim subjects with the Russian population, and to weaken the Muslim’s religious zeal, which was “inimical toward Christian government”, and suggested to take certain measures in this respect. According to him, the fact that Muslims enjoyed complete religious freedom since the times of Catherine II had only contributed to the insulated status of Muslim communities, which were inaccessible to administrative institutions, and to the increase of the number of mosques, religious schools and the ulama. As a result, the ulama acquired a huge influence upon the population and became very authoritative among the Kazakhs.

According to Kryzhanovskii, the ulama’s influence on Muslims was detrimental because they were not facilitating rapprochement (sblizhenie) but perpetuating “ignorance”. His solution to this problem was to increase governmental control over the ulama, and to force “intellectual improvement” (umstvennoe razvitie) which could be achieved through establishing rigid control

57 Tatarskaia ASSR, pp. 190-205.
over Muslim schooling and reorganizing it on different principles. It was necessary to start these “reforms” by reforming the OA itself. According to Kryzhanovskii, a Russian official had to be appointed as the OA’s member and participate in all its meetings to ensure that every decision was in accordance with the governmental will. The state had to choose the members of the OA only from among the people who knew the Russian language and later on among those who graduated from a Russian gimnaziia. All correspondence and documentation including the civil registry books had to be in Russian. Local state authorities had to approve those candidates to Muslim clerical positions who knew how to read and write in Russian. All the clerics had to be appointed rather than elected and the Muslim clerics had to be included in the government payroll in order to “make them dependent on the government”. Imperial officials had to control all Muslim schools, and governors should decide for the opening of new Muslim schools.\(^58\) Later on, when all the ulama could read and speak Russian, the Russian language would be introduced in all Muslim schools “on the pretext that its graduates would need it if they were to be elected to serve in Russian institutions”. Imams were to teach the Qur’an in Russian; Muslim schools that refused to introduce the Russian language classes would be closed and replaced with Russian schools. These measures, he claimed, “would be initially enough to weaken the fanatical influence of imams”. The spread of Russian literacy thus would be the means “to shake the trust of people toward its clergy”\(^59\).

Since the Russian authorities thought that the Kazakhs were not yet “fanatical” Muslims, the measures that Kryzhanovskii proposed for them would not be gradual, unlike the introduction of measures for the Tatars, but prompt. According to his proposal, schools in the Kazakh steppe were to be merged with Russian schools, the teachers were to be Orthodox clerics; Kazakh

\(^{58}\) Tatarskaia ASSR, pp. 198-201.

\(^{59}\) Tatarskaia ASSR, p. 201.
teachers were to teach the subjects in Russian and the Tatar language classes were to be
cancelled; the Kazakh teachers had to teach children simple prayers instead of the Qur’an.
Kazakh boys were to be present in classes with Russian boys when Orthodox clerics would teach
the basics of the Christian faith, and thus they would “willingly or unwillingly learn the rules of
Christianity”. In order to diminish/reduce the outside Muslim influence, the pilgrimage of the
Kazakhs were to be prevented on different pretexts without an official ban, the travel of Central
Asian and Tatar mullas to Kazakh steppes were to be closely controlled and the education of
Kazakh children by Tatar and Bashkir imams were to be prohibited.60

On October 21, 1876 the Minister of Public Enlightenment, Count Dmitrii A. Tolstoi,
described the Tatarization of Bashkirs, Kazakhs, and pagan peoples in the Orenburg province
and suggested some measures against Tatarization in his report to Emperor Alexander II. By
Tatarization he definitely meant the spread of Islam in these communities and the threat it
presented to the Russian state. He claimed that Bashkirs were “not proper Muslims” only half a
century ago but now became as fanatical as Tatars. He blamed the Russian administration, which
“contributed to the systematic Tatarization of Bashkirs for decades”. He advised that the goal of
the government had to be enabling Bashkirs to “preserve their own character” and prevent their
transformation into Tatars, “who among all other non-Russians (inorodtsy) stand aloof from
everything Russian”.61 Kazakhs were in a similar situation like Bashkirs. Kazakhs, in his
opinion, were not fanatical Muslims, but Tatarization also occurred among them in several ways:
fanatical madrasa students travelled annually from Western Siberia to the northern Kyrgyz
steppe and lived there as if they were merchants; wealthy Kyrgyzs sent their gifted sons to the
closest Tatar madrasas and they became ardent propagators in the steppe after graduation. It was

60 Tatarskaia ASSR, pp. 202-205.
an important mistake of the Russian administration, he claimed, that the Tatar language remained the only means of communication between the state and Kazakhs because the majority of interpreters in the steppe were still Tatars and the state kept issuing rules and regulations for Kazakhs in the Tatar language. Tolstoi advised that it was necessary to take all possible measures “right now when it is not too late, in order to keep Kazakhs away from Tatarization and Magometanization [Islamization] and keep them from merging with Tatars as Bashkirs had already done”. He suggested that measures included the limitation of Islamic religious education as much as possible, using the Kazakh language in all official correspondence instead of Tatar, gradual replacement of Tatar interpreters in the steppe and establishment of Kazakh teachers’ schools to train Kazakh teachers for the steppe population.\footnote{Kreschenie Tatar…, pp. 94-96.}

According to Tolstoi, pagan peoples were also faced with similar threat of Tatarization. Tolstoi claimed that many pagan-populated villages were surrounded by Muslim villages in the Ufa province, and in many of them pagans lived side-by-side with Muslims. In many places, Muslim culture deeply affected the life of pagans, who appropriated Muslim cloth, customs, names and language in everyday life. In his account, many pagans visited mosques and performed Muslim religious rites, only refraining to openly proclaim their conversion to Islam. No doubt, he suggested, if the influence of Islam was not curtailed, in a few years all the pagan population would become Muslim, even though they might remain pagans nominally. Given the fact that the orthodox missionary activity, which started in 1852, did not have any success, he suggested that education was the only means to bring pagan and Russian peoples together.\footnote{Kreschenie Tatar…, pp. 96-97.}

Contrary to the expectations of the Russian authorities, who chose Mufti Tevkelev to restrain the harmful influence of mullas, the new mufti tried to strengthen the status of the OA as
well as of the *ulama*. While occupying the position of mufti, Tevkelev worked out several projects with respect to the Assembly reform. He also compiled and worked over some of the legal acts concerning the Muslims of the Russian Empire. His efforts prompted the Orenburg Governor-general Kryzhanovskii to call him a “religious fanatic”. Kryzhanovskii also wrote to the Ministry of Internal Affairs “being connected to Mokhammedan clergy by his position whoever was appointed as a mufti, even a general from the Hussar regiment, will act in the interests of his estate (*soslovie*)”. The famous missionary Nikolai Il’minskii called his appointment a gross mistake, for Tevkelev’s wealth, reputation and consequence led to strengthening of the Assembly and raised its significance among Muslims.

Despite the efforts of the mufti to initiate reforms, the most important questions for the Muslim population — election of the mufti, officially establishing the status of *akhunds* as independent judges, exempting *imams* from army service and others — were not resolved. This prompted Märjani to write about Tevkelev as of a person of good character (*salih ve izgelekne arzu kaluçi*), however, “because he had neither [religious] knowledge nor courage, he was under the influence of many people and could not follow a consistent policy (*ber fikerdä sabit bula almadi*); therefore he was not able to benefit his people with any visible deed; and he often countermanded his own decisions”.

---

Some of the suggestions of Kryzhanovskii found the realization in the project of Count Tolstoi, as well as a number of new laws introduced by the state for the Muslim population. Tolstoi proposed to open Russian schools for Muslims, to introduce Russian language courses at Muslim schools, and to add the knowledge of Russian to the requirements of becoming an imam. The proposal became a state policy upon the approval by the Tsar in 1870. Besides, in 1871, the Tsar also approved the transfer of Muslim schools to the control of the Ministry of Public Enlightenment. These regulations incited several forms of reaction and resistance among the Muslim population.\(^{68}\) In the following years after the introduction of these rules, Muslims sent numerous petitions requesting that plans to introduce Russian in Muslim schools,\(^{69}\) and new requirements for the ulama be canceled.\(^{70}\) Muslims regarded these regulations to be conducive to forceful Christianization. While some Muslims expressed their resentment in the form of petitions, or even in violent reaction to Russian officials, some others opted for migration to the Ottoman empire, which, according to Khabutdinov,\(^{71}\) can be seen as an evidence of a loss of belief of some Muslims in the normal construction of relationship with the Russian state.\(^{72}\)

Muslims were not only disillusioned by the state policies, but also by the inactivity or even compliance of the OA and the Mufti. The Russian state tried to use the mufti to quell the protests among Muslims, and Mufti Tevkelev expressed his support of the aforementioned state measures and tried to convince Muslims to learn Russian. According to Meyer, this led to the

\(^{69}\) See for petitions NART, F.1, op. 3, d. 5881.
\(^{70}\) NART, F. 1, op. 3, d. 10049 and F. 1, op. 3, d. 38137.
\(^{71}\) Among the migrating Muslim population, the peasants constituted the majority.
\(^{72}\) Aidar Khabutdinov, Ot obschiny k natsii: tatarskoe knizhnoe izdatel’stvo (Kazan: Tatarskoe knizhnoe izdatel’stvo, 2008), p. 69.
emergence of new communal leaders to represent Muslim interests.\textsuperscript{73} Rizaeddin Fahreddin explained in \textit{Âsar} that Muslim communities sent their representatives to Ufa to speak about these issues. As he explained, delegations were formed when the OA left numerous petitions of people unanswered.\textsuperscript{74}

While the Russian officials were trying to diminish the religious power and influence of the Orenburg Assembly, Muslims in turn were becoming more interested in it as a Muslim religious institute. This was reflected in the increasing insistence on the election of the mufti as well as the willingness of prominent \textit{ulama} to lead the institute. Probably the starkest example of the latter development revolved around Şihabeddin Märjani. Märjani can be considered the most important religious scholar of the region in the second half of the nineteenth century. Among his contemporaries he was famous for his profound religious expertise and he occupied the influential post of \textit{imam} of the First mosque in Kazan. He compiled the first biographical dictionary of the region’s \textit{ulama} and is considered to be the father of modern Tatar historiography. According to Märjani, if the OA was in the hands of the Muslim community, it would be of great benefit and service to its people, but unfortunately muftis were appointed from among unqualified people. He was especially concerned that Tevkelev was not a member of the \textit{ulama}. This appointment opened the door for common people to give fatwas and to be appointed as muftis. Even if the previous muftis were not the best among the \textit{ulama}, at least they had some

\textsuperscript{73} Meyer, “Turkic Worlds,” p. 77.
\textsuperscript{74} Fahreddin, \textit{Âsar}, vol. 3-4, pp. 129-133. Rizaeddin Fahreddin noted that upon the introduction of the law on universal conscription there were in Mufti Tevkelev travelled to Perm’ province in order to convince to res biography the 1874 introduction of universal army conscription in the Russian Empire and Mufti Tevkelev’s travel to Perm’ province where Bashkirs organized unrest against this law and for managing to convince them to comply with the law. p. 129.
religious knowledge. However, in the current case, according to Märjani, the “the position of mufti became defunct (oşbu wazifa bette)”.

Although Märjani did not declare it, we can see from his correspondence with his student Hüseyin Faizhanov that he wanted to become mufti. When Mufti Tevkelev died in 1885, people knew that Märjani wanted to become mufti and there were even rumors that Märjani wrote to the minister asking for his appointment to this position. Şähür Şaraf noted that people who highly esteemed Märjani suggested his nomination to the mufti position, however Märjani, who was already in his seventies, responded that someone younger and more energetic would be better. Nikolai Ill’minskii wrote to Chief Procurator of the Holy Synod Pobedonostsev that he was not happy with the candidacy of Märjani. The correspondence between Konstantin Pobedonostsev, head of the Holy Synod and missionary Nikolai Ill’minskii shows that they found the candidacy of Märjani unacceptable and not suitable for the Russian state.

Ğabdrahman Şomäri underlined that the main reason why Märjani might have considered becoming mufti was his realization that this institution could be an important means to serve the Muslim community. The second reason was the absence of another competent candidate among the ulama of Russia. In fact, as another prominent religious scholar Şähür

---

76 In fact, Şähür Şaraf notes in the biography of Märjani that right after Selimgeray Tevkelev became mufti, there emerged a sort of alliance between Tevkelev and Mercâni, an alliance without much sympathy but mutual dependence toward each other. Märjani supported the lack of religious competence of mufti with his own authority. In 1867 the mufti appointed Märjani as akhund of the province (guberniia) as well as muhtasib (a person responsible for watching over the ulama’s public performance of religious duties).
Şähär Şäräf suggested, Märjani regarded the OA as the center of Muslim life and saw a great perspective, because its higher clergy had an opportunity to benefit the people, and through the OA was easier to bring about some reform. Therefore, especially in the last period of his life he tried to be close to the Assembly personnel and kept close contact with the mufti and qadis trying to influence them in one way or another. Märjani had several projects that he initiated to revive and reform the activities of the OA.

The appointment of Mohammädyar Sultanov (1886-1915) as the next mufti reflected the previous imperial approach toward this question: a mufti had to be a person “devoid of Muslim fanaticism” – meaning that he was not to be a prominent alim, was to have a sufficient general (secular) education, a solid knowledge of the Russian language, and was to be a “loyal executor of the government’s orders”. No wonder, there were very few candidates who could perform this task. As a report of the Minister of Interior stated, “Considering the importance of Orenburg Mufti as the religious head of a large Muslim population of Russia, the tiny possibility that

81 In particular, as we will see in Chapter II, one of Märjani’s projects dealt with the reformation of the examinations that candidates to the Muslim clerical positions had to take at the OA. He was upset that titles such as imam, khatyp and muderris were often given to unqualified people and that the OA personnel were asking questions, which prepared for teachers of primary schools at the exams for higher religious posts. Märjani attempted to improve the functioning of the OA by reviving the status of akhunds (See Chapter IV for this discussion). He was aware that there was no proper connection between parish imams and the OA. Because of that disconnect, every imam or muazzin had to apply to the Assembly to solve a problem in his mahalla to which a solution could not be found locally. Considering the wide territory under the jurisdiction of the OA, its members were simply not able to properly help with these problems, which remained unsolved for long periods of time. Therefore, he proposed that the middle level ulama, called akhunds, would be helpful to improve the effectiveness of the Assembly and the life in mahallas. He wrote about it to Mufti Tevkelev, and suggested to elect akhunds only from among prominent muderrises and to grant the akhunds more rights and duties. However, like his other projects, these suggestions also were not considered. Due to the restrictions of the state, suggestions of a very prominent member of the Muslim elite could not be realized. Still however, projects like Märjani’s show us that the Muslim elite accepted the OA as a Muslim institute, which had to be reformed and strengthened for the better functioning of the Muslim society.  
82 RGIA, F. 821, op. 8, d. 1068, l. 4.
Muslims themselves could elect such a person may cause problems, therefore, the election clause of the corresponding law can be disregarded.\textsuperscript{83} Sultanov was very much the person that the Russian state was looking for. He was the head of Menzelinsk district (\textit{kanton}) from 1861 to 1866, and later served as conciliator (\textit{mirovoi posrednik}) and magistrate (\textit{mirovoi sud’ia}) until 1875. Like Mufti Tevkelev he did not have any religious education but knew Russian perfectly. As in the case of his predecessor, Nikolai Il’minskii played an important role in the appointment of Sultanov. Il’minskii preferred Sultanov as the new mufti because Sultanov was not under the influence of the new ideas national progress and did not have much contact with the Muslim intellectual avant-garde in Kazan.\textsuperscript{84} The Russian authorities at last found a person whose first priority would be the fulfillment of state orders.\textsuperscript{85} He supported the government programs of the 1880s and 1890s that substantially limited the religious rights of Muslims.\textsuperscript{86}

Even such a submissive mufti could not disperse the suspicions and paranoia of the government regarding the dangerous influence of a mufti over Muslims and in stoking antagonism to missionaries against the OA. Thus, for example, in 1886 the Chief Procurator of the Holy Synod Pobedonostsev undertook attempts to totally eliminate the institution of the OA. He pointed to the claims of the Ufa and Orenburg high-level Orthodox clergy about the position of mufti and of the assembly itself and argued that gubernatorial administrations could handle the religious affairs of Muslims. In response, the Ministry of Interior requested Pobedonostsev to keep his plans secret in order not to arouse anxiety among Muslims, but the Orthodox missionary

\textsuperscript{83} RGIA, F. 821, op. 8, d. 1068, l. 4 ob.  
\textsuperscript{84} Azamatov, \textit{Orenburgskoe magometanskoe dukhovnoe sobranie…}, p. 66.  
\textsuperscript{85} Azamatov, “The Muftis of the Orenburg Spiritual Assembly,” p. 381.  
\textsuperscript{86} Probably one of the most important changes that further affected the OA and Muslim community in general was the 1889 law, which practically empowered to mufti to elect \textit{qadis}. That was radically different from the previous practice when \textit{qadis} were elected by the Kazan ulama. This law further centralized the OA.
periodicals openly expressed their demands to the government to close the Orenburg Assembly.\footnote{Azamatov, \textit{Orenburgskoe magometanskoe.}, p. 35.}

In 1887, when Mufti Sultanov asked for permission to travel from Ufa to Orenburg in order to visit Muslim \textit{mahallas}, state authorities refused his request. The Orenburg and Ural’sk archbishop Makarii advised the governor of Orenburg province that “taking into consideration the fanatical attitude of the local Muslim population towards the Christian converts, presence of the mufti in the city of Orenburg and his travel to there is inappropriate, and can cause even more fanaticism”. The Orenburg Governor, in his letter to the Ministry of Interior, said that he shared the archbishop’s concerns and also found such a trip inappropriate.\footnote{RGIA, F. 821, op. 8, d. 1068, ll. 54-54 ob.}

Sultanov was in fact sick and approximately since 1887 throughout 1890s kept asking permission for two to six month-long periods of absence. He did not get better and from 1894 on, he mentioned his intention to resign from his post, and in 1901 he officially asked for approval of his resignation. Despite his admitted inability to perform his duties, the state did not care about a replacement during this long period. Receiving Sultanov’s official resignation request, the Kazan governor wrote that there was no appropriate person who could replace Sultanov, because all the clerics were narrowly fanatical and obstinate (\textit{zamknutye}), and among the secularly educated elite there was no one comparatively distinguished in education and culture.\footnote{RGIA, F. 821, op. 8, d. 1069, ll. 99, 99 ob., 100.} The Ufa governor wrote that it was necessary that Sultanov continued to serve in this position and “let him know that if he hopes for a big pension, it would be desirable for the sake of his service that he remain in this position”.\footnote{RGIA, F. 821, op. 8, d. 1069, ll. 106, 106 ob.} In 1906 he again asked to be excused from his duty but he was advised to

\footnote{Azamatov, \textit{Orenburgskoe magometanskoe.}, p. 35.}
\footnote{RGIA, F. 821, op. 8, d. 1068, ll. 54-54 ob.}
\footnote{RGIA, F. 821, op. 8, d. 1069, ll. 99, 99 ob., 100.}
\footnote{RGIA, F. 821, op. 8, d. 1069, ll. 106, 106 ob.}
postpone this request. He was allowed to take prolonged absences until his death in 1915.\footnote{RGIA, F. 821, op. 8, d. 1069, ll. 106, 106 ob.} In the opinion of the Muslims, Mufti Sultanov seemed to be respectful of religion and people, and even tried to introduce a few improvements to Muslims’ lives, such as the exemption of certified 
\textit{mullas} from conscription. But he could not or did not want to do much, since “he did not have a religious educational background and was acting according to reason, which was different from the one provided by religious education.”\footnote{“Möftilär mäsäläsendä bazı tarihi ahval ile häzerge ahval,” \textit{Din və Adāb}, no. 1 (1915), pp. 25-27; \textit{Din və Adāb}, no. 20, 633-639.}

**The Muslim reaction**

It was apparent that the Russian state was not satisfied with the degree of control that the OA provided over the Muslim population. The Muslims were also restless about the perceived and actual antagonism of the state, and about the incompetence of the religious administration. However, this did not negate the fact that by the end of the nineteenth century large sections of the Muslim elite and population perceived the OA as an integral part of Muslim society, as Märjani’s and Fahreddin’s aforementioned accounts attest to. While some Muslims would express their concerns about the OA by sending petitions, or compiling projects for its reformation, some others would search for alternatives. One reflection of this disappointment was the rapid popularization of two Sufi movements in the second half of the nineteenth century. The state tried to take both of them under its control, and having failed that, the leader of the first Sufi movement was put into a psychiatric asylum, and the leader of the second was exiled. I have to emphasize that the state was not trying to enforce a religious orthodoxy in these cases; its
main and only concern was protecting order and it regarded these Sufi movements as undermining that social order.

The first one, known as the Vaisov movement, has been considered a sect and has attracted little interest until Michael Kemper and Dilara Usmanova called for rethinking of its activity and role in the Muslim community. Kemper underlined that Bahauddin Vaisov had a rather large support base and that his “movement” acquired even an independent character in the villages. Despite the fact that there are a lot of unsettled questions and contradictions with respect to its character and activity, it is worth asking whether we can think about this movement as a part or continuation of the opposition to the Muftiate or the OA. Usmanova suggested that the appearance of such a religious movement was not accidental but reflected the presence of a specific sentiment among the Muslim community. In particular, she suggests that it demonstrates the presence of a serious crisis of “official” Islam and Muslim clergy. Indeed, Bahauddin Vaisov is most famous for his opposition to the OA as well as for his negative attitude toward the licensed ulama. He came into conflict with many of the Kazan ulama, some of which later played a role in his conviction. Bahauddin Vaisov was very critical of the OA and its qadis as well as the official clergy at large, and tried to present himself as the best partner for cooperation with the Russian state who would head the Muslim community. Despite this, he called for passive resistance by refusing to pay taxes and performing army service. Not only did he establish his own prayer house, but also devised alternative civil registry books where he registered the births and marriages of the members of his community. He also acted as a judge

---

93 Kemper *Sufii i uchenye*, pp. 527, 571.
95 Kemper, *Sufii i uchenye*, p. 544.
for family cases. While he was denying the authority of the OA, he sent several petitions to the Tsar and state institutions and always presented himself as a loyal subject. He established an institution called the “Autonomous Religious Administration”, his own school (maktab-i irfan) and a shari’a court. Thus, as Kemper concludes, he strived for the political autonomy of the Volga-Ural Muslims under his own rule. According to him, it was time to act when “the faith was only in its name and just the traces of Islam are left”.

Contrary to the claims about the sectarian nature of Vaisov’s movement, Kemper rightly underlines that Vaisov did not have his own peculiar religious teaching and was not even interested in the religious discourse. His poetry, which Kemper analyzed with great care, reflects his harsh criticism of the OA and official ulama and local imperial officials, and in fact presented himself as the best partner for cooperation with the state. Neither did he have serious political ambitions aimed at discord with the Russian central state authorities. Vaisov can be noted for his high moral requirements, his rejection of an “official mosque”, his sense of justice, his ubiquitous provocation and condemnation of tyranny and his doubtful affirmation of the necessity of ties to the Tsar.

Rizaeddin Fahreddin, in his account of Vaisov, noted that from the religious point of view Vaisov and his movement did not diverge from other Muslims and that most probably his reasons were more political. Similarly, it was probably for political reasons that he and his followers were sued and sentenced. Several other Muslim intellectuals confirmed Fahredin’s interpretation. For example, Borhan Şarâf suggested “since the Vaisovites were in agreement with other Muslims in their religious deeds and beliefs, we cannot consider them as a separate

---

96 Kemper, Sufii i uchenye, p. 527-528, 532, 544.
97 Kemper, Sufii i uchenye, pp. 543-544.
98 Kemper, Sufii i uchenye, pp. 567-569.
mazhab, but a political movement”.\textsuperscript{99} Safa Maksudi claimed that he read a lot of Vasiov’s works and he never found disagreement with the Hanafi mazhab. Bahauddin Vaisov’s son Hajimuhammed Gayän Vaiszade wrote in the biography of his father that he strove to bring order to the functioning of the OA, he travelled often to Ufa, talked often to the Mufti and qadis, wrote many letters and petitions to Mufti Tevkelev. And when he saw that his efforts remained fruitless, he cut his ties to the OA. At this time he also announced a kind of boycott of the emperor’s officials. He took particular displeasure at the reaction of higher clerics at the OA and some licensed mullas to the new rules of the 1870s and the introduction of the Russian language requirements in Muslim schools and for the ulama, in particular that they agreed to the new regulation and he turned away from them and since that time he and his followers prayed and performed religious rites in isolation from the larger community.\textsuperscript{100}

Whether it was political or not, the Russian state concerned itself with any religious movement that acquired power or prominence and had a potential to get out of the state’s control. If Tsarist authorities felt they could not maintain control they took action to suppress such movements in one way or another. Thus, another movement that was formed around the most prominent Sufi shaykh of the Volga-Ural region, Zäynullah Rasulev, worried the state authorities in the beginning of the 1870s. The Orenburg journal Waqit called him “the spiritual king of his people”. Zäynullah Rasulev received double initiation to the Naqshbandiyya. In 1870, about ten years after his initiation by Abd al-Hakim Chardaqli, he left to perform the hajj, stopped in Istanbul en route and met Shaykh Ahmad Ziyauddin Gümüşhanevi, from whom he obtained a second initiation into the Naqshbandiyya. Gümüşhanevi gave Zäynullah “complete khilafa” or unrestricted authority to bestow initiation into the Khalidi Naqshbandi path.

\textsuperscript{99} Fahreddin, \textit{Âsar}, vol. 3-4, p. 227.
\textsuperscript{100} Fahreddin, \textit{Âsar}, vol. 3-4, pp. 231-232.
Returning to his village, Akhoja, Zäynullah started to train pupils, murids. His sermons became so popular that people could not fit into the mosque and the sermons took place in either the court of a mosque or more often in open fields not far from the village. In only several months there appeared many followers, and the number of students who wanted to study in his madrasa increased progressively. Bashkirs, Tatars, Kazakhssent their children to study with Zäynullah ishan. In these few months the small village of Akhoja became prominent in the whole Ural region and Kazakh steppes. Muslims came from faraway places, to see Zäynullah ishan and listen to his sermons, as well as asking him to cure their diseases. Kazakhs and Bashkirs called him “our Ishan Hazrat”. With the rise of his popularity, there appeared people who envied him, and they wrote complaints to the OA accusing him of diverging from the norms of Islam. Others wrote to the local governor alleging that he sought to provoke the Baskhirs to rise up against the Tsar. Russian authorities were concerned that he was gathering around him masses of people. In 1872 the OA summoned him to Ufa, where he was forced to promise that he would not educate new murids, but simply serve as an imam. On his way back home he was arrested and put into prison in Zlatoust’. When news of his arrest spread, many Bashkirs and Kazakhs came to

---

101 Hamid Algar notes the role of Zäynullah Rasulev and his masrasa in Islamizing Kazakhs many of whom went back to the Kazakh steppe and spread Islamic norms and way of life. Especially prominent was also the madrasa “Rasuliya” which he opened after he came back from exile and which was attended by many Tatars, Bashkirs and Kazakhs. It was through bringing Kazakhs to study in Tatar and Bashkir madrasas that a deeper implantation of Islamic religion, culture and literacy was made possible in the Kazakh steppe and Western Siberia. Rasulev’s madrasa played exactly such a role. Algar rightly noticed that by the mid-nineteenth century the influence of Tatars on Kazakhs had reached proportions that alarmed Russians and Russophile observers who saw in it a clear danger to the policy of Russification. Especially Russian Orthodox missionaries, aiming to Christianize Kazakhs steppe regarded him with particular abhorrence. See: Hamid Algar, “Shaykh Zaynullah Rasulev: The Last Great Naqshbandi Shaykh of the Volga-Urals Region” in Jo-Ann Gross, (ed.), Muslims in Central Asia: Expressions of Identity and Change (Durham: Duke University Press, 1992), pp. 112-133.

the prison and prayed outside it. This situation alarmed the authorities even more and finally he was exiled to the province of Vologda, in the north of Russia, where there were no Muslims at all and he stayed there for several years until 1881.

As Hamid Algar suggests, “The hostile interest shown in Zäynullah by the Russian authorities can hardly be explained in terms of the charges his fellow Muslims had brought against him, unless it be that they discerned in the controversy a source of dangerous disorder in the Volga-Ural region”. It is far more likely that the Russians discerned in Zäynullah a potential for political trouble, either because of the size of his following or because of his international connections. It is true that after his release neither Zäynullah himself nor his followers had any important clash with the tsarist authorities, but some of his murids did participate in the political activities during the first decade of the twentieth century.\(^\text{103}\)

These movements and their popularity reflected the unease of the Muslim population regarding the policies of the state as well as their dissatisfaction with the OA. Members of the population expressed their feelings in the petitions they sent to several governmental departments in a series of petition campaigns in the last quarter of the nineteenth century. In the 1880s and 1890s, provincial authorities kept receiving mass petitions and Kazan merchants requested permission to send a delegation to St. Petersburg.\(^\text{104}\) These activities can be regarded as the starting point for a more active political stance of Muslims, which found its full expression during the Russian revolution of 1905-1907 and later during WWI and the 1917 revolution. Only the revolutionary environment permitted large numbers of Muslim delegations to gather and discuss all possible issues. There are several studies that analyze the Muslim political movement in the revolutionary era and the debate about the OA during this time. I will only focus on the

\(^{103}\) Algar, “Shaykh Zaynullah Rasulev,” pp. 120-121.

\(^{104}\) Khabutdinov, Ot obschiny k natsii, p. 71.
discussion about the election of the new mufti in 1915 in order to show the importance that the several social groups ascribed to this institution. So far I have explained that, notwithstanding their resentments about the deficiencies of the OA, the Volga-Ural Muslims regarded it as the main component of Russian Muslim society. When new opportunities to transform the OA appeared in the years of WWI and during the revolution, the ulama and reformist intellectuals fought over the definition and configuration of this institute according to their respective agendas, and the election of the last mufti was an important battle in this conflict.

Who should be the last Orenburg Mufti of the Empire?

While the main concern of the empire and the society was the approaching Great War, Russia’s Muslims were also concerned with the election of a new mufti and they were aware that the new political and social context could be favorable for them. Mufti Sultanov’s demise was long expected and he died on June 12, 1915. Yet even before his death discussions about the future mufti and about the fate of the OA were hot topics in the pages of the Muslim press. Besides the conservative ulama, the Jadids (reformist intellectuals some of whom were members of ulama) were very active in this discussion and were aware that through the OA they might have a chance to impact the further transformation of the Muslim society as well as its status within the Empire.105

105 For this discussion, I largely rely on the articles that were published in two Muslim journals — Din və Məğiysət and Din və Adəb. While both of them are religious journals, the first is generally described as conservative or traditional, and the second as Jadid or reformist. Contemporaries employed dichotomies such as Qadimist vs Jadidist, conservative vs. progressivist, however, it was not easy to clearly distinguish these groups. In the context of the discussions about the Muftiate the priorities of the authors define their affiliation with one of the sides. For some authors the protection of religion and the rights of the religious scholars had utmost importance while for others the improvement of national representation of the Muslims was more important. When we look at the debates and discussions in these journals, we can
The Russian statesmen had been discussing the “Muslim problem” at several special meetings that generally revolved around the discussion of preventing the spread of Muslim “fanaticism” and reform of the OA. ¹⁰⁶ In 1914 the Ministry of Internal Affairs decided to invite Muslim clergy to a special consultative meeting in St. Petersburg. This invitation stirred a lively debate in the Muslim press. “All Muslim newspapers were presenting different views on the ways to improve the Muslim religious administration and on the necessity of opening new religious administrations for the Muslims who did not have such an institution.”¹⁰⁷ As expected, the reformist-leaning newspapers raised the issue of the necessity of including intellectuals in this consultative meeting along with the members of the ulama, because they did not regard the latter to be capable of contributing to the progress of the Muslims. However the Russian officials were apprehensive about the loyalty of the politically active intellectuals and decided to limit attendance exclusively to the governmentally approved Muslim clerics and also not to publicize the proceedings of the conference, which would deal with the religious administration of the Muslims.¹⁰⁸

One of the most popular newspapers in the Russian Empire, Novoe vremia, joined this discussion with a provocative article, which discussed the redundancy and harmful existence of the OA. The author argued that Islam did not require a clerical institution for the performance of religious acts and, throughout the world, Muslim religious men led prayers and performed

observe a variety of opinions on different topics. The author of the bibliographic reference to Din və Adăb suggests that we can find in this journal both progressive for its period and very conservative or qadimi ideas. Airat Zahidullin, Al-din və al-Adăb jurnalınıñ bibliografik kırsätkeçe (Kazan: Milli kitap, 2003), p. 24. A similar impression one gets when reading Din və Mäğıysät.

¹⁰⁷ “Möselmannarğa idară-i ruhaniyä kiräk me?” Din və Adăb, no. 6 (1914), p.187.
religious rituals without a central institution. None of the European governments which ruled over Muslims, like Austria, Britain, Holland and even China, had special clerical institutions. According to the author, the petitions from Muslims who were asking for the opening of new clerical institutions in places, that did not have them, did not represent the will of the people but only the will of those who were looking for an occupation.  

*Waqıt* — a reformist newspaper, responded to that article. According to the author of the response to the argument of *Novoe vremia*, it was true that in theory all Muslims could perform religious rituals. However, the rules and regulations of Islam were complex and complicated so people with special religious knowledge were necessary for the proper functioning of Muslim society. Otherwise, the Muslims of the Russian Empire would fall into chaos or they had to appeal to Russian courts and institutions, which could not handle their issues according to *shari’a*. So, an institution that would regulate the performance of religious rituals and laws in conformity with the existent laws of the state was a necessity.  

The next objection of the *Waqıt* author to the *Novoe vremia* article was crucial. He pointed to an important difference between the Muslims of the Russian Empire and Muslims in the colonies of European states. The colonies of European states were far away from the mainland and had their autonomous or almost independent legal systems. In Russia, however, Muslims were living in the mainland (*anavatan*) and since the lives of Muslims in Russia were so intertwined with the Russian people and the state, some aspects of their lives had to be regulated according to *shari’a* and others according to the laws of the state. Therefore, the claim that the general Muslim public did not need a clerical institution was not true.  

---

109 “Möselmannarğa idarā-i ruhaniyā kirāk me?” *Din vā Adāb*, no. 6 (1914), p.187.  
110 *Waqıt*, no. 1402-1403, 1914.  
111 “Möselmannarğa idarā-i ruhaniyā kirāk me?” *Din vā Adāb*, no. 6 (1914), p. 188.
The question “Is religious administration necessary for the Muslims?” (“Möselmannarğa idarä-i ruhaniyä kiräk me”) was a question that Russian Muslims hotly debated. As I have described in the previous sections of this chapter, Muslims had expressed their disappointment with the current status and functioning of the OA several times. A prominent progressivist member of the ulama Ğalimjan Barudi expressed his disappointment in the following way:

In earlier times Catherine created this court (the OA) in order to pacify Bashkirs, to completely conquer the Kazakhs, and to weaken their political prowess. To achieve these goals the Russian state appointed Mohammädjän Hüseinov and he proved to be useful and thus the state created the OA for him. At the same time, the state was suspicious that Mohammädjän Hüseinov might benefit the Muslim community and that he might become too influential. In order to prevent these possible outcomes the state tried to limit the power of this institution and defined its functions rather narrowly. Naturally, our people think that being able to get permission to build mosques is a major religious progress. So, the state assigned bureaucratic tasks to the OA (like issuing permission to build mosques or appointing mulla), but quickly interfered when the OA tried to initiate even insignificant social or educational projects that might be useful for the nation. Thus the OA never attained an important status. Qadis that served at the OA secured their places through corruption and they primarily cared about economic profit. Muftis could not perform any useful service for the Muslim community. Therefore, the institution remained for them just a place to earn money. The OA could not meet the expectations of the Muslims for the improvement of maktab and madrasa, the conditions of which just deteriorated. Now that there is a serious interest for the reformation of this institute, we need to strive harder for reformation because the time is very favorable.112

As we can see in Barudi’s account, criticisms against the OA did not diminish its status as an integral part of the Muslim society in the Russian Empire. For the Muslims of the Russian Empire, the OA kept them on par with all the other subjects of the empire. According to Ğayaz Ishaki, another reformist intellectual, the OA was a part of the governance structure of the Russian Empire, which established similar institutions for all confessions. Although the institution in its current status was far from fulfilling the needs of the Muslims, they could not get rid of this institution within the imperial structure, rather they had to modify it according to

their needs. As we can deduce from the approach of reformists, such as Ishaki and Barudi, even those who were demanding radical reforms in the structure and the functions of the OA were convinced of the necessity of its existence. This need became more visible in the time of war. At a time when the state was warring against the Ottoman Empire and Germany, which were more than ready to drive a wedge between the Muslim population and the Russian government, the Russian state was desperate to secure the loyalty of its Muslim subjects who were also conscripted on the same basis as the other Russian subjects.

The Muslims were aware that they needed a powerful representation in this period. A convention of imams gathered on July 12, 1915 in Kazan, a month after the death of Mufti Sultanov. The president of the convention noted that the mufti was the head of the Muslim society and its highest representative before the government; therefore the election of a new mufti was the most important issue for the Muslim community. For a considerable part of the Muslim elite, the existence and necessity of the OA was not an issue to discuss. Everybody seemed to agree on that, the OA was already a constitutive part of the Volga-Ural Muslim society and had to only be improved and gain a more representative and respected status. This had to start with the mufti; therefore, the election of the right mufti was crucial. The opinions among the elite were divided on the personality of the mufti, because for different groups what he represented and what he should represent were not the same.

The reformist ulama, like Kasşafeddin Tärjemäni, claimed on the pages of Din və Adäb that so far “our progressive movement was led by smart and knowledgeable imams”. These

---

113 Ğayaz Ishaki “Idarä-i ruhaniyäläläremezneñ lässahi”, Il, no. 31 (1914); “Idarä-i ruhaniyani lässah mäsäläsie”, Din və Məğiysät, no. 10 (1916), pp. 131-132.
imams, in his opinion, had to lead the further progress with their sermons that were both “in accord with Islam and suited to contemporary needs”. Therefore, it was the responsibility of the mufti and the OA to make this happen. Moreover, he claimed that the authority of many mullas had decreased in the community due to their corrupt behavior: there were increasingly more imams who did not properly perform their tasks and who even live in a way that was not compatible with their religious position, and this was further decreasing the authority of imams who tried to lead their parishioners to the correct path (See Chapters II and III). The OA so far did not reprimand the imams who tarnish the reputation of all imams and did not protect and support the imams who strive to be the proper leaders of the society. Therefore, the new mufti had to be concerned about the good functioning of imams.\textsuperscript{116} This issue was also raised in another article, which discussed the previous muftis. The functioning of muftis was associated with the community problems, and especially those that affected the ulama – the corruption of the examination system, the problems emanating from opening new mahallas, division of the existing mahallas and appointment of second imams to a mosque, which worsened the financial and scholarly condition of the imams.\textsuperscript{117} Therefore, good functioning of mahallas and imams required a good mufti.\textsuperscript{118}

The reformists (terakkiperver) were also trying to build a new identification for the Muslim society. In their view, the Mufti was not to be simply a state official. For them, the OA both could and had to be a powerful organization, one which represented the will of the Tatar or Muslim people before the government, and protected and expanded their rights. Therefore the mufti had to be someone for whom national interests were the priority. The last mufti was a

\textsuperscript{116} Kâşşâf Târjêmâni, “Möftilek mäsäläsendâ fikerlär,” pp. 568-574.
\textsuperscript{117} I will discuss these and other community problems in Chapters II and III.
\textsuperscript{118} “Möftilek mäsäläsendâ bazı tarihi ahval ilâ häzergy ahval,” \textit{Din vâ Adâb}, no. 20 (1915), pp. 233-239.
person who behaved like a petty official of the tsarist bureaucracy and he was appointed to his position at the behest or upon the advice of an anti-Muslim missionary, Il’minskii. He cared only about the fulfillment of the governmental orders rather than about the rights of the Muslim society. According to Ğayaz Ishaki:

> Even if the mufti is a mere official of a department of the Ministry of Internal Affairs and is obliged to fulfill the orders coming from above, he is also an embodiment of the Muslim will. It is his duty to control every decision that is detrimental to Muslims and to protect the rights of Muslims provided by law. Unfortunately, the previous mufti never fulfilled this duty and made it even a habit to ignore. He not only neglected his religious and national (milli) obligations, but he set a bad example for qadis and other ulama. Therefore, he degraded the Muftiate - an important and respected position, to the level of a minor secretary and diminished the spiritual (mäğnävi) significance of the institution. For some people, the reason is the personality of Mufti Sultanov. They think that he was a very meek person and did not understand the significance of his position. No, the reason is much deeper. Concepts such as “national conscience” (vijdane milli) and “preservation of religion” had no value for the mufti and when he dealt with religious and national questions he did not pay attention to these notions. The mufti has to be the embodiment of national and religious conscience and guide our nation, which is still in the formation. If the mufti cannot be the guide for our nation, our future will be bleak.¹¹⁹

Ishaki probably expressed everyone’s view when he wrote that the Mufti had to be a person who enjoyed the trust of all Muslims and this trust could only be expressed by way of elections. However, opinions about this ideal mufti were very different. While the reformists demanded a mufti to represent the national rights of the Russian Muslims as they imagined them, the conservative ulama were mostly asking for a mufti from among themselves to protect the “correct” version of Islam within the Muslim society which was degenerating because of the faulty functioning of the OA led by incompetent muftis and which was under the assault of the reformists. For the ulama, the society needed a mufti “to protect Islamic laws pertaining to marriage and divorce and thus to protect their civilization as well as improve it”.¹²⁰

¹¹⁹ Ğayaz Ishaki “Möftilek,” Il, no. 21 (1914).
these conservative elites, the previous muftis could not establish a well-functioning religious administration; they could not secure the rights of the ulama who had to seek for inappropriate means to sustain their livelihood.¹²¹

When thinking about the ideal mufti, the conservative ulama were working within the framework that was set by the Russian state. In an article about the ideal mufti the author was not giving examples of a righteous amir al-muminin, shaykh al-islam, qadi or mufti from the history of Islam. The ideal mufti would be just like the first muftis of the OA, picked by the Russian ruler from among the ulama in order to protect the “correct” version of Islam and assure the loyalty of the Muslim subjects of the Empire. According to the author, the loyalty of the Muslim subjects became stronger after they believed that the state would guarantee their right to profess Islam and they became pioneers of the empire in the Kazakh steppe, who incidentally would also benefit from the existence of a religious institution, which guaranteed their loyalty to the Russian state.

For the ulama, both conservative and Jadid, the dividing line of the OA history was very clear – the important change occurred when the state appointed a mufti who was a secular figure and had neither religious education nor any knowledge about religion. Din və Adăb linked a good mufti with his belonging to the class of ulama. It underlined that Muslims suffered a lot because the later muftis were not members of the ulama. As a contributor to the Din və Adăb narrated, Ėdabelwahid mufti, the one that served before Mufti Tevkelev, was not the best among the ulama, but still a member of it and he was concerned more about the appropriateness of state

verdicts to shari’a, than about the government opinion. However, Tevkelev had cared more about the assessment of the Minister of Interior.122

Another difference in Muslim opinion concerned the mufti’s knowledge of Russian and his education. One group thought that the mufti had to be from among the mirzas (or secular elite) who had a good command of Russian and who were educated in Russian schools because the OA was in close connection with the government and many of its dealings were carried out according to Russian law. The ulama, in their opinion, were not conducive to the “progress” of Muslims, but were rather hindering it.123 According to them, the OA was handling the issues of Muslims according to Russian law so he had to be well versed in the Russian language and system. Din và Adâb authors also agreed that knowledge of the Russian language was necessary as the Mufti was in close connection with higher Russian courts.

However, reformist ulama expressed different opinions on this matter. Some thought that it was not necessary for the mufti to have a European education. Moreover, the deficiency in the Russian language could be compensated by the appointment of a consultant who knew Russian well whereas the deficiency of Islamic sciences could not be compensated.124 Others, like Kâşşâf Târjemâni for example, preferred a mufti knowledgeable in Muslim matters and Islamic sciences to a person who knew Russian and had a European education. However, there were only two or three people among the ulama who could meet all the qualifications for the position of mufti, therefore a person who was somehow familiar with religious matters and knowledgeable in the

---

122 “Möftilek mäsääläsendä bazï tarihi ahval ilä häzerge ahval”
123 “Möselmannarga idarä-i ruhaniya kiräk me?” Din và Adâb, no. 6 (1914), pp. 186-191.
problems of the community would be fine as well. The membership of such candidate to the class of *ulama* was not necessary in that case.\textsuperscript{125}

The conservative *ulama* considered that the mufti had to be only from among the *ulama*, because he was the head of *ulama*, *imams*, *maktabs* and *madrasas*, had to guide the people in religious and ethical matters, had to assure that good *imams* and *mudarris*es were trained and had to have knowledge of Islamic legal matters.\textsuperscript{126} They claimed that a mufti would be a person who issues fatwas; therefore, a person who did not have Islamic education could not be a mufti, just like a person who did not know law could not become lawyer.\textsuperscript{127} Hadi Maksudi and other Jadid *ulama* agreed that in general and in the future mufti had to be an *alim*, but in the contemporary situation, when the laws and rights were changing, the mufti had to be a person who was well versed in the Russian system and who could communicate in Russian in order to expand the rights of the OA. Such a person, according to them, unfortunately, did not exist among the *ulama*.\textsuperscript{128}

To the chagrin of the reformists, the Russian government appointed Mohammäd-Safa Bayazitov, a member of the *ulama*, as the new Mufti. In the new political environment, the state would fear any possibility of a Jadid imam becoming the Mufti. Mohammäd-Safa Bayazitov, who had both religious and secular education, seemed to be the best option for the government. He was the son of well-known *alim* and *mudarris* at St. Petersburg, Ğataullah Bayazitov, who later in his life served as a military *akhund* of St. Petersburg garrison, translator, a lecturer of Turkic languages, Islam and Islamic law at a number of St. Petersburg institutions. He received

\textsuperscript{125} Kâşşaf Tärjemäni, “Möftilek mäsäläsendä fikerlär.”
\textsuperscript{126} “Möftilek mäsäläse hakkinda Kazan möselmannar mäjlese,” *Din və Adäb*, no. 17 (1915), pp. 534-541.
\textsuperscript{128} “Möftilek mäsäläse hakkinda Kazan möselmannar mäjlese”; Husniddinzade “Bulaçak Möfti kem bulırğa tieşle?” *Din və Mäğryşät*, no. 28 (1915), pp. 344-345.
both religious education at a Kazan madrasa “Mukhhammadiya” and the Department of Oriental Languages at St. Petersburg University, and after the death of his father became imam of the same mosque, akhund of St. Petersburg, imam of the St. Petersburg military district (voennyi okrug), teacher of Islam at military academy and translator at the Ministry of Foreign Affairs. The pages of conservative newspapers were full of joyful greetings and articles defending the new mufti against the attacks of the reformists, who were apparently discontented with the decision of the government. These defensive articles revealed that at least the authors, if not the whole conservative segment of the ulama, had embraced the social estate that emerged through the OA and were determined to expand and protect its rights. The social estate was that of the “ruhaniler” or “dukhovenstvo”, the term that meant the clergy in the Russian context.

*Din và Mәğışәt* published the sermons of the new mufti in which he talked about the protection of the rights of the ruhaniler who were the spiritual fathers (dukhovnye otsy) of the Muslim population and who should lead them to the right path. In one of his sermons, his reference point for the status of the ulama in the Muslim society was clearly the imperial situation, that is, the clergy of different religious groups within the Russian Empire. He was not referring to some ideal period or ideal society from the Muslim history but to the ideal status of clergy in the Russian Empire. He drew parallels with and wanted to elevate the status of Muslim ruhaniler to the level of other clergy in the Russian Empire. This was noted by a progressivist mulla, Dibirdiyev. He criticized the mufti for his way of using the term ruhaniler and blamed him for imitating the Christian clergy, who were the representatives of the Holy

---

Spirit, (sviatoi dkh – which is the source for the term dukhovenstvo). Scores of articles in Din vâ Mâğıyshât opposed Dibirdiyev. Several imams and akhunds tried to justify the use of term ruhaniler for the Muslim ulama. Some referred to the Sufi epistemology, others referred to how the “progressivists” were also employing the term in their works. But the most repeated explanation was the claim that the mufti was just employing the governmentally ascribed term. The government defined them as the Muslim spirituality (clergy), Muslim dukhovenstvo, and mullas had internalized this term.132

In the following chapters I will explore the formation of this new framework and its impact on the ulama and the functioning of Islamic law within the Muslim society. I will examine the laws and regulations that contributed to transforming the scholarly class of the ulama into the clerical class of Muslim “dukhovenstvo”. Paradoxically, the religious institution that the Russian state established and imposed to keep the ulama and Muslim society under control was now perceived as vital, in the Muslim opinion, for the protection of the interests and unity of the Muslim community. It was now deemed necessary as the representative institution of the ulama and the whole Muslim community. Together with the internalization of the OA, the role and definition of the ulama was changing in the society and this had important consequences for the Muslim society as well as for the functioning of shari’a.

132 “Ruhani kälimäsen ulemaya itlak,” Din vâ Mâğıyshât, no. 39 (1916), pp. 337-338; “Möftilek hakkında,” Din vâ Mâğıyshât, no.30 (1916), pp. 474-477. The original term ruhani was another reflection Persian influence on the Islamic culture of Inner Asia. The term is still used for the religious scholars in Iran, (although with some derogatory implications). However in their response to the reformist critics the ulama did not base their explanations on the traditional usage of the term, but rather explained as a translation of the Russian term for clergy.
CHAPTER II. BECOMING AN IMAM

“The people who carry the title of ulama can be divided into two categories: Those that care about the ethical, religious improvement of the people and have a strong faith, and those who do not care about anything but their own interest and still think that they are the best people in the community and have a secure place in the heaven. Unfortunately, the certified imams belong mostly to the second category.”

“I have the license (ukaz), so my word is the law!”

Introduction

As I have described in the previous chapter, the state aimed at institutionalizing its ties with the religious elite (and thereby with a major segment of social leadership) of the Muslim communities within the Russian Empire. Moreover, philosophical rationalism and rational organization of all public activity were important elements of the state’s attempts to modernize governmental and social structures. For this, state officials created their own definitions for Muslim clerics as well as for their duties and functions within the Muslim community and vis-à-vis the state. After the establishment of the Orenburg Assembly, the state required special qualifications for those who aspired to be imams. Imams became licensed, meaning that no other layperson or even a religious scholar (mulla) without a state certificate could perform religious rites. It created state-defined duties and functions for the ulama, as well as special rights and

---

2 These were the words of an imam who imposed his ruling in a case of abduction despite the verdict of an akhund, claiming that the akhund did not have a superior authority and his parishioners had to comply with his decisions as he was representing the state authority because of his license. Rizaeddin Fahreddin, *Âsar: Mämläkätemezdä olğan islâm gâlimlärâneñ và mäşhûr kimsälärâneñ tärjemä và tabakaları, târih-i vilädet và vaşça ahvâleri hakkında yazılıms kitaptır*, vol. 2 (Orenburg: Möhammäd Fatih bin Ğgilman Kârimov Matbaası, 1905), p. 17.
4 In its most general meaning, mulla meant a religious scholar. The terms imam and mulla are usually used interchangeably in the Russian and Muslim sources.
obligations. The state defined anew who could be an *imam*, what kind of procedure he had to undergo and what kind of requirements he had to meet in order to acquire this title, and could “work” as an *imam*. This chapter will focus on the qualifications for a person to become an *imam* and how those changed after the establishment of the OA. I argue that the new laws and regulations for Muslim clerics that were introduced throughout the nineteenth century disrupted the organic ties between the *ulama* and the Muslim community and government authority became an important part of their power within the community. While there were *ulama* who were respected because of their piety and erudition, the transformation that I will explain was an observable phenomenon. I also suggest that the perception of the *ulama*’s status in the society, and their own understanding of their position changed in important ways.

**Electing an imam**

The first substantial change that affected the status of the *ulama* occurred in the process of becoming an *imam*. Previously, as recorded in the village history of Altı Ata, when first the Muslim colonists came into the area between 1780 and 1800 there were no licensed *imams*, rather the community “would elect as *imam* a person from among them who could read and write

---

5 The rights and obligations of the *ulama* were eventually compiled into a digest of circulars of the OA (*Sbornik tsirkularov*...), which included documents and decrees issued between 1836 and 1905. A cursory look at this collection suggests that the status of an *imam* was reformulated continuously. New problems produced new rules and regulations. *Sbornik tsirkularov i inykh rukovodiaschikh rasporiazhenii po okrugu Orenburgskogo Magometanskogo Dukhovnogo Sobrania, 1836-1903 gg.* (Kazan: Izdatel’stvo “Iman”, 2004). It is probably not a coincidence that the circulars started in 1836. This was the time when the Russian state was tightening its control over the OA as well as over the parish *ulama* through various kinds of obligaroty documentation. The imams were obliged to keep civil registries since 1828 and the OA had to keep proceedings of its sessions in Russian since 1836.
and would give the sermons and preach.” Despite the fact that in the nineteenth century the
election of religious figures in the Muslim community continued to be the responsibility of the
Muslim community, the process of certifying an imam became more challenging and complex.
The decision of the community, still of primary importance, was now only the first step in the
process of obtaining religious titles. According to the new rules, candidates for Muslim clerical
positions had to pass a proficiency exam at the Orenburg Assembly and had to be approved by
gubernatorial officials at the provincial level in order to be appointed to their posts. Thus, local
and central imperial authorities intervened deeper into the process of appointing an imam. The
process of ulama selection and appointment also became dependent on relationships within the
mahalla, but in a qualitatively different way than previously. If in the past the wealthy could
often dominate and influence the selection of an imam, now other laypeople also acquired the
means to challenge a candidate. It was Russian law that defined the set of rules for the election of
official Muslim clerics and thus provided the basis upon which the appointment of a scholar
could be challenged. As Rizaeddin Fahreddin (1858-1936) commented in his biographical
dictionary, “nowadays we have an easier and more powerful way to scare imams than Bashir bay
[any rich and influential member of the community], and this is the law.” Besides, the state
certificate that the ulama received upon their approval in clerical positions began to acquire

---

6 Allen Frank, *Muslim Religious Institutions in Imperial Russia: the Islamic world of Novouzensk District and the Kazakh Inner Horde, 1780-1910* (Boston: Brill, 2001), p. 105. Frank provides here a thorough analysis of a manuscript on the history of the villages of Alti Ata, recorded by one of its imams Muhammad Fatih al-Ilmini. This is the account of the history of several villages of Novouzensk district and the Kazakh Inner Horde, but this way of electing an imam was typical among other Muslim communities in the Volga-Ural region.

7 Guberniia, uezd, volost’ – administrative units in the Russian Empire. A guberniia (province) was a major administrative subdivision of the Russian Empire. Provinces were divided into uezdy (districts) and volost’s (townships).

importance and value in the eyes of the Muslim population. Passing the exam in Ufa and getting state license would become a source of prestige in the Muslim community.

Historiography shows us the existence of two basic patterns in the appointment of new imams – the hereditary succession and nomination by a notable. The biographical dictionaries of Rizaeddin Fahreddin and Şihabeddin Mārjanî show that it was a common practice for sons to continue their fathers’ occupation. Moreover, promising students married to daughters of imams or mudarris and inherited the posts of their fathers-in-law. Still, however, the career of an imam remained open for other people who could pursue higher religious education.9 The fact that the Russian state did not create a special estate for the Muslim clergy also contributed to the open status of the clergy ranks. As some biographies of ulama show, talented madrasa graduates would be invited back to their native or neighboring villages to teach in a madrasa and serve in the mosque as imam.10 The support of a local notable was also known to have been a decisive factor in electing a certain candidate.11 Recent works pointed also to the role in the election of imams of parishioners and conflict between different groups in a mahalla, of pressure exerted by local administrative authorities like the head of village (sel’skii starosta) and the head of the township (volostnoi glava) as well as the existing licensed ulama of a mahalla who are not interested in the appearance of a rival.12 I will show later in this chapter that these examples

---

10 See for example the memoirs of Ğabdūrrașit İbrâhim, Tärjemâ-i hâlem yâki başıma kilgännär (Kazan: İman nâşriyâtt, 2001), p. 134.
11 For detailed analyses about elections of imams see Frank, Muslim religious institutions, pp. 120-133; Alexander Kobzev “Upravljenie Musulmanskoi obschiny Srednego Povolzh’ia vo vtoroi polovine 19-go- nachale 20 vv. (na materialakh Simbirskoi gubernii),” in Il’ dus Zagidullin and Lilia Baybulatova (eds.), Tatarkie musul’manskie prikhody v Rossiiskoi imperii. Materialy vserossiiskoi nauchnoi konferentsii (Kazan: Institut Istorii, 2006), pp. 136-157, here at pp. 149-152; Tuna, “Imperial Russia’s Muslims,” p. 70.
12 Kobzev, “Upravljenie Musulmanskoi obschiny…,” pp. 150-152.
became more common in the second half of the nineteenth century and this was exactly due to the break-up of traditional communal relations and possibility to use state law on the election of Muslim clerics as well as imperial institutions to challenge appointments.

After 1788, the election of an imam by a community involved a number of additional requirements. In particular, beyond the community decision, called prigovor (hereafter communal decision), the candidate had to prepare a number of documents prior to his approval. In addition, two further processes were introduced. First, a person elected by the community had to travel to Ufa and take an examination in Islamic sciences. Secondly, after collecting all the necessary documents and passing the exam, the candidate had to be approved by Russian civil authorities serving in the local provincial administrations. While this requirement was initially more of a formality, by the turn of the twentieth century, as we will see later in this chapter, due to introduction of a number of other requirements for Muslim clerical positions, local imperial authorities would increasingly interfere in this process and sometimes create problems for candidates refusing to approve them in their positions. After the election and its ratification, the elected mulla was eligible for a so-called ukaz, a state license, certifying that he could work as an imam. Similar to Russian Orthodox priests, he was confirmed as an “ukaznyi imam” or a licensed imam, and received a bureaucratic post called “dukhovnyi magometanskogo zakona chin” (Muslim spiritual post).  

\[13\] Local gubernatorial administration would issue the license, ukaz, which assured that a candidate for the clerical post knew Russian, successfully passed the

---

religious examination at the OA, and stated that he could be appointed to a given mosque (masjid) upon the communal decision of a given mahalla population.\textsuperscript{14}

Being a holder of such a title brought certain consequences. First of all, no other person in a given mahalla could now become an imam or perform the functions of an imam without this certificate. So, if in pre-Catherinian times any mulla or madrasa graduate approved by his community could perform religious services and rites, now a mulla without a license was simply a “chastnoe litso” (a private person, that was not in the state service and that had no right to be an imam) and did not have the right to perform any of the rituals. This also meant that if previously it was a purely communal affair, now it was also the state which authorized a person to become an imam and assigned a state legal authority to an imam to perform religious services.

The election of imams now required Muslims representing their mahallas to gather at a sel’skii skhod, or village meeting, which was “the central body in the administration of a Muslim congregation in pre-revolutionary Russia.”\textsuperscript{15} The most important questions and issues pertaining to the organization of religious life of Muslims, such as the opening and construction of a new mosque, the opening of a religious school, the election of imams and muazzins, repairs to mosques and schools, and providing clerics with the means of support and other aspects in the functioning of the mahalla were discussed and resolved at a village meeting. Head of village (sel’skii starosta), who had administrative authority, headed the convention. In addition to many other responsibilities, one of his tasks was to convene the people of the mahalla when they decided to elect a new imam.\textsuperscript{16} Thus, the traditional meeting (majlis), the center of a communal

\textsuperscript{14} State license for Mohammádzahir Ahmádiev, issued by gubernatorial administration of Ufa on August 7, 1900, TsGIA RB, F. 295, op. 11, d. 643.
\textsuperscript{15} Kobzev, “Upravlenie Musulmanskoï obschiny…”, p. 136.
\textsuperscript{16} Kobzev, “Upravlenie Musulmanskoï obschiny…”, p. 136.
decision-taking process, was redefined as *sel’skii skhod* and became legible for state authorities.  

According to imperial laws, not every person in the *mahalla* could participate in this meeting, but only Muslim male heads of households older than sixteen who had no criminal record had the right to vote. Sometimes the head of the township (*volostnoi starshina*) was invited to preside over the village meeting, especially during the election of officials (*dolzhnostnye litsa*) such as an *imam* or when considering the complaints on such administrative ranks (although in practice, as we will see below, these rules were often violated). More than that, a candidate to the position of *imam* could not be present at such a meeting.

In 1837, the imperial authorities elaborated more detailed rules about the election of religious scholars in a *mahalla*. In order to elect an *imam* or another Muslim cleric, first, two-thirds of male parishioners, who were heads of households, had to express their agreement. The election by male heads of households had to be undertaken in the presence of the head of the province of which a *mahalla* was part, and of the village head. In a military estate (*voennnoe soslovie*) it was to be performed in the presence of the heads of *kantsons* and *iurta* (*iurtovyi

17 It is not very clear when village convention headed by a secular figure of *starosta* was introduced into a *mahalla*. Nor do I claim that this became an exclusive way to take decisions within a community. But it seems that a religious *majlis* transformed into a *sel’skii skhod* by the turn of the century. I have come across a few cases when an imam convened a village meeting to take decisions pertaining to a religious life of the community members. In the case, which was brought to the attention of imperial authorities as a complaint against *imam*, an official replied back that *imams* did not have the right to convene *skhod*. In some cases it is possible to observe that *imams* and *starostas* were people in close interaction and sometimes even relatives, and that *imams* could request *starosta* to convene a *skhod* to discuss important matters including religious ones.


19 *Zakony Rossiiskoi imperii o bashkirakh, mishariakh, teptiariakh i boyliakh* (Ufa: Kitap, 1999), Glava 2: O sel’skom obshestvennom upravlenii, p. 425.

20 *Zakony Rossiiskoi imperii o bashkirakh*, ibid.
People who did not belong to a mahalla community and the younger members of families (i.e., sons, younger brothers or nephews who were not separated from their fathers and did not form a separate household) did not take part in the elections. All the people who did participate had to sign a communal decision confirming the election. Township authorities (usually the police department, as can be seen in the archival documents) had to verify it, and after that, the communal decision would be sent to the provincial administration (or in military estates, verified by the head of the kanton and sent to the zemstvo court). In all the mahallas, the final approval of elections was the responsibility of the provincial administration.22

As we can see from these regulations, the process of election and approval of an imam was now defined by state law and undertaken by and through state authority.23 While this could be often simply a bureaucratic part of appointing an imam, the increasing intervention of state authorities had an important impact in either delaying the approval of an imam or denying one the clerical post. The village and township heads and then the officials at the center of the province had to examine the communal decision. There were detailed laws regulating the procedures of this process. Provincial authorities had the responsibility to ensure that the election and appointment of the ulama did not violate any rules. Besides the written communal decision of the mahalla there were other documents that a candidate had to acquire and submit to the provincial authorities, as we can see in the following example.

21 Kanton, iurta – administrative units in Bashkir lands.
23 It should be underlined that an election was initially undertaken by the community and Russian authorities were usually involved at the end of the process. For the process of electing imams within the community see Frank, pp. 120-133; Marsil’ Farkhshatov, “Musul’tanskoje dukhovenstvo”, in S.M. Prozorov (ed.), Islam na territorii byvshei Rossiiskoi imperii. Entsiklopedicheskii slovar’, (Moskva, 1999), Vol. 2, pp. 67-72, here at pp. 67-68.
On April 25, 1905, the Kazan district police office sent a report to the Kazan governorship about the application of a mulla to be appointed as imam to the village of Nizhnie Vereski. The report included the documents of the application package. In addition to the communal decision of the peasants electing Abdulhabir Bahautdinov as their imam there were: 1. metricheskaia vypis’ — a copy of Bahautdinov’s registration record; 2. a certificate of Mul’minskaia township administration that Bahautdinov did not have a criminal record (o nesudimosti); 3. a certificate from the Tetiushskii district High Schools Council with an attached photograph of Bahautdinov, testifying to his knowledge of the Russian language; 4. a certificate stating that Bahautdinov had performed his military service; 5. a certificate from the Orenburg Assembly attesting to his success in the religious exam. Lastly, the package included a certified note from a police official declaring that peasant Bahautdinov was not involved in the Muslim disorders of 1897 (when the state officials were conducting the census in Muslim communities), and was residing in the city of Kazan and studying at the Yakupovskoe madrasa.24

**Prigovor (Communal decision)**

As it was the case before the introduction of new regulations, the decision of the community remained the decisive factor in the process of appointment of an imam. Therefore, the first document that a candidate had to submit was the communal decision of the mahalla.25 A

---

24 NART (National Archive of the Republic of Tatarstan), F. 2, op. 2, d. 7255, ll. 1-1 ob. For another example, see Frank, *Muslim Religious Institutions*, pp. 120-121.

25 A similar communal decision was required from the mahalla community to initiate a construction of a mosque. In general, the procedure for obtaining permission to build a mosque was similar to the procedure for installing an imam. There was an additional important requirement for the construction of mosques in locations with mixed (Christian, pagan and Muslim) populations or in locations which were close to Christian or pagan populations. According to this requirement the local Orthodox clergy should prepare a written consent noting that the construction of a mosque would not constitute a “temptation” for Christian populations.
Communal decision was essentially a petition of *mahalla* inhabitants expressing their desire to have a certain person as their *imam* and stating that the community nominated him for this position. The form of the communal decision included data on the number of male residents according to the latest census, the number of houses in the *mahalla*, the number of heads of households eligible to vote, and the number of heads of households who were present at the village convention and signed the petition. It was followed by a petition text, which usually varied but included the name of an *imam* of their *mahalla*, the reason why they wanted to elect another *imam*, the name of the person they selected, the *zvanie*, i.e. the title in which he would serve the community, sometimes his age, that he had a sound religious knowledge, that he had successfully passed the Russian language exam, that he had performed his army service, that this person was of sound moral character, and that the congregation could support him and the mosque. The communal decision was to be signed by more than two-thirds of the male heads of households as well as the head of the village, head of township, and the village scribe (*sel’skii pisar’*). Below is an example of such a petition:

On January 2, 1905, we, the undersigned peasants of the village of Malo-Shamiskii of Tsarevokokshaiskii district, Kazan province, which consists of 104 male souls (*dushi*) and 61 male heads of households, having the right of voting, were present at the village convention. In the presence of our village head Kurbangali Ibrahimov and the head of the township, Gabdrahman Habibullin, in total 55 people, i.e., not less than the two-thirds of the constituency, we discussed the question of the election of a second *imam* to our mosque, in the position of *imam*. Although we have already had a licensed *imam*, Muhametkasim Ahmetov (70 years old) for about 35 years, he is ill and has bad eyesight; therefore he cannot properly keep the metrical books and because of his old age is in no condition to perform religious rites without another person’s assistance. Therefore, he resigned from his position of *imam* and granted it to the newly elected *imam*, but retains

the position of khatyp. Therefore, we find necessary and compulsory for us to temporarily have a second imam at our Friday mosque, and therefore, with this communal decision, we have decided to elect to the position of the second imam at our mosque, with the title of imam, the son of our present imam Abdulla Mohamätkasimov Ahmetov, 23 years old, born on February 2, 1882, and who performed his army service in 1903. We know him as a person of sound moral conduct, who was never under a criminal investigation and who did not take part in the uprising [disorders of 1897], and moreover as a person who knows religion and the Russian language very well… Furthermore, he can also replace his father as the first imam, after the latter’s death, and due to his young age and his capabilities there will be no need for a second imam. We take the responsibility to support him financially with a decent amount of payment in kind which will be equivalent to 250 rubles per year, and after the death of his father to provide him with 450 rubles per year, and we also agree to support the mosque. Therefore, we petition to the police authorities through our local head of township.

As mentioned above, according to Russian law, a communal decision was to be signed by two-thirds of the male heads of households. However, in practice, this rule was not always observed. Thus, for example, a licensed imam Ishaq Abdullin wrote a petition to a Kazan governorship administration stating that, according to a communal decision, the Muslim community of his village elected Zöfär Sagdeev as imam, whose election, according to Abdullin, was invalid, because many male villagers were absent from mahalla, and in their place their wives, who “did not have the right of voting”, took part in the elections. At the end of his petition, imam Abdullin requested that the Kazan governorship reject this communal decision and imam Sagdeev was fired from his job.

The reason for such violations is partially explained by Alexander Kobzev, who has suggested that in the second half of the nineteenth and early twentieth centuries, as a result of the abolition of serfdom and emancipation of peasants, there was an increase in the mobility and

---

26 Khatyp or imam-khatyp — a religious title of an imam responsible for conducting the Friday prayer.
27 NART, F. 2, op. 2, d. 7243, ll. 2, 2 ob., 3.
28 “Ob opredelenii Magometanskikh dukhovnykh chinov vedmstva OMDS v prikhodskie dolzhnosti”, Svod zakonov, article 1431, 1837 (N. 10594).
29 NART, F. 2, op. 2, d. 8185, l. 18.
economic activity of the rural population, with men often leaving their families to earn money outside their villages. Sometimes they left to work for prolonged periods of time, as a result of which they could not take part in village conventions including the election of imams.\(^{30}\) At certain times, the only opportunity for the village convention to gather the necessary number of males was at harvest time and around religious holidays. In some cases, the absent heads of households sent written notes of consent to the decision of the convention in order to meet the two-thirds quorum requirement. Other Muslims delegated their right to vote to other members of the mahalla who remained in the village. Besides, before leaving the mahalla for temporary work, men left their relatives or neighbors notes about their agreement with the decision of village convention to be submitted to the police official.\(^{31}\)

However, such “invalid” communal decisions were compiled more often than not for other reasons, such as the refusal of the mahalla’s imam that Muslims elect the second imam to the same community. Thus, for example, licensed imam Ahmät Safa Fähretdinov complained in his petition to Kazan governorship about such an “invalid” communal decision, which was compiled by a “much smaller number of community members than required by law”. He explained this by the fact that Mohamätşakir Abrarov, who decided to become the second imam in their mahalla, found community supporters for this cause who in collaboration with the village head called for a meeting to elect him as an imam. Meanwhile, because they did not have enough people to approve the communal decision, they decided to compensate for the missing

---

\(^{30}\) This is not only a practice in Muslim villages but a phenomenon in all the Russian Empire. Both the issue of leaving the village and the institution of sel’skii skhod show the integration of Muslim villages to the general social and administrative structure of the Russian Empire. Therefore, the process of economic and political modernization has inroads to the communal life of Muslim villages.

\(^{31}\) Kobzev “Upravlenie musul’manskoj obsshiny…,” pp. 136-137. See more on sel’skii skhod in this article.
voices with people who did not wish him to be elected, with others against their will, and with the homeless. This communal decision, without being checked, was sent for approval to the gubernatorial administration.\footnote{NART, F. 2, op. 2, d. 1933, ll. 1, 1 ob., 2.}

This case is one of the numerous examples in which a Muslim community wanted to elect a second imam to a mosque. As the Muslim population grew, it was getting more common for mahallas to appoint a second imam. Usually a village had one mosque and one imam, but it became a more common practice when villages split into two or more mahallas (I came across one example of a village with five mahallas), or people requested the construction of new mosques, which also required the election of new imams. Simple mosques (piativremennye – for five daily prayers) were becoming Friday mosques (sobornyе – for the congregational Friday prayer in addition to daily prayers), which legally allowed having two imams and a muazzin.\footnote{For detailed analysis about renaming simple mosques to Friday mosques see Il’dus K. Zagidullin, Islamskie instituty v Rossiiskoi imperii, pp. 140-155.} In this way, the election of the second imam as well as the increase in the number of imam-khatyps was becoming a widespread procedure.\footnote{The categorization of mosques into simple and Friday mosques was crucial for the government. The Friday mosque was like a remote speaker for the government. The Friday prayer had two important functions for the state. During Russian holidays, imam-khatyp had the responsibility to pronounce prayers for the health of the Emperor and his family. Secondly, after the Friday prayer, imam-khatyp was to read aloud state decrees to Muslims. Mentioning the Muslim caliph during the sermon or the khutba might cost the imam his post. Therefore, the state was reminding the sovereign of the realm through the pulpit of the Friday mosque. The sermons at Orthodox churches and at other religious institutions had similar functions. See: Gregory Freeze, The Russian Levites, p. 153.}

The growth of mahallas and their division in the second half of the nineteenth century had another impact within the communities, resulting in particular in an increasing number of
conflicts over the election of new imams. As a solution to this problem, state authorities required that the mahalla community clearly stated in communal decisions to which position they were electing a new imam. Russian laws defined several titles of parish ulama (prikhodskoe dukhovenstvo): (imam-) khatyp, imam, muazzin, as well as muderris and muallim.

According to the law on the functioning of mosques, imams were attached to particular mosques: at a Friday mosque there could be a khatyp, imam and muazzin, while a simple mosque could have only an imam and muazzin. Both khatyp and imam were the titles of ulama attached to a parish mosque. Different from an imam, a khatyp was responsible for giving the sermon (khutba) and leading the Friday prayer, as well as holiday prayers at Eid al-Adha and Eid al-Fitr. This differentiation also created a natural hierarchy between the imams of one mosque. One of them would be called the senior imam and the other the junior. Other than that, they would

35 I will explain the increase in the number of mahallas and imams, conflicts associated with them and the debate on this problem among Muslims in Chapter III.
36 The parish clergy was a category of clerics attached to a parish/mosque, and different from higher clergy (vysshee dukhovenstvo) – Muftis, qadis and akhunds. Akhunds were Islamic legal experts in the Volga-Ural region.
37 Article 1416, Svod zakonov RI, V. 11, Part 1, 1896.
38 In this case the Russian authorities combined two positions associated with a mosque into one, again showing the effect of Russian administrative change. In Central Asia, the imam and khatyp were separate positions. I thank Allen Frank for drawing my attention to this point.
39 Regarding hierarchy, all Muslim clergy were divided into the higher clergy (muftis and qadis) and lower clergy (attached to a mosque: khatyps, imams and muazzins), Farkhshatov, “Musul’manskoe dukhovenstvo”p, 68. Denisov offers us a description of a more detailed hierarchy starting from the lowest: muazzin and muallim-sabyan (a teacher of primary school), muazzin and muallim (a teacher of secondary school), muazzin who has the right to perform the duties of an imam in his absence who is is also either muallim-sabyan or muallim, imam and muallim, imam-khatyp and muallim, imam-khatyp and muderris. Denis Denisov, “Trebovaniia k kandidatam na musul’manskie dukhovnye dolzhnosti v okruge Orenburgskogo magometanskogo dukhovnogo sobraniiia (konets XVIII - Nachalo XX Veka),” Vestnik Orenburgskogo gosudarstvennogo universiteta no. 5 (2012), pp. 142-147, here at p. 143. Zagidullin notes that starting from 1835 a clear gradation of Muslim clerical ranks was established: khatyps, imams, muazzins. With such categorization, a hierarchy between imam-khatyp and imam was also established. The law of December 9, 1835 “On appointing imams to mosques” began to
have to perform other religious services on an equal footing. *Muazzin*, or *azanchi*, was also a title of a member of the parish *ulama* (*prihodskoe dukhovenstvo*) and was responsible for providing the *azan* (call to prayer).\(^40\) Usually *imams* and *khatyps* also held the titles of *muderris* or *muallim*, meaning teachers of *madrasa* or *maktab* respectively.\(^41\)

Even the differentiation between different clerics at one mosque would not resolve problems in the appointment of second *imams*. The Russian state, which was already involved by categorizing the clerics at the imperial level, then had to be involved at the local level because of the emergence of new problems. The new structure of religious administration and authority necessitated the state involvement. Thus, in one of the cases, brought to the attention of provincial authorities, a licensed *imam* İshaq Ğabdullin, in his third and fourth petitions, wrote:

> I serve as a licensed *imam* for forty-eight years. Recently my congregation drafted a communal decision for the appointment of a second *imam* who would serve as the senior *imam*, while leaving me as the junior. The head of township took part in the preparation of the communal decision. There were grave mistakes in the drafting of this communal decision: the names of some people were not correctly written; two males from one household, for example, a father and a son, were included as signatories; and people who were absent from the *mahalla* meeting were also included as if they attended. I request the annulment of the seniority clause of the newly appointed *imam* in this communal decision and the bestowment of the right to serve as the senior *imam* to me while leaving

\(^{40}\) For a more detailed account about *azanchi*, see Frank, *Muslim religious institutions*, pp. 146-151.

\(^{41}\) The term *muallim* underwent some transformation at the beginning of the twentieth century. Before approximately 1905 it was used to denote a teacher of *maktab*. Some candidates received a title of *imam* and *muallim* or *imam-khatyp* and *muallim*. These titles are mentioned by RGIA documents for 1856-1875. See in Zagidullin, *Islamskie instituty*…, p. 141. I have come across certificates issued by the OA to *imam-khatyp* and *muallim* dating 1905 and 1908, which suggests that after 1905 this title continued to have a traditional meaning. But it is also true that after 1905, the term *muallim* began to denote *Jadid* (Muslim reformist) teachers, who were not necessarily *imams*. They were called simply *muallim*. This term came to have a purely secular meaning in the early Soviet era, or even earlier. I will describe and analyze the duties of different *imams* within *mahalla* in the next chapter.
him as the second *imam*. I also request an investigation on the matter of the invalid compilation of the communal decision.\(^{42}\)

Therefore, the election and ratification of a second *imam* could be protracted, as it would require the local police to make numerous investigations about what was going on in the community. Sometimes, police would be involved at every step in the community’s election disputes.

In the archives of the OA there are numerous cases of complaints about the election process. By the beginning of the twentieth century conflicts over who should be elected as *imam* or whether a candidate should be elected or not increased. We can see that animosities between *imams* sometimes divided communities. In some *mahallas*, *imams* resorted to other ways to ensure the support of the local population and this divided the members of the *mahalla*. In this way, members of the *mahalla* also began to send petitions in support of their candidate and blaming the other candidate for wrong behavior. It is possible to observe that the number of such complaints was increasing every year. I claim that this was also a transformation resulting from the involvement of the state institutions in the election process. It is probable that before the establishment of the OA and thus before the stricter control of *imams*’ appointment there were also conflicts within the Muslim community about any issue, including the election of *imams*. However, the community had to resolve the problem through its own means. After the establishment of the OA and involvement of local and central state authorities in the election

\(^{42}\) NART, F. 2, op. 2, d. 8185, ll. 26, 26 ob., 27. The literature tends to treat these conflicts in the framework of jadidist-qadimist controversy. This does not hold true for most of the cases. I thank Mustafa Tuna for drawing my attention to clarify this point. Indeed, none but one of the petitions that I took as examples in this dissertation were related with jadidist-qadimist rivalry. I have come across only a few cases that can fall under this rubric, and I did not take them as examples here, with the purpose to show that these conflicts had different roots and reasons. In fact, a small number of jadidist-qadimist conflicts only attest to the fact that it is extremely exaggerated in the literature. This is not to suggest that there was no conflict at all, though.
process of *imam*, any parishioner, a group of parishioners or *imams* would easily seek the assistance of outside authorities to resolve the case to their own benefit.\(^{43}\)

Several Bashkirs of the village of Al'keevo of the Buguruslansk district explained in their complaint that against the will of the rest of the *mahalla*, some Muslims from their *mahalla* elected a fellow villager, Ğarifullah Nadırşin as *imam*. Claiming that Nadırşin did not possess qualifications to fulfill the tasks of *imam*, they declared this election invalid. According to their complaint, Nadırşin had apparently bribed some of villagers over a long period of time.\(^{44}\) In a similar case, peasants of the village of Urazbahtino of the Mamadyshskii district complained to *zemstvo* administration authorities that their *imam* Mohamätşaripv offered alcoholic drinks to his *mahalla* parishioners so that they would compile a communal decision designating him as the *khatyp* or the senior *imam* instead of the incumbent *khatyp* of their *mahalla*, Şahivaliev. According to the petitioners, *imam* Mohamätşaripv had twice tried to convince people by convening village convention, and when he could not achieve his aim he even compiled false petitions on behalf of the people, which allegedly stated that they did not want to see Şahivaliev as their *imam*. Parishioners stated that they did not want to have Mohamätşaripv as their *imam* because he never properly fulfilled his duties, was often absent from the *mahalla* and refused to give registry books to *imam* Şahivaliev.\(^{45}\)

The response of the OA to both of these petitions is quite telling. It actually refused to consider these petitions, stating that they were not within the jurisdiction of the OA, which could consider only religious matters and certain cases concerning family and property issues.

\(^{43}\) Contemporary were also aware of this negative transformation and discussed its impact on the ethical integrity of the society and I will turn to this discussion in the next chapter on the functioning of *mahalla*.

\(^{44}\) TsGIA RB (Central State Historical Archive of the Republic of Bashkortostan), F. 295, op. 2, d. 272, Journal entry of March 20, 1904.

\(^{45}\) TsGIA RB, F. 295, op. 2, d. 252; Journal entry of September 6, 1900.
Moreover, the OA did not perceive the accusations in these petitions as being in conflict with the religious duties of an imam and therefore redirected them to provincial authorities.\textsuperscript{46} The problem raised in the petitions, which the OA did not consider to be infringing on the integrity of an imam, however, found resonance in the Muslim press. In an anonymous letter to the journal Şura, someone signing as “Sheykh” wrote:

This is how an imam is elected in our region: A person who wants to be elected as imam treats the influential people of the congregation to fermented beverages. He also gives to some of them a pound of tea and five puds\textsuperscript{47} of flour. After that, a date for the election of the imam is designated and the meeting is held. On the day of that election the candidates are anxious. The village head would inform the people at the gathering that an imam would be elected and asks about their preference… It is not unusual that there would be several candidates and the people would divide among each other and fight over the candidates and finally leave aside the election of the imam and demand the reelection of the village head instead.\textsuperscript{48}

As conflicts increased within the communities, new laws appeared to regulate the underlying issues. For example, the written consent of the first and the second imams for their respective positions was added as a requirement for the appointment of a second imam, although it is not clear when this requirement was introduced as a part of the package of documents prepared to be submitted to provincial authorities. In order to become an imam, the documentation compiled by the candidate to the position of parish clerics now had to include, among others, two kinds of notes. In the first one, the active imam had to express his agreement to provide the newly elected imam with the rank and duty of imam, while he himself would

\textsuperscript{46} TsGIA RB, F. 295, op. 2, d. 252; ibid.
\textsuperscript{47} Pud is approximately 36 pounds. The information given in this source might have been an exaggeration. Distributing 170 pounds of flour per person to several people could not be within the reach of a mulla.
\textsuperscript{48} “Awillarda mulla saylau”, Şura, no. 20 (1915), p. 622.
remain in the duty of khatyp. In the second note, the newly elected imam was to express his consent to be “the second” imam.49

The reason for imams’ resentment about the election of an additional imam in their mahallas was, in the end, largely financial. The last important aspect of a communal decision was that it had to include the statement about the commitment of the parishioners to support their imams and the mosque. As we would see, this would be another blow on the natural ties between the members of the congregation and the imams.

**Financial situation of the ulama**

The financial support of an imam had always been borne by the mahalla, but in the nineteenth century this responsibility was affirmed by state legislation.50 According to the regulation, in order to receive permission to open a new mosque or to have an imam assigned to their mahalla Muslims had to agree that they would be responsible for sustaining the mosque and the imam. I suggest that instead of bringing a certain order to the Muslim community, the new

---

49 See example in NART, F. 2, op. 2, d. 7243.
50 RGIA, F. 821, op. 150, d. 404, l. 38. For the financial situation of Muslim mahallas and of the ulama see Frank, ibid., pp. 134-137; Denis Denisov “Vakufy na territorii Orenburgskogo kraia” and Ol’ga Seniutkina “ Formy soderzhaniaa musul’manskogo dukhovenstva, mechetei i konfessional’nykh shkol na Nizhegorodchine,” in Il’dus Zagidullin (ed.), Istochniki suschestvovaniia islamskikh institutov v Rossiiskoi imperii (Kazan: Institut istorii, 2009); Azamatov, Orenburgskoe magometanskoe dushkovnoe sobranie, pp. 104-110; Marsil’ Farkhshatov “Musul’manskoe dushkovostvo”, pp. 70-71; Radik Salikhov, Tatarskaia burzhuaziia Kazani i natsional’nye reform vtoroi poloviny 19 – nachala 20 veka (Kazan: Master Line, 2000); Norhiro Naganawa “Molding the Muslim Community through the Tsarist Administration: Mahalla under the Jurisdiction of the Orenburg Mohammedan Spiritual Assembly after 1905”, *Acta Slavica Iaponica*, vol. 23 (2006), pp. 101-123; Stéphane Dudoignon “Status, Strategies and Discourses of a Muslim “Clergy” under a Christian Law: Polemics about the Collection of the Zakat in Late Imperial Russia” in Stéphane A. Dudoignon and Komatsu Hisao (eds.), Islam and Politics in Russian and Central Asia (early eighteenth to late twentieth centuries) (London and New York: Kegan Paul, 2001), pp. 43-73; Kobzev “Upravlenie Musulmanskoi obschiny Srednego Povolzh’ia…,” ibid.
regulation actually resulted in the community’s confusion over this issue. The regulation did not set a range for financial support nor did it describe the means of support. While the state made the declaration of support mandatory, the actual funding of an imam remained voluntary, and this led to conflicts in the Muslim community. Although the regulations did not bring any change to the traditional sources of income for imams, combined with other outside regulations affecting imamship, this regulation further drew a wedge between imams and the community. The idea that imams, being the Muslim equivalent of Orthodox clergy, should benefit from the subsidies and privileges provided to the Orthodox clergymen became a popular demand among the ulama.\(^{51}\) It would be only realized during the Soviet period in the 1920s.\(^{52}\)

Research on how the Volga-Ural ulama supported themselves suggests that the Muslim clergy cannot be considered a single category in terms of their income.\(^{53}\) Their level of income varied widely. One segment of the ulama was wealthy, possessing herds of horses, large agricultural fields, and other property. The majority, according to Azamatov, belonged to a group that earned a mid-level income. In rural territories, where the majority of the Muslim population lived, religious scholars received ushr, one tenth of the harvest, from mahalla members. While these alms usually went to the support of the poor and needy, in Bashkiria (and in the Volga-Ural region as a whole), it was transformed into a donation to be given to imams and muazzins.\(^{54}\) Since zakat is obligatory on all Muslims who possess over a certain amount of wealth, it seemed to be a more stable source of income for ulama and would be a hotly debated issue at the

---

51 In fact the financial situation of the Orthodox clergymen was not any better than that of the ulama. However, as a governmentally defined estate, the clergymen enjoyed certain privileges and the Synod tried to implement several reforms to improve the financial situation of clergy with unsatisfactory results. Gregory Freeze, *The Parish Clergy in Nineteenth Century Russia: Crisis, Reform, Counter-Reform* (Princeton: Princeton University Press, 1983), pp. 51-101.
52 Zarif Mozaffari, *İşannar – dârvişlär* (Kazan: Yanalif, 1931), p. 120.
54 Azamatov, *Orenburgskoe magometanskoie dukhovnoe sobranie*, p. 106.
beginning of the twentieth century. Farkhshatov claims that, among Russian Muslims, with time 
*zakat* was almost exclusively used to support the *imams*.\(^55\) As Azamatov suggests, this practice 
was officially supported and approved by the OA. Mufti Abdulwahid Suleymanov noted in 1842 
that *imams* and *muazzins*, who did not receive state salary, “should be counted as poor and 
needy.”\(^56\) In his explanation to the head of the Seventh Bashkir *kanton*, the OA reiterated that “it 
is not prohibited to voluntarily give *zakat* to the ordinary poor; however, the parish clergy 
(*dukhovnye litsa*) should be preferred even if the latter had income but did not get paid by the 
state”.\(^57\)

Ethnographic sources about the *ulama* show that the well-being of the Volga-Ural *ulama* 
depended exclusively on the charity of parishioners, and that they did not have any stable 
income. The members of the *mahalla* gave any amount that they found appropriate for the 
religious rites that the *imam* performed. Therefore, the financial status of the *imams* depended 
entirely on the prosperity and generosity of the people of his congregation, which usually made 
him dependent on the wealthy, who provided the bigger portion of an *imam*’s income.\(^58\)

Indeed, the majority of the *ulama* did not earn a stable income from their parishioners. 
Thus, for example, in the Orenburg district, out of 185 clerics only thirty-seven were given a 
fixed income by the *mahalla* inhabitants.\(^59\) In the second half of the nineteenth century, some 
Muslim *mahallas* made it a practice to determine a fixed salary and gave a plot of land, and even 
a house, to support their *imam*. In addition to ‘*ushr*, *imams* received from their parishioners some

\(^55\) Farkhshatov “*Musul’manskoe dukhovenstvo*” p. 70.
\(^56\) TsGIA RB, F. 295, op. 2, d. 20, Journal entry of September 15, 1842; also cited in Azamatov, 
*Orenburgskoe magometanskoj dukhovnoe sobranie*, p. 106.
\(^57\) TsGIA RB, F. 295, op. 2, d. 61, Journal entry of August 11, 1853; also cited in Azamatov, 
*Orenburgskoe magometanskoj dukhovnoe sobranie*, p. 106.
\(^58\) Sh. Akhmerov “Kazanskoe musul’manstvo,” *Gorodskoi i sel’skii uchitel*’ (Kazan, 1897), p. 78.
\(^59\) TsGIA RB, F. 295, op. 8, d. 151, ll. 1-12, also cited in Azamatov, p. 106.
donations for the performance of different religious rites, such as reciting prayers over a newborn baby, performing marriage, leading funeral ceremonies, and performing the rituals on the seventh and fortieth days after a person was deceased. The amount of such donations differed greatly. *Imams* received substantial amounts of donations during the Muslim religious holidays of *Eid al-Adha* and *Eid al-Fitr*.60

Despite the existence of these types of donations, a considerable part of the *ulama* had financial difficulties. Overall, the *ulama* had to pay taxes at a level equal to all other Muslims.61 Since many Muslim villages were very poor and donations were usually tiny, many of the *ulama* worked as any other peasant of their village and earned additional income by different means, including agricultural work and small trade and cattle breeding to support their families. However, there were obstacles emanating both from the state and from Muslim communities that made the involvement of *imams* in trade and agriculture difficult. In 1826, the state prohibited the *ulama* from engaging in trade.62 Despite these prohibitions, *imams* tried to circumvent the law, a practice that the OA tacitly ignored or even encouraged. In particular, the OA sent *mullas* to trade fairs to perform religious services for Muslims during these events63; the *mullas* so

61 *Svod zakonov*, article 1419, vol. 11, part 1.  
62 *Svod zakonov*, vol. 11, part 1, p. 224. It seems that this law was later revised to the benefit of the *ulama* who were allowed to occupy themselves with trade. Upon the request of *imam* of Kazan governorship Ğataulla Sungatullin to clarify if parish *ulama* had right to be involved in trade and industry or they were legally prohibited, the OA issued a circular that the *ulama* were not precluded from these activities on the condition that they properly performed their duties of religious clerics and did not violate those duties for which they were legally responsible on the basis as stated in article 1424 of Volume XI, part I. *Sbornik tsirkuliarov i inykh rukovodiashchikh rasporiazhenii po okrugu Orenburgskogo magometanskogo dkhovnogo sobraniiia, 1836-1903* (Kazan:Iman, 2004), p. 154.  
dispatched would also be involved in trade on the side.\textsuperscript{64} We also learn from Rizaeddin Fahreddin’s \textit{Ãsr} that some of the \textit{ulama} were involved in trade through proxies.\textsuperscript{65} Sometimes Muslim parishioners complained about their \textit{imams} when they were involved in trade activities and ignored their religious responsibilities.\textsuperscript{66}

As mentioned above, licensed religious scholars were not exempted from taxes. The law stated that Muslim clerical \textit{chins} were subject to taxes, according to the \textit{soslovie} to which they belonged, but \textit{mahalla} communities, according to their voluntary agreements, could free their \textit{ulama} from taxation by assuming this responsibility on their behalf.\textsuperscript{67} It seems, however, that such cases were rare and most of the \textit{ulama} did have to pay taxes. Thus, when the state introduced a new tax in 1905, a group of \textit{ulama} from Burziansk township of the Orsk district filed a collective petition requesting exemption from this tax. They reported that upon the ruling of the head of the \textit{zemstvo} and the taxation official, they were made responsible to pay a tax in the current year on livestock, which they had never paid previously. They complained that the soil in their region was unproductive, the population was very poor, the rich were not generous with donations, and there were no rich people at all who would give zakat. Mullahs therefore did not receive any income neither from the state, nor from the people, as a result of which their only means of sustenance was cattle breeding. They requested that state authorities take measures to protect the \textit{ulama} and exempt them from this tax; otherwise, they simply could not survive.\textsuperscript{68}

The situation was also difficult for the \textit{ulama} whose \textit{mahallas} consisted of several villages situated at a long distance from each other. In such Muslim congregations, an \textit{imam} was

\begin{footnotesize}
\begin{itemize}
\item[\textsuperscript{64}] Azamatov, \textit{Orenburgskoe Magometanskoe Dukhovnoe Sobranie} p. 112.
\item[\textsuperscript{65}] Fahreddin, \textit{Ãsr} (in passim).
\item[\textsuperscript{66}] TsGIA RB, F. 295, op. 2, d. 278, Journal entry of September 2, 1905.
\item[\textsuperscript{67}] Article 1419 (of 1826), \textit{Svod Zakonov RI}, V. 11, Part 1, issued in 1896; Kobzev, ibid., p. 145.
\item[\textsuperscript{68}] TsGIA RB, F. 295, op. 2, d. 276, Journal entry of June 30, 1905.
\end{itemize}
\end{footnotesize}
responsible for travelling among the villages in order to perform religious rites for the people. Neither state authorities nor OA officials provided the ulama with funds to cover travel expenses. Archives preserve petitions in which the ulama asked for reimbursement of these expenses. In one of these, the imam of the village of Kishlovo in the Tomsk district Säfärğali, Niğmätullin Abdräşitov, wrote that his mahalla consisted of nine villages, which were quite populous, and far away from each other. He inquired in his letter whether the inhabitants of his mahalla could cover these expenses either by providing horses or by a fixed allowance. He also asked whether he could himself ask each person to give him about 20 or 25 kopecks, for these expenses, or whether such a salary could be provided by local or central state authorities. The OA ruled out such compulsory collection from the mahalla inhabitants, but wrote to the imam that he could ask the consent of the villagers to pay for such expenses or provide him with a horse when he needed to travel.

Mullas did not only ask for subsidies for travel (komandirovochnye) to other villages in a mahalla to perform religious rites. Sometimes, the OA could assign an imam or, more typically an akhund, to travel to another village or even city to investigate a personal-status legal case, usually a divorce. Thus, the imam of the village of Latyshevko of Penzenskaia province Salih Musin Kuramşin applied directly to the Ministry of Internal Affairs to request the return of money in the amount of forty-five rubles that he had spent for travelling from his mahalla to the city of Rostov to fulfill an instruction from the OA to investigate a divorce case. Imam Kuramşin in his letter explained that his mahalla was very poor and in order to be able to travel to the city of Rostov he had to borrow some money because he did not have his own savings. Initially he

---

69 A kopeck is one hundredth of a ruble.
70 TsGIA RB, F. 295, op. 11, d. 866, 1910.
asked the OA to reimburse him from the funds collected from the “marriage tax”\textsuperscript{71}. When the Assembly officials replied that the OA did not have money either, he decided to ask for it from the Ministry of Internal Affairs.\textsuperscript{72}

In the nineteenth century, peasants increasingly complained to the OA that their imams requested excessive amounts of money for performing their religious rites.\textsuperscript{73} Thus, in 1906, after the complaint of peasants of Zirganovsk Friday mosque in Spassk district against their imam, Inayatulla Burakanov, seventy-nine peasants of this mahalla claimed during the police investigation that:

…Our imam acts very rudely toward our people, insulting parishioners and provoking conflicts leading to court litigations. For performing religious rites he requests excessive fees. For example, to perform a marriage ceremony he asks for five-six rubles and four-five rubles to prepare copies of registries. If someone does not pay him the required money, he does not perform the rites at all, nor does he provide a metrical certificate. He does not share his income with the second imam and muazzin and makes people pay them separately. Our second imam cannot provide us with copies of metrical entries because imam Burakanov keeps the registry books himself and does not give them to the second imam.\textsuperscript{74}

On the other hand, imams and muazzins also complained to the OA about their miserable financial situation and about the failure of their parishioners to support them. In order to solve this problem, the local imperial authorities issued circulars insisting that the Muslim population provide decent support for their imams on the request of the OA.\textsuperscript{75} At the same time, despite

\textsuperscript{71} Muslims had to pay a certain fee to the OA upon the performance of marriage. The imam who performed the marriage ceremony collected this fee.

\textsuperscript{72} TsGIA RB, F. 295, op. 2, d. 280, Journal entry of February 28, 1906.

\textsuperscript{73} This issue was also discussed in the Muslim press at the beginning of the twentieth century. Thus, a Muslim wrote in a newspaper that imams started arbitrarily to charge fees for religious rites. “Ber mähälläa ike imam arasında gadavät bulunn sääbläre [The reasons for conflicts between two imams in one mahalla],” Mäğlümät, no. 19 (1916), pp. 9-11.

\textsuperscript{74} TsGIA RB, F. 295, op. 2, d. 282, Journal entry of February 4, 1907.

\textsuperscript{75} Azamatov, Orenburgskoe magometanskoe dukhovnoe sobranie, p. 107.
these circulars as well as the existence of state law, OA officials often replied that it was the will of laypeople whether or not to give money to an imam for performing religious rites.

The problems were exacerbated in mahallas that had two licensed mullas. According to the state laws, when there were two imams in a mahalla, they had to equally share the income accrued from the performance of religious rites. However, this was easier said than done. This issue led to a flood of petitions with similar content. In one such complaint, received by zemstvo officials and later sent for the consideration of the OA, the imam of the village of Staro-Mutabashevo of the Birsk district, Mohamätzakir Mohamätmurtazin, reported that his parishioners elected mulla Mohamätğata Safin as his assistant, who, despite not being confirmed in his post, had already begun to perform the duties of imam during the month of Ramadan. In his words, imam Safin “collected from my parishioners donations (pozhetvovaniia) that I was entitled to collect, the amount of which should be ten kopecks from a person, and during the Eid al-Adha collected animal skins, of the amount equal to mine, which the people brought as sacrifice.” He continued that, in earlier times, before the appointment of Safin as imam, he (Mohamätzakir) collected about fifteen rubles during these religious festivals, while at this stage he could only have four rubles. Therefore, he requested the annulment of the appointment of the second imam, or, alternatively, asked for the settlement of a fixed salary for himself. From the report of the village head (regarding the discussion of this issue in the village convention), we can see that the mahalla’s population did not agree to set a fixed salary to either of the two imams, and that according to an established practice, they wished to continue giving one-tenth of

---

76 On two imams competing for income in a mahalla, see Robert Crews, For Prophet and Tsar, pp. 122-123.
the harvest; they also mentioned that donations of money and sheepskins were voluntary and the 
imam could not ask for them.\footnote{TsGIA RB, F. 295, op. 2, d. 279, Journal entry of November 9, 1905.}

The confusion within communities rose to such a level that \textit{imams} started to ask the opinion of the OA about this issue. Thus, \textit{imam} Mohamätgatin reported to higher Muslim officials at the Assembly that very often in the Muslim community one could witness animosity and enmity and this was “because of the ignorance of people of the rules and regulations.” In his words, people often “accused \textit{mullas} of being thieves.” Finding this utterly disrespectful, he asked the OA’s opinion on the following issues: whether \textit{imams} should receive donations for giving a name to a newborn baby and, if so, what amount; whether they should receive money for performing funerals and, if so, what amount; if a Muslim does not give \textit{sadaka} (alms) to a \textit{imam}, which is usually given when he says prayers after a person dies, should he request it himself; how much money should one pay an \textit{imam} for performing \textit{nikah}, or whether he should be given any at all; and, finally, whether \textit{muazzins} should receive part of the money given to an \textit{imam}. The OA replied that it was the will of Muslim laypeople whether to give any amount of alms to a \textit{mulla}. Forceful requests for alms, in its turn, were prohibited according to \textit{shari’a}.\footnote{TsGIA RB, F. 29, op. 2, d. 275, Journal entry of May 13, 1905.} The question of payment to a \textit{mulla} for his performance of religious services became a public issue at the beginning of the twentieth century. Since the issue was never resolved, \textit{mullas} kept asking the OA about it. At this point, it began to be publicly discussed on the pages of the Muslim press.
The conflicts about the presence of two imams in a mahalla and the financial problems resulting from it already reached the highest judiciary organ in Russia. In 1887 the Governing Senate in St. Petersburg revised several cases describing the problem and attempted to solve the issue of the existence of two imams in one mahalla. It tried to draw the attention of both the OA and local imperial officials to the process of electing the second imam to a mahalla. In response to a case that was brought to its consideration, the Governing Senate noted that the law distinguished between the election of Muslim clerics for already-existing positions at existing mosques and the election to positions that were newly created. The Senate stated that in the latter case, the OA and province administrations had to take part in this process and, in particular, they had to observe whether there was a real need to appoint new clerics. Similar rules were found in the laws on the construction of new mosques in the Statute for Construction (Stroitel’nyi Ustav) of 1886, according to which new mosques could be constructed only after the necessary affirmation and proof of the necessity of building it, the availability of funds for their decent maintenance, and after the mahalla community properly stated in its petition its desire to provide the means for maintaining both the mosque and the necessary clerical staff.

The cases in which provincial authorities or the OA prohibited the appointment of second imams to a mosque constitute rare exceptions, such as the following case in which the OA decided to postpone the appointment of a second imam for reasons of financial difficulty in the mahalla. In 1905, Cherimskii province administration instructed the OA not to allow the Muslim congregation of the village of Chestiumovo of Belebeisk district to appoint a second imam. The

---

79 Governing Senate was established by Peter I as the highest supervisory organ for the whole administration of the empire, but in the nineteenth century it became the highest court of appeal with several departments. See: Anatole Leroy-Beaulieu, The Empire of the Tsars and the Russians (translated from 1902-1905 editions) (New York, AMS Press 1969), p. 71.
80 Article 1205 and amendments to it, Svod zakonov Ustava DDDII, V. 11, Part 1; articles 260 and 261 of Ustav Stroitel’nyi; RGIA, F. 821, op. 150, d. 404, ll. 38-41.
head of zemstvo, who received a package of documents for the appointment of the second imam, reported to the governorship that the mahalla of the village of Chestiumovo was small and one imam could comfortably fulfill his duties. He also wrote that the economic situation of its inhabitants had become so dire that even the 1904 harvest could not improve the situation; debts on food and other loans had reached 7,000 rubles. Taking these facts into consideration, and also noting that the community still needed to pay taxes, the Ufa governorship asked the OA whether it considered the appointment of the second imam to this mahalla necessary. The OA decided to postpone appointment of the second imam until the economic situation of mahalla inhabitants improved.81

Rather than real poverty, the reasons for petitions stating the inability of mahalla to sustain a new imam was often simply the reluctance of the existing imam to share his income. Thus, in 1903 imam-khatyp of the village of Amirovo of Karagushesvk township in the Sterlitamaskii district, Abdulhalaf Mohamätğaniev, wrote that their mahalla clergy consisted of him, a khatyp, and a muazzin, and that the mahalla was very poor and in no condition to financially sustain “the full complex of clerical staff” (i.e., two imams and a muazzin). Meanwhile, his fellow Muslims elected a second imam and sent a communal decision to the OA. Mohamätğaniev requested that the newly elected Kotbutdinov not be approved as imam. Upon the request of the OA to conduct an investigation, the head of Sterlitamak zemstvo administration informed the OA that the inhabitants of the mahalla could, in fact, provide for the maintenance of both imams reasonably well, as a result of which the OA rejected the complaint of imam Mohamätğaniev without any further consideration.82

81 TsGIA RB, F. 295, op. 2, d. 275, Journal entry of July 7, 1905.
82 TsGIA RB, F. 295, op. 2, d. 272, Journal entry of March 30, 1904.
Debating the financial problem

Securing financial stability remained one of the major problems of the *ulama* until the end of the empire. In the pages of the Muslim press, and during the Muslim congresses of 1905-1917, the issue was discussed incessantly. The existing dynamic between *imams* and their communities in the villages as well as in the cities was considered to be detrimental for the prestige of the *imams*. According to an *imam*, writing on the financial problems of the *ulama* in *Mâğlûmat* newspaper, published by the OA, a *mahalla* designated certain amounts to be collected from several members of the *mahalla*. However, it was up to the *imam* to collect the designated amount. As it can be expected, not everyone would provide the amount he was supposed to give, or would not give it on time. However, since the *mahalla* or any other institution did not control the collection of money, many would believe that the *imam* was well sustained, since he was supposed to get money from all the others, and his complaints about being poor was either due to his greed or his inability to control his budget. These perceptions as well as the dependency status of the *imam* on the members of the *mahalla* did not contribute to his standing. Whenever *imams* sought other ways to supplement their income, this would also invite the criticism of *mahalla* members, who thought that their *imam* was occupied with trade, for example, and could not fulfill his religious obligations. While imperial institutions did not assure that *imams* were getting their designated allowances, they would investigate upon the complaints of the *mahalla* members about *imam*’s worldly dealings instead of fulfilling religious obligations.83 Eventually the imams were humiliating themselves and their office and this was having a negative impact on the functioning of *shari‘a* in the community. Therefore, there was a

consensus among the Muslim elite of the Volga-Ural region on the necessity to resolve the financial problems of imams.

In 1910 Mâğlümat announced that there would be a special convention of ulama to discuss the religious affairs and the problems of the Muslim clergy. The newspaper invited interested parties to discuss the issues that should be considered at the convention. The proposals of all respondents always started with the issue of securing income for the imams. Other issues were also related to the matters of conflict which I will discuss in Chapter III: clear definition of an imam’s tasks, prevention of opening new mahallas when the community could not support more than one mosque, resolving the problem of the existence of two imams at one mosque, and the reformation of maktabs and madrasas.84

Apparently this situation could not be resolved at any convention or gathering and it constantly re-emerged in open-forum discussions on Muslim clergy. One of such popular discussions started upon an article of an akhund that was published in Şura, in 1913. The akhund regretted that promising students at the madrasas did not prefer anymore to be imams, and competent imams were not sending their children to madrasas but instead encouraging them to pursue secular education and jobs. He presented financial insecurity as the main reason for this situation. Şura opened its pages to the opinion of imams, merchants, teachers, and others from all over the Russian Empire on the reasons for the degrading status of imams within the Muslim

community in several issues during 1914. The most cited reason was again the financial dynamic between parishioners and imams.\(^{85}\)

While there were many proponents of assigning a fixed salary for imams, it was not realized during the imperial times. Definitely the OA did not have the financial capacity to do that, and the state was not interested in providing for the clergy of non-Orthodox religions. More important than these, however, was the reaction of some ulama. They were aware that assigning a fixed salary, whether it comes from the state or collected somehow forcefully from the population, would do more harm to the status of the ulama in the society. Imam Ilhanov, who joined the discussion on the financial difficulties of imams in the pages of Mâğlümat in 1910, recounted that the issue was also discussed in the pages of Waqt and Nur newspapers and the idea that the government should fund the imams was not seen appropriate. The reason for this was that if the government would provide a salary for the ulama, it would demand to appoint them directly without asking the opinion of the mahalla, and this would completely estrange imams from the mahalla. Ilhanov suggested that the imams had to sign a contract with the mahalla upon his appointment and have a formal relationship in order to protect his influence within the mahalla rather than asking for alms and skins of the sacrificed animals.\(^{86}\)

As I have mentioned, the discussion continued into the Soviet times. One of the prominent figures of the reformist ulama, Ğalimjan Barudi (1857-1921), was against the assignment of fixed salaries, which was a demand of “young” mullas. According to him, an imam had to build his status within his community through his dedication to the practice of religion and to the education of children as well as by setting a good example in all aspects of life. Imams that lived according to this ideal, Barudi claimed, had never had financial problems because the

\(^{85}\) “Mullaliktan künel suinu và anûn sääbäpläre,” Şûra, no. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 (1914).
people willingly contributed to his income, while he supplemented it by some agricultural or other type of works. Barudi stated that if a fixed salary would be imposed on people, they would either evade it perceiving as an additional burden, or would give in despise. According to Barudi, an imam had to be the religious and ethical leader of his community and set a perfect example for the people. A fixed salary provided by the community would be detrimental to the role of an imam.  

87

Until the end of the empire, the OA kept reminding the ulama about this natural relation regarding the funding of imams, but the demands for a fixed salary gained more popularity among ulama members, and securing income was an important reason for conflicts between imams and between an imam and his congregation. The turn of the century also brought conflicts between imams and the reformist intellectuals over meager sources of the communities. Imams were complaining about the tendency that the people were giving their zakat to charitable organizations, or to the new-method teachers (muallim) rather than to imams like they used to do.  

88

The exam at the Orenburg Assembly

After being elected by the mahalla community, the candidates for the position of imam had to travel to the OA to take an exam in Islamic sciences. As Charles Steinwedel noted, the examination of candidates at the OA was a top priority in Igelstorm’s project on the formation of

87 Ġalimcan Barudi, Hatıra Dâfi‘are, pp. 76-78.
88 “Afärin və Tahsin,” Din və Məğişät, no. 48 (1911), p. 757; For the conflicts between ulama and Jadids, see Dudoignon “Status, Strategies and Discourses of a Muslim “Clergy”; for the new role of parish councils as supervisors of the mahalla economy see Norihiro Naganawa “Molding the Muslim Community…”
the OA and belonged among its most important functions throughout its existence.\textsuperscript{89} Procedurally, a candidate had to first submit a file of required documents to the local imperial officials to be sent to the provincial administration. If he did not have a certificate from the OA by that time, the governorship suggested that the OA examine this candidate and send the result of the exam back to the gubernatorial administration with an accompanying explanation.

Together with the information about the exam, the OA had to inform the governorship about its opinion as to whether there was a real need for the appointment of the \textit{mulla} to that specific mosque and if there were any obstacles to his appointment. The OA certificate by itself did not allow a person to perform the duties of \textit{imam}. The text of the certificate stated that it (the certificate) “displaying his [the name of a person] knowledge [of the Muslim religion], does not grant him the right to perform religious services until his approval in his religious position by the provincial authority to the \textit{mahalla} which had elected him.”\textsuperscript{90}

The examination at the OA was a complete innovation to the structure of traditional transmission of Islamic knowledge. The authority to certify a \textit{mulla}’s erudition and piety belonged to his mentor in religious sciences and Sufi training. The validity of this traditional certification (\textit{ijaza}) depended on the prominence of the mentor; therefore it was a personal not an institutional certification. “One acquired scholarly credentials not by a diploma certifying a completed course of study, but by acquisition of a series of personal certification of “permission” to transmit and to teach specific texts and knowledge learned at the feet of particular scholars.”\textsuperscript{91}

This type of certification was heavily laden with moral qualification. Ability to teach certain texts did not only depend on the formal knowledge of those texts. The mentor would evaluate to

\textsuperscript{89} Steinwedel “How Bashkiria became a part of the Russian Empire”, p. 100.
\textsuperscript{90} For an example of such certificate see NART, F. 2, op.2, d. 7243.
what extent the pupil understood and internalized these treatises and how he improved his spiritual self after being exposed to them. *Ijaza* system did not disappear in the Volga-Ural region. However, *mullas* could not be appointed upon the “permission”, but they could get the state license without the “permission” of their mentors. The examination at the OA could only evaluate the formal knowledge, and this type of certification could easily be rigged, and *mullas* who were not morally competent to lead the community as *imam* could occupy this post.

In a report submitted to the Ministry of Internal Affairs in 1910 inspector Platonikov described in detail the required knowledge and a list of books necessary for the examination for each clerical position. *Muazzins* were tested first of all for their ability to call *azan*, for their knowledge to recite specific verses from the Qur’an and specific *dua* (prayer), for their knowledge of the religious calendar, religious rituals such as ablution, fasting, praying, and the rites about the burial. In addition to the examination subjects of *muazzins*, *imam-muallims* had to show their command of reading the Qur’an, rules of *shari’a*, the life of the Prophet, peculiarities of different *mazhabs* (legal schools of Islam), the logic of all obligatory rituals of Islam, rules and regulations about marriage and divorce, and the rules and regulations about the distribution of inheritance. The examination of *imam-khatyps* would cover all subjects of the examinations of *imam-muallims* and in addition to them the candidates’ detailed knowledge of specific treatises on Islamic law, principles of Islam, and the hadith of the Prophet would be tested.\(^92\)

However, according to memoirs of several *ulama*, newspaper articles on reform of the OA and on the reform proposals of muftiship and *imamship*, exams at the OA were arbitrary and not systematic. We do not have much information about how the exam took place, but from

\(^{92}\) RGIA F. 821, op. 133, d. 626, ll. 88-89, cited also in Denis Denisov, “Trebovaniia k kandidatam na musul’manskie dukhovnye dolzhnosti v okruge orenburgskogo magometanskogo dukhovnogo sobraniia (konet XVII – nachalo – XX veka),” *Vestnik orenburgskogo gosudarstvennogo universiteta*, no. 5 (141) (2012), pp. 142-147, here at pp. 142-143.
several sources we get the impression that the exam was far from being serious and fair and that the candidates simply bribed the OA members to pass. In his biographical account about Şihabeddin Mârjâni, Rizaeddin Fahreddin noted that Mârjâni was very upset about the prevalence of bribery and malevolence at the Assembly and tried to eradicate it for many years, albeit to no avail.  

An imam criticizing the examination system described the usual exam at the OA as such:

The qâdis and the mufti sit on high chairs and the shakird [the candidate for clerical post] sits on the ground. The qâdis ask a few simple questions from Mukhtasar-al wiqaya and want him to read a few verses from the Qur’an. The examination of muazzin is just as simple as that. Thus imams who cannot read the Qur’an and muazzins who cannot call the azan were appointed.

Ğâbdullah Bubi, a prominent reformist mulla and a founder of the renowned Ij-Bubi madrasa, gave another account about the rigged nature of the exams in his memoirs, describing how his father passed the exams at the OA:

… The qâdis of that time took a bribe for every license from those who wanted to obtain the position of imam or mudarris. Since our father was very poor, and also because of his trust in Mufti Selimgerey he did not give money to qâdis. Therefore, the qâdis did not assign him the rank of mudarris and gave him only the rank of imam and muallim. Had my father not known Mufti Selimgerey and had the Mufti not told the qâdis to examine our father, most probably the qâdis would have just sent him away. After Mufti Selimgerey’s acquaintance told the qâdis that the Mufti wanted them to examine this person, they grudgingly accepted it and said that, ‘if it pleases the Mufti we will examine him’. Our father was always upset when he spoke about this corrupt state of the Sobraniye [the OA].

---

93 Fahreddin, Āsar, vol. 3-4, p. 474.
94 Ubaydallah bin Mas‘ud bin Taj al-Shari‘ah Mahmud bin Sadr al-Shari‘ah Ahmad bin Jamal al-Din Bukhari is the author of Mukhtasar al-Wiqaya. It was a commentary on Burhaneddin Marginani’s Hedaya and includes information on ritual (ibadat) and practice (muamalat), and on the basis of Hanafi jurisprudence.
The Russian authorities were also aware of this problem. As early as 1852, Orenburg Governor I. M. Piatulov wrote in his report about the affairs of the province, that during the examinations the OA officials “take into account any aspect except the candidates’ knowledge in religious subjects.” He advised restoring order in examining the candidates for these positions. However, the Russian state was not interested in the correction of these procedures. The erudition of the imams was not their main concern. As I will describe in the following section, the political loyalty, conformity with the specified rules, and their ability to fulfill bureaucratic tasks were the qualifications that the Russian authorities cared about. The Orenburg governor Kryzhanovskii wrote in 1870 that Russian laws did not determine the requirements for the parish clergy in their religious knowledge. He acknowledged the inadequacy (nesostoiatel’nost’) of examinations and stated that they were only a formality devoid of any significance. He also mentioned that the state authorities hardly had any reason to care about the imams’ proper knowledge of the rules of their religion. According to him, the government had to be more interested in the Muslim clergy’s knowledge of the Russian language and imperial laws. Therefore, rather than considering the improvement of the examination of Muslim clergy the government had to consider its annulment, as “a useless and even harmful formality”.97

Kryzhanovskii wrote his report upon the project of Mufti Selimgerey Tevkelev on the reformation and improvement of the examination of Muslim clergy.98 Mufti Tevkelev suggested that every candidate had to bring a certificate from the maktab or madrasa from which he

97 RGIA, F. 821, op. 8, d. 611, l. 30.
graduated. To overcome arbitrariness at the exam, Tevkelev thought it would be useful to
determine the lists of religious books, which he compiled in an attachment to the document, that
would be required reading for each category of Muslim clergy (*khatyp*, *imams*, and *muazzins*).99
Considering the harsh response of the governor of Orenburg Kryzhanovskii, the project remained
on paper.100

As I have mentioned in Chapter I, a prominent member of the *ulama*, Şihabeddin Märjani
was trying to bring improvements in the functioning of the OA. He also considered the
examination system held by OA officials as needing reform. One aspect of his project submitted
to the OA concerned the exams. In the biography of Märjani, Şähär Şäräf wrote that Märjani
elaborated on the list of works necessary to receive the following posts: *muazzin*, *khatyp* and
*muallim*, *muderris*, and *akhund*. For the position of *akhund* he had a special criteria rather than
an additional list of books: *akhunds* were to be appointed from among *muderrises* those who are
distinguished for their piety (*dinlelek*), fairness (*gadellek*), consciousness (*an*), and
resourcefulness (*ijtihad*). He would be known by his expertise in *fatwa* books and his experience
in resolving cases according to *shari‘a*.101 Şähär Şäräf further noted that Märjani had raised this
problem already thirty or forty years ago, and despite the fact that hundreds or maybe thousands
of people talked about its necessity it was yet to be resolved [he writes in 1915]. “For some
reasons, this issue continues as it was used to be a hundred years ago; *khatyp* and *muderris* titles
are still given to people with a low level of knowledge; they still ask from those who would

100 Azamatov suggests that, despite Tevkelev’s attempts, there were no major changes and that in
1870, a special official, who was sent to check the work of the OA, wrote that high clerics of the
OA were taking bribes during the exams and suggested that the exam procedure be abolished
altogether.
become muderrises questions asked to primary school teachers (muallims), and unqualified people are still given the titles of imam and muderris”.

Thus, the issue of examinations kept to be debated until the end of the empire. At the time of the election of the next mufti after the death of Mufti Sultanov in 1915, both the progressivist and conservative newspapers wrote about the necessity to streamline and improve the examinations of the OA. The authors of the articles blamed incompetent qadis and muftis of the previous years for the inefficient functioning of the examination system or accused them of corruption and of not properly examining the candidates. While these might have been the main reasons for the problem, one should also take into consideration that the OA intentionally did not want to make the process of certification too difficult for the willing candidates. Those people coming to Ufa had to cover all the expenses for their travel and accommodation and many were coming from poor villages. In order to avoid additional problems for candidates, the OA created sub-categories of imamship, which required less knowledge. This was how a qadi explained different exams for imam-muallim and imam-khatyp when an imam requested that the OA gives the title of imam-khatyp to all imams that pass examinations at the OA.

Starting from 1916, the exam in the OA began to include knowledge on how to keep the civil registry books (metricheskie knigi). An imam was responsible for both performing religious rites for the inhabitants of his mahalla as well as keeping annual registries. However, there were always intentional or unintentional mistakes in the registries and the state authorities were never content with the bookkeeping practices of the imams. The OA kept issuing numerous

---

105 I will discuss the situation about the registry books in Chapter III.
circulars on how to keep the metrical books, without a positive result. As a result, it decided to make knowledge of bookkeeping a part of the certification exam for imams and muazzins. The candidates had to display knowledge in preserving the civil registry books, filling in the appropriate information and necessary aspects for registering the data. If an imam committed a mistake, he would thenceforth be accountable for it.\textsuperscript{106}

As can be seen from the introduction of this and other new regulations, by the end of the imperial regime to become an imam in the Russian Empire, neither madrasa education nor moral authority was enough anymore. The exam covered subjects that were not related to religious knowledge and Islamic sciences. Therefore, the Muslim community had to adapt to these changes. Realizing that madrasa education did not provide all the necessary knowledge for a candidate to obtain a state license, in 1915 akhund of the Second Friday mosque of the village of Kaltaevo in the Ufa district, Ğaniyatullah Ğizatullin, organized practical courses for the preparation of imams, with the permission of the Ufa governor. The courses were organized at a madrasa, with the purpose of “familiarizing the ulama and other people who want to be appointed to the clerical positions with the responsibilities charged by the OA to the people occupying these positions.” A year later, having attached a program for these courses, he wrote another petition to the governorship expressing his desire to continue with such courses in the following years. He asked permission to open these courses in the future with the right to issue certificates for its graduates.\textsuperscript{107} The program would be conducted in Tatar and Russian and would include general information on the upkeep of the metrical books and the preparation of copies of entries in civil registries, general education in jurisdiction of Islamic family law cases,

\begin{flushleft}
\textsuperscript{106} El’mira Salakhova “Tatarstan milli arhiv fondında möselman metrika yazmaları”, \textit{Ekho vekov}, no. 1 (2007); \textit{Müğlümat}, 1916, N. 2, pp. 4-5.
\textsuperscript{107} TsGIA RB, F. 295, op. 6, d. 4126 (no page numbers).
\end{flushleft}
information about official correspondence with state departments, the Russian language, explanation of religious rituals according to the Qur’an, information about the functioning of the OA and a course on Islamic law.\textsuperscript{108}

At the beginning of the twentieth century the state added one interesting requirement for the appointment of Muslim religious functionaries. In 1911, the state required that each candidate submit a certificate from a madrasa from which he had graduated, in which his moral conduct was to be described by the head of the madrasa. By 1911, complaints of Muslims against their imams and of imams against each other, quarrels over performing religious rites and their inability to share income, and especially resulting animosities which led to violations of state law on keeping the registry books and marriage law persisted incessantly despite repeated circulars of the OA to the ulama to live peacefully, share the income, and retain proper upkeep of the registry books.\textsuperscript{109} Morality and ethical behavior was important now for better imperial governance. For this, the state authorities wanted to be sure that the candidates possessed those qualities. This new requirement was introduced as a suggestion from the Minister of Internal Affairs to the OA that provincial authorities should confirm in the position of an imam only those candidates who were known for their trustworthiness, faithfulness, and good conduct, regardless of whether they had or did not have the certificate of the OA testifying to their knowledge of Islamic sciences. “In order to ensure that these positions [of the ulama] were occupied by candidates who would indeed meet the requirements and conditions stated in law,” the minister found it necessary that the OA, rather than limiting its decision in certifying an imam to his knowledge of religious subjects, also had to inquire about the moral qualities of the candidates. After the exam and on the basis of the report from the candidate’s madrasa, the OA had to

\textsuperscript{108} TsGIA RB, F. 295, op. 6, d. 4126 (no page numbers).
\textsuperscript{109} Sbornik tsirkuliarov, pp. 24-28, 53-58.
prepare its written opinion, to be sent to the provincial authorities, about the necessary 
preparedness of the candidate to fulfill the duty of an imam, specifying the name of an institution 
in which the candidate received his religious education. Responding to this suggestion, the OA 
ordered all heads of maktab and madrasa to issue a certificate of moral conduct for all the 
graduates who were considering applying to the position of an imam.\textsuperscript{110}

The requirement of written approval of the moral status of the candidates for Muslim 
religious functionaries is evidence that the authority of ulama was losing its traditional, natural 
and ethical basis after the bureaucratization of these positions. Traditionally ethical integrity of 
ulama was taken for granted, even though there might have been some corrupt members among 
them. The education of ulama almost always included spiritual training, and the ijaza that they 
would acquire would certify their moral qualifications as well as their erudition. They were 
going to Bukhara for formal and spiritual (zahiri ve batini) education and almost always 
affiliated with Sufi tariqa, which made emphasis on personal improvement besides or rather than 
the formal religious education. The fact that the state authorities were demanding written 
approval of their moral good standing at the beginning of the twentieth century shows us that the 
traditional structure of ulama authority was changing.

\textsuperscript{110} TsGIA RB, F. 295, op. 2, d. 284, Journal entry of January 25, 1912; also in F. 295, op. 11, d. 
882, 1911.
Figure 1: An example of the certificate of proficiency in religious sciences: The document attests that a peasant from Kazan province, Abdullah Mukhammedkasimov Akhmetov, successfully took a test in Islamic sciences and that he is competent to be imam-khatyp and mudarris. However, the document also emphasizes that this certificate does not empower him to fulfill any religious rites until the provincial authorities approve him. Signed by the mufti and the qadi members of the OA on May 15, 1905.
Other requirements

In addition to new requirements in the OA exam, such as knowledge about how to keep the registry books, throughout the nineteenth century the state introduced a few more requirements for Muslims who aspired to become imams. The candidates for Muslim clerical positions had to prove that they were above a certain age, had performed their military service, did not have a criminal record, and were loyal to the state. Apparently all these requirements were increasing the importance and involvement of the state in the process of the appointment of imams.

For the certification of age, the candidates had to present a copy of their records from the civil registries. This was necessary to determine the age of an imam, or, in other words, to make sure that the candidate’s age was in accordance with the state law on this matter. On February 14, 1855, the Governing Senate decided that the qadis, akhunds, mukhtasibs, and mudarris es should be twenty-five or older; khatyp s and imams, twenty-two; and muazzins, twenty-one.111 From this time on the police began to check a candidate’s age. Usually people did not violate this rule, but occasionally the mahalla community elected imams younger than twenty-two. Muslims of the mahalla of the Second Friday mosque of the village of Staroe Shaymurzino, for example, not only elected a young mulla aged twenty in place of his deceased father, but also, after the Simbirsk governorship administration rejected his appointment because of his age, initiated a petition in which they requested that Kamaletdinov be allowed to fulfill the duties of imam temporarily without the state license until he reached twenty-two.112

111 PSZ RI, 1855, vol. 30, section 1 (St. Petersburg, 1856), p. 158.
Another requirement for the candidate to be approved for the position of *imam* was a document compiled on behalf of the *mahalla* certifying that an elected candidate possessed good manners, that he was never prosecuted, was not under any criminal investigation, and that he did not take part in “recent Tatar riots.” The Tatar riots mentioned here were the events that happened during the 1897 Russian census, when many *imams* were found guilty of provoking the Muslim population not to take part in the census and of spreading rumors that the state would forcefully convert them to Christianity.113 In general, this document aimed to provide a kind of confirmation of an *imam*’s political loyalty. The violent events of 1897 also showed that the state was becoming more suspicious about Muslim religious scholars; absolute loyalty to the Russian state now became a requirement.

Moreover, the state was also increasingly cautious and uncomfortable about the reform movement at the beginning of the twentieth century among Muslim subjects and was becoming paranoid about the outside influence on the graduates of certain reformist *madrasas* and on those Russian Muslims who had traveled abroad for education. In 1906, the Ministry of Internal Affairs issued a circular “on the incompatibility of state service with membership in political organizations of illegal character” and Minister Petr Stolypin clarified that this requirement also covered Muslim clerics as state servants. In 1911 The Ministry of Internal Affairs added to 1906 requirement that political loyalty of *imams* had to be checked in each and every case and warned local Russian administrations that in all cases of appointment to clerical posts the authorities had to assure that the candidates were not affiliated with a “Muslim socio-political movement”. In the same year the Ministry informed the gubernatorial administrations that for the graduates of certain *madrasas* they had to approve their appointment to Muslim clerical positions on the

---

113 For more on 1897 census, see: Il’ dus K. Zagidullin, *Perepis’ 1897 goda i tatary Kazanskoi gubernii* (Kazan: Tatarskoe knizhnoe izdatel’stvo, 2000).
condition that there was enough information about their “political loyalty and proof that they did not participate in religious agitation.” In 1912, the Ministry sent out a circular reminding them that foreign nationals as well as Russian subjects who got their religious education abroad, especially in Turkey and Egypt, “the countries which were regarded as the origin of national and religious separatist movement among Russian Muslims”, would not be approved as Muslim clerics.

Together with these new stipulations, another requirement was a certificate on the performance of military duty. The ulama within the jurisdiction of the OA were traditionally exempt from such service. However, after the introduction of universal conscription (vseobschaia voinskaia povinnost’) in 1874, the ulama lost their exempt status. The OA officials attempted to solve this problem several times. Thus, in 1889 and 1893 Mufti Muhammadyar Sultanov requested the exemption of mullas who were in the reserves or in the army, stating that the absence of imams from their parishes was a violation of the religious rights of the Muslim subjects, because the religious needs of the parishioners could not be performed and the religious services stopped during that time. In 1894, he asked for the exemption of mullas from army service altogether. Nevertheless, the government rejected these requests.

Learning the Russian language

As I explained in Chapter I, Russian authorities’ attempts to impose Russian language requirements for Muslim clerical candidates had caused the harshest resentment and opposition from the Muslim community. The imperial authorities were gradually deducing that the OA

---

114 Osoboe soveshcanie, pp. 46, 182-183; Denis Denisov, “Trebovaniia k kandidatam na musul’manskie dukhovnye, p. 145.
115 Denisov, “Trebovaniia k kandidatam…”, p. 145.
could not solve the problems within Muslim communities and that the link between Russian officials and Muslims did not function properly. But even more importantly, the *ulama* in the Volga-Ural region were gradually becoming state servants: as officials occupying state posts and responsible for registration of civil acts they often had to correspond with state institutions and provide information at the requests of police, army conscription, statistical, and other offices. Since they did not know the Russian language, this created an unnecessary load on state institutions to find translators and made the movement of documents very slow. ¹¹⁷ State officials underlined that knowledge of the Russian language was especially necessary for *imams* because they were responsible for keeping civil registry books. ¹¹⁸ Therefore the state became more insistent that Muslims learn the Russian language. Thus, another new requirement for clerical candidates that was introduced at the end of the nineteenth century was a certificate about the candidate’s command of the Russian language. Usually it was a certificate received from the educational board of the district (*uchilischnyi sovet*) or from the Russian high school (*gimnaziia*) in the town, attesting that the candidate had completed a program (*kurs*) in the Russian language and passed an examination. ¹¹⁹

The Russian state authorities attempted to introduce the Russian-language examination on December 21, 1833, when the Ministry of Internal Affairs ruled that those Muslims who wanted to become *imams* had to learn the language. ¹²⁰ When this law was introduced in the

---

¹¹⁷ Denisov, “Trebovaniia k kandidatam…,” p. 146.
¹¹⁸ NART, F. 1, op. 3, d. 7798, l.5.
¹¹⁹ For how the exam took place see Denisov, “Trebovaniia k kandidatam…”, pp. 146-147.
¹²⁰ According to Denisov, it is as early as November 27, 1827 that the Orenburg Governor-General P. K. Essen issued a decree about the compulsory knowledge of the Russian language for candidates to Muslim clerical positions, which became law in 1832, but was revoked a year later due to harsh protests from the Muslim population.
Volga-Ural region, it instigated a fierce reaction from the Muslim population.\(^1\) It finally became law only in 1891, but even at that time it caused active and passive resistance of mullas.\(^2\) Mufti Sultanov even wrote to the higher imperial authorities his opinion on this matter: “it was necessary to immediately annul the educational test requirement for the clerics of Muslim religion.”\(^3\) The Ministry replied that it could not promise to support his petition which “would mean a step backwards in the issue of the improvement of Muslim clergy”. Nevertheless, the ministry would take some measures “to eliminate some strict formalities in the examinations for the clerics set by the referred articles of the law”.\(^4\)

It is suggested by scholars that the Russian language exam was very simple and often strictly *pro forma*\(^5\). Indeed, the majority of mullas did not have any knowledge of the Russian language. It is not very clear how the candidates ended up obtaining such certificates. What can be observed from some archival documents is that they usually found a person who knew the Russian language to take the exam in their stead.\(^6\) There were also entrepreneurial Muslims, such as Ğarif Gaziev, who organized a Russian language course for aspiring imams in his madrasa for a certain fee and gave them a certificate, which was then approved by the local high school committee.\(^7\)

\(^1\) NART, F. 1, op. 3, d. 7797; F. 1, op. 3, d. 38137.
\(^2\) PSZ RI, Vol. 8, N. 5419, p. 444 and Volume 10, Otdelenie 1, N. 7120, p. 663. Also Paragraph 3 of the appendix/prilozhenie to article 1416 of Volume XI, Part I, issued in 1896 in F. 295, op. 2, d. 280, Journal entry of April 26, 1906. A few years later, in 1896, the government issued a list of rules about how, where and by whom the exam was to take place and what were its basic requirements for different Muslim clerical ranks. Sbornik tsirkuliarov…, ibid., pp. 156-158.
\(^3\) RGIA F. 821, op. 8, d. 633, l. 50.
\(^4\) RGIA, F. 821, op. 8, d. 633, ll. 50- 50 ob.
\(^6\) NART, F. 2, op. 3, d. 4905, ll. 1-2.
\(^7\) NART, F. 1, op. 3, d. 10049, ll. 2-6.
When Russian authorities became aware of this ever more widespread practice, the imperial state introduced a new rule that required candidates to bring a photograph to the examination. On January 16, 1897, the Ministry of Internal Affairs sent a circular to governors stating that, according to reports received by the Minister of Education, committees that held the Russian language examinations for Muslim candidates to the position of imam could not be sure that the examinee was the person identical with the one whose documents were presented at the exam. In order to avoid such mistakes and confusion stats-sekretar’ and the Minister of Public Enlightenment Graf Ivan Davydovich Delianov, in agreement with the Ministry of Internal Affairs, suggested that Muslims, in addition to the rules of 1890, had to present two photographs, one of which would be attached to the certificate confirming the successful passage of examination and the other kept in the file of the Russian high school.\textsuperscript{128}

The attempts of the government to impose Russian language requirements for the Muslim religious functionaries in the last decades of the nineteenth century coincided with, or followed, a few other developments which frightened and agitated the Muslim population. During 1860s and 1870s a new wave of missionary movement led by Nikolai Il’minskii rejuvenated efforts of Christianization of the pagan and Muslim inorodtsy. For Il’minskii the main obstacle for the conversion of inorodtsy was the Muslim influence in the region and he tried hard to curtail that influence by all means, and found eager supporters among central and local authorities.\textsuperscript{129} Russian-Tatar schools, which would teach Russian language and secular subjects to Muslim children, were introduced in these decades and the Muslim population interpreted it as a part of the Christianization policy of the Russian state. Therefore, the requirement of Russian for the Muslim religious functionaries just fed the fears of the Muslim people and led to hundreds if not

\textsuperscript{128} TsGIA RB, F. 295, op. 7, d. 400, l. 49.
\textsuperscript{129} Tuna, “Imperial Russia’s Muslims,” see Chapter II.
thousands of collective petitions prepared and signed by Muslims of all walks of life. The Russian state authorities interpreted this as another evidence of the Muslim religious fanaticism and enmity towards Russian civilization.

In fact, the Muslim population was not against the Russian language education. The increasing economic integration of the Muslim population already made the Russian language a necessity. In the 1890s, some Muslim intellectuals like Ismail Gasprinskii called on the Muslim community to learn the Russian language in order to be a part of the Russian society and Russian politics. Jadid madrasas, like Izh-Bubi madrasa, already had the Russian language in its curriculum in the beginning of the twentieth century. Therefore, rather than being against Russian language education, Muslims were interested in the protection of their religious autonomy. Muslims defined it as “the most important religious question” and regarded it as an obstacle to preserving the purity of the Muslim religion. As a Russian local official underlined, if Muslim laypeople were afraid that the introduction of compulsory Russian language classes in Muslim schools would be followed by a decree on conversion, the ulama saw it as an obstacle in the education of the new generation of religious scholars. The ulama claimed that the Russian language, as well as other secular sciences, could not be part of a religious instruction at maktabs and madrasas, which prepared future religious leaders for the community. Teaching the youth Russian and other “excessive” subjects would be detrimental for them and for the Muslim community at large, because they would lack religious knowledge, upbringing and simple understanding of religion and religious principles that is required for future imams. They underlined that they have already seen a negative example with graduates of Tatar Teachers’

\[130\] NART, F. 1, op. 3, d. 5881, 1883; F. 1, op. 3, d. 7797, 1889-1890; F. 1, op. 3, d. 38137, 1890.
\[131\] Osoboe Soveschanie… p. 246.
school, who turned out to be “useless” — they began smoking, stopped fasting, and behaved “not according to religious laws”. Granting them authority and power to be the heads of *mahallas*, as religious leaders and Islamic judges, would be too harmful to the faith of the common people. To preserve the purity of religion, it was necessary to preserve the purity of religious education. Therefore, in their petitions they requested the state, and especially the Ministry of Education, not to interfere in their religious affairs, to leave these questions and Muslim education at large to the authority of the OA “which can better understand the proficiency of *imams* selected by Muslims”.\(^{133}\)

As the state control over the language requirement hardened, at the beginning of the twentieth century the Russian language began to present a bigger problem for those aspiring to become an *imam*. Local Russian authorities now began to restrict the rights of *imams* who did not speak Russian properly. However, even this strict approach of state authorities could not always compel the *imams* to learn Russian, as was the case in the following appeal to the OA of the newly elected *imam-khatyp* and *muallim* of the village of Imay-Utarovo of the Birskii district, Mohamätzarif Abdulmujibov Mohsinov. Mohsinov had passed the exam, acquired the certificate, and took his oath of loyalty before a provincial official, who approved him in the position of *imam-khatyp* and *muallim*. That official suggested he visit the governor. The governor asked him several questions in Russian, and decided to take away the *imam’s* certificate, as he could not speak Russian satisfactorily, telling the *imam* that he could get his certificate back if he learned to speak Russian better. *Imam* Mohsinov asked the OA if he could fulfill his duties in the *mahalla* of his father, who was the only *imam* in that community, was very old, and was not able to perform all the rites and other duties, thereby causing many of his

\(^{133}\) [Source: NART, F. 1, op. 3, d. 5881, ll. 1, 1 ob., 15, 15 ob., 23, 23 ob.; F. 1, op. 3, 7797, ll. 4, 4 ob., 9, 9 ob., 21.]
parishioners to go to other villages seeking imams to perform the rituals. The OA ordered that imam Mohsinov did have the right to perform his duties and was approved in this regard by governorship authorities. In this as well as other cases, when the Russian language became a point of conflict, the OA defended the right of ulama to retain their posts before imperial officials.

It was especially difficult for old imams to learn the Russian language. Thus, in 1904 it was reported by the Perm province administration to imam Mohamätşaripov that it could not approve him in the position of imam until he submitted a document attesting to his knowledge of the language. In his petition to the OA, written in 1906, Mohamätşaripov explained that because of his old age, learning the Russian grammar presented a difficulty for him, but he could speak Russian colloquially. He mentioned that he was unable to fulfill his duties for three years, that his economic situation was bad, and that, at seventy years of age, he was unable to do any other work. He complained that he served as imam for more than forty-three years and spent all his life “serving his country”, but he was just “fired from his job at his old age”. Therefore, he requested that the OA “take his miserable situation into account and grant him the certificate to perform the duty of an imam, or, alternatively, that a pension in accordance with the income he had received, which was approximately 300 to 400 rubles per year, be provided.” The OA decided that Mohamätşaripov could be granted the position of imam again without submitting the required document about his knowledge of the Russian language, taking into consideration that he had already served as imam for a long period of time.

The position of an imam, with respect to his knowledge of the Russian language, became yet more vulnerable with the introduction of a new law according to which mullas who passed

---

134 TsGIA RB, F. 295. op. 2, d. 211, Journal entry of September 12, 1895.
135 TsGIA RB, F. 295, op. 2, d. 280, Journal entry of April 26, 1906.
the exam in the OA and received approval of the provincial authorities had to come to
gubernatorial administration in person to take an oath in order to become an *imam*. In January
1897, the Governor-General D. S. Bogdanovich suggested to provincial administrators that
*khatyp* and *imam* who got approval in their positions should, on the basis of law, perform their
oath-taking procedure in district police offices. On the basis of this suggestion as well as article
1182 of Volume XI of the Statute of the Department of Religious Affairs of Foreign
Confessions, the provincial administration suggested that district police offices organize oath-
taking for the *imams* newly approved in their positions in the presence of local police
administration instead of requesting that *imams* go to Ufa. As a result, *imams* were obliged to go
to the local police office and to “display” their knowledge of the Russian language. Thus, for
example, the Ufa governorship informed the OA that *imam-khatyp* Ğilajetdinov, who, upon
submitting the documents including the certificate of the Russian high school in the city of
Menzelinsk on his knowledge of Russian was approved in the position of *khatyp*. But when he
was called on to take oath to the provincial administration, officials decided that he could not
fulfill the Russian-language requirement. As a result, the provincial administration refused to
permit Ğilajetdinov to pursue work as an *imam* and requested that the *mahalla* community elect
another. The OA responded that such a decision would be illegal and forwarded the
correspondence for the consideration of the Ministry of Internal Affairs, asking it to take

---

136 Before 1897 the mullas who passed the exam performed the oath-taking at the OA in Ufa. As
the authorities grew more suspicious about the loyalty of the imams because of their involvement
in the resistance movement against the general census in 1897, the authorities might have desired
to establish a stricter control over the imams. See: Il’dus K. Zagidullin, *Perepis’ 1897 goda i
tatary kazaskoi gubernii* (Kazan: Tatarckoe knizhnoe izdatel’svo, 2000).
measures to restore justice in this situation according to law and order with respect to the appointment of *imams* in their positions.\textsuperscript{137}

\textbf{Figure 2}: Abdullah Mukhammedkasimov Akhmetov successfully passed the exam in the Russian language, which was designed for candidates to the position of village imams. Kazan, 25 November 1904.

As a last step, after being approved in their positions, *imams* had to appear before the local police authorities to take an oath in the presence of another *mulla*.\textsuperscript{138} The oath-taking

\begin{footnotesize}
\textsuperscript{137} TsGIA RB, F. 295, op. 2, d. 211, Journal entry of October 7, 1895.
\end{footnotesize}
certificate, signed by the acting imam in charge, was sent to the governor’s chancellery, which in turn issued him a license about his appointment as imam. In his oath, he swore “by the All-Powerful God and before His sacred Qur’an” that he wanted and had to serve truly and faithfully his “real (istinnomu) and natural” emperor, to “obey him in everything to the last drop of blood,” try to perform every service for the benefit of the state and declare about and prevent any harm to the interests of the emperor, to fulfill all the orders and regulations assigned by higher authorities and to act always as a truthful subject of the emperor to be able to answer before God on the Day of Judgment. It implied that an imam’s genuine master was the emperor of the Russian state and by the name of God he expressed his readiness to serve him in the way to be ready to answer about his service on the Day of Judgment.

Getting or not getting the license

Since the creation of the OA and throughout its existence during the imperial period, not all the ulama in the Volga-Ural region sought to obtain a state license. The legitimacy of the OA’s authority itself was not universally accepted and there was at least one major group of ulama who opposed its authority. Being an important innovation for the Islamic tradition, the

138 Oath-taking in Russian history was the oldest form of relationship between Muslim communities and the tsar, going back to the fourteenth century. Kelly O’Neill, analyzing the concept of loyalty and oath-taking among the Crimean Muslims, suggests that it was a tool of empire-building. She argues that Russian officials starting with Catherine regarded loyalty as a “critical indicator of order and security”, particularly in the borderlands. She specifically suggests that while for centuries Muscovite, and later Russian, governments secured treaties of allegiance with the khans of the steppe, in the late eighteenth century, “oath-taking transformed inhabitants of the frontiers into subjects of the empire” and that for the Russian state, “the oath represented a critical step in the integration of new territories and populations”. Kelly Ann O’Neill, “Between Subversion and Submission: The Integration of the Crimean Khanate into the Russian Empire, 1783—1853” (Harvard University, Ph.D. dissertation, 2006), pp. 36-38. Oath-taking was a component of becoming imam from the very beginning of the introduction of these procedures.

139 Sbornik tsirkuliarov, p. 161.
existence of a central religious authority established by a Christian state became an important issue of debate among the ulama in the late eighteenth and nineteenth centuries. These debates found expression in the emergence of anti-mufti (i.e., anti-OA) activity led by a group of Islamic scholars called abizes. This activity was most strongly defended in the works of Abdarrahim al-Utz-Imāni (1756-1834). In the second half of the nineteenth and early twentieth centuries, the most prominent anti-mufti movement was the Vaisov Brotherhood, first led by Bahauddin Vaisov, and later by his son Inanaddin, who after 1906 gradually led the movement in a more radicalized direction, culminating in the Vaisi-Bolshevik alliance in 1917. Despite the existence of these anti-mufti oppositional groups, the ulama of the Volga-Ural region gradually accepted the existence and functions of the OA over the course of the nineteenth century. In time, the Volga-Ural ulama not only sanctioned the authority of the OA and the Russian state, but defined themselves and their communities in relationship to these institutions. Allen Frank also describes the acceptance of the Orenburg Assembly’s authority by the village ulama. How can we explain this acceptance? What were the factors that further pushed the ulama to apply for the state license and become ukaznyi, or licensed, imams?

The efficiency of the Russian state could be one factor. Thus, according to Mustafa Tuna, “It was possible to find exceptional cases of uncertified Islamic scholars who served as imams without appointment but, in general, local imperial authorities enforced the law efficiently.”

141 On Utiz-Imani see Kemper, Sufis und Gelehrte, pp. 172-212; on the anti-mufti movement among the ulama see M. V. Gainutdinov “Razvitie obnovlencheskikh idei v tatarskoi obschestvennoi mysli” in Problema preemstvennosti v tatarskoi obschestvennoi mysli (Kazan, 1985), pp. 41-42.
142 Kemper, Sufis und Gelehrte, pp. 50-66, 368-392.
143 Frank, Muslim Religious Institutions.
144 Tuna, “Imperial Russia's Muslims…,” p. 83.
fact, it is rather difficult to judge the efficiency of the Russian state in this matter and especially the means behind it. Thus, for example, on March 11, 1834 Emperor Nicholas I issued a decree “on preventing religious scholars without the OA certificate from performing the duties of imam.” We can deduce from the decree that, according to the documentation of the OA, in Astrakhan and other provinces, there were no licensed clerical officials in many mosques. Muslims, despite the decree of 1788 and the 1822 suggestion of Minister Shishkov, allowed their fellow parishioners, and sometimes people outside their mahallas, to perform the duties of imams and muazzins without sending them to be examined by the OA. Therefore much information about births and other religious rites remained unregistered. This also created certain difficulties such as the unnecessary and prolonged correspondence on the part of the OA officials. The decree also included an order for the Muslims to send their mulla to the OA to get an official license in the future. Otherwise, such mullas were to be prosecuted. This order was sent to all kanton and gubernia heads, township and zemstvo police authorities, military and other authorities so that they kept an eye on and closely prosecuted the violation of this rule.145 This decree suggests that at least until the 1830s the Russian state was actually rather ineffective in certifying the ulama; even forty years after the creation of the OA, there were still many mullas who were unlicensed. However, in the 1830s, the policy of Nicholas I toward Russia’s Muslim subjects became more rigid. It is difficult to trace the anti-mufti activity among the ulama and the functioning of unlicensed mullas because, as Frank suggests, “such currents were suppressed both by Muslim supporters of the Mufti and by the Russian authorities”.146 However, the documents of the OA archive well into the last days of the imperial regime also reveal that the activity of the unlicensed mullas, while occasional, continued to demand special attention. It

146 Frank, Muslim Religious Institutions, p. 104.
should be also underlined, as the decree suggests, that Muslims allowed unlicensed mullas to perform their duties, a practice that would itself change in the second half of the nineteenth century — as I will explain below.

Among other reasons that prompted mullas to get licenses, scholars indicate some advantages provided by the state that seemed attractive to mullas. Thus, advantages like exemption from conscription and corporal punishment or job security in officially recognized positions, as well as possible exemption from taxation made these positions an object of competition and prompted Islamic scholars to seek certification by the OA.\textsuperscript{147} Exemption from conscription could well have been a very attractive reason for people to become imams, but with the 1874 universal military conscription they lost this privilege. Exemption from corporal punishment does not sound like an attractive reason, because such a punishment could be assigned only for grave crimes and such cases were almost non-existent.\textsuperscript{148} The argument about job security in officially recognized positions is rather tricky; as we will see in the different cases of the late nineteenth and early twentieth centuries, licensed imams could lose their job at the initiative of the mahalla to which they were attached if people were dissatisfied with them. Besides, a licensed imam could also lose his job for failing to fulfill precisely the extensive duties of a licensed imam, assigned by the state, such as properly compiling the civil registry books.

I suggest that in addition to prestige that passing the exam at Ufa acquired in the Muslim community, there were two other reasons that prompted mullas to take an examination by the OA and receive a state license. One of them could be the fact that at times the activity of unlicensed mullas was exposed by denunciations of licensed mullas. This could possibly provide

\textsuperscript{147} Crews, \textit{For Prophet and Tsar}, p. 117; Tuna “Imperial Russia’s Muslims…,” p. 83.

\textsuperscript{148} In addition, many sosloviia were already exempt from corporal punishment and conscription.
the incentive for a mulla without license to seek license from the state in order to legally perform
the religious rites for the Muslim population. Thus, on July 25, 1914 licensed imam Timergaleev
complained to the OA that unlicensed mulla Ğabit Hösäenov performed the marriage ceremony
of Hatimä Ahmätova, who had not reached the legal age for marriage, to Safiulla Hayrullin. The
bride was abducted and the marriage was consummated without the agreement of her parents.
Mulla Hösäenov rejected this and explained that he had just said some prayers and blessed them
in order to free the couple from the burden of committing a sin according to Islam, as they had
been living together without marriage. Such a blessing, according to imam Timerğaleev, could
not be considered as a marriage ceremony, was not registered in civil registry books, and did not
impose any civil duties. In response to this justification, imam Timerğaleev admitted the right of
Hösäenov to pray for the couple to cover their sins in the illicit relationship, but added that to
support the morality of the community this could be performed only with the permission of the
licensed ulama.149 This is also an illustrative case in which the licensed imam claimed authority
in issues of morality over unlicensed religious scholars.

In another case, on July 14, 1907 the Kazan governorship sent to the consideration of the
OA a petition of imam of the village of Karmasara in Sviiazhskii uezd, Abzametdin
Nurmuhametov, who lodged a complaint against a peasant — Miňligazei Timerbulatov — of the
village of Verkhnie Atkuzi, who without a license had been performing religious rites in his
city. Therefore, imam Nurmohamätov requested that Timerbulatov be banned from
performing religious rites and rituals and that he should be sued. A police investigation was held
and Muslims of this village testified that Timerbulatov had been performing religious services
for several years, called himself a imam, but did not perform the Friday prayer. The village head

149 TsGIA RB, F. 295, op. 6, d. 3887 (no page numbers; The Journal of Tobol’sk governorship,
also testified that inhabitants of this village attended a prayer house where prayers were performed by Timerbulatov according to the rules of Islam and that he performed all the religious services except for Friday prayer. Finally, Timerbulatov himself testified that he lived in the village of Verknie Atkazi for about forty years, and performed the duties of an *imam* among the “apostates,”\(^{150}\) who called him *imam*. However, he denied that he was calling himself *imam* and claimed that he was performing the religious services until the designation of a licensed *imam*. The OA asked the Ivanovskii volost’ administration to inform Timerbulatov that he did not have the right to perform any religious services, that he would be charged in such a case, and that people had to apply to the *imam* of the village of Kramsarovo for religious services.\(^ {151}\) In 1905, the apostates were given permission to officially propagate their religion, officially register as Muslims, form *mahallas* with their own *imams*, and build mosques. They began to file petitions to the OA and Russian authorities by the hundreds; these petitions reveal that they had been professing the Muslim religion for years and that unlicensed *mulla*s had been performing their marriages, funerals, and other services.\(^ {152}\)

Some of the licensed *ulama* became unhappy with unlicensed *mulla*s because they wanted to control the territory under their authority. For example, on October 17, 1901 Akhound

\(^{150}\) “Apostates” in this context refers to the Kriashen Tatars who had renounced Orthodox religion and returned to Islam.

\(^ {151}\) TsGIA RB, F. 295, op. 2, d. 283, Journal entry of July 14, 1907.

\(^ {152}\) There are many petitions in the Journals in which apostates explain that they have been always followers of the Muslim religion, lived according to commandments and laws of Islam, and performed their religious rites themselves, meaning that they had among themselves imams who were not registered and licensed by the OA and other state authorities. On more of such cases, when a licensed imam lodges a complaint against an unlicensed imam for performing religious rites in an apostate community, see: TsGIA RB, F. 295, op. 2, d. 283, Journal entry of July 14, 1907; NART, F. 2, op. 3, d. 2638. In fact, it was thanks to unlicensed imams that numerous communities of apostates could practice their religion. The role of unlicensed imams in these “illegal” communities is a topic for another important study.
Ğomärov from the Talovskaia chast’ of the Inner Kyrgyz Horde reported the existence of unlicensed imams in Kazakh settlements. He explained that Kazakh mahallas made it a habit to keep unlicensed mullas whom they paid the required alms, and because of that licensed imams were deprived of their income. Since the latter did not have any other source of income to support their families, they resorted to agricultural work. He further noted, “because of a big number of such unlicensed mullas, religious rites are registered very late or not registered at all”. Akhund Ėomärov requested the OA to issue a circular and instructions to local communities on this matter. But even more than that, he also requested authorization to designate an unlicensed imam for performing religious rites on his behalf in far-away places of his mahalla, and this imam would report back to him about the rites to be filled in the registry books.

Apart from denunciations by licensed imams, a more important factor that prompted unlicensed ulama to seek recognition from the state was the increased expectation by the turn of the century on the part of Muslim laypeople that their imams should get a license. For example, in the community of Muslim factory workers of Simbirskii merchant Akçurin, religious services were performed by an unlicensed mulla, because, according to the explanation of petitioners of this community, the nearest licensed imam was situated far away from the factory land. In their petition they requested the OA to allow the construction of a mosque and an appointment of a licensed imam to their community. In another case, we learn from the memoirs of a muderris and imam-khatyp of Kermetbash village, Häsänjän Ahmärov, that the elders of his village, after consulting among themselves, decided to send him to the OA to take an exam and get a license,

---

153 These were Kazakhs, not modern Kyrgyz. Russian and Tatar sources called Kazakhs “Kyrgyz” before 1924. I will refer to them hereafter as Kazakhs.
154 TsGIA RB, F. 295, op. 6, d. 8, 1901, ll. 2, 2 ob., 3.
155 TsGIA RB, F. 295, op. 2, d. 179, Journal entry of January 25, 1890.
and that people of his village expressed their joy when he came back with an ukaz in his hands.  

This desire was also linked to the power of a written document, i.e., civil registry books, which I will discuss in the next chapter. As Muslim society became more integrated into the economic, administrative, and educational structures of the state, they became more aware of the necessity of being properly registered. In a 1916 case, a peasant Şâyhetdin Ğilajetdinov decided to check if the birth of his daughter, who was born three years before the date of the petition, was registered in the records. According to Russian law, children who were not registered in the metrical book were considered illegitimate, and it can be assumed that this peasant, most probably, was concerned about this possibility. Thus, he wrote to the OA that in 1913 he temporarily lived at another village, where his daughter had been born. He further stated that, according to his inquiries, an imam who gave a name to his daughter turned out to be unlicensed. Ğilajetdinov wrote to him several letters asking if his daughter was registered in the civil registry book and, without getting any reply, finally travelled to visit him in his village of Teliachi. To this question, the imam answered that he had better ask the OA about the matter. It was for that reason that Ğilajetdinov turned to the OA for precise information about his daughter’s registration and, if it was not already so, to have her registered.  

In another case, imam Ğafurov of the town Buzuluk, in his report of September 17, 1897 explained that in Buzulukskii uezd there was a Russian village named Sorokino, which had a significant Muslim population (about 300 people), but lacked a mosque and an imam, which meant that religious rites remained unregistered in the registries. He also wrote that some people  

---

157 TsGIA RB, F. 295, op. 6, d. 3887 (The Journal of Tobol’sk governorship, January 19, 1916); F. 295, op. 6, d. 3953, 1916-1918 (This is a similar case).
wanted to join a *mahalla* of Buzuluk but that he “did not dare to perform religious services and rites of these Muslims without the permission of the OA”, and therefore asked to be allowed to perform rites to Muslims of Sorokino.\(^{158}\)

Getting a state license to be an *imam*, therefore, was not simply a matter of choice or prestige. It was a part of serious legal changes that were introduced into a Muslim community after the creation of the OA. Because of such changes, official Muslim social life could simply not function without a licensed *imam*. In such an environment, ever more Muslim religious scholars sought state license to be able to function officially and without encountering threats from local imperial officials, other members of the *ulama*, and from Muslim laypeople. Therefore, in the Volga-Ural Muslim community context, the career of an *imam* at the turn of the twentieth century cannot be understood as a phenomenon independent of state structures. The state, directly and indirectly, had an important impact on the religious scholars and their authority.

\(^{158}\) TsGIA RB, F. 295, op. 2, d. 279, Journal entry of January 17, 1905.
Figure 3: A state license for an imam from 1900. “This license certifies that Akhmadiev, having passed the exam in the Russian language as well as the exam at the Orenburg Mukhammadan Spiritual Assembly in Islamic sciences, was qualified as imam-khatyp and muallim, according to the will of the congregants of Tykanovskii Friday mosque, upon the approval of Ufa governorship on August 2, 1900, and therefore he is obliged to behave decently as a faithful servant of Al-Koran, according to the oath he had taken, and each and every person should show respect to him in this rank.”

With the state license the ulama became an embedded part of the state structure. It is not a mere state document that nobody cared about. It granted a certain authority that was intrinsically different from the previous authority of the ulama. There were other symbols of this new status and the authority that came with it. As the ulama acquired more official duties, they started to keep their own official stamps, envelopes and official letterheads. Just a look at these documents also gives us information on the new status of the ulama and the new structure of authority. The letterhead information included the abbreviation for Ministry of Internal Affairs at
the top indicating that imams functioned under the auspices of this Ministry, and then followed by the title of that mulla (akhund, imam-khatyp, imam, or muazzin). After that the location where he functioned in this position, which mosque, was indicated (including the address or the place of that mosque — the city or village as well as the province). The name of the mulla was printed at the bottom. The ulama signed and put their stamp on the documents that they prepared. There were a variety of stamps, which could be written either in Arabic or Cyrillic script and included the name of a mulla, his title and the name and location of the mosque he served. Some of these stamps explicitly stated that the person is a licensed imam. The ulama also used printed envelopes in their correspondence and the name of a mulla, his position, and the name and location of the mosque in which that mulla served, or the name of his mahalla were printed on envelopes.

Figure 4: Ministry of Internal Affairs, Akhund Muslikhutdin Nagaibakov, The First Mosque in Pletsk
Figure 5: Ministry of Internal Affairs, *Imam* of the First Mosque in Sterlitamak, Mukhammetgarif Bakhtegarievich Rameev

Figure 6: Licensed *mulla* Mirsaed Kh. Khafizov

Figure 7: *Imam-khatyp* Sadyrshagit Rafikov, village of Yerkanias, *uezd* Menzelinsk, *volost’* Poizovsk
Figure 8: *Imam-khatyp* Mutagar Komalidinov

Figure 9: Licensed *mulla* Ibrahim Khamitov

Figure 10: Emirhadi bin *mulla* Sultanmuradov

Figure 11: *Mulla* Abdrakhman Aliev, 9, the Friday mosque of Gilianskii parish, the city of Astrakhan to the Orenburg Mukhammadan Spiritual Assembly, the city of Ufa
Conclusion

Paul Werth has suggested that “the [Russian] state never seriously entertained the idea of having sosloviia for all the empire’s recognized faiths, let alone a general clerical status for all of them” — it was never interested in that. One reason for this, he thinks, is that imperial officials “never knew enough about these servitors and their precise functions to institutionalize clerical estates for all of them.”\(^{159}\) Indeed, after two centuries of Russian rule in the Volga-Ural region, the state knew very little about Muslim religious leaders and their role in the Muslim community, as the question with the Russian language illustrates. Similarly, Farkhshatov suggests that state authorities deliberately refrained from assigning the Muslim clerics a status of estate “consciously slowing down the formation of a religious-corporate elite”.\(^{160}\)

The change in official Russian policy toward recognizing Islam as a tolerated state religion and the need for Muslim religious scholars to establish relations with the Kazakh steppe and Central Asia, as well as the attempts to ensure better control over them, led to the creation of the OA and the attempt to define Islam and its representatives in more rational ways. One part of Muslim scholars refused to receive state license altogether, remaining outside the official domain of Islam. The majority, though, slowly accepted the authority of the OA as they did not have many alternatives to serve as legal scholars and leaders of the Muslim community. The first step of this rationalization was the introduction of state authorization to the process of becoming an imam. Such institutionalization, however, proved detrimental for the Muslim community. A process of becoming an imam which solely depended on a communal decision of the Muslim society before broke down organic communal ties and destabilized the relations between imams.


\(^{160}\) Farkhshatov, “Musul’manskoe dukhoventsvo,” p. 68.
and the Muslim society. The second step was institutionalizing the *mahalla* and assigning and defining anew the duties and functions of Muslim scholars within it. The blurred boundaries between the religious and bureaucratic duties of an *imam* became conflict zones in the Muslim *mahalla*, which I will discuss in the following chapter.
CHAPTER III. INSTITUTIONALIZING THE MAHALLA AND THE DUTIES OF THE ULAMA

Introduction

In 1909, the elders of the village S. from the township of N. in the Menzelinsk County sent to the OA a letter of complaint against their imam, whom they accused of several wrongdoings. There were twenty signatures under the petition. The OA handed over the petition to the township authorities for an investigation about the authenticity of the petition since all the signatures were in the same handwriting. The petition and the investigation were mentioned in the official newspaper of the OA, Mâglimat, in an article, which analyzed negative impacts of increasing number of similar complaints about imams on the Muslim society. The OA and local administrative offices were getting large number of such petitions. Initially these institutions were considering even anonymous petitions, however, when anonymous complaints became so common, they stopped processing petitions without signatures. This time petitions with tens of forged signatures appeared, and the OA as well as local authorities had to investigate their authenticity. Moreover, the author continued, nine out of ten complaints regarding the ulama were written by members of ulama. The author of the article stated that instead of employing traditional methods of correcting oneself and others as the Prophet had shown, the Muslims were now applying to the police, complaining to courts, denunciating fellow Muslims to local administrations, and asking for their punishment, dismissal, incarceration, or exile to Siberia. According to the author, this later approach did not bring any benefit to the society but further worsened the problems.¹

¹ “Şikâyät, şikayätçelek və donos,” Mâglimat, no. 32 (1909), pp. 777-780.
These letters of complaint and the warning of the author of Mâğlımat were clear reflections of a transformation that I want to analyze in this chapter. Historiography of mahalla in the Volga-Ural region treats mahalla as an independent system of Muslim self-administration. In all the main questions pertaining to the functioning of the mahalla, as Kobzev underlines, the mahalla remained an independent social body because the construction of mosques and maintenance of its clergy and Muslim schools were undertaken by the community.²

State attempts to supervise, control, and thus integrate the Muslim religious elite inevitably impacted Muslim society and its core social space, the mahalla. In this chapter, I will examine the functions of the ulama within the mahalla and the transformation of the role of an imam therein. Similar to imperial attempts to define who could become ulama, the state also defined their functions, rights, and duties within the mahalla, which itself was institutionalized after the creation of the OA. I suggest that the institutionalization of both the mahalla and the duties of an imam within it created new sensibilities within the congregation, affected an imam’s authority, and transformed his relations with community members.

In the nineteenth century the Russian state tried to integrate the mahalla into the imperial administrative structure through the institutionalization of the duties of the ulama. In the process, the imperial state came to legally sanction both the traditional and new duties of the ulama within the mahalla. This, in turn, had a profound impact on the Muslim community, especially in communal relationships. The relationship between imams and Muslim congregants would increasingly be regulated through the OA and state authorities. Legal requirement for a certain number of households for the opening of mahalla, the OA certification of all imams, the appointment of imams after the approval of local state authorities, standardized civil registries

(метрические книги), circulars instructing imams about their obligations, and the ability of all Muslims to contact this central institution with their complaints about the work of the imam both produced a legally-defined and transformed Muslim community and spread awareness about this larger community. The new links provided means for the community and imams to try to regulate their religious lives through the state. In this narrative I will show that the relationships within the Muslim community, which traditionally functioned on the basis of mutual consent between the imam and his people, began to derive their power from the state. State-defined rules became a point of reference in the petitions and complaints of Muslims against each other, and broke the traditional communal ties between the Muslim people and the ulama. Even the simplest issues of conflict between the ulama and the parishioners or among the ulama would involve the OA, both local and central state authorities, and would require legal sanctioning.

Defining the mahalla and managing its borders

For the purposes of better governance the Russian state had to redefine, make legible, legalize, and internalize the mahalla in its administrative system. In order to do this, it was easier to use already existing definitions in Russian society for analogous institutions. Just as the new status of ulama took inspiration from the Orthodox clergy (see Chapter II), the mahalla would be modeled on that of the Russian parish or prikhod, and in the official documents of the OA was even called as Muslim parish, magometanskii prikhod.³ In Russian society, prikhod was the

³ Obviously mahalla was a Muslim concept, which might have its origins in Central Asia, as the religious knowledge system in the Volga-Ural region was closely connected with the centers of religious education in Central Asia where mahalla had been, and still is, an important component of the communal and administrative structure. For a good description of the complex structure and functions of mahalla see: Allen J. Frank, Muslim Religious Institutions and for state policies of institutionalization of mahalla in the post-Soviet period see: Deniz Kandiyoti, “Post-Soviet
lowest level of Orthodox Church organization, which normally included a single church building and its attendees, headed by a priest. In other words, the term mahalla was made equivalent in meaning to Russian parish, which was a territorial unit under the supervision, care, and clerical jurisdiction of one parish priest.

Long before the institutionalization of mahalla, the Russian state established strict control over the Russian parish through the Orthodox clergy in the eighteenth century. It does not mean that the Muslim mahalla was identical to the Russian parish, but there were several parallels between the two that allow us to speculate that the rules introduced into a mahalla were taken from the parish example. Gregory Freeze’s study of the Orthodox parish in the Russian community focuses on the institutionalization of parish and parish clergy in the Russian society in the eighteenth century. It also claims that in this period the Orthodox parish underwent an important transformation from a traditional autonomous unit of self-rule to a more structured and bureaucratized institution. Undergoing important structural and functional changes, Freeze claims that the traditional integrity and cohesion of the parish and community began to disappear. These changes affected the parish clergy and their relationship to the parish.

Among the main changes, Freeze enumerates that a traditional Russian parish was identical to the commune, the cohesion of which began to erode. The parishioners’ autonomy in church related issues passed to a bishop, who began to determine whether a parish should continue to exist or whether a new one could be established. Another important change was that


5 The Russian state redefined traditional communities within all confessional groups. For the transformation of Jewish kahal see: ChaeRan Freeze, Jewish Marriage and Divorce in Imperial Russia (New England: Brandeis University Press, 2002).
the state assigned a number of new administrative and police duties to parish priests, like collecting vital statistics, keeping civil registries, informing authorities of “evil-intentioned thoughts” revealed in confession, reading state laws aloud in church and several others. Freeze suggests that by extending the clergy’s service obligations, both the state and the church “sought to use the priest to penetrate the insular village and establish new controls over life and religious practice”. The governmental duties, which were administrative at first, began to include social control in the mid-century. In order to strengthen the social control of the population, the state demanded that parishioners obtained religious services only in their own parishes, while the clergy were ordered to serve only their own parishioners. These new roles for the clergy in the parish led to serious crisis. The clergy was dependent on the parish for their livelihood and social life, but they had to control and report on the parishioners for the interests of the state.

The introduction of similar rules into the mahalla and charging ulama with administrative duties also brought change for the Muslim community. The mahalla was a traditional Muslim institution, a Muslim congregation centered on a mosque and an imam. In the Volga-Ural region, it was the basic unit of religious and social organization for Muslim communities. As Allen Frank defined it, “a mahalla was a community of Muslims that supported a single mosque and the mosque’s imam.” He also suggests that the mahalla can be considered a civil institution, “since the imam had both religious and civil duties” as its spiritual head. Towns usually had several Muslim mahallas with a corresponding number of mosques, while villages usually had one or two, and rarely more than two mahallas. In some places, one mahalla could include several villages if they were sparsely populated. Frank also points out that although the origins of

7 Gregory Freeze, *The Russian Levites*, pp. 147-182.
the institution of mahalla in the Volga-Ural region is uncertain (most probably it has deep roots in the Volga-Ural region), “it is clear that it emerged as an administrative unit following the establishment of the Orenburg Spiritual Assembly, which, in order to keep track of the ulama, officially registered imams and muazzins to specific mahallas/mosques.”

Indeed, after the establishment of the OA, mahalla was no longer an abstract Muslim congregation of any number of Muslims united around an imam and a mosque. It was now defined in terms of its people, in particular the number of adult males having their own households. The mahalla was also defined by another term, “izbiratel’noe obschestvo,” which meant an electoral constituency andsignified that it was a community that elected its own imam. An inhabitant of such a mahalla came to signify more than a Muslim living within the territorial confines of a mahalla, but a “prikhozhanin,” or a parishioner, a person belonging to a specific parish. In the new laws on the mahalla, we can thus trace the way in which the Russian state created Muslim subjects over time.

Opening a new mahalla simultaneously meant electing a new imam and constructing a new mosque. When Muslims wanted to build a mosque and were able to get permission from local imperial authorities, this meant the creation of a new mahalla. To a large extent, the procedure to obtain permission for mosque construction was similar to the one for appointing an imam. Muslims had to submit a communal decision (prigovor) stating their intention to build and fund a mosque. At least two-thirds of the community’s male heads of households had to sign this document. The opening of a new Muslim mahalla depended solely on clarification of the

---

9 Frank, Muslim Religious Institutions, p. 66.
10 On the construction of mosques in the Volga-Ural region, the most detailed account is: Il’dus Zagidullin, Islamskie instituty v Rossiiskoi imperii: mecheti v Evropeiskoi chasti Rossii i Sibiri (Kazan: Tatarskoe Knizhnoe Izdatelstvo, 2007).
necessity of constructing a new mosque and the availability of the means for its funding.\textsuperscript{11}

According to a rule promulgated in 1744\textsuperscript{12} and later reiterated in 1835, it was also necessary to have at least 200 registered (\textit{revizskie}) adult males in the \textit{mahalla}.\textsuperscript{13} An 1886 revision of this law replaced the requirement of 200 registered male inhabitants with 200 currently existing male inhabitants (\textit{nalichnykh dushi}).\textsuperscript{14}

The reiteration of this requirement of 200 males over the years also shows that the provincial authorities could not impose Muslim observance of this law. As Il’dus Zagidullin suggests, in the first half of the nineteenth century, the great majority of villages did not have 200 males, so the law of 1835 in fact allowed the construction of only one mosque in an average village.\textsuperscript{15} During the years when the official newspaper of the OA was published, it included a section announcing the approved openings of new \textit{mahallas}. Almost all the new \textit{mahallas} had less than 200 registered males, some as low as 130.\textsuperscript{16} However, this did not mean that Russian officials never tried to implement the rule. A number of cases show that some provincial officials

\textsuperscript{11} RGIA, F. 821, op. 150, d. 404, l. 61.
\textsuperscript{12} In 1744, the state for the first time attempted to regulate the opening and construction of mosques in the Volga-Ural region. The 1744 laws came as a response of the state to numerous petitions of Muslims explaining their grief about state policies of 1742-1743. In these years almost eighty percent of the mosques in Kazan, Nizhni Novgorod, Astrakhan and Siberia provinces were demolished and the state the construction of mosques in settlements where Muslim population was mixed with Christian and \textit{novokreschentsy} (Muslims, newly converted to Christianity). The 1744 laws, therefore, for the first time legalized the construction of new mosques and introduced regulations.
\textsuperscript{13} \textit{PSZ vtoroe sobranie}, vol. 10, part 2, no. 8663.
\textsuperscript{14} The terms \textit{revizskie} and \textit{nalichnye dushi} were used in the censuses for taxation purposes in the Russian Empire. While \textit{nalichnye dushi} meant the currently living and existing male population, \textit{revizskie dushi} meant the male population that existed during the latest census and counted to exist until the next census. \textit{PSZ, tret’e sobranie}, vol. 6, no. 4102.
\textsuperscript{15} Zagidullin, \textit{Islamskie instituty}, p. 103. According to the numbers provided by Azamatov, in 1851, out of the 1,663 mosques in Orenburg province, 730 had less than 200 male heads of households in their congregation. Danil D. Azamatov, \textit{Orenburgskoe magometanskoе dukhovnoе sobranie v kontse 18-go 19-go vekakh} (Ufa: Gilem, 1999), p. 99.
\textsuperscript{16} See the section of “\textit{Yaña açılğan mähällä vä mäsjidlär},” in \textit{Mäğılumat}.  
were much stricter in the enforcement of the rules on the construction of mosques and appointment of imams. Thus, in 1901 the Samara governorship rejected the petition of the mahalla inhabitants of the village of Sherlam in Bugul’ma district to construct a mosque, as a result of which they complained to higher imperial authorities about the decisions of the governorship. During the investigation, it was clarified that the village of Sherlam had only 163 males, and the petition was compiled with the “support” of fifty-three peasants from another village (Ursalybash), who were already registered to a different mahalla. The latter fifty-three peasants expressed their agreement to the inhabitants of the Sherlam mahalla that they would join their congregation. The Governing Senate found that since the inhabitants of Ursalybash did not write a petition for their transfer to a new mahalla in Sherlam, but instead simply expressed their agreement orally such a transfer was not legal according to Russian law. In that case, the Sherlam mahalla did not have the legally required 200 males, so the Governing Senate declined the petition.\(^{17}\) In a similar situation when the peasants from another mahalla declared their request in a petition with their signatures, the Governing Senate decided to grant their request despite the refusal of the local governorship.\(^ {18}\)

Indeed, Russian law allowed Muslims of different villages to form one mahalla around a mosque, if a new mosque was needed.\(^ {19}\) This is illustrated more clearly in another case, in which the peasants of the village of Bogdanovo in the Birsk district, which had 532 males (revised male souls), and which already had two Friday mosques, petitioned to construct a third mosque, while attaching another seventy males from the nearby village of Timkino to the new mahalla. The Governing Senate, which received a complaint against the decision of Ufa governorship to reject

\(^{17}\) RGIA, F. 821, op. 150, d. 404, ll. 59-60.  
\(^{18}\) RGIA, F. 821, op. 150, d. 404, ll. 61-66.  
\(^ {19}\) Zagidullin, Islamskie instituty, pp. 111-117.
this request, found the latter incorrect, because the law required a statement of necessity for the construction of a new mosque and that such necessity be clearly stated in the prigovor, together with other requirements met.20 This case also illustrates the disagreement of authorities in St. Petersburg with the decisions of local governorships if the latter violated the rights of Muslims without a reason. Here the state was increasingly controlling the formation of a Muslim mahalla by the end of the nineteenth century.

A mahalla had to be formally outlined not only in terms of its congregation but also of its geography. If a village consisted of one mahalla, or if there was a topographical feature dividing the village like a river,21 the mahalla’s boundaries were clear, but in other cases the division of mahallas might be complicated. Thus, in the village of Shugurovo, inhabitants elected a certain Ziyatdinov as imam to a newly created mahalla. But when some parishioners complained about the “fraudulent election,” the police investigation revealed that the mahallas of the two existing mosques were not formally divided in the village. Therefore, the provincial administration asked whether the OA considered it possible to approve the election of Ziyatdinov according to the compiled communal decision without the formal division of parishioners, at least by means of preparing the lists of the names of household heads and the existing number of males at a mahalla of each mosque. The Assembly officials found this impossible and decided that mahallas had to be first divided formally before the election of an imam could be ratified. Mahallas were to be neatly divided and only after that might the congregations elect their imams.22

20 RGIA, F. 821, op. 150, d. 404, ll. 52-53.
21 Frank, Muslim Religious Institutions, p. 68.
22 TsGIA RB, F. 295, op. 4, d. 20677 (no page numbers).
The issues of assigning two imams to one mahalla and the inappropriate division of mahallas became one of the hot topics in the pages of the Muslim press. These two phenomena were regarded as the main reason for the decreasing respect towards the ulama because the imams, who were in need of securing their livelihood were fighting over the meager sources of one mahalla, or had to look for inappropriate sources of income when the newly divided mahalla could not provide for the expenditures of its mosque, maktab and imam. Conservative Din və Mäğışät, official newspaper of the OA Mägliimat, reformist Waqt and Din və Adäb all had several articles on these problems. While these problems were already discernable in the last decades of the nineteenth century, they became even more disturbing after the declaration of toleration of faiths in 1905. Feeling the relaxation of governmental politics and also thanks to the increasing wealth of the Muslim merchants, the building of new mosques, which was effectively identical to the opening of new mahallas and the number of imams increased significantly.

Indeed, contrary to the complaints of Muslim modernists at the turn of the twentieth century that young people no longer wished to become imams and chose other professions instead, statistics show that at the end of the nineteenth and the beginning of the twentieth century, there was a proliferation of mosques, mahallas, and ulama. Danil Azamatov has noted this development after 1885. If in 1886 in the Ufa province there were 1,336 mosques and 2,240 clerics — in the Orenburg province 486 and 903 respectively — in ten years the numbers rose to 1,609 mosques and 3,556 mullas in the Ufa province and to 577 mosques and 1,017 mullas in the

23 “Möftilek mäsäläsendä fikerlär,” Din və Adäb, no. 18 (1915), pp. 568-574.
According to data from a slightly later period (1910 to 1916), we can also see a sharp increase in both the number of mosques and the number of ulama. Thus, according to data prepared by the OA and signed by its member Mamleev, in 1910 there were 5,573 mosques, 165 akhunds, 2,643 khatyps, 3,676 imams, and 2,879 muazzins under the authority of the OA. A similar document dated 1916 counts 6,081 mosques, 220 akhunds, 3,822 khatyps, 3,346 imams, and 5,940 muazzins.\(^{26}\)

While the number of mahallas, mosques and imams were increasing, the Muslim elite, both conservative and progressivist, were not content with this development. I have mentioned that they regarded this phenomenon to be detrimental to the prestige of the ulama, and for the sanctioning of Muslim rules in the community. In the first decade of the twentieth century, there was a consensus among the Muslim elite that only one imam should serve in a mosque\(^ {27}\) and also that there should be strict regulations for the opening of new mosques and mahallas. In an article criticizing the uncontrolled increase of mosques and mahallas the author did not consider the “traditional” reasons for opening a new mosque such as providing a mulla a place to serve, strengthening the status of Muslims in a region, shortening the distance that the elders should go for worship to be sufficient to open a new mosque. There should be regulations and the state should assure the observance of these regulations.\(^ {28}\) In a convention of imams in 1917 in Kazan, the participants agreed on the regulations for the opening of new mahallas. According to them the Russian state requirement of 200 households was not enough. The required population should be 300 households in villages and 5000 people in the cities. There should be a parishioner

---

\(^{25}\) Azamatov, Orenburgskoe magometanskoe dukhovnoe sobranie, p. 102.
\(^{26}\) RGIA F. 821, op. 133, d. 545, ll. 45, 128.
committee in each mahalla, which should care for the maintenance of the maktab, madrasa, and mosque as well as for the salary of the imam (to be determined by the OA.) 29 Articles, discussions, and convention decisions on the regulations for the opening and administration of mahalla show us that the ulama as well as the progressivist elite internalized the state vision for this Muslim institution. 30 Natural ways of administration and expansion of mahallas were no good anymore. They were not only criticizing the people who “arbitrarily” open new mahallas and mosques but also the state (or the OA), which could not impose its own rules and regulations. 31 They were calling for more OA intervention and suggesting new definitions for the future laws that should be imposed on the Muslim population.

An imam and his mahalla

I have already analyzed the election and approval processes of an imam. The state was now institutionalizing the position of imams as the head of a particular number of people, in the Russian Muslim mahalla. An imam had specific duties over the people of his congregation which were now defined by Russian law. According to articles 1345-1346 of the Digest of Law (Svod Zakonov), Muslim clerics “had the right to consider and decide, according to the rules of their faith and existing laws, any religious issues pertaining to Muslims, such as: the rules of worship, religious ceremonies, performance of religious rites (such as giving a name to newborn babies, performing funerals, etc.), performing marriages and divorces.” 32 An imam was

31 Ğayaz Ishaki, “Ruhanilarniñ hällären ıslah,” II, no. 3 (1913).
32 Svod zakonov, article 1345.
responsible for conducting daily prayers in the mosque, and if he was an *imam-khatyp*, also for leading the Friday prayer and prayers during religious holidays. In cases determined by civil law, Muslim clerics also had the authority to consider, according to Islam, cases on private property arising among Muslims with respect to bequests (*zaveschanie*) or divisions of inheritance.\(^{33}\) Although it was not legally included in their duties, *imams* taught the boys of a *mahalla* in *maktap* or *madrasa* and had a broader role in enforcing Islamic norms and rules in the society.\(^{34}\)

In the previous chapter I argued that getting a state license to become an *imam* was no longer simply a matter of choice or prestige, but was a part of serious legal changes that were introduced into the Muslim community after the creation of the OA. The Russian Muslim *mahalla* could simply not function without a licensed *imam*. In the village of İsterlibaş (Sterlibashevo) when the *imam-mudarris* shaykh Niğmätullah died in 1844, his son, Mohammäd Haris, who was supposed to inherit his position had not yet acquired official certification from the OA nor the state license. In order to function as the *imam* and perform religious rites for the people of his village he had to get temporary permission from Mufti Sultanov until he got his license.\(^{35}\) The new rules stated that only a licensed *imam* could perform rites such as marriage, divorce, funeral, and the naming of newborns. Conversely this meant that if an unlicensed *imam* performed any of these rites, they were considered illegal. Illegally performed marriages or births, in their turn, produced serious consequences and problems. In fact, such a system did not leave much opportunity for the *ulama* to remain unlicensed, so with time more and more of them received a state license. This trend was becoming the rule especially by the second half of the

\(^{33}\) *Svod zakonov*, article 1346.

\(^{34}\) While *imams* taught the boys, their wives, who were called *abistays* taught the girls in a *mahalla*.

nineteenth century, when the Muslim population grew and there was a pressing need to establish new mahallas.

Apart from religious duties, imams also had administrative (civil) duties, and in this regard, the Orthodox clergy was again the direct example. The Russian state assigned administrative duties to Orthodox clergy since the times of Peter the Great. Redefining service for the Orthodox clergy, the state made them responsible for a number of duties: exposing peasants who evaded the poll-tax registry; compiling parish registries; preparing lists of Old Believers or anyone who missed confession without a cause; and announcing state regulations during Sunday church services. Freeze concludes that like lay social groups, the clergy became a service estate. “In the 18th century, the parish clergy underwent a fundamental transformation, acquiring a new social profile and different service patterns that sharply distinguished it from its Muscovite forebears”.

Similar to Russian Orthodox clergy, imams were responsible for keeping civil registries and had to register births, deaths, marriages, and divorces and submit them to local governmental authorities, something that I will discuss in the following section of this chapter. Later, with the further development of the bureaucratic centralization of the empire, the imams were required to report information on newborns, the deceased, and the newly married to the sanitary department of the city administrations. They were to perform the marriage ritual and collect the marriage tax, perform divorces and issue official copies of the divorce verdict (vypiska o razvode), as well as perform birth rituals and funeral rites and write copies of civil registries certifying births and deaths upon the request of parishioners.

36 Freeze, *Russian Parish Clergy in the eighteenth Century*, pp. 17-18
37 TsGIA RB, F. 295, op. 11, d. 866 (no page numbers), 1910.
Over the course of the nineteenth century imams were entrusted with a number of other duties. They had to announce governmental circulars to the population of the mahalla, and to report the young men who were of conscription age. By the turn of the twentieth century, some imams were responsible for conducting the oath taking of Muslim army recruits, candidates for the positions in the ulama, and witnesses at court. Occasionally, imams had to serve as the agents of the state when they were required to inform peasants of the new regulations on land use or to educate people about the means to protect against contagious diseases and to report any cases of such diseases immediately. Thus, an imam knew every person in his mahalla, from a newborn to the elderly. All Muslims were also required to register in one particular mahalla, thereby falling under the supervision of that mahalla’s imam. While the imam was traditionally in the center of the communal life in a Muslim mahalla, the Russian state legally redefined and reiterated his role as the axis of social life, and bestowed him the authority to legitimize the existence and absence, marriage and divorce of every person in a Muslim congregation.

Although an imam was the head of his community in religious terms, the wealthy and the elders of the mahalla had decisive authority and they were the ones that elected an imam and could also remove him from his post if they were unsatisfied by his performance. The Russian state modified and integrated this traditional checks and balances system into the imperial administrative structure. The village head (sel’skii starosta) and the township head (volostnoi starshina) had now certain powers of supervision over mahallas along with elders and notables (baylar – rich people). The township head connected the mahalla community with the township

---

38 On the reporting by imams on recruits, see: Sbornik tsirkuliarov, p. 133. For an example of imam conducting the oath-taking see: TsGIA RB, F. 295, op. 6, d. 36, 1891, l. 1.
39 TsGIA RB, F. 295, op. 11, d. 764 (no page numbers), November 4, 1903.
40 Sbornik tsirkuliarov, pp. 95-96.
and province administration. He supervised the mahalla at the provincial level. The village head, who had a number of duties and responsibilities, also had power to convene the village convention (sel’skii skhod) when necessary — in particular when issues pertaining to functioning of a mahalla had to be discussed. As noted earlier, the township head was invited to preside over village meetings, especially during the election of Muslim clerical positions (dolzhnostnye litsa) or when people lodged complaints against them.\textsuperscript{41} Besides the election of the imams, the jurisdiction of the village convention included, among other responsibilities, making decisions about the expulsion of “harmful and vicious elements” from the village community, designation of guardians and trustees, division of family property, resolution of cases concerning the common village land, discussions of common public needs, assignment of loans, and the preparation of petitions for the construction and repair of mosques.\textsuperscript{42} The laws were especially emphatic in not allowing religious scholars to participate in village conventions, even though they belonged to household heads of the village community.\textsuperscript{43} This naturally meant that the imams could not influence the discussions and decisions occurring during such meetings. Apparently, the imam did not have the right to convene a village gathering. When the authorities learned that the imam of the Kyzylbaevsk mosque, Kulmohamät Barnaşev, gathered villagers to take a decision about the punishment of immoral villagers, and sentenced those to flagging, the township administration requested that the OA remind imam Barnaşev of the laws which prohibited the imams to gather mahalla peasants, to take part in their meetings, or to raise discussions on “social and public affairs” (obschestvennykh del).\textsuperscript{44}

\textsuperscript{41} Zakony Rossiiskoi imperii o bashkirakh, mishariakh, teptiariakh i bobyliakh (Ufa: Kitap, 1999), p. 425.
\textsuperscript{42} Zakony Rossiiskoi imperii, pp. 425-26.
\textsuperscript{43} Zakony Rossiiskoi imperii, p. 425.
\textsuperscript{44} TsGIA RB, F. 295, op. 2, d. 277, Journal entry of August 8, 1905.
According to Russian law, imams had to be physically present and could not be absent from their mahallas without permission. This was a preventive measure against the problem of “itinerant imams” who were not under the control of the Russian state. Initially the OA was issuing travel permissions, but, in order to control the movement of imams more closely, the Russian authorities overtook this power, and the imams had to apply to local state authorities for permission instead.\(^{45}\) An imam had to petition provincial authorities for a short-term leave or for travel for specific reasons, such as a journey to perform pilgrimage to the Muslim holy places, Mecca and Medina (Hajj).\(^{46}\) Already at the beginning of the nineteenth century even imam-candidates had to report to local authorities and ask their permission for travel to Islamic learning centers outside the empire, like Bukhara.\(^{47}\) Provincial authorities usually requested the approval of the OA before issuing such permission to an imam.\(^{48}\) In order to leave, an imam had to find another licensed imam to perform his duties while he was absent from the mahalla.\(^{49}\) Provincial authorities had to report on the absences and vacations of imams to the OA, who would replace the acting imams and muazzins during their absence. When Mâğlûmat, the official newspaper of

\(^{45}\) Azamatov, Orenburgskoe magometanskoe dukhovnoe sobranie p. 112.

\(^{46}\) For an example, see: NART, F. 2, op. 2, d. 12700, l. 1. A local district administration presented a petition by an imam seeking leave to governorship administration having notified that there was no objection on the part of police office to his travel outside of his mahalla.

\(^{47}\) Mohammâd Şakir Mahdum Tuqayef, Tarih-i İsterlibaş (Kazan, 1899), p. 5.

\(^{48}\) TsGIA RB, F. 295, op. 11, d. 764 (no page numbers), April 1903. For example, an official of the province requested the OA to report back to the province administration if there were any obstacles to imam Rameev’s leaving on vacation within the Russian Empire for a period of two months.

\(^{49}\) Thus, for example, the imam of the Pastukhov cast-iron plant, Saet Mamatov, upon receiving the permission to go to Mecca and Medina, wanted to leave his son in his place; his son, according to the imam, “is capable of fulfilling the duties of an imam”, to which the OA responded negatively and suggested that the imam should ask the imam of the nearest mahalla to take over his responsibilities during his absence. TsGIA RB, F. 295, op. 6, d. 880.
the OA, was in publication it had a section, which listed the names of the Muslim clerics who had received the necessary travel permissions along with the goal and duration of their travel.\footnote{See for example: “Zagranitsaga otpusk almış imamlar,” Mâğlûmat, no. 39 (1909), pp. 948-949.}

In practice, however, imams had to leave their villages more often and for different reasons without obtaining permission from local imperial officials. These included visiting a relative in another village or town, travelling to a city for some business, or travelling to their native village or town to receive inheritance. This made their situation vulnerable to and dependent on the whims of parishioners, as people in the mahalla sometimes complained to the OA or local state authorities about their imam’s “unauthorized absence” (samovol’naia otluchka). This was the reflection of an important shift: The mahalla members internalized the Russian law and the absence and presence of the imam became an issue that should be controlled and enforced by state authorities. There are a number of petitions by Muslims regarding unauthorized absences of the ulama and upon such complaints the OA reprimanded the mentioned imams and warned that they would be punished if the complaints were repeated.\footnote{TsGIA RB, 295, op. 6, d. 3887 (no page numbers), July 26, 1916.}

Imams were not at all happy with such requirements, as they often needed to leave their mahalla for short periods of time, sometimes unexpectedly, and could not wait for permission to be issued by local officials. Some imams sought to relax this rule. Thus, a group of eleven imams of the Zlatoustovsk district reported to the OA that, according to a circular No. 1631 that it issued on 18 March 1896, imams could take leaves of absence only with the permission of local province authorities and short-term leave (not more than two weeks) could also be allowed upon the consideration of province authorities if they informed the local police. Even this regulation about short-term leave was very cumbersome, because it was quite often that an imam had to leave his mahalla for five or six days for unexpected reasons, such as deaths of relatives who
lived in faraway places, illness, and other matters. Imams thus requested that the OA would petition on their behalf to get permission for temporary absence from the local police rather than from provincial authorities.\(^{52}\)

Such instances of imams writing collectively to demand for some changes affecting them as a group can be taken as further evidence that the ulama were becoming more conscious about their common identity within the imperial social system. Furthermore, both the parishioners and the ulama were referring to the Russian law when they were constructing their arguments and complaints. Thus the communal relationship was carried over to legal and imperial level and was losing its traditional methods of resolution. The problem of the absence of an imam, or an imam’s need to travel did not only concern the remote village in a faraway district, but became an issue that required the involvement of the local governmental authorities, gubernatorial administration, the OA and the ministerial offices in St. Petersburg.

There was only one instance when imams had the official obligation to leave their community temporarily: their own military service. Until 1874 Muslim religious scholars of the Volga-Ural region were exempted from conscription. However, with the introduction of compulsory military service (vseobschaia voinskaia poivnnost’) in 1874, the ulama lost this privilege. This law was confirmed in 1894, despite the attempts of the OA to have the obligation rescinded, and would be reaffirmed before the Russo-Japanese war of 1905. According to the emperor’s decree of January 29, 1904, the Governing Senate was ordered “to call to army service the lower ranks of the army reserves from all the districts and provinces of the Siberia and Kazan military districts (voennyi okrug).” It stated, “Taking into consideration that among those

\(^{52}\) TsGIA RB, F. 295, op. 2, d. 252, Journal entry of August 17, 1900. A similar case can be found in F. 295, op. 2, d. 252, Journal entry of August 28. The imam asked the OA what he can do if he leaves the mahalla for five to ten days, which of the imams has the right to perform his duties in his absence, and whether he leave the mahalla for three to five days.
summoned to army service there may be Muslims who perform the duty of *imam* and have to keep the civil registries, and taking also into account the suggestion of the Minister of Internal Affairs of March 7, 1894, the OA is to appoint *imams* for temporary supervision of *mahallas* during the absence of those *imams* who are performing military service”. *Imams* so summoned had to inform OA officials. In turn, the OA requested all province and township administrations to announce to all *imams* in the army reserves that in case they were summoned to military service, they had to hand their responsibilities over to the second *imam* if possible. If there was no second *imam* in the *mahalla*, they had to agree with the *imams* of nearby *mahallas* on the conduct of religious rites upon the consent of their parishioners, and report on the outcome to the OA and to the local civil administration.53

**Performing religious rites**

The assignment of an *imam* to a particular congregation and of Muslims to a particular *mahalla* and *imam* found expression [also] in Russian laws on the performance of Muslim religious rites. It is not clear when these laws were introduced, but according to circular No. 3999 of 1893, every Muslim had to apply only to the *imam* of his or her *mahalla* for the performance of religious rites and duties as was the case in the Russian Orthodox community.54 Here, the state was defining and limiting the “sphere of influence” of an *imam*. This meant that he was to perform rites only to Muslims of his own *mahalla*; to do otherwise would be considered illegal.55 Märjani notes that this became the rule roughly in the 1850s when Mufti Suleymanov ordered *imams* not to interfere in each other’s affairs, thereby limiting their

---

53 TsGIA RB, F. 295, op. 2, d. 272, Journal entry of March 2, 1904.
54 TsGIA RB, F. 295, op. 2, d. 275, Journal entry of May 25, 1905.
55 *Sbornik tsirkularov*, pp. 52-53.
authority. By the same reasoning, Muslims of one mahalla could not approach another imam to perform their religious rites. Problems arose when laypeople did not heed this rule and either failed to call the imam of their mahalla to perform a rite or asked imams of other mahallas to fulfill their needs. The amendment of 1894 to the 1893 circular on the keeping of civil registry books confirmed the role of an imam as an observer and supervisor of his mahalla. According to Article 7 of this amendment, imams of those mahallas comprising several villages had a “duty to travel around the villages of his mahalla, calling his parishioners to ‘follow the right path’, but simultaneously finding out whether there were instances of deaths or births or other cases which were to be entered in the civil registry books and if he learned about such cases, to immediately perform the religious services and fill in the civil registries.”

Imams learned to report such cases to the OA. For example, the imam of the Second mosque of village Bikshik of the Buinsk district, Hamidulla Ahmätov, complained that there were Muslims in his mahalla who had been performing religious rites on their own, without inviting him, for as long as nine years. The OA replied that he had to perform the rites to only those parishioners who asked him to perform them and that he did not bear any responsibility for not performing the rites of those who did not wish to.

Some imams embarked on the activity of performing religious rites with too much zeal. Thus, imam Ismail Bahtiyarov wrote to the pristav of the Stavropol district complaining that:

According to the circular of the OA of 1893, N. 3999, each Muslim parishioner has to ask for the performance of religious services from an imam in whose mahalla he or she is registered, especially in cases such as giving a name to a newborn child or performing a funeral, i.e., those cases which require registration in civil registry books. Moreover, each

56 Märjani: Şihabeddin Märjani hāzrätărenen viladetineقوى يل شيخ مهندس المراقبة على مواطن
(Kazan: Maarif matbaasi, 1915) reprinted in Mirkasım Gusmanov (ed.), Märjani: Fänni-
57 Sbornik tsirkuliarov, pp. 85-86.
58 TsGIA RB, F. 295, op. 2, d. 278, Journal entry of August 5, 1905.
*imam* is required to strictly observe and watch over this rule and to report those who fail to meet these requirements to judicial authorities. I recently learned that a peasant of my *mahalla* had a newborn baby. He did not invite me, a *mahalla imam*, to perform the prayers for the newborn, and even refused to give me any information about this event, despite the fact that I tried to reach him with the help of *sel’skii starosta* and called him several times. Taking into consideration that such a deed on the part of this peasant constitutes a violation of law, both religious and secular; I have the honor to request to commit him for trial. January 29, 1905.\(^{59}\)

Under Russian law, performing religious rites such as marriage and divorce came to be defined as an *imam*’s obligation, not a choice, if a Muslim peasant came to him with such a request. An *imam* could not refuse to perform a rite to a Muslim of his community. Muslim laypeople also learned to complain about their *imams* for failing to perform religious rites. Thus, on July 23, 1905, upon the complaint of a peasant against his *imam* Ğalläm Latipov of the village of Novokamkino in the Spassk district, the Kazan chancellery found the *imam* guilty. He refused to perform the name-giving ceremony for a newborn child but, although he did not perform the rite, still entered him in the civil registry. The provincial authorities found that such a refusal to perform religious rite “constitutes a violation of the duties of an *imam* as a spiritual figure (*dukhovnogo litsa*)”. It further stated that “the registration of birth in the civil registry *in absentia*, is a violation of rules of keeping civil registry books, the punishment for which, according to article 1442 of the Code of Punishment, should be removal from office.”\(^{60}\) In a very similar case, the OA decided that “the giving of a name by an *imam in absentia* (*zauchnoe narechenie imeni*) is against the rules of *shari’a*, and that this misdeed constitutes a violation of the religious duties of an *imam* (*dukhovnye obiazannosti*) and is subject to the consideration of

\(^{59}\) TsGIA RB, F. 295, op. 6, d. 814, ll. 16, 16 ob.; F. 295, op. 2, d. 275, Journal entry of May 25, 1905.

\(^{60}\) TsGIA RB, F. 295, op. 2, d. 277, Journal entry of July 23.
the OA”. As a result, the OA decided “to reprimand the imam” who was to be subjected to a graver punishment should he repeat this misdeed.61

In both of these cases, most probably the child’s father performed the name-giving ritual. According to shari’a and practice in Muslim societies in general, any male, but usually the father, names a child. The prerogative is sometimes given to an imam. In the Russian context, however, this rule was redefined as to bestow the authority to give a name to a child or perform a funeral exclusively to a religious scholar, i.e., one who had a license from the state. According to the new rules, a father who wanted his child to be a legally recognized Russian subject could not perform these rites for his children. He had to call upon a licensed imam. Thus, yet again, the community was obliged to call the imam even to handle a small issue such as naming a baby, as the state introduced this obligation as a law.

Some Muslims of the Volga-Ural region protested these rules. In this regard, the complaint of Bahauddin Vaisov is illustrative. As mentioned earlier, Vaisov was the leader of a Sufi anti-Mufti movement claiming to be outside the jurisdiction of the OA and even inimical to it.62 In his letter to the OA, he explained that he had two wives and several children, three of whom died right after birth. He informed the imam of his mahalla, Mohamätşakir Säetov, about the birth and the death of his children so that he could record them in civil registry books, but Säetov kept refusing his requests. He expressed his indignation about Säetov’s ignorance of the

62 In the literature, the movement headed by Bahauddin Vaisov is usually called a religious sect, but recent studies by Dilara Usmanova and Michael Kemper question this term calling to rethink the nature of this contradictory religious, social and political movement. The leaders of this movement accepted only the supremacy of the emperor, but they had a rather antagonistic relationship with local civil authorities and particularly official Muslim ulama and the OA. Russian authorities responded to their protests with persecution and repression. See: Dilara Usmanova, *Musul’manskoe “sektantstvo” v Rossiiskoi imperii: “Vaisovskii Bozhii polk staroverov-musul’man” 1862-1916*, (Kazan: Akademiia nauk RT, 2009).
use and the purpose of registry books and accused him of considering them his own property. Vaisov claimed that the naming of a child was the responsibility of its parents and that he could recite necessary prayers without an *imam*. However, there was a caveat in his petition regarding the registration of his children. Since he did not ask for the services of the *imam* when he got married, his children were regarded as illegitimate. The OA decided that the marriages of Bahauddin Vaisov with two women were considered illegal, because they were concluded without the presence of an official *imam*, and therefore he was considered “guilty of committing adultery with two women and according to *shari’a* and Article 1211 of Volume 11 of the Statute of the Department of Religious Affairs of Foreign Confessions, was advised to repent (*tauba*) and perform a 28-day fast”. Moreover, OA officials also decided to sue him according to Russian criminal law “for persuading women to commit adultery and for usurping the authority of an *imam* (*dukhovnoe litso*) and violating state law”. According to the OA, *imam* Säetov did nothing wrong by refusing to fulfill Vaisov’s requests.63

Whereas the OA’s harsh response might have been related with the ongoing animosity between the OA and the Vaisov movement, Vaisov’s case shows us that at many levels the relationship between the *imam* and the inhabitants of a *mahalla* gained legal significance beyond their own merit within *shari’a*. The OA could claim the illegality of his marriages based on the Russian law, not according to *shari’a*. Moreover, even a person who was against the authority of the OA could not evade its authority in order to have a legal presence in the Russian Empire. He had to ask for the help of the OA to have his family registered in the civil registry books, which were in the possession of a licensed *imam*.

63 NART, F. 2, op. 3, d. 413, ll. 1, 2, 3.
Sometimes, *imams* evaded performing the rites because of their personal conflicts with laypeople. However, according to the OA, the relationship of an *imam* with the people of his *mahalla* “was not to be confused with his duties”. When peasant Mostaev complained to the OA that his *imam* did not come to perform religious rites after being invited to his home, the OA decided that “personal conflicts cannot be a hindrance and a reason for not performing a religious service”; the *imam* was rebuked and ordered to perform his duty at once.\(^{64}\)

The performance of religious rites and setting the boundaries of *mahallas* were inherently related. The state designated the Russian Muslim *mahalla* as an *imam*’s “sphere of influence” — a status some *imams* accepted eagerly. They would try to keep their parishioners within the borders of their *mahalla* and prevent the incursion of other *imams* into their sphere of influence. The turn of the twentieth century was marked by an increasing number of complaints of *imams* against one another for performing rites for Muslims living outside their *mahalla*.\(^{65}\) In a petition, the *imam* of village Buzaevo in the Sviiazhsk region, Biktahir Mohamätgaliev, complained to the Tsar:

My parish (*mahalla*) consists of several villages in the Sviiazhsk district. Islamovo is one of them. However, the *imam* of the village of Kugievo, Abdulla Gubaev, performs religious rites for the Islamovo inhabitants without any right to do so and in violation of the law. Such an act constitutes a violation of the rights and responsibilities of his office and requires the punishment of Gubaev according to the Criminal Code for usurping an authority that did not belong to him. I request that he be penalized and instructed not to perform any rites in my *mahalla*.\(^{66}\)

What is striking in this petition is the discourse of the *imam* who wrote this letter and his relationship to his Muslim congregation, Russian law, and other *imams*. First, he wanted to protect his sphere of influence, i.e. his *mahalla*, according to Russian law. Second, it is rather

\(^{64}\) TsGIA RB, F. 295, op. 2, d. 276, Journal entry of June 30, 1905.
\(^{65}\) TsGIA RB, F. 295, op. 2, d. 276, Journal entry of June 30, 1905.
\(^{66}\) NART, F. 2, op. 2, d. 1074, ll. 1- 1 ob.
obvious that he was perfectly familiar with Russian laws about an imam’s “duties and responsibilities”, particularly that an imam should perform the rites only for his own parishioners. More than that, again on the basis of Russian law, he claims authority to suggest punishing his colleague for the violation of this law. It can be seen from this and similar examples that relationships among the ulama also changed; they started to sue each other on the basis of Russian law. Russian law now provided them with a point of reference to settle conflicts among themselves.

An imam’s efforts to retain control over his mahalla coincided with increasing state efforts to control the movement of its subjects. Sometimes Muslims were born in one village and moved to another later in their lives. Some people who moved from the Kazakh steppes did not know the date of their birth, since it was never registered. Others moved when marrying or after divorcing back to one’s parents’ house. In general, the Volga-Ural Muslim population was very mobile. The state authorities usually tried to prevent unnecessary mobility, because the movement of people created certain kinds of problems for the state, such as an increase in the number of draft dodgers. This was noted by a famous professor at Kazan University, the ethnographer and historian Karl Fuchs, who wrote in 1844 that many Muslims, in order “to avoid army service, register their children as having been born in different districts, and even in different provinces; therefore, in this way, the number of Tatar recruits decreases”.

In one such situation, imam Nizametdinov accused imam Aynetdinov of illegally performing the name-giving ceremony for the newborn son of a parishioner from his mahalla — an act that could only mean for the Russian authorities an attempt to dodge the draft. The investigation, however, revealed that the parishioner had problems with the complaining imam, that he had already asked

---

for a transfer to the mosque of Aynetdinov with some other parishioners, and that the imam Aynetdinov had officially registered the newborn and informed the authorities. The OA left this request without consideration, having notified imam Aynetdinov not to interfere in other mahallas, a subject of strict punishment.  

There were also cases in which imams would accuse their parishioners of unauthorized movement. In a letter, the imam of the First Mosque, Rahmatullin, lodged a complaint against his own parishioners for moving to the mahalla of the Third Mosque and against the imam of that mahalla “for accepting these Muslims”. The investigation, however, revealed that the movement of the parishioners was legal, and the case was closed.

The fiercest conflicts, though, emerged within a mahalla when its inhabitants elected a second imam. In this way, a mahalla could become an arena for two imams’ “struggle for parishioners.” Since performing religious rites directly concerned the issue of money, one of the two imams often felt that it was unfair when the other imam performed all or most of the religious rites, taking most of the alms from the local population of the mahalla. To change the situation, many imams resorted to the assistance of either the OA or local imperial officials by requesting the establishment of a strict division of labor between the imams or even to divide the mahalla between them so that each imam served his own parishioners. In the village of Engurazovo of the Tambov province, the imam of the Friday Mosque, Mohamätzarif Ramazonov Gluhov, wrote in a letter to the OA:

Our mahalla consists of several villages, but they are not divided between us, which allows imam Engurazov to seize the opportunity to perform more rites than me and therefore receive more income. Thus, in the last year 1908 he performed 10 marriages, while I performed only one. Meanwhile I do all the paperwork — register events in the civil registry books and write copies of registries for the people of our congregation.

---

69 TsGIA RB, F. 295, op. 2, d. 179, Journal entry of March 5.
request that the OA establish a strict order between me and *imam* Engurazov for the performance of the rites which would ensure the equal distribution of income, because the actions of Engurazov will lead me to complete poverty.\(^{70}\)

*Imam* Engurazov, in his reply, explained, that *imam* Gluhov did not provide true information about their *mahalla*:

…Our *mahalla* had been divided by our ancestors a long time ago, when my deceased father was an *imam* of this village. Moreover, according to that division, I have even fewer parishioners than *imam* Gluhov. Therefore, we already have an established order on the performance of rites. But on some rare occasions, I do perform rites for the Muslims of *imam* Gluhov, because he is never at home and travels a lot, as he is involved in trade. Last year, I performed only two more marriages than he did, and this is because he was absent from the village. Also, because of his frequent absences from the *mahalla*, it is always me who has to provide people with copies of registries. Gluhov is a very rich man, because he has much movable and immovable property, which brings him income. Besides, he gets income for performing the rites for people as well as for teaching boys the basics of religion, but for me the only source of income is the money that I get from Muslims belonging to my part of *mahalla*.\(^{71}\)

Numerous such petitions concerning the conflicts between imams over rights to perform religious duties and collect fees were sent to the OA every year. The *mahallas* could not find a solution to these conflicts. However, also the OA did not or could not resolve the issues and just reminded the imams to live in peace and to share the fees. In some cases the conflicts came to endanger the integrity of the *mahalla* as the *imams* would find supporters for their cause and the OA became obliged to ask for the help of local authorities.

In one such case, the OA got information that, in the village of Bolshoe Meretkozino, which had two *imams* the *imam-khatyp*, Bädretdin Şäräfetdinov, arbitrarily declared that “there was no need for a second *imam* in his *mahalla*”. The other *imam*, Isa Fahretdinov, complained about *imam-khatyp* and blamed him for “not allowing him to perform religious rites or the daily prayers in the mosque and [deter] parishioners from giving him the alms and other voluntary

---

\(^{70}\) TsGIA RB, F. 295, op. 6, d. 2195, ll. 3- 3ob.

\(^{71}\) TsGIA RB, F. 295, op. 6, d. 2195, ll. 4- 4 ob.
donations”, and requested the OA to establish a division of labor between them for the performance of religious rites. Having heard their testimonies, the OA decided that Fahretdinov’s complaints were valid, as imam-khatyp Şarafetdinov openly acknowledged that he “prevented the second imam from performing any services or teaching boys in religious subjects because the latter did not show him his state license, and also because both the mosque and the madrasa were built under his direct supervision and therefore he had the right to decide whether to allow Fahretdinov to perform religious services and teach children or not, unless there is a special instruction by the OA permitting him to be an imam.”

The OA, through the Tetiushi district police office, instructed both imams about their rights and responsibilities on performing and registering religious services and warned them to live in peace, to respect each other, and not to complain about one other. Although both imams agreed, these measures did not bring about any changes, and both of them continued to lodge complaints against the other. When the relationship between the imams turned into a protracted conflict, the OA had to order new police investigations and the recording of new testimonies. The conflict brought in the whole community, with peasants being interrogated and the police taking testimonies. The issue ended with the decision of the OA to temporarily dismiss the imams, one for eight months and the other for a year.

As the conflicts between two imams also impacted the regular and accurate upkeep of civil registries — which I will discuss in the following section — higher Russian authorities

---

72 NART, F. 2, op. 2, d. 12628, ll. 2-2 ob.

73 For the Russian state authorities and the OA, the major issue at stake in this and similar conflicts was the improper keeping of civil registries, which will be discussed in the next section. As imam Fahretdinov reported in his next petitions to the OA, because of his conflict with the imam-khatyp and his refusal to give him the civil registry books, he could not register the births of two newborns, the deaths of two people, and one marriage, all of which he was responsible for during the previous year. NART, F. 2, op. 2, d. 12628, ll. 3.
introduced new rules regulating the lives and duties of two imams in a mahalla. If there were two imams in one mahalla, they would perform religious rites such as marriages, divorces, funerals, and giving names to newborns in turn, but both of them would be present at a religious service. Besides, they had to share the money that they got for performing the rites equally. The imam who performed the rites would register them in the civil registry book, while the metrical books were to be kept by the imam-khatyp. Despite the introduction of these rules, imams violated or ignored them.

Until the end of the Russian Empire, such conflicts between imams over income and delimitation of their sphere of influence could not be resolved due to the inefficiency of the OA and Russian state authorities. The Muslim elite regarded such conflicts to be detrimental for the prestige of the ulama. Several authors stated that “two imams at one mosque is a huge disaster” and that this was the beginning of “fitna,” which leads the community to split apart. Therefore, when the Muslim elite discussed the reformation of the OA, they always considered that the OA should carefully regulate the relations between two imams in one mahalla, and prevent the future service of two imams together. The ulama convention in Kazan in 1917 underlined the consensus about the service of imams that there should only be one imam and one muazzin at each mosque and that the OA should determine the means to provide their income. However, the Muslim elite did not have a chance to implement the regulations they had decided upon.

---

74 *Fitna* – is a term denoting in Islamic history civil war, but it also has a general meaning of secession, upheaval, and chaos.
77 *Ulama itifagi*, (Kazan, 1917), p. 14
Keeping civil registries

One of the most important novelties within the space of the mahalla that changed the life and transformed the authority of the ulama dealt with the introduction of civil registry books (metricheskie knigi) into the Muslim community.\textsuperscript{78} Apparently this was another reflection of the developing bureaucratization and centralization of the Russian state and its attempt to incorporate Muslim subjects and benefit from their human resources in a more efficient way. The new responsibility to keep the books also reflected the relationship of the ulama with imperial institutions. Civil registries redefined the authority of the ulama within the Muslim community, but also affected the lives of the ulama and Muslims in rather precarious ways, in particular by exacerbating local conflicts and straining relations among the ulama. While the state authorities were aiming at a stricter control over the ulama through these documents, they unintentionally empowered them to defy the state authority by the manipulation of documentation, as I will show later.

Civil registries as a basic source for modern demographic analysis appeared relatively late in the Russian Empire. As early as 1702, understanding the importance of statistics, Peter the Great mandated their compilation, but civil registries began to be regularly compiled only decades later and even then they were full of errors, omissions, and deceptions.\textsuperscript{79} On its way to establish a modern bureaucracy, the Russian state introduced this “crucial technological element


\textsuperscript{79} Freeze, Jewish Marriage and Divorce, p. 50.
of bureaucratic organizations”80 to the lowest level of administrative structures — the parishes. The civil registries were first imposed on the Orthodox population in the eighteenth century and gradually became obligatory for all religious groups. In the Jewish community, civil registries were introduced in 1826 and the government imposed the responsibility over record keeping on the state rabbis.81 For the Muslim population, it was only two years later, in 1828 that the state began to oblige licensed imams to keep the books.82

At the beginning of a new year, the imams, like all the clergy of every confession, would receive blank bound volumes with individual entry numbers. The OA would send two empty civil registry books to every mahalla through provincial administrations. Parish imams had to fill in the information (in the Tatar language, if they did not know Russian83) on births, marriages, divorces and deaths as they occurred throughout the year within their mahalla and then submit one of them to the local police office to be sent back to the OA via the governorship authorities. The second volume would remain in the mahalla mosque.84 This would provide the Russian state with some statistical data about its Muslim population and would be especially useful for taxation purposes and keeping track of army conscripts. Moreover, the civil registries became an important part of resolving disputes that might occur within the community. Imams were authorized to prepare several documents depending on the registries and the parishioners could use these documents at court. A woman could not remarry without taking a “divorce paper” (razvodnoi listok), which was a copy of her divorce entered in the civil registry. In resolving

81 Freeze, Jewish Marriage and Divorce, p. 50.
82 Civil registry books were introduced much earlier for the Russian Orthodox community, in 1702.
83 As I showed in the previous chapter, most of the ulama did not know Russian and kept civil registries in Tatar. I have not come across any registries for the Muslim population in the Russian language.
84 Svod zakonov, vol. 9, articles 905-911, pp. 117-118.
inheritance cases litigants had to bring documentation of genealogy as well as a death record from their *imams*.

Although the Russian state introduced the civil registry books for its Muslim population in 1828, it would take more time for the *ulama* to develop the habit of properly filling in the necessary information and returning the books to the OA. Mustafa Tuna has suggested, for example, that “by the 1870s, the responsibility of *imams* to keep civil registry books had become such a normal part of the duties of an *imam* from the point of view of the Russian administration that the Ministry of Internal Affairs decided to require the Islamic scholars to learn Russian in order to fulfill their functions in the imperial bureaucracy better.”

Indeed, it was apparently only after the 1860s that the *imams* began to fill in and submit the civil registry books more or less regularly. In the State Archive of Sverdlovsk region, the earliest civil registry book dates to 1867. In the Perm State Archive, there are civil registry books dating only from 1876 up to 1918, and not for every year or every mosque. In the State archive of Cheliabinsk *oblast* the earliest book is dated 1838, but there then follows a big gap, with regularly submitted registry books dating only from the late 1870s. The situation is similar in the state archive of the Republic of Tatarstan, where more than two thousand civil registry books for the Muslim population are preserved. Although the earliest civil registry book is for 1829, the majority of them belong to the period after 1865, but even then books are missing for some regions and villages.

However, the issue of correct bookkeeping remained a major problem even after decades of practice. Indeed, sources show that this problem would continue until the end of the imperial regime. As late as 1905 the Kazan Governor wrote to the OA that during his revision of township

---

85 Tuna “Imperial Russia’s Muslims,” p. 89-90.
87 El’mira Salakhova “Tatarstan milli arhiv fondinda möselman metrika yazmaları”.
administrations, he learned that many *imams* kept the registry books “rather carelessly” and that many newborns remained unregistered, as a result of which township officials experienced difficulties in determining the year that young men should be called to serve in the army; in these cases their age was determined by their physical appearance.\(^8^8\)

By the early 1870s imperial and Muslim authorities began to draw attention to this problem. The Orenburg Governor-General, Kryzhanovskii, attempting to reform the work of the OA, noted that a large number of complaints brought by Muslims before OA officials were about the *ulama*’s abuse of civil registries by purposefully entering incorrect information.\(^8^9\) Kryzhanovskii underlined that a special control was important over the upkeep of the civil registries among Muslims. In his opinion, entrusting such control to the OA, without the participation of civil authorities, was hardly convenient and trustworthy. First of all, it was necessary to have civil registries kept in the Russian language, “what could not be achieved for more than forty years and seems unachievable if control over the registries remains in the hands of the OA”. According to Kryzhanovskii, this question could be solved faster if state authorities would directly come in charge over the Muslim clergy. The state would achieve better success in this question if it transferred the responsibility over controlling civil registries to gubernatorial officials. As an alternative, the state could also take more radical measures and transfer the duty over keeping the registries to the heads of villages and townships who would submit them further to police offices and finally to gubernatorial administration.\(^9^0\)

The OA was aware of the dissatisfaction of the Russian authorities about the way that *imams* keep the civil registry books and throughout its existence continued to issue a number of

---

\(^8^8\) TsGIA RB, F. 295, op. 2, d. 277, Journal entry of July 2, 1905.
\(^8^9\) RGIA, F. 821, op. 8, d. 611, ll 35-35 ob.
\(^9^0\) RGIA, F. 821, op. 8, d. 611, ll. 44 – 44 ob.
circulars with more detailed rules that the ulama had to follow when registering the rites they performed. According to these rules, entries of religious rites were to be registered immediately upon their performance, in the required sections for births, deaths, etc., and their date, month, and number had to be indicated. The writing was to be clear, with correct orthography, and with proper line and paragraph intervals. If there were two imams in a mahalla, they were to record the data on the performance of rites together.\textsuperscript{91}

Despite the detailed instructions, violations continued to take place, and both imperial and OA officials thought about a way to stop the disorder. The OA decided to recall the previous practices and defined the proper keeping of the books as being a part of — and required by the rules of — the shari‘a. In a circular from 1893, the OA concluded that “because in cases of birth, marriage, divorce, bride price (kalym), inheritance, and the like, the civil registry book is both the truest proof and is required by shari‘a, Muslims, who behave indifferently toward these regulations are responsible before God for neglecting the rules of shari‘a and would be accountable before the court according to civil law”.\textsuperscript{92}

In fact, civil registries had an indigenous precedent in the communal Muslim life. Imams and mudarris\textsuperscript{es} had been keeping track of those acts that they had performed in special notebooks or rather in the margins of some books. These notes were regarded to be valid documentation among ulama when a shar‘i case required the consultation of these notes. Rizaeddin Fahreddin stated that the importance of the civil registries for the Muslim population was their relevance for the matters that were defined and regulated according to shari‘a.\textsuperscript{93}

\textsuperscript{91} On entering information in the civil registries see Sbornik tsirkuliarov, pp. 76-86.
\textsuperscript{92} Sbornik tsirkuliarov, p. 79.
\textsuperscript{93} Rizaeddin Fahreddin, “Ufa şähärendä gubernskii ispolnitel’niy komitetka saylanğan kotlug tatar egetlärenä hâm, ğomumän, bügen eş başında toruçi ipteşlärgä açik mäktüp,” 11 January 1925 in Rizaeddin Fahreddinev, Bolgar ve Kazan törekläre (Kazan: Tatarstan kitap nüşriyatı,
Therefore, the Muslim population also accepted this attempt of the OA to subsume a bureaucratic regulation into *shari’a*. In some petitions Muslim laypeople expressed their concern that a certain religious rite was not “included in civil registry book according to *shari’a*”. Indeed, in the mind of Muslims, proper documentation of religious rites was not only vital for order, but was a constituent part of *shari’a* rules. It was not rare to find an expression that an *imam* entered information in civil registry books according to *shari’a* and not according to a certain circular or law. For example, upon the complaint of a woman against *imam* Niğamätväliev for performing an incorrect dissolution of marriage, the latter reported in his letter to the OA that a peasant of his *mahalla*, Bahauddin Yamaletdinov, announced divorce (*bain-talaq*) to his wife in the presence of several witnesses and that he, the *imam*, “registered this divorce in the civil registry book on the basis of *shari’a*”.  

While the Muslims might have accepted the registries as a part of Muslim life and *ulama* had a previous habit of keeping registries, the priorities of the Muslim population and the expectation of the Russian state were different. The Muslims were registering data which had religious relevance, but the Russian state was after useful population data. The data that the Muslims were eager to enter were used to regulate marriages, divorces, and inheritance distribution. This was not totally legible and useful for the state purposes. The state first and foremost wanted to know the exact birth dates of its male population, the existence of tax paying population, and to assure that the law on marriage age was observed. Even going beyond the

1993), pp. 244-257. [This open letter was an important part of Fahreddin’s campaign to save the archives of the Orenburg Assembly. He reminded to the new Soviet statesmen the national and religious importance of the documents, including the civil registries, for the future of the Tatar and Bashkir nations. Since the main sources of my dissertation are the documents from this archive, I have to acknowledge my gratitude to Rizaeddin Fahreddin for all his efforts to protect the historical and religious heritage of Russian Muslims.]

94 TsGIA RB, F. 295, op. 2, d. 252, Journal entry of August 28, 1900.
obvious language and alphabet barrier, the Russian official could not understand who is who in a Muslim civil registry because the naming tradition of the Muslims was not the same as the Russian one. As I will discuss later, imams also made deliberate manipulations of data. Therefore, until the end of the empire the OA and the Russian officials attempted to streamline the upkeep of civil registries.

In the previous sections I have shown that the ability of the OA was limited to assure the proper performance of imams, and because of this inability the OA had to invite further involvement of state authorities into the functioning of a mahalla. In the case of the enforcement of accurate upkeep of civil registries the OA felt the same urge. Already local state officials were distributing the civil registry books to imams. The OA demanded that those officials should also control the civil registry books for obvious corrections, when the imams return these books. In the case that they found corrections and deletions (podchistki), the officials were to make notes on the books with their own signatures. In a letter to the Ministry of Interior, the OA admitted that it could not think of any other effective measure to prevent such abuses. The OA officials underlined in a circular to imams the “extreme inattentiveness and negligence on the part of many imams” and decided that they needed to observe closely the keeping of parish books at the time of submission, check all the information in it, as well as strictly punish those of the ulama who violated the rules.

Such omissions and corrections, however, began to be exposed even more frequently through the denunciation of religious scholars as a result of feuds between the ulama in a mahalla (as seen in the feud between imams Fahretdinov and Şäräfetdinov). Indeed, many

---

95 RGIA, F. 821, op. 10, d. 778, l. 75 ob.
96 RGIA, F. 821, op. 10, d. 778, l. 24.
97 Sbornik tsirkularov, p. 54.
quarrels between the two *imams* of a *mahalla* ended up in leaving religious rites simply unregistered. This led to what I term “registry wars” — when, as a result of animosities, *imams* would not give each other civil registry books, and thus the religious rites performed by them would be left unregistered.\(^98\)

Sometimes, peasants denounced their own local *imams*. Such cases most probably arose because of antagonistic relations between Muslim laypeople and the *ulama*, but also for other reasons involving complex relationships among Muslims within a community. Such cases also show that the position of *imams* became more vulnerable over time; an *imam* who violated law could quickly become the target of his parishioners or of the Muslims from other *mahallas*. In the archives of the OA there are several denunciations against *imams* who performed marriage ceremonies of underage couples with or without taking bribes.\(^99\) In other cases we see that some *imams* were accused of asking for bribes to make entries in the civil registry books for the preparation of copies of registries\(^100\) or to make entries after the fact in order to “help out” the parishioners.\(^101\)

At the end of the nineteenth century, the state found other means to fight this disorder. In 1892, the new law, outlined in another circular of the OA to parish *ulama*, stated that all cases of births, deaths, marriages, and divorces that were not registered immediately upon their

---

\(^98\) A similar problem occurred between two brothers, both *imams* of the same mosque. *Ukaznyi imam* Habibulla Sayfelmulukov explained in his petition to the OA that in the village of Danyshovo there was one mosque and two *imams*, he and his brother Abdulvasil Sayfelmulukov. He, Habibulla, “is the elder *imam* and has to keep the civil registries.” Meanwhile his brother usurped the rights of seniority and keeping registry books. Moreover, he simply delegated the task of recording to a fellow villager, Abdelqutdus Abdelhakimov, who did not allow checking the registry books as a result of which some births, deaths and marriages were left unregistered. TsGIA RB, F. 295, op. 2, d. 179, Journal entry of February 20, 1890.

\(^99\) NART, F. 2, op. 3, d. 7505.

\(^100\) TsGIA RB, F. 295, op. 2, d. 282, Journal entry of February 12, 1907.

\(^101\) TsGIA RB, F. 295, op. 2, d. 252 (0309).
performance could not be registered in the books later on.\textsuperscript{102} As an addition to this law, the harsher measure of February 29, 1900 by the Department of Religious Affairs of Foreign Confessions stated that there could not be any corrections in the civil registries, with the exception of errors made by a clerk. In other cases, the circular stated, the people should apply to the local civil courts (\textit{okruzhye sudy}) in order to prove the legality of births.\textsuperscript{103}

These laws, however, caused problems for the Muslim family. It is after the introduction of this law that Muslims became more cautious and careful about filling in the information in the books. Muslims came to realize, in some cases, the importance of timely and proper registration in the civil registry books. Every year there was an increasing number of petitions requesting the correction of names, birth dates and the like or simply the insertion of missing data. The OA had to redirect these requests to state courts, as it was prohibited to make changes in the civil registries.\textsuperscript{104}

Even after the ulama became familiar with these instructions, Russian provincial officials continued to complain that the civil registry books were kept very badly, that there were a lot of

\textsuperscript{102} \textit{Sbornik tsirkuliarov}, p. 53.
\textsuperscript{103} \textit{Sbornik tsirkuliarov}, p. 123. See an example on pp. 155-156. This is according to rules stated in articles 1346 and 1356 of the Statute of Civil Code issued in 1892.
\textsuperscript{104} Thus, a Muslim woman Enikeeva requested the OA to acknowledge the birth of her daughter who was not entered in the civil registry book at her birth. She explained to the Assembly officials that at a time when her daughter was born, her husband was only sixteen years old and therefore, according to Russian law, their marriage was not legal. They officially married two years later, but the birth of their daughter remained illegal, as it was not entered in the records right after her birth. Enikeeva asked to legalize the birth of her daughter and to provide her with a document certifying her birth. The OA replied to her that according to the guidelines of the Minister of Internal Affairs of September 30, 1891, such cases were not in the responsibility of the OA, that it could not help her in this situation, that it was prohibited to make any entries in the civil registries anymore and the legality of the birth of children could be proven by secular courts. TsGIA RB, F. 295, op. 2, d. 272 (0225). That was the usual response of the OA officials to similar petitions. The OA, however, made exceptions. When petitions came from well-known aristocratic families, it tried to solve the situation, although to no avail. RGIA, F. 821, op. 10, d. 798.
mistakes, omissions, and forgeries and that imams simply failed to submit them in time or neglected to do so at all. For the Russian authorities, the reason was the unfamiliarity of imams with bookkeeping practices.\textsuperscript{105} Many imams filled in the civil registries only at the end of the year, after collating information about performed rites on separate pieces of paper throughout the year. I claim, however, that apart from inadequate bookkeeping skills, poor memory, and illegible handwriting, some of the corrections, deletions, and forgeries were done on purpose. Some imams registered the data twice, some wrote the information between the lines, yet others wrote the names with slight mistakes, and so on.\textsuperscript{106} OA officials easily realized the presence of such mistakes, and noted that some cases of births were often not registered at all, or, on the contrary, were entered twice in the civil registries for different years of the same mahalla or even of two different mahallas, which would lead to the “incorrect conscription of a person or exemption of one at the expense of another”.\textsuperscript{107} N. V. Bikbulatov and Fliza F. Fatykhova, who write about Muslim family and marriage and divorce practices, note that when performing marriage ceremonies of “underage”\textsuperscript{108} people, imams refrained from entering information about them in their books, postponing the registration until they reached the legally marriageable age according to Russian law.\textsuperscript{109}

In her discussion of a similar question about the relationship between the civil registries and the power of rabbis, Freeze suggested that in the Jewish community “the power of the state rabbi rested, first and foremost, on his monopoly over the civil registries,” and they largely used

\begin{flushright}
\textsuperscript{105} Tuna, “Imperial Russia’s Muslims,” p. 89.
\textsuperscript{106} Sbornik tsirkuliarov, p. 86.
\textsuperscript{107} Sbornik tsirkuliarov, p. 86.
\textsuperscript{108} Underage (nedostigshie sovershennoletiia) marriages were marriages of young women and men who did not reach 16 and 18 years of age, according to Russian law.
\end{flushright}
this power against both spiritual rabbis and the common people. She also argues “although the civil registry records bolstered the power of the state rabbi, they did not enhance his prestige and status among fellow Jews.”

On the contrary, “their image as the malefic masters of the four books invariably alienated them not only from the impoverished underclass, but also from the affluent and educated in Jewish society”. In the Volga-Ural Muslim community, we can trace similar tendencies. The civil registry books more often than not caused problems between imams and society. However, this was not the whole story. In many instances, imams would tamper with the registries in order to meet the religiously permissible but legally prohibited demands of the congregation. Although the civil registry books endowed imams with a secular power, the decrease in their prestige was not always related to their hold on the civil registries.

Robert Crews has a similar opinion with respect to the Volga-Ural Muslim community where, according to him, civil registries provided the ulama with greater power. He suggests that “these new record-keeping practices enhanced the capacity of Muslim clerics to extinguish bride abduction, extramarital cohabitation, lay usurpation of clerical authority and other practices inconsistent with evolving notions of Hanafi orthodoxy”.

Unfortunately, he does not explain how this occurred and how, in fact, the entries in civil registries revealed the attempts of imams to eliminate bride abduction or extramarital cohabitation. I suggest that rather than seeking to use their power in holding the civil registry books to bolster Islamic Hanafi laws among the Muslim population, imams used such power for other purposes which included their attempts to help people conceal certain information from the state such as the age of young men subject to army conscription or of young people hoping to marry before it was approved of by Russian civil law. It became a widespread practice to simply not register such marriages, despite the fact that

---

imams performed them, because Islamic law did not place such restrictions. As seen from the above-mentioned cases, to a large extent they were revealed as a result of denunciations. Their power over the civil registries sometimes also allowed them to earn some extra money by bribing people to enter or refrain from entering the necessary or wrong information into the civil registry books.

I suggest that the increasing importance of written documents for common people and the introduction of punishment for violating the rules for keeping the civil registries put the ulama in a rather unique situation. Although it seems that an imam’s responsibility to maintain the civil registries increased his power, it actually made his situation more vulnerable because it created risky situations for which the ulama could be punished if exposed. In some cases, for example, an imam would agree with the father of a girl to marry off the children when the latter had not yet reached the marriageable age prescribed by Russian law. At the same time this would put him in a vulnerable position if a member of a community disclosed the act. Indeed, many laypeople began to complain that an imam forged information in civil registries, or failed to fill in the information about a marriage, divorce, and other rites, a complaint that also arose frequently in the “registry wars” between imams.

Another question that poor keeping of civil registries raised concerns the loyalty of imams to Russian law. Tuna has suggested that “even though the imams were negligent about

112 For an example of such case see: NART, F. 2, op. 3, d. 7505. In this case peasant Safa Abdullin complained against an imam Siniğatullin for performing marriage of a young couple who had not reached the required minimum age. When the police investigation took place, some of the witnesses approved this event. As a result, the father of the groom testified to the police that imam Niğmätullin knew about the fact that the groom had not yet reached the allowed marriage age, but agreed to marry them off on the condition that he would be given three rubles instead of one and if there would be no other people except the parents of the bride and groom. The groom’s father agreed to this and the marriage took place with the presence of only the parents.
keeping civil registry books, they were not defiant” and that they “still filled out a civil registry book every year and kept the imperial legal system functioning with the information that they recorded in these books.” ¹¹³ However, we can see that the complaints of the Russian authorities about the improper bookkeeping habits and the deliberate errors in the books continued until the end of the imperial regime. Therefore, the issue cannot be easily explained by negligence and we cannot deduce their conformity with the Russian law. Civil registries became a site where we can see resistance on the part of the ulama and Muslim population at large to Russian rule.

Paul Werth has suggested that students of Russian imperial rule have so far devoted comparatively little attention to less confrontational, ‘everyday’ forms of resistance and thus proposed thinking about such relationships in the later stages of imperial rule as “subversions”: “smaller manifestations of opposition that may complicate significantly the exercise of power even as they themselves are engendered and structured by that power”. ¹¹⁴ Such acts, as Werth rightly points out, would help us explore “the ways in which the imperial and the indigenous, the Russian and the non-Russian, and the Orthodox and non-Orthodox become ever more thoroughly intertwined and entangled, even while subjective understandings of difference retain an undeniable salience”. They would also provide us with more important insights as to the degree to which indigenous populations had been incorporated into a dominant imperial hegemony and also identify key processes and turning points in the integration of non-Russians into a broader polity.¹¹⁵

¹¹³ Tuna, “Imperial Russia’s Muslims,” p. 89.
¹¹⁵ Werth, “From Resistance to Subversion…”
As Werth illustrates in his discussion of “resistance”, or “subversion” in the case of the Volga-Kama Kriaishen Tatars and Finno-Ugric peoples who were converted to Orthodox Christianity, in order to restrict Orthodox missionary intrusions into their lives and for other purposes, the latter, while remaining deferential to existing authorities, resorted to different kinds of protests including writing petitions explaining dissatisfaction with prevailing arrangements, refusing to sign statements promising to abandon Islam and idolatrous practices and even “refashioning cultural resources in light of their own expectations and aspirations.”¹¹⁶

Discussing the forms of resistance of peasants against landlords or the state, James Scott observed that peasants would show their resistance not in outright rebellion but in protracted forms of daily struggle which were not coordinated and could be easily mistaken to be mere stupidity, laziness, or greed. However, when such behavior becomes a common practice of many peasants (or slaves, soldiers) then they can be labeled as forms of resistance and more often than not result in political consequences.¹¹⁷ Therefore, if we observe for a long period of time that many imams could not learn how to properly keep civil registry books, we cannot assume that all these imams were negligent and not clever enough to write properly. Rather, the behavior of imams in keeping the registries can be interpreted as an everyday form of resistance when they were manipulating the birth dates or places of registration for the male population, or when they were deliberately refraining from registering the marriages of underage girls or couples.

It is exactly because the ulama defied the rules on properly keeping the registry books that the Russian state became increasingly strict towards such violations. The law that prohibited corrections in the civil registries worked to some extent but was not enough in bringing order in

¹¹⁶ Werth, “From Resistance to Subversion…”
this matter. The OA had to devise something else to make the ulama fulfill this duty more properly. One such measure was, as mentioned in Chapter II, a 1916 law that required the examination in the OA for imam candidates to include knowledge on how to keep the civil registries.\footnote{118} Moreover, the OA would now make accountable those imams who displayed even the slightest negligence in civil registry records.\footnote{119} If initially the OA opted for milder measures (warnings and reprimands) in its attempt to convince Muslims to abide by these laws, it became increasingly irritated and began to resort to harsher measures, such as punishment. Such punishment is the focus of the following section.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{image.png}
\caption{Marriage registry from 1897}
\end{figure}

Names, ages and origins of the bride and groom; names and signatures of their parents or legal guardians; names and signatures of the witnesses; the amount of mahr; and the names and

\footnote{118} “Metrika däftären yazu hakında Mähkämä’i şärgiya tarafından tänbih,” Mägliomat, 1916, no. 2, pp. 4-5.
\footnote{119} “Metrika däftären yazu hakinda Mähkämä’i şärgiya tarafından tänbih,” Mägliomat, 1916, no. 2, pp. 4-5.
signatures of licensed imam who led the ceremony as well as the names and signatures of other licensed *ulama* that were present at the ceremony were registered.

**Figure 2:** Divorce registry from 1897

Names and family names of the divorcing spouses and their fathers or guardians; the amount of money (or property) designated in the case of women’s initiation of divorce; the reasons for divorce; the time of divorce; and the name and signature of the imam who finalized the divorce were recorded.

**Punishing the *ulama***

The breakup of the traditional relationship between an imam and his *mahalla* was also evident in the cases of punishment of the imam. In the nineteenth-century Russian imperial context, Muslim scholars were exposed to rather unique treatment by the state authorities which had not existed prior to the creation of the OA.\footnote{Orthodox clergy who failed to properly compile the records were also subject to punishment since the eighteenth century. Gregory Freeze, *The Russian Levites*, p. 30.} Just as the Russian state defined the duties of the licensed *imams*, it also introduced punishments for the failure to perform these duties. The
increasing number of incorrect entries in the civil registry books and the continuing practice of condoning underage marriage led the state to make imams subject to stricter punishment, even dismissing imams from their “official” posts. In criminalizing some of the ulama’s acts, the state was now able to find an imam guilty of an act, which would not be a crime according to shari’a. Performance of religious rites became legal duty of imams, while non-observance of these rites constituted a crime according to state regulations. Moreover, Muslims also accepted this notion and started to send complaints against imams who allegedly failed to fulfill their duties and asked for the removal of an imam from his office, which would have been unthinkable previously.

The Russian state introduced this novelty to the Volga-Ural Muslim community by a 1811 law that briefly stated that if a licensed imam in the jurisdiction of the OA was found guilty of non-fulfillment of “the duties of his religious post”, the OA was responsible for imposing punishment or fines on him. All other violations had to be handled by the secular courts on the basis of the laws of the criminal judicial procedures. However, these laws did not find their full expression until 1849, when, to bolster their enforcement, the state empowered the OA, itself a state creation, with the duty to punish the imams for violating “their religious duties”. The law, “On the Authority of the OA to Punish Imams”, stated that “the OA acts as a direct supervisor over the imams”. It has the right to supervise their actions “concerning their religious duties,” judge the extent of their guilt in violating their duties and determine the degree of penalty. It enjoyed the right to decide on the temporary removal of imams from their positions and even “on the removal of religious title for deeds incompatible with religious obligations”. At the same time, the OA could implement these penalties only through provincial authorities, which were responsible for the approval of imams in their “parish posts”. Second, the Russian authorities had

121 Svod zakonov, October 18, 1811, no. 24819.
no right to annul the decisions of the OA on this matter. Third, complaints about decisions taken by the OA were to be sent to the heads of provincial administrations and were further transferred, with all the necessary documentation, to the consideration of the Department of Religious Affairs of Foreign Confessions. All other cases, however, would be subject to standard provincial courts.

As can be seen from the description of the punishment of the imams the OA had the advisory capacity and the provincial authorities that had appointed imams had executive capacity to perform the punishment of the imams. Besides these two, the courts also had power to try and punish imams. This new configuration was totally different from the traditional practice, according to which the mahalla would decide on the punishment within itself. Definitely the practice might have continued within the Muslim community but the government intervened whenever it heard of such practices.

In one such case, the Governing Senate reviewed the application of a Muslim from the Ufa province. The Iauntsovo village community compiled a communal decision for the dismissal of their imam, Fahreddin Sağadiev, and the Ufa gubernatorial administration approved the village’s decision. The imam’s father applied to the Governing Senate to annul the decision of the Ufa gubernatorial administration. The Governing Senate reminded them that gubernatorial administrations could dismiss imams from their post either according to the suggestion of the OA or upon the decision of the court. The village community only had the right to propose a mulla’s candidacy to the post of imam and their rights end with that. “The approved mulla, who received the license of gubernatorial administration becomes an official person (litso dolzhnostnoe) and thus his dismissal is not, either directly or indirectly, connected with the decision of the village

---

122 PSZ, Sobranie Vtoroe, vol. 24, part 1 (St. Petersburg, 1850), p. 284
community. The village community, however, could apply to court or to the OA for the dismissal of the imam, but they do not have the right to compile a communal decision to that effect.” 123

I described in the previous chapter that one of the duties of imams was to perform religious rites for the people of mahallas to which they were assigned. The original law, in fact, stated that an imam had “the right” to perform religious rites for Muslims. In time, however, this right turned into an obligation and the refusal to perform a religious rite was defined as a “violation of the duties of an imam”. To illustrate this point, in 1905, the OA received from Kazan provincial administration a complaint against an imam of the village of Novokamkino in the Spassk district, Çallam Latıpov, who was found guilty of committing the “crime” of refusing to perform the religious service of giving a name to the newborn son of peasant Töhvätullin and of registering the baby in the civil registry book. The province officials found that “the refusal to perform the religious rite constitutes a violation of the duties of an imam as a religious cleric (dukhovnogo litsa)”. The father argued that Imam Latıpov’s registration of this rite in the civil registry book in absentia, “constitutes a violation of the rules on keeping the registry books”, which “necessitates the highest level of punishment including removal from the office for such a violation”. 124 The law was similar with respect to the performance of other rites, such as marriage, divorce, and funerals. This also shows that in the consciousness of Muslim laypeople the performance of religious rites was seen as the official duty of the imam.

As we saw in the previous section the Russian state defined the proper keeping of civil registries as a “requirement of shari‘a” and the OA was responsible over supervising how the imams fulfilled their duties. In 1904 the OA decided to dismiss both the imam and the imam-khatyp of the village of Mellitamakovo in the Menzelinsk district, Haliulla Habibullin and

123 RGIA F. 821, op. 8, d. 1073, ll. 26-27.
Ziaetdin Şahabetdinov, for extreme disorderliness in the civil registries of their mahalla. The OA informed the Menzelinsk district police about this decision and asked the police authorities to take the civil registry books and other documents away from these imams and also transfer their duties to the imam of another mahalla upon the agreement of the Muslim community of that congregation.\footnote{TsGIA RB, F. 295, op. 2, d. 272, Journal entry of May 16.}

Here is another example of the blurred definition of the religious duty of the ulama. In a case about a “faulty performance of marriage and failure to register it in the civil registry record”, one imam performed the marriage of an army recruit, in violation of the law prohibiting the marriage of conscripted men. In 1896 Kazan Governorship received a petition from the imam of the village of Tatarkie Kirbi of the Laishevk district Mohamätkärim Abubäkirov. In this petition he complained:

My assistant imam, Ģilman Sageev, who performs only the duties of the second imam, fulfills his duties on his whim (delaet samoupravstva), and does not obey my commands as the senior imam (starshii imam). Thus, on November 10, 1895 he married off the army recruit of our village, Abdrahman Yusupov, with Ahmädiyä Zarifova, without receiving permission for this marriage from the Military Conscription Office (Voinskaia Povinnost’). I also did not allow him to perform this marriage without obtaining such permission. Moreover this marriage was not registered in the civil registry book. Besides this, he also performed a divorce without my knowledge and permission, and another marriage without waiting for the passing of the iddat (waiting period), required by shari‘a. Having explained this, I request that the Kazan governorship investigate these cases and make Imam Sageev accountable for not obeying my commands (neoslushanie) and for arbitrary conduct (samovol’stva v ispravlenii).\footnote{NART, F. 2, op. 3, d. 7184, l. 11.}

After the Laishevk police office conducted an investigation upon the order of Kazan governorship, the case was sent to the OA for a decision. The OA reported back to the Kazan governor that imam Sageev was found guilty of performing the marriage of an army recruit and
for performing it in the absence and without the agreement of the mahalla’s imam Abubakirov. The accusation of performing a marriage ceremony without waiting for the iddat period remained unproven. As a result, the OA decided that Imam Sageev was subjected to the temporary dismissal from his post for three months, with the stipulation that he could return to his post after the end of the sentence.127 From this case we can see that an imam was found guilty in the “incorrect” performance of his religious duty (marriage). This religious duty was limited and redefined by Russian law to include the prohibition of marriages to army recruits and to stipulate that marriage must take place in the presence of both imams. It is obvious that the case was brought to the attention of imperial authorities as a result of a conflict between the two imams, as some of the accusations were without evidence.

In another case, a peasant of the village of Sukhie Kurnali in the Spasskii district, Jäbbar Hakimov, sent a complaint to the provincial authorities against the imam of his mahalla. Hakimov claimed that that the imam insulted him and spat in his face in the mosque when the parishioners gathered for prayers. The interesting aspect of his complaint was that, in order to strengthen his case, he denounced the imam and reported that Imam Abdrahimov performed marriage ceremonies of apostates and underage villagers, all of which were against the law. The provincial officials responded to the peasant Hakimov that his complaint about the insult was not within the jurisdiction of the provincial institutions so he had to apply to the OA. On the other accusations, the governorship indeed found the imam guilty of performing marriages for young peasants who had not yet reached the legal age of marriage as defined by Russian law. The absence of these marriages from the civil registries was accepted as evidence for an attempt to hide them from the authorities. Finding traces of wrongdoing in the acts of imam Abdrahimov,

127 NART, F. 2, op. 3, d. 7184, ll. 14-16.
the Kazan governorship decided to sue him. The court found him guilty of criminal acts and sentenced him to two weeks of imprisonment and removal from his office.\textsuperscript{128} It can be seen from this case that the deeds of the \textit{imam} were defined as a “criminal act” (\textit{prestupnoe deianie}). It is also obvious that peasant Hakimov mentioned the violation of Russian law in order to take vengeance and make his claim for the insult more effective. As a result of personal animosity, the \textit{imam}’s other deeds were disclosed. This also attests the fact that the position of \textit{imam} became more vulnerable the more it fell under the purview of Russian law.

From the above example we can also see the division of responsibility between the OA and province officials. It should be underlined here that the Russian state, in fact, more or less neatly delineated what issues were under the authority of the OA and which ones fell to the responsibility of local and central imperial institutions. The latter would largely preside over the cases in which there was a breach of the Russian law, as the above case illustrates. The primary responsibility of local imperial officials was to ensure order and the subordination of the Muslim population to Russian law, not to “Islamic orthodoxy”, as claimed by Robert Crews.

In another example of such a division, we see that confusion about responsibilities did arise from time to time despite the division. In this petition, \textit{Imam} Abdullin sent a complaint to the Kazan gubernatorial administration against his colleague \textit{Imam} Sahabetdinov, claiming that the latter insulted him in the mosque during a prayer. The gubernatorial administration found that Sahabetdinov’s insult could not be characterized as an official wrongdoing and therefore belonged to the consideration of the OA. Having received the case, the OA admitted that both \textit{imams} were “guilty of violating sanctity in the mosque during prayer.” Nevertheless, the insulting of one \textit{imam} by another, according to the Assembly, was a wrongdoing outlined in the

\textsuperscript{128} NART, F. 2, op. 3, d. 7504, ll. 4-6, 11.
Russian criminal code and therefore had to be prosecuted according to the decision of the provincial administration. In response, the deputy minister of internal affairs clarified that these were two very different crimes. The first, according to him, was the violation of sanctity, which was not covered by general criminal law but was nevertheless incompatible with the notion of "spiritual authority". Therefore, both imams were responsible before the OA. As for the insult, this misdeed fell under Article 347 of the Statute on Punishment (Ustav o nakazaniii) and was to be considered by the general courts. Furthermore, considering that provincial officials approved the appointment of imams to their posts, it was they who had to prosecute Imam Sahabetdinov. The attitude of the deputy minister of internal affairs is rather revealing of the general attitude of imperial officials: the OA had to deal with its own verdicts according to religious laws, while Russian officials were to do so according to Russian laws.

Therefore, it is not surprising that Muslims did apply to Russian institutions while complaining about one other. As can be seen from the above-mentioned cases, many of them arose as a result of animosity or quarrels either between two imams or between an imam and his parishioner. More than that, applying to Russian institutions in their eyes would be more effective in dealing with the rival for achieving one’s aim. Crews has suggested that “most conflicts derived from parishioners’ insistence on the correctness of their own understanding of

---

129 Cases of insult and verbal or physical attack on personal dignity was a very common occurrence at all instances of Russian legal system. The Russian legal code had detailed explanation of what constitutes an insult and what should be the punishment in each case and people of all estates frequently sued others referring to these laws. The archives of the Orenburg Assembly also have too many cases of insult among Muslims—often the plaintiffs were women—which leads me to think that this was an influence of Russian legal culture rather than Muslim conceptions. Jane Burbank, *Russian Peasants Go to Court: Legal Culture in the Countryside, 1905-1917* (Bloomington: Indiana University Press, 2004), pp. 129-137.

130 TsGIA RB, F. 295, op. 2, d. 282, Journal entry of January 6, 1907.
the *shari’a*.\textsuperscript{131} But he takes for granted what *shari’a* meant in this context. In fact, the examples that he gives show that these were aspects of Russian law or aspects of an *imam*’s religious duties as defined by the Russian state. In the examples he gives to illustrate this point, people complained that their *imams* found no time for the prayer, were busy with other occupations, failed to appear at the mosque, disappeared from the village from time to time without an explanation, refused to perform a funeral ceremony and say prayers to a newborn or travelled around the region and thus stopped leading the prayers. Other examples included rivalries over the civil registry books, complaints about *imams*’ occupation with trade instead of devoting themselves to mosque and *mahalla* concerns, their interference in land disputes, their failure to register information in the civil registries, and performing marriage to underage people.\textsuperscript{132}

From my observation of cases brought by Muslims to imperial institutions, it would appear that for the Russian officials, Russian law had priority over everything else. Even Islamic family law, which was thought to be applied by the Muslims autonomously, was allowed to be practiced only inasmuch as it did not directly clash with Russian law. When it did, Russian law was to be a point of reference. As for Muslims, they would apply to imperial authorities largely when there was a violation of Russian law, when they wanted to take vengeance in their quarrels with each other and saw in Russian officials a more effective means in dealing with their rivals, or when they wanted to circumvent Islamic law, which became more common in cases of inheritance.

Again, as with the appointment and approval of *imams* in their positions, legal cases within the Muslim community and other procedures, the local imperial authorities were responsible for enforcing the punishment of the *ulama*. This made the fate of religious scholars

\textsuperscript{131} Crews, *For Prophet and Tsar*, p. 118.
\textsuperscript{132} Crews, *For Prophet and Tsar*, pp. 118-123.
more dependent on imperial law and imperial authorities. Although the power to dismiss an
*imam* from his position still lay within the Muslim congregation, it did not hold the exclusive
authority over such punishment anymore. As we have seen, an *imam* could be found guilty for
different crimes and could be dismissed for the violation of state laws. The gravest crimes for the
*imams* were the ones involving an action against the state, defined as “resistance to state
authority” (*protivodeistvie gosudarstvennoi vlasti*). In 1898, the Governing Senate approved the
authority of the provincial administrations to dismiss from their positions *imams* who were found
guilty of such crimes. Precedents were found in the punishments meted out to *imams* who had
attempted to prevent scribes from performing their duties during the 1897 census.\(^{133}\) As I
explained in Chapter II about the importance and requirement of political loyalty of *imams* to the
state in the appointment and approval of the *ulama*, it was equally important in the
considerations of state officials to fire *imams* from their clerical posts. Thus, this question
acquired importance at the end of the nineteenth, and beginning of the twentieth, century in the
context of increasing paranoia of the state about pan-Islamism and pan-Turkism. Thus, between
1911 and 1913 fifteen *imams* were fired from their positions because of their “anti-governmental
activities” and “for their involvement in the pan-Islamist movement to a certain extent”. Some of
the *ulama* were exiled and others were accused of “state crime (*gosudarstvennom
prestuplenii*)”\(^{134}\).

One implication of this was that imperial officials were drawn closer into the Muslim
community. As we will see later in examples of cases pertaining to personal status law, they
were to play an administrative role in the orders of the OA. However, provincial officials did not
have the authority to make decisions on this matter or to question the decisions of the OA. At the

\(^{133}\) RGIA, F. 821, op. 150, d. 404, ll. 50-51.
\(^{134}\) Osoboie soveschanie, p. 46; see Tuna “Imperial Russia’s Muslims”, pp. 186-244.
same time, Muslim clerics and laypeople themselves had the right to challenge the decisions of the OA, which could be questioned by petitioning local imperial authorities, in which case the petitions would be sent to the Department of Religious Affairs of Foreign Confessions at the Ministry of Internal Affairs for consideration. In this way, the Russian state introduced an intricate system of checks and balances to the actions of both local ulama and higher clerics at the OA.

Another implication was that Muslim laypeople quickly appropriated these laws and began to use them for their own purposes. They complained about the imams whose behavior they did not like and often requested punishment. They could also ask to dismiss their imam from his position. Muslim laypeople often requested that their imams be held accountable for violating state laws, in particular for failing to register births or marriages in the civil registry or for performing the marriage of underage couples. This, to a certain extent, decreased the esteem of the ulama within their communities and made their positions more vulnerable.

Once an imam lost his “job” for a temporary period, the end of this period did not mean that an imam was automatically restored to his post. He had to undergo a certain procedure to be able to “work as an imam” once again. In particular the imam, temporarily dismissed from his job, had to write a petition to local imperial authorities requesting the restoration of his duties. He also needed an approval letter (odobritelnyi prigovor) from the Muslims of his mahalla stating their agreement on his continued service as their imam. This approval letter had to include information about the fact that the temporarily dismissed imam had corrected his behavior.135

This process of reappointment was another example of the delicate power relations introduced in the Muslim community as a result of state regulations. The parishioners might or

might not agree to the reappointment of a temporarily dismissed imam. For example, the Muslims of the mahalla of the Friday Mosque in the Fifth Part (Admiralteiskaia sloboda) in the city of Kazan wrote a petition to the Kazan Governor:

Four years ago the imam of our mahalla, Husnutdin Absalyamov, was fired from his position on the basis of loose morality (durnaia nравственности). He was even kept in a correctional facility (smiritelnyi dom) upon the decision of the Court. These days, Absalyamov has a renewed intention to once again become an imam at our mahalla and has tried to ensure the promise of some of our parishioners to support him in his cause by requesting that they send a petition for the renewal of his post. We have the honor of asking not to reappoint Absalyamov to our mahalla because he is, as is well-known, of vengeful and quarrelsome character and therefore, on the basis of the Statute of the Department of Religious Affairs of Foreign Confessions, cannot occupy this rank. Besides, we do not need the second imam, as our current imam performs his duties well and on time, and in case of his absence he has a muazzin as an assistant, who is confirmed in his position with the right to perform the duties of an imam in the absence of our imam. Besides, our mahalla is poor, a fact formerly stated by Absalyamov himself in order to reject the appointment of the present imam.136

An imam’s violation of state laws or failure to fulfill religious duties was not the only concern of mahalla inhabitants. Muslim parishioners were increasingly agitated about the moral degradation and corruption of the imams by the end of the nineteenth century. Muslims from all over the Volga-Ural region submitted their complaints to the OA and demanded the punishment of their imams. As the dismissal of an imam was accepted as a form of punishment at the turn of the twentieth century, Muslims increasingly requested the removal of their imam due to his degraded religious and ethical standing and his authority.137 It was Muslim laypeople who in their petitions drew the OA’s as well as the state’s attention to the moral crisis within the ranks of the ulama and which, to a certain extent, compelled the Ministry of Internal Affairs at the beginning of the twentieth century to introduce a new requirement for the candidates to Muslim

136 NART, F. 2, op. 2. d. 1244, ll. 1-1 ob., March 29, 1878.
clerical positions, according to which they had to provide a document from their madrasa teacher about their moral qualities and ethical behavior. The growing crisis of religious authority also provoked numerous discussions about the reform (ислам) of the duties and position of the imam in the Muslim press and at the Muslim congresses and conventions organized between 1905 and 1917.

Conclusion

In this chapter I tried to show how the organic order that regulated the functioning of mahalla and the duties of the ulama transformed in the long nineteenth century. The state tried to make all the traditional institutions and relations legible for its own purposes and tried to integrate them into its legal and administrative structure. The Muslims did not always observe the rules and regulations and the state did not have the sources to impose them. However, the very existence of these rules changed the nature of the relations between mahalla inhabitants and their ulama. The state tried to legalize their relationship in which the state-imposed administrative duties on the ulama constituted a potential source for crisis. Moreover, since the relationship was now fitted in the legal culture of the state, crisis could not be resolved within the Muslim community but required constant and increasing involvement of the state.

Another important traditional function of the ulama within the Muslim community had been their function as judges and they continued to perform this role after the establishment of the OA. However, the establishment of the OA transformed the Muslim legal structure, and at least in the cases that I have come across in the Kazan and Ufa archives, I can observe that the natural organic ties, which helped the community to settle legal cases, were also dissolved. One conspicuous casualty of this transformation was akhundship. Within the traditional legal structure, the akhunds functioned as higher judges whose opinion was respected and sought after
by both laypeople and the ulama. Within the Russian Empire, they had also played administrative roles in the absence of a ruling class among the Muslim population. The Russian state tried to cooperate with akhunds initially, however, after the establishment of the OA, the akhunds’ utility for the state disappeared and although the title existed until after the end of the Russian Empire, its meaning changed irreversibly. I will analyze this transformation and its consequences in the following chapter.
CHAPTER IV. THE TRANSFORMATION OF THE RELIGIOUS AUTHORITY OF

AKHUNDS

Introduction

Mohammädlatif al-Epregebi al-Ğanberi visited his teacher, highly respected imam and mudarris Ğabdelgali ibn Ğobäydulla al-Isterli in 1900. His mentor told Muhammädlatif that the Mufti asked his opinion on appointing Mohammädlatif as an akhund. Imam Ğabdelgali responded to the Mufti that imam “Mohammädlatif deserved to be an akhund, but akhundship (akhundlik) did not deserve him”, because “akhundship was not an esteemed position anymore”.¹

“Current laws on the regulations of religious matters of Muslims do not define any rights or obligations associated with the title of akhun[d]”.²

Resolution of conflicts within the Muslim community according to shari’a had been one of the most important functions of ulama. In the traditional Muslim society of the Volga-Ural region imams together with their community resolved conflicts but whenever the litigants did not accept an imam’s decisions they sought the opinion of a higher legal expert — the akhund. Akhunds also had political leadership in the Muslim society in the Volga-Ural region until the nineteenth century. However, after the introduction of the OA and state-led institutionalization of the functions of ulama they lost a great deal of authority and prestige, and the title of akhund degenerated to a mere honorific that was even avoided by respected scholars. The main reason for that change, I would argue, was the structural shift of religious authority discussed earlier. In the new structure of religious authority, the state recognition was crucial and since the state could

² A recurring statement in the correspondence among the Ministry of Internal Affairs, Department of Religious Affairs of Foreign Confessions, The Orenburg Assembly and several gubernatorial administrations on the problems related with the appointment of akhunds.
not or did not want to decide on the proper status of akhunds, the latter stayed neither inside nor outside of the new system. By the turn of the twentieth century imams and lay people could easily challenge their verdicts. The second reason was the restriction of the realm of Islamic law and the state’s incursion even in the supposedly autonomous sphere of the family law.

To analyze this transformation, I will first depict the ulama as legal experts prior to the establishment of the OA, then explain the changes that the position of akhundship underwent in the nineteenth century and lastly I will explain the attempts by both the OA and imperial authorities to address the problems of “akhundship” and to institutionalize this position. I will show that this attempt failed partly because of the increasing suspicion of the Russian state and lack of desire to make meaningful changes, and partly because of the ineffectiveness of the OA itself.

**Ulama as judges prior to the establishment of the OA**

We do not have extensive accounts about the Volga-Ural ulama as judges and legal experts during the nineteenth and early twentieth centuries. The information from the pre-OA decades is even scarcer, making it rather difficult to reconstruct the practice of shari’a in this period. As Allen Frank has observed, “After the Russian conquest, the shari’a was replaced for official purposes by the legal codes of the Russian state, thereby depriving the ulama of officially carrying out one of its primary functions in any Islamic society, the interpretation and

---

3 The second reason was the restriction of the realm of Islamic law and the state’s incursion even in the supposedly autonomous sphere of the family law.
4 For this section I have mostly utilized Allen Frank’s narration and analysis of relations between Volga-Ural ulama and Russian state in his *Islamic Historiography and “Bulghar” Identity among the Tatars and Bashkirs of Russia*. Allen J. Frank, *Islamic Historiography and “Bulghar” Identity among the Tatars and Bashkirs of Russia* (Leiden: Brill, 1998).
administration of shari’a.”

Together with this, though, in matters of personal status law, the ulama continued to be arbiters in their Muslim communities. Several scholars mention the existence of shari’a courts in the Volga-Ural in the eighteenth and early nineteenth century, but none of them elaborate on this information.

According to Şihabeddin Märjani, the situation of qadis in the Volga-Ural region prior to the Russian conquest in 1552 was similar to that in other Muslim lands. Qadaship was considered fard-kifaya and Muslim rulers regularly appointed qadis. However, after the Russian conquest of these territories, as the political-administrative system was completely destroyed, each community had to choose and appoint a judge on its own to regulate social life according to shari’a. In this way, every mahalla had its own judge-imam, who, in addition to leading the prayer, adjudicated disputes and problems that arose within the community. Märjani underlined that “although the ulama do not hold the title of qadi, there is no doubt that they are qadis”. In this respect, he suggested that Russia’s ulama were different from imams in other Muslim societies where they were largely prayer leaders. As a result, he concluded, “in the sphere of fiqh, if our Russian imams have in their consideration the legal cases, similar to those under the

---

5 Allen J. Frank, Islamic Historiography and “Bulghar” Identity, p. 22.
7 Fard-kifaya denotes a religious obligation, a duty, which is an obligation of the Muslim community but not necessarily of an individual Muslim.
9 Fiqh — Islamic jurisprudence.
jurisdiction of qadis in other Muslim societies, their rulings and decisions are accepted according to shariʿa”.

Märjani noted that even after the Russian conquest, the ulama, in cooperation with the elders of Muslim community, independently resolved the disputes among the Muslim community according to shariʿa. The practice of naming babies and performing marriages and funerals were all at the discretion of the community and no one interfered from outside of the community. Alton Donnelly, who wrote about the Russian conquest of Bashkiria, notes that the Russian government set up a system of courts in Bashkiria intended to have jurisdiction over Russians, Teptiars, and Bobyls. As for Bashkirs and other Muslims, they settled most of their problems through the shariʿa, at the local level, before clan elders and a mulla. During the 18th century, though, land disputes and cases between Muslims and foreigners were brought increasingly to the Russian courts presided over by voevodas.

We also learn from biographical dictionaries of the Volga-Ural ulama in the eighteenth and nineteenth centuries — before the creation of the OA, some of the region’s ulama were more prominent in resolving legal cases and were accorded respect for being experts in shariʿa. They were called akhunds. People around the region sought their advice when they encountered problems in family life. Several biographies of akhunds tell us that they were highly knowledgeable in Islamic legal questions and solved marital disputes among Muslims.

10 Märjani: Fänni-populyar jıentıq, p. 322.
Akhund is a Persian term, which means mentor or teacher. Aside from in Iran, the term is used among the Muslims of Central Asia, South Asia, and China. In Central Asia and South Asia the learned elite of the society may confer this title to a person who is distinguished by his knowledge in religious sciences. Among the Chinese Muslims the term is used instead of imam. It is difficult to state with certainty when akhunds appeared in inner Russia as Muslim legal functionaries. As Marsil’ Farkhshatov and Allen Frank suggest, they were present since the early seventeenth century, which can be traced from some written sources. Farkhshatov speculates that they may have functioned much earlier. According to him, the title of akhund was imported from Central Asia in the late Timurid period. Denis Denisov notes that already from the end of the sixteenth and early seventeenth century in the South Ural, Muslim regional centers headed by akhunds began to form. Local ulama would convene at a center of religious education in a given district, for example like the Kargali (Seitovskii pasad) and nominate a person and test him to be an akhund. Upon the consensual decision of ulama, the person would get approval from imperial authorities. By watching over the activity of mullas and serving as intermediaries between the Muslim population and imperial authorities, akhunds were increasingly playing a

19 Azamatov, Orenburgskoe magometanskoe duchovnoe sobranie, p. 20.
consolidating role for other Muslim communities.\textsuperscript{20} As Denisov suggests, “Before the existence of the OA, akhunds were the most important informal leaders of Muslims in the South Ural, who exerted enormous influence not only on the nearby Tatar population but the bigger part of Bashkir lands and Kazakh steppe”. Moreover, not only local Muslim populations but also members of other communities, nomadic populations, and Central Asian merchants sought their legal expertise when disputes arose in family, property, and other matters.\textsuperscript{21}

The election of an akhund is described in the letter of the leader of Batyrsha revolution, an akhund himself, as such:

… Because I judge justly, according to our holy books, and basing my decisions firmly on shari‘a, treating equally the rich and the poor, the stranger and the acquaintance, without taking any bribes and not taking the side of any part, our religious scholars and people desired to make me an akhund over the population of Siberian doroga\textsuperscript{22} instead of akhund Ibrahim. However, starshina Yanyshev did not want me, because I do not follow his commands, and having picked one mulla, who could possibly be more obedient, compiled a letter, made a couple of mullas sign it and sent this mulla to two akhunds in Orenburg so that he is given a title of akhund according to the rules of our religion according to which this title is given. The Orenburg akhunds, having checked the knowledge of this mulla, found that he does not deserve to bear the title of akhund and sent him back. After that, akhunds, discussed this issue and seeing that there is no other valuable candidate for this title, decided to appoint me and approved me as akhund.\textsuperscript{23}

Despite the attempts of the Russian state to ensure control and develop cooperation with akhunds and occasional interference of local starshinas\textsuperscript{24} in shari‘a disputes, the functioning of shari‘a and legal activity of akhunds remained largely independent from the state. As Denisov observed, before the establishment of the Muftiye “the compliance with the decision of the

\textsuperscript{21} Denisov, “O roli akhunov…,” p. 44.
\textsuperscript{22} Doroga – an administrative region of Bashkir lands, which were divided into four dorogas (regions).
\textsuperscript{23} Pis’mo Batyrshi imperatritse Elizavete Petrovne (Ufa: Ufimskii Nauchnyi Tsentr, 1993), p. 90.
\textsuperscript{24} A military officer.
ulama depended exclusively on their personal authority which was based on erudition and piety."\textsuperscript{25} Since state authorities were not involved in their election, suspicions about them grew. For the state authorities the increasing number of conversions of the Mordva, Chuvash to Islam and the uncontrolled increase in the number of mosques were all reflections of the newfound freedom of the akhunds as “they did not dare to do these acts after the first-years of the conquest.”\textsuperscript{26}

The attitude of Russian authorities towards akhunds was a mixture of deep suspicion and constant attempts to recruit them for state interests and establish relationships with the more authoritative ones among them. Sources show that the ulama of Bashkiria in the seventeenth and eighteenth centuries, before the creation of the Orenburg Assembly, were politically active and took part in several major Bashkir uprisings. During the first half of the eighteenth century, Russian officials in cooperation with the Russian Church undertook destructive and repressive campaigns against the Muslim population. The state’s continued hostility toward Muslims and their institutions was one of the main reasons for the revolt of 1705-1711 which was provoked by the imposition of new taxes including those on mosques and mullas. After repression of the revolt, the state did not change its policy, but imposed new taxes on the members of the ulama and demanded additional fees for the construction of mosques.\textsuperscript{27}

The next large-scale revolt among the Bashkirs in 1735 coincided with the beginning of the work of the Orenburg Commission and the activity of State Councilor Ivan Kirilov (1689-

\textsuperscript{25} Denisov, “O roli akhunov…,” p. 43.
\textsuperscript{26} Materialy po istorii Bashkirskoi ASSR (MIBASSR), vol .6, p. 100.
\textsuperscript{27} Danil D. Azamatov, “Russian Administration and Islam in Bashkiria (18\textsuperscript{th} – 19\textsuperscript{th} centuries)” in Anke von Kugelgen, Michael Kemper and Dmitriy Yermakov (eds.), Muslim Culture in Russia and Central Asia from the 18\textsuperscript{th} to the early 20\textsuperscript{th} centuries (Berlin: Schwarz, 1996), p. 93.
1737), who was in charge of the Orenburg expedition. The Russian state was getting more suspicious and sought a better way to control the Muslim population. As a part of his plans to suppress Bashkir uprisings, Kirilov, who was a staunch antagonist of Tatar ulama influence on the Bashkirs, suggested that the number of akhunds to be curtailed from ten to four, one for each doroga — or administrative-territorial unit of the Ufa province. He recommended that akhunds, elected by the Muslim community, be approved by imperial officials with the compulsory procedure of oath-taking. According to Kirilov’s plan, akhunds were to be instructed “to report about every crime [in the Muslim community] and not to conceal anything”, and prohibited “to convert people of other faiths to Islam, perform circumcision, and build mosques and religious schools without permission”. By decreasing the number of officially recognized religious leaders, Denisov suggests, the state sought to weaken their influence on the rebellious mood of the local population and increase control by integrating them into the Russian administrative apparatus. This, he underlines, was the first attempt to create a vertical system of administration over the Muslim communities. From then on, and till the 1780s, the Orenburg governorship officials approved four akhunds. The new Russian laws authorized akhunds to give permission to Muslim communities construct mosques and religious schools and approved religious scholars in

---

28 Orenburg expedition was one of the ambitious projects of the eighteenth century in which several scientific experts along with military and administrative personnel participated. The expedition had the aim to explore the prospective for Russian economical and administrative expansion in the conquered regions. See: Donnelly, The Russian Conquest of Bashkiria. Mehmet Tepeyurt, “Bashkirs between Two Worlds, 1552-1824,” (PhD Dissertation, University of West Virginia, 2011), pp. 98-105.

29 Incorporation of Bashkir lands and people into the Russian Empire consisted of multifaceted economic, social, political and military policies, however, only the attitude of Russian statesmen towards the ulama is relevant for my study. For a good analysis of the Russian policies in Bashkiria see: Charles Steinwedel, “How Bashkiria Became Part of European Russia, 1773-1881,” in Jane Burbank, Mark von Hagen, and Anatolii Remnev (eds.), Russian Empire: Space, People, Power, 1700-1930, (Bloomington: Indiana University Press, 2007), pp. 94-124.

30 MIBASSR, vol. 6, p. 100.

their positions. We have similar evidence in biographies of prominent akhunds, found in the biographical dictionary Åsar, according to which in 1766 akhund Veli ibn Maksud was granted state authorization. Akhund Ğabdulla ibn Muslim was similarly authorized to grant permission for performing Friday and Eid prayers and to approve imams and muazzins.

Kirilov’s policies provided the basis for official cooperation between the Russian authorities and the ulama, and as Frank notices, served as a model for the more permanent policies toward Islam instituted by Catherine II. In fact, Frank draws our attention to the fact that several Bashkir members of the ulama had suggested the official appointment of Muslim jurists in their petitions (chelobit’ia) to Kirilov in 1734. In these petitions Muslims asked for the appointment of three akhunds who had come to Bashkiria from Sviiazhsk and Kazan, to rule in legal matters and to be allowed to reside in Ufa on the condition that they pledge their loyalty to Russian authorities. The Muslims were also seeking permission to establish a shari’a court that would have jurisdictions over disputes about divorce, and which would refer capital crimes to Russian courts in Ufa.

Around the 1730s the Russian state attempted not only to control Muslim religious figures, but also to establish closer ties with some akhunds and to ensure their support and cooperation as intermediaries in Russia’s relationship with other Muslim communities of the Kazakh steppe and Central Asia, vital for state interests due to developing trade relations. With the beginning of the work of the Orenburg Commission in 1735-1744, akhund Mansur

---

33 Fahreddin, Åsar, vol. 1, p. 51.
34 Fahreddin, Åsar, vol. 1, p. 53.
Abdrahmanov became part of this Commission and was entrusted with several foreign policy tasks. Mansur akhund was a mentor and translator for Kazakh Khan Abdulhair Erali-sultan. He was an influential and respected figure among the steppe population and informed the authorities about the connections of Abulhair Khan with the participants of the Bashkir revolt. Another akhund, Ğabdulla ibn Muslim, who was prominent for his religious expertise, went to Bukhara as an ambassador for the Russian state and even received a gold medal and some property for performing this mission. The first mufti of the OA, Muhammmadjan al-Huseyin, was also a prominent akhund who closely collaborated with the then governor of Orenburg, Baron Igel’strom in his efforts for subduing the Kazakh steppe.

Although the state formally recognized the akhunds and established a certain level of control over them, the fundamental conflicts about taxation and land ownership issues between the Russian government and the majority of the ulama were not resolved. The Bashkir rebellion of 1735-1740 erupted while the Orenburg expedition was continuing and members of the ulama played a major role in this uprising. To make matters worse, in the 1740s the Russian imperial authorities founded the Department of New Converts’ Affairs (Novokreschenskaia Kontora), which embarked on a large-scale Christianization campaign with major destruction of mosques in the Kazan province, where in two years 418 mosques were demolished. The state sought to weaken the influence of Islam in general, despite the protests of some imperial officials against such policies.

---

38 Fahreddin, Âsar, vol. 1, p. 53.
39 Frank, Islamic Historiography..., p. 28.
40 Azamatov, Orenburgskoe magometanskoe..., pp. 17-20; Radik Iskhakov, Missionerstvo i musul’mane Volgo-Kam’ia (Kazan: Tatarko knizhnoe izdatel’stvo, 2011). This anti-Muslim policy was not uniformly implemented in all regions with Muslim populations. While in Kazan, and to some extent in Siberia the Department of New Converts’ Affairs collaborated with local
The Batyrsha uprising of 1755 was the most important event that forced the Russian authorities to reconsider the imperial policies concerning the region as well as the ulama. Batyrsha (Ğabdulla Ğaliev) was a prominent akhund of the Siberian doroga who had been confirmed in his position by the Russian administration in Ufa in 1754. Despite the rapid suppression of the revolt and the imprisonment of Batyrsha, the imperial authorities began to relax their suppression of Islamic institutions and the ulama, allowed communities to build mosques, and closed the Department of New Converts’ Affairs. Muslims, including members of the ulama, were allowed to participate in Catherine’s legislative commission of 1767-1768 and present their petitions and concerns. Including requests that the ulama be legally distinguished from other Muslims and exempted from taxation, the petitions also protested the interference of Russian-appointed starshinas in shari’a courts, which were the prerogative of akhunds and mullas. The Pugachev rebellion of 1773-1775, in which many Muslims took part, further accelerated the ongoing policy of integrating the ulama into the Russian imperial system and for the first time showed the division within the ranks of the ulama, some of whom called for supporting the Russian authorities.
The turn in Russian policies vis-à-vis the Volga-Ural Muslim community toward toleration would culminate during the appointment of Baron Osip Igel’strom in 1785 as Orenburg governor. Igel’strom initiated far-reaching reforms, the most important of which was the foundation of the OA, a new tool for the control of akhunds, the ulama, and the Muslim population at large. As I showed in Chapters II and III, the founding of the OA had a number of important and immediate consequences for the ulama, and its creation represented a radical departure from the previous administration of Muslim scholars. More than that, it was a turning point for the practice of shari’a and the legal authority of the ulama, and akhunds in particular, to the discussion of which I now turn.

The status and authority of akhunds after the creation of the OA

The information in the scholarly literature about akhunds in the Volga-Ural in the nineteenth century is rather scarce and obscure. From the project of Baron Igel’strom on the creation of the OA we learn that akhunds were defined as higher religious clerics and that there were to be two akhunds per district (uezd) with a substantial Muslim population.\textsuperscript{45} Similar to holders of other religious titles, candidates for the position of akhund were to pass an exam on the knowledge of Islamic sciences at the OA. According to Azamatov, the mosques and imams of a given district were subordinate to district akhunds.\textsuperscript{46} As Idrisov showed, a document from the OA dated 1855 describes the post as simply an equivalent of the Russian Orthodox “blagochinnyi”, who in the Orthodox hierarchy was a rural priest to whom a number of parishes

\textsuperscript{45} MIBASSR, vol. 5, p. 566.
\textsuperscript{46} Azamatov, “Russian Administration…,” pp. 103-104.
were subordinate. This seems to be the model on which the Russian officials drew in assigning an *akhund* to a particular district. At the same time, we can come across the titles “*akhund* of so-and-so village”, “*akhund* of so-and-so town”. Despite this geographical distinction, one important change was that the functions of *akhunds* were now almost identical to those of parish *imams*. In practice, similarly to parish *mullas*, an *akhund* had his own *mahalla* for which he was responsible and within which he had similar duties of leading his congregation in prayers, performing religious rituals and rites, teaching the *mahalla*’s boys the basics of religion, and keeping the civil registry books. Therefore, as Azamatov suggests, an *akhund* combined his duties of “*akhund*” with the duties of the head of *mahalla*.48

To a large extent scholars of the Volga-Ural Muslims agree that the authority of *akhunds* diminished after the creation of the OA. They rightly suggested that in the nineteenth century to the beginning of the twentieth century, the position of *akhund* gradually lost much of its authority. Frank suggests that “if, during the eighteenth century, the *akhund* wielded influence in the administration of Islamic law, within the structure of the OA the position of *akhund* appears to have eventually been stripped of much of its autonomy”, and that “By the second half of the nineteenth century *akhunds* served as essentially a liaison for the OA by disseminating official decrees to the local *imams*”.49

Azamatov thinks that the reason for change in the authority of *akhunds* is that after the creation of the OA, *akhunds*, who had direct access to the Russian administration and were actually the connecting link between imperial authorities and the Muslim population, lost this privilege. It was now the OA officials undertaking this function and *akhunds* had to coordinate

---

48 Azamatov, “Russian Administration…,” p. 92.
its activities with the Assembly. Another proof of the diminishing authority of *akhunds* for him was the rapid increase in the number of *akhunds* by the middle of the nineteenth century, which he ties to the lack of any norms on the appointment of *akhunds*. Besides, he notes that the introduction of the exam in the OA for the candidates aspiring to become *akhunds* put an end to the practice of appointing *akhunds* from among the most respected and knowledgeable candidates. As a result, he suggests, a certain devaluation of this title took place and the OA had to introduce a title of “senior *akhund*” (*starshii akhund*) to make more knowledgeable ones stand out among others.

Marsil’ Farkhshatov suggests a somewhat different view. According to him, at the end of the nineteenth century Tatar and Bashkir *akhunds* still possessed high authority, but at the beginning of the twentieth century the authority of many *akhunds* eroded. He notes that while the number of religious functionaries was increasing throughout the nineteenth century, the number of *akhunds* remained almost the same. While from the 1830s to the 1880s the general number of Muslim clerics rose from 3907 to 7203 there were only seventy *akhunds* during this time, which indicates the fact that it was not easy to acquire the title of *akhund* and therefore *akhunds* enjoyed high authority. However, at the beginning of the twentieth century there was a rapid increase in the number of *akhunds*, 165 in 1911 and already 220 five years later. The implication, he suggests, is that it became easier to acquire the title of *akhund*. According to him, because of the growth in the number of *akhunds* “they naturally lost their value”. He also cites two reasons for the rapid increase in the number of *akhunds*. One of the reasons stems from the

---

50 Azamatov, “Russian Administration…,” pp. 91-92.
51 Azamatov, “Russian Administration…,” p. 92.
52 Farkhshatov, p. 503.
53 In fact, the number of *akhunds* at this period rose from around 25 to 70, which in fact shows a considerable growth in their number.
54 Farkhshatov, “İdil-Ural Müslüman Ruhanileri,” p. 503.
lack of laws in the late imperial period which would allow akhunds to function legally as a middle level of Muslim clergy. At the beginning of the nineteenth century the title and duty of muhtasip was totally abolished, and therefore the OA was forced to appoint new akhunds who would perform the duties of muhtasips. The second reason deals with the fact that starting from the first half of the nineteenth century the duties of Volga-Ural akhunds turned into the duties of imams, as a result of which there remained no independent duty of akhunds by the turn of the twentieth century. Therefore, the title of akhund gradually turned into an honorary title.\(^5^6\)

The decrease in the authority of akhundship does not mean that by the turn of the century there were no good legal experts anymore. But akhundship itself underwent a transformation. The appearance of the OA and its appellate function weakened the bond that existed between the Muslim population and akhunds. The possibility to appeal to the OA sometimes prompted people to do so directly because they saw in OA officials a more powerful source of enforcement or authority. It was also a source to which the people could appeal when they were dissatisfied with the decisions of akhunds. Most importantly, Muslims learned to operate and use for their own purposes the state-approved institutions, and the akhundship was not among them.

\(^{55}\) Muhtasip — a person entrusted with the supervision of mosques who also served as intermediaries between the Orenburg Assembly and the local Muslim communities. In 1889 upon the request of Kazan governorship for a definition of this title, the OA stated that it was an honorary title. NART F. 2, op. 2, d 3741, ll. 2-3 ob, cited in I. K. Zagidullin et al. (eds.), *Istoriia Kazani v dokumentakh i materialakh XIX vek*, vol. 2 (Kazan: Tatarskoe knizhnoe izdatel’stvo, 2011), pp. 395-396. Muhtasips were supervising the functioning of mahallas and ulama in some districts. alimjan Bardudi describes the election and examination of muhtasips in Kazakh mahallas in Petrapavlovsk in his *Kızılyar săfäre*. See: Ğalimjan Barudi, *Kızılyar săfäre* (reprinted in Kazan: İman Näsriyatı, 2004), pp. 101-104. Ğalimjan Barudi proposed to institute the post of muhtasip as an inspectorship for ulama in districts and during the Soviet times this position existed as such until 1936. See: Ğalimjan Barudi, *Hatirä däftäre*, p. 32 (Special thanks to Allen Frank who reminded me about this information.)

\(^{56}\) Farkhshatov, “İdil-Ural Müslüman Ruhanileri,” p. 503.
The OA as a court of appeal

In 1904, the Orenburg Assembly received a very typical report by akhund Abuzyarov. From the report we get to know that a Muslim woman, Hubjamal Ğaynullina, petitioned to the OA with the request to divorce her from her husband, Ismagilov. Akhund Abuzyarov reported to the OA that upon its order to investigate the case, initiated by this woman, he travelled to the village of her residence. Akhund Abuzyarov interrogated the imam who performed their marriage, another imam of the village of her residence, and several witnesses and came to the conclusion that the imam had performed their marriage illegally, because Hubjamal was abducted and asked her husband to grant her a divorce. The husband also sent a petition to the OA asking for the annulment of akhund Abuzyarov’s decision. The OA officials decided to cancel the decision of the akhund and reassigned the case to imam-khatyp Mohämmädkärım Mendianov for reinvestigation.

The akhund mentioned in this document seems to be a mere investigator and his decision could easily be challenged and reverted. As it is apparent, the wife directly applied to the OA requesting for divorce and this became a typical way to initiate divorce by sending a petition to the Assembly or to request reconsideration of a case. Case upon case I found out that the whole legal practice among the Muslims of the Volga-Ural region had been transformed and the akhunds lost their status of higher judicial authority in the course of the nineteenth century, and the main reason for that was the shift in the structure of the religious authority.

The creation of the OA by itself marked an important transformation in the practice of shari‘a, because one of the main duties of the OA was to function as a court of appeal. As several scholars analyzing the impact of colonialism on family law in the context of Sub-Saharan Africa suggested, “the colonial encounter significantly transformed Muslim perceptions of
shari’a [and] … the incorporation of shari’a within a pluralist legal environment, and the possibility to appeal a ruling based on shari’a, formed a profound challenge to Muslim jurists and the status of the shari’a within Islamic thought”.

With the introduction of the process of appeals the new legal system fundamentally differed from its pre-colonial predecessor because it was to be public and transparent.

In his project on the creation of the OA, Baron Igel’strom envisioned the OA as a court equivalent to middle-level courts in the Russian judicial system. Imperial officials expected that people who were not satisfied with the decisions of their local mullas would apply to this institution for the revision of their cases. This suggestion became a state law that was included in both major compilations of Russian state law, Polnoe Sobranie Zakonov and Svod Zakonov, however, it took time to realize this aspect of the project. The appellate procedure of the OA was the next link in the system of control over the ulama devised by the Russian state and Muslim laypeople were to play an important role in it. We do not know exactly when Muslims began to apply to this institution with their complaints and reconsideration of their cases because the OA began to keep the Journals of received complaints only from 1836, but as mentioned in the biography of the first Mufti Khusainov, it took much effort to turn the OA into a real court.

Scholars of the Volga-Ural Muslim community noted that imperial officials were trying to devise a three-level structure for the Muslim legal system. Prince Alexander Golitsyn, the minister of Religious affairs and Education as well as the Overprocurator of the Holy Synod, was trying to devise a more formal structure. He outlined a hierarchy of judicial ranks and a

---

procedure for appeal. According to this project, litigants were allowed to present complaints to imams. “If reconciliation did not succeed, these clerics were to forward the case in writing to the nearest akhunds, whose decisions were to be final and not subject to further review... Should these charges encounter any doubt in the case, they were to turn, again in writing with all relevant documentation, to their higher ecclesiastical authority, the mufti”.60 The first two levels were taken in fact from the real practice, with the exception that before the establishment of OA the procedure was more informal and did not include the recording of the case in a written form. In addition, the third level of the OA was added as an appellate body.

According to Azamatov, the Assembly also attempted to create the middle level of administration in the form of mukhtasibats or by giving to akhunds a higher level of authority but these initiatives remained unrealized as the state was not interested in reorganizing this institution.61 Another historian of the region, Marsil’ Farkshatov, makes a different suggestion stating that although officially there were no middle rank ulama, in practice, there was a middle level and it was represented by akhunds who were intermediaries between the OA and mahalla imams.62 Yet, both of them do not show how this worked in practice.

My analysis of the documents of the OA of the late nineteenth-early twentieth centuries shows that akhunds did not function officially as middle-level judges, but many times they were called to duty either by the OA or by the litigants. If at the beginning of the nineteenth century, people primarily resorted to the help of akhunds, in the second half of the nineteenth century

60 Crews, For Prophet and Tsar, p. 157. Here Crews presents the outline of a hierarchy of judicial ranks and a procedure for appeal elaborated by the Ministry of Religious Affairs and Education, but unfortunately he does not cite the source. I assume it to be GAOO (Gosudarstvennyi arkhiv Orenburgskoi oblasti), F. 6, op. 4, d. 8085, which is cited in the previous and the following footnotes in his book.
61 Azamatov, “Russian Administration...,” p. 111.
there was an important transformation in this respect. To a large extent, members of Muslim
congregations or their *imams* did not apply to an *akhund* anymore, i.e., the case did not go to the
level of *akhund*, but they sent their complaints and petitions directly to the OA. Then, the
Assembly officials assigned an *akhund*, an *imam-khatyp*— or sometimes the same *imam* — to
investigate the case from the beginning. Often, laypeople themselves asked the OA officials to
assign their case for a new investigation to a particular *akhund* (or *imam-khatyp*) by giving his
name, and the OA usually satisfied the request of the petitioner. In the archival documents of
the OA one can come across such requests very often and this sheds light on the authority of
*akhunds* in the Volga-Ural region. Obviously, some *imams* were more authoritative in the eyes of
people and people preferred that they handled their disputes. Therefore, even though the status of
*akhunds* as middle-level legal instance was not recognized and the people could not or did not
apply to them, the OA had to utilize them in this capacity. It can be seen that an *akhund* was not
simply a holder of an “honorary title” and the authority of some of them was quite high among
the Muslim population, and reflected the prominence and respect that Muslims of the region had
for a specific religious scholar.

However, since the *akhunds* did not have an official recognition in their status as a mid-
level legal instance, even when the OA delegated cases to their jurisdiction they faced many
difficulties and obstacles in the resolution of these cases. First of all, they did not have the
financial means to travel. Second, the people did not always respond to their investigations.
Third, the police could refuse to cooperate or even investigate cases as *akhunds* did not have

---

63 Khatyp – a *mulla* responsible for giving the sermon (*khutba*) and leading the Friday prayer, as
well as holiday prayers at *Eid al-Adha* and *Eid al-Fitr*.
64 TsGIA RB, F. 295, op. 2, d. 278, Journal entry of August 5, 1905; F. 295, op. 2, d. 252,
Journal entry of September 7, 1900; F. 295, op. 2, d. 283, Journal entry of May 21, 1907.
institutions in Imperial Russia*, p. 110.
officially authorized to conduct investigation. Lastly, *akhunds* could not easily submit their reports because they could not use official correspondence. All these conditions, the Orenburg governor-general Kryzhanovskii concluded, “put *akhunds* vis-à-vis the accused into the situation which did not always meet the conditions of justice”.66

**The incompatibility of the OA and *akhunds* and the transformation of the traditional legal order**

When the OA was introduced as a court of appeal and the state authorities could not find a proper place for *akhunds* in this system, it was a matter of time before *akhunds* would lose their authority because the structure of religious authority had changed and the authorization by the state became an important component of the new structure. I trace the changes in the structure and practice of legal authority in the light of the letters of a prominent *akhund* — *akhund* Fäthullah bin al-Huseyn bin Ğabdelkärim al-Oriwi (1765-1843).

In these letters, Fäthullah al-Oriwi tried to defend his authority within Muslim society and against the OA. The cases are described in the letters that *akhund* Fäthullah al-Oriwi received from 1820s to 1840s.67 According to Rizaeddin Fahreddin *akhund* Fäthullah al-Oriwi possessed a high authority in delivering *fatwas* (Islamic legal opinion) on *shari’a* matters and investigating and solving family problems.68 Fäthullah al-Oriwi was one of the most famous and

---

66 RGIA, F. 821, op. 8, d. 611, l. 33.
67 There are 21 letters that are addressed to *akhund* Fäthullah by different people, usually women or men who wrote on behalf of women with the request to help out in their situation. In the letters, all the petitioners seek legal advice and request a resolution to their family problems. The letters also give us a nice illustration of the practice of *shari’a* in the first half of the 19th century. These letters are recorded in *Âsar*, volume 2. Fahreddin separated the letters as the first letter, the second letter, etc. All letters are from late 1830s and 1840s. Rizaeddin Fahreddin, *Âsar*, vol. 2, part 9 (Ufa, 1905), pp. 14-46.
active leaders of the Muslim scholarly world of the Volga-Ural region besides the mufti. Apart from Kazan province, Muslims applied to him even from the provinces of Simbirsk and Viatka. Many of his students served as members (qadis) of the OA, and the OA asked his advice on many complicated legal issues. However, as the following cases attest, his decisions were easily challenged or even mocked by the lay people and he would be reprimanded by the OA when he seemed to be acting rather independently.

The letters of akhund Fäthullah al-Oriwi show us that, in the traditional system the resolution of legal issues was a communal act and the akhunds were a crucial part of this process, but the introduction of the OA disrupted this organic structure. Several scholars analyzing shari’a in the modern context speak about transformation of the traditional order into a more rationalized and bureaucratized one. Wael Hallaq suggests that in the traditional order there was no distinction between law and morality, and law was “embedded in organic socio-legal relation that mediates conflict” — “it originated from and cultivated itself within the very social order which it came to serve in the first place… Its personnel hailed from across all social strata, and operated and functioned within communal and popular spaces. The qadi’s court was the yard of the mosque, and when this was not the place, the market place or a private residence. The intersection of the legal with the communal and the religious was a marker of populism and communitarianism”. In other words, the society operated by the legal and cultural norms of traditional legal order and was largely self-governing.

---

69 Fäthullah al-Oriwi had a brother, Habibullah al-Oriwi who was also a much-respected scholar and also a prominent Sufi shaykh. While Fäthullah was on better terms with the mufti, Habibullah al-Oriwi had issues with the Mufti and later tried to establish a separate mufti in Saratov province. Kemper, Sufii i uchenye, pp.98-103.
70 Fahreddin, Âsar, vol. 2 (2009), pp. 8-10.
In the context of the Volga-Ural region in the nineteenth century this organic tradition disappeared as a result of state intervention. Since the state did not recognize the authority of akhunds within the newly institutionalized structure of religious authority, the traditional system of shari‘a, in which akhunds had a binding authority over the rulings of imams, started to have problems. However, since the state was not interested in increasing the capacity of the OA in terms of its supervision of imams and its ability to impose shari‘a these problems were not resolved.

In the first half of the nineteenth century the practice of shari‘a, to a certain extent, still resembled the one that existed during the pre-Catherinian times. Handling a family dispute was a product of collective decisions and was discussed at a majlis. When a problem arose in the Muslim family of the Volga-Ural region, it was a mahalla imam to whom people resorted for help. Usually, a husband, a wife, or their proxies brought a complaint to their local imam who would try to settle the dispute. If the imam was not able to solve the problem, litigants sought the help of the akhund. As described in letters to akhund Fâthullah al-Oriwi, usually several mullaş, akhunds, and the elders gathered at a majlis forming something similar to an Islamic court, although the institution of the court did not exist officially. The case of a certain Ahmät kızı\textsuperscript{72} from the city of Kazan in 1841 was resolved in such a majlis. Her husband was physically and financially abusing her and in front of the akhund and several imams she managed to force him to sign a document that would grant her divorce if he would not stop abusing her and compensate for her financial loss in 1840. After a year, Ahmät kızı sent a petition to the aforementioned akhund stating that her husband did not meet the conditions and continued his bad behavior and

\textsuperscript{72}Ahmät kızı – literally means the daughter of Ahmät. Her name, as well as her husband’s name (who was referred as Halid uğlı) were deliberately omitted to protect privacy. Fahreddin, Āsar, vol. 2 (1904), Letter 14, p. 28.
abuse of alcohol. Akhund Fäthullah al-Oriwi confirmed her testimony through several witnesses and granted her the right to divorce from her husband.⁷³

At the beginning of the nineteenth century, akhunds retained a higher status over imams. As we can see in the above-mentioned case brought by Ahmät kızı, it was the akhund to whom people applied in cases of family problems, who settled the case and delivered a final decision in the divorce and inheritance disputes. The majlis was also presided over by the akhund. Imams and people referred to them as a higher judiciary. People asked for a fatwa from the akhund, which he delivered. It can be seen from the letters that if a case could not be settled by a local mulla, people sought fatwas from akhunds, despite the existence of an official appellate body of the OA. This practice would change with the increasing acceptance and recognition of the OA as the Muslim religious institution by the Muslim population.

Vis-à-vis mahalla ulama, akhunds were of a higher authority and instructed imams with certain tasks. Instructions could be of various kinds, but they all reflect the authority of akhunds in legal matters and his orders pertaining to this sphere. Thus, upon receiving from a woman a request for divorce, akhund Fäthullah reported to the OA that he found the request for divorce legally permissible because of the absence of sustenance and ordered the imams to perform her marriage if the woman asked for one.⁷⁴ In another letter, a woman asked for divorce and for permission to marry another man given that her husband was exiled to Siberia. She stated that the local mulla did not allow this, so the woman turned to akhund Fäthullah for a fatwa. The akhund appointed another imam to investigate the case. The appointed imam confirmed the information supplied by the woman and made the elders sign the document.⁷⁵ In yet another

---

case, a woman asked for a fatwa to annul her marriage to her husband who was abroad and was unable to provide for her during the previous ten years. The akhund conducted an investigation about the situation, confirmed the testimony of the woman, ordered the imam to record the annulment of marriage, and allowed her to marry another person after the period of iddat.\textsuperscript{76}

Many letters describing other petitions also show that marriage or divorce took place in the presence of several religious scholars — one or two akhunds, a few imams, and village elders, forming something similar to an Islamic court. If needed, they discussed the punishment and agreed on it. The moral-religious authority of akhunds and the ulama in general dictated the enforcement. Laypeople and the parties of the dispute were part of this moral order, which worked at a societal level, from the bottom. The compliance with the decision of the ulama depended exclusively on the ulama’s personal authority, which was based on erudition and piety. This order was a self-regulating order. Also, the decision taken by akhunds (and other imams) represented a final verdict.

In the course of the nineteenth century this would change and the analysis of legal cases reveals that to a large extent they would turn into a more individualistic enterprise, wherein the mahalla imam or an akhund would settle the case and would not recognize higher authority of another mulla. If a person was not content with the decision, he would apply to the OA, which in its turn would reassign the case to another imam or akhund. Individualization was also prompted by the appearance of state license which allowed the ulama to claim independent authority anchored in the state. This is also linked to the process of institutionalization of the mahalla.

\textsuperscript{76} Fahreddin, \textit{Åsar}, vol. 2 (1904), Letter 13, pp. 27-28. Iddat is the period a woman must observe after the death of her spouse or after a divorce, during which she may not marry another man. The period, three months after a divorce and four months and ten days after the death of a spouse, is calculated on the number of menses that a woman has. Iddat was intended to ensure that the male parent of any offspring produced after the cessation of a marriage would be known.
discussed in Chapter III, when the jurisdiction of an imam or his authority over a particular mahalla would be more clearly outlined. Briefly, an imam was to perform marriages, divorces, and other rites only to the Muslims of his own mahalla and was prohibited to interfere in the affairs of neighboring congregations. The same rules applied to akhunds as the duties of akhunds became in fact identical to the duties of imams. Although akhunds belonged to “higher clergy” according to Russian law, in practice their functions were those of any other mulla. An akhund had his own mahalla, was attached to a specific mosque, and had to perform religious rites for the Muslims of his congregation.

As a result of this individualization of adjudication and of the ambiguity of the status of akhunds the authority of akhunds vis-à-vis parish mullas as well as Muslim population at large began to wane. Apparently akhunds exercised authority over the imams but this authority was decreasing. Here are two examples when the imams did not obey the decisions of akhund Fäthullah al-Oriwi. These are rather interesting cases about religious authority. As they show, there was an apparent hierarchy, if one that barely functioned. In both cases, the plaintiff applied to the authority of the akhund in order to repeal the decision of an imam. In the first example, a woman married a man on the condition that she would have the right to divorce, which she used on 29 December 1836 and informed the imams of her husband’s village about it as well as the imam of her own mahalla. However, later on she changed her mind and wanted to remarry her husband. She asked for a fatwa about her case indicating whether it would be permissible for her to remarry her husband. Akhund Fäthullah al-Oriwi was of the view that the husband announced one talaq, which meant that they did not legally divorce as the complete divorce required the announcement of talaq three times. However, the imam who registered the divorce in the metrical book had already entered it as a complete divorce, with the announcement of three
talaqs and did not allow the couple to live as husband and wife. As a response to this case, the akhund sent an order to a muhtasip to inform the imam about the relevant traditions as well as his fatwa about the remarriage of that couple. Instead of accepting the order, the imam convened the elders of the village and another muhtasip to back his decision to separate the couple. When the couple again sought the help of akhund Fāthullah al-Oriwi, he once again ordered the muhtasip about the prevalence of the fatwa of an akhund over an imam’s decision. Still unconvinced, the imam challenged the decision of the akhund and the case was brought to the OA for resolution.77

The second letter was written by a father whose daughter was abducted and who sought the help of akhund al-Oriwi seeking his intervention. An imam certified the marriage of his daughter to the person who abducted her in the absence of her parents. In fact, the imam imposed his decision upon the protesting girl by saying that “I have the state license (ukaz), so what I say is law”. When the father sought the aid of fellow villagers to rescue his daughter, the villagers refused out of fear to contradict the verdict of the licensed imam. The girl then fled to her father who sought the annulment of her marriage. Akhund al-Oriwi called the imam, the plaintiff, and the defendant with their fathers. The imam came but refrained from providing testimony refusing to recognize the authority of the akhund, as the result of which the akhund could only report the issue to the OA, which in fact had already received many complaints about the same imam.78

In the second example we can also see that the imam used his license to bolster his authority in the eyes of Muslim laypeople. He used the fact that he had the state license as the basis for the legitimacy of his decision. Later on we will come across such examples again, which demonstrates that there was an important shift in the basis of legitimacy for mallas’ decisions. Starting approximately from the mid-nineteenth century, mallas would sometimes

78 Fahreddin, Âsar, vol. 2 (1904), Letter 5, pp. 16-17.
anchor their authority in state license. Different from the traditional practice in which *akhunds* played a mediatory or adjudicatory role in legal cases and revised and corrected the decisions of *imams*, after the introduction of the OA and the state license the *imams* could defy the authority of *akhunds* and could only be forced to accept the decision of the OA, if the latter could get police support. On the one hand, there appeared an enforcement from above, which distorted the traditional operation of *shari‘a*. On the other hand, the enforcement was not guaranteed, as the state was indeed not interested in institutionalizing the enforcement of the OA decisions. In his report on the functioning of the OA, the Orenburg governor Kryzhanovskii noted that the local police usually fulfilled the requests of the OA for the enforcement of its decisions but this put the police in an “abnormal status as the protector of a foreign religion (*chuzhaia religiia*)”.

Therefore, the enforcement of the decisions of the OA was at the whim of the local police forces. But apart from religious scholars themselves, Muslim laypeople could also defy the authority of *akhunds*. For example, in May 1837, Rahmankuliulgh gave a petition to *akhund* al-Oriwi explaining that his son-in-law was not providing the sustenance for his family and did not pay the *mahr* in full amount. He asked for the annulment of their marriage. Akhund al-Oriwi summoned the husband and advised him to support his family and demanded a written plea to that effect. The husband refused to give a written promise, mocked the decision of the *akhund*, and declared that he could find another *akhund* to judge in favor of him. Akhund al-Oriwi again

---

79 RGIA F. 821, op. 8, d. 1073, l. 40.
80 Fäthullah al-Oriwi omitted the first names as well as the places of origin of the people that were mentioned in his letters.
81 *Mahr* is a crucial part of the marriage contract between a man and a woman. Before the marriage contract is concluded, the man should accept to pay an amount of money or possessions to the woman only for her use. Among the Muslims of the Volga-Ural region, as well as among the Kirgiz and Kazakh people, there was also a traditional bride price — *kalym* — that a groom had to pay to the family of the bride. In some cases these two terms were used interchangeably.
appealed to the OA referring to similar previous decisions about the lack of sustenance in marriage and asked for permission to declare the annulment of the marriage.  

In the abovementioned cases we have seen the erosion of authority even of a well-respected akhund. Akhund Fāthullah al-Oriwi was obliged to bring the cases to the attention of the OA because the imams and laypeople did not listen to his orders. We see that in this way the institution of the OA emerged as a body of higher religious authority. Akhunds’ inability to make parish imams comply with their decisions prompted them to resort to the power of the OA. At the same time, the emergence of the OA as a higher religious authority can be also seen from another development that illuminates the relationship between the akhund and the OA. If previously the decision taken by akhunds (and other imams) represented a final verdict, now akhunds had to ask authorization from the OA. Thus, one transformation can be seen in the change from an independent decision-making by akhunds to the necessity to seek approval from the OA. As in the above-mentioned instance, in many other cases akhunds had to obtain approval from the OA officials that they agreed to the decision of akhunds, despite the fact that it was sometimes formal.

To a large extent the OA approved the decisions of akhunds and it seems to be a kind of pro forma. Sometimes, however, the OA refused to recognize the decisions of akhunds. For example, in 1843 akhund Fāthullah al-Oriwi was about to annul the marriage of a couple upon the request of the father of the bride who was complaining about his son-in-law, as the latter was not providing for his family. The akhund could not decide on the case but in his letter to the OA referred to a similar case in which the OA had annulled a marriage due to the absence of sustenance. The Mufti considered the reasoning of the akhund against the rules of shari‘a as it

was not the wife who was asking for divorce. Based upon this incident, the mufti prohibited all 
akhunds, but specifically Fäthullah al-Oriwi, to decide on cases by looking at similar 
precedents.83

Upon receiving this reprimanding order that restricted the authority of akhunds even 
further, Fäthullah al-Oriwi asked the OA for authorization in the name of all akhunds, so that 
akhunds would autonomously be able to investigate the cases of marriage and family life when 
shari’a rules were violated and to prevent such violations. In his letter to the OA he particularly 
referred to two cases of marriages performed by imams without the guardians (wali) of the bride. 
In both cases the brides were seeking annulment and correction.84 The letter was written by 
another akhund who witnessed many acts against shari’a but could not investigate them, as that 
would be beyond the rights granted to them by the OA. He also admitted that he did not “dare to 
take decisions”. Indeed, akhunds had the right of supervision over imams; however, they did not 
have power to implement any correction or to report those issues by taking testimonies to the 
OA.85 According to state laws, only the parties involved had the right to initiate petitions to the 
OA, not parish ulama. That was another major blow to the functioning of shari’a, because in this 
case the ulama could not really halt disobedience and violation of shari’a.

83 Fahreddin, Āsar, vol. 2 (1904), Letter 21, pp. 31-36. Although the ban affected all akhunds, the 
emphasis on Fäthullah al-Oriwi could also be a reflection of the ongoing conflict between his 
brother Habibullah al-Oriwi and the OA. Habibullah al-Oriwi almost succeeded to establish 
another religious administration in Saratov province with the support of Russian provincial 
administration. Michael Kemper cites this attempt along with other proposals to establish 
Muslim religious administrations in different parts of the Russian Empire as evidences for the 
resistance of Muslim scholars to accept the authority of the OA. However, one can also think that 
the Muslim scholars accepted the institutionalized religious administration and wanted to have 
state authorization for them. Kemper, Sufii i uchenye, p. 103.
84 Fahreddin, Āsar, vol. 2 (1904), Letter 3, p. 15.
85 Fahreddin, Āsar, vol. 2 (1904), Letter 4, pp. 15-16.
Besides restricting *akhunds* in taking legal decisions, the OA circulars and legal templates were becoming the basis for the decisions of *akhunds* and took precedence over usual references from Islamic legal sources. As there were an increasing number of women asking for divorce on the basis that absent husbands could not provide for their families, the OA sent out a legal template to be applied to these cases. When a woman from Kazan asked *akhund* Fâthullah al-Oriwi to issue a *fatwa* to legalize her appeal for divorce on the basis of the lack of sustenance, al-Oriwi compiled his legal response in the following manner: first he would specify the OA instructions for similar cases and provide the date and number of these instructions, only then would he listed the Islamic sources that support his legal reasoning.\(^{86}\)

As we have seen so far, the boundaries of religious authority were rather blurred in the first half of the nineteenth century. This was due to the absence of a clear hierarchy to the Muslim judicial system, which sometimes led to complete confusion and complication of the outcomes. There was a definite shift in the religious authority of *akhunds* that decreased with the appearance of the OA, but the authority of the OA was not yet fully accepted by the people. Moreover, as Tuna noted, “as the Muslims developed familiarity with the administrative organs of the empire, they started to take advantage of alternative judicial institutions whenever they did not like the judgment of an individual scholar”.\(^{87}\) However, what was at stake was not the judgment of an individual scholar but the *shari’a* itself. The Muslim lay people would take their legal disputes to Russian courts when they realized that the decision according to *shari’a* was not in their favor.

The ambiguity of legal authority and hierarchy and their consequences can be illustrated by the following case from 1833. A certain Neziruği had given his wife the right to divorce

\(^{86}\) Fahreneddin, *Âsar*, vol. 2 (1904), Letter 6, pp. 17-19.

\(^{87}\) Tuna, “Imperial Russia’s Muslims,” p. 86.
before his departure for Hajj; his wife did divorce him after he was missing for a long time, and married a certain Maksudул. The local imam sanctioned the divorce and marriage in front of witnesses. However, Nezirул came back and claimed his former wife. Knowing that his case would be weaker according to shari’а, Nezirул applied to the local Russian court (zemsκii sud). When the court also decided in favor of Maksudул, he again tried to invoke the intervention of Russian authorities and concealed the verdict of the court when he submitted the case to the consideration of the military governor. The military governor appointed an akhund, Ğabdun纳斯ир Rahmanул, who decided in favor of Nezirул. Maksudул also applied to the military governor and requested the involvement of another akhund. However, Rahmanул refused to cooperate with another akhund and also rejected the intervention of the OA claiming that Nezirул did not recognize its authority and claimed that the OA was only an institution of examination for imams but not a court of appeal.

It was apparent that Nezirул was trying to circumvent shari’а by applying to the Russian court. His application to the military governor was his second attempt at that, with his refusal of the involvement of the OA representing a third. The absence of a clear hierarchy in the Muslim judiciary system permitted this maneuvering. The Governor sanctioned the involvement of two akhunds but did not control or enforce it. The prominent imams of Kazan as well as akhund Fathullah al-Oriwi decided in favor of Maksudул and the latter submitted their decision and the verdict to the gubernatorial administration. Thus, most probably Maksudул and the ex-wife of Nezirул lived happily ever after.
Attempts to institutionalize the rank of akhunds

Thus, by the second half of the nineteenth century, the collective nature of the shari‘a system in which akhunds played an important mediatory and adjudicatory role was not properly functioning. Imams in mahallas increasingly single-handedly resolved family law disputes. However, not all imams could properly settle family disputes because not all of them had the necessary expertise. As it was stated in the proceedings of the first convention of the Union of ulama, although officially and according to shari‘a imams function as judges in mahallas not all imams were competent to judge and for the competent imams the fiqh sources were not always available. Sometimes imams asked the opinion of the OA but either the OA left the question unanswered since it had just a few qadis to revise those questions, or the imam did not comply with the opinion of the OA. Moreover, the OA might decline the question of an imam on a specific case claiming that the involved parties did not demand the opinion of the OA. Therefore, there was no possibility for the natural development and enforcement of shari‘a.

In this situation both the Russian authorities and the Muslim elite discussed and proposed new plans to functionalize the akhunds within the transformed system of shari‘a. Their concerns resulted in a number of reports, petitions, and reform proposals. The issue at stake was not only the practical functioning of akhunds in this region, but also the issue of religious authority — in particular, who would define who might become akhunds, what it would mean to be an akhund, and what functions akhunds would have in Muslim society within the Russian Empire. The state wanted to utilize them as a more effective means of supervision over imams, and the Muslim elite wanted to create a link between imams and the OA in order to achieve a smooth functioning of shari‘a.

---

When Şihabeddin Mărjani, was appointed as an *akhund* in 1867 he observed the problems associated with this post more closely and wrote about his observation as such:

Till nowadays, there is no intermediary between the OA and *imams*. Every *muderris*, every *imam* and *muazzin* applies to the OA directly. If there is any problem or dispute among *imams* and/or *muazzins*, the OA inspects and decides on a case. However, taking into consideration that the territory under the responsibility of the OA is huge and it has only a few *qadis* in the office, it cannot properly handle the cases; if there are disputes among *imams*, investigations take too long, in some cases they cannot know the truth and essence of the matter closely, there is no time to understand them properly, so they give out decisions in haste, at the expense of certain rights of petitioners. Therefore, to end such things, in other countries where law reigns supreme, middle-level *ulama* are appointed to serve as a link between the lower and upper levels of religious authority. They inspect the lower-level *ulama*, warn them if they make mistakes and help them when there are disputed matters. People apply to the higher authorities only when they are dissatisfied with the decisions of the lower and middle rank *ulama*. Thus, disputes are handled with ease and the results are fairer. In our community, even if *akhunds* are considered higher in authority than ordinary *imams*, they do not have official permission to handle cases, people are not obliged to abide by their decisions, and *akhund* becomes just an honorific title.  

Mărjani simply pointed to the ineffectiveness of the OA as a Muslim legal institution, and called for the official recognition of the middle level of the *ulama*, *akhunds*, who would be responsible for the major part of the work. Indeed, in the projects on reform of the OA in the second half of the nineteenth and early twentieth centuries “*akhundship*” would be thought of as a separate level where disputes would be sent after they failed to be settled at the level of *mahalla*. As he occupied the post of an *akhund* and thanks to his close relationship with the mufti he tried to implement his suggestions. He submitted a proposal to Mufti Tevkelev suggesting that *akhunds* should be appointed from among prominent *mudarrises*, that they

---

90 Otdel redkich rukopisei i knig Kazanskogo gosudarstvennogo universiteta (ORRK KGU), Delo 83, p. 3, articles 14-15.
should be a link between imams and the OA, and that the OA should give akhunds special authority to watch over imams in order to resolve disputes that arose among them.\footnote{Şähär Şäräf, “Märjaniñeñ tärjemäe häle,” p. 162.}

In 1862 the Ministry of Internal Affairs requested the OA to establish a strict hierarchy of Muslim clerics and a system of subordination among them, to explain the meaning of the title of “akhund” and express its opinion on this subject. A year later, the Minister of Internal Affairs, Pyotr Aleksandrovich Valuev, deemed it necessary to determine special rules for akhunds, which he was ready to approve upon the agreement of the governor of Orenburg. Thus, similar to the way the imperial state laws defined the title of parish imams, khatyps, and muazzins, and their rights and obligations within the mahalla; Russian officials found it necessary and important to define the meaning and functions of akhunds. However, the Ministry of Internal Affairs was not satisfied merely with the opinion of the OA. It also entrusted this task to one of its officials from the Department of Religious Affairs of Foreign Confessions (DDDII), an orientalist Kazem-Bek who had to find out the essence of the religious title of akhund, explain the procedure of election of akhunds and their approval in this position by the OA.

The immediate reason for this investigation was the petition of akhund Sahabitdin Zeynitdinov to the Minister of Internal Affairs. Zeynitdinov had the title of akhund since 1846 but the OA removed his imamship and title. Although he was allowed to seek an imam position in another mahalla, the local authorities declined to let him serve in any parish. The point of dispute was whether Zeynitdinov retained his title of akhund or not. The Orenburg and Samara governor-general referred to the 1857 decree of the Department of Religious Affairs of Foreign Confessions, stating that Muslim clerics, who did not have their own parishes, lost any rights of clerics at all and were transferred to the estate to which they had belonged before they became
religious figures. According to the response of another official, Zeynitdinov lost only his position of *imam* but retained the title of *akhund*. To this, the OA responded that Zeynitdinov lost his title of *akhund* together with the title of *imam*, because having been found unfit to perform the duties of *imam* and having been stripped of state license altogether obviously meant that he could not perform as *akhund* either.\(^{92}\)

In its response to the Ministry, the OA explained that the word “*akhund*” originated from the Persian word “*akhanid*”, which means “a knowledgeable person, a teacher”. The title of *akhund* was given by the OA not only to those candidates who displayed the best knowledge of Islamic fundamental sciences at the exam but who were also competent at solving legal cases. Only the *ulama*, who had already served for several years and had acquired good experience and knowledge of *shari’a*, could acquire the title of *akhund*. Besides, this title was granted separately from the rank of *imam* to a person with the goal to fulfill a special sort of task. Finally, the OA officials underlined that the title of “*akhund*” was an honorary title, granted on the basis of Russian law (according to article 1228 of vol. 11, part 1 of the Statute of DDDII), and that in the case that a person was dismissed from his rank of *imam* or *imam-khatyp*, he also lost the title of *akhund*, “for the obvious reason that people fired from the lower clerical ranks could not retain a higher clerical rank”.\(^{93}\)

Kazem-Bek did not find the explanation of the OA officials satisfactory, so in 1863 he prepared a new project concerning the status of *akhunds*. Underlining the fact that the OA granted this title to religious scholars who judged and solved Muslim legal personal status cases, he claimed that *akhunds* were *qadis*, according to the *shari’a*. Kazem-Bek blamed the OA for arbitrariness in the appointment of *akhunds* and for confusion of this rank with that of *imam*.

\(^{92}\) RGIA F. 821, op. 8, d. 1000, ll. 1, 1 ob., 2, 7, 7 ob., 8, 8 ob., 12, 12 ob., 13, 13 ob., 14, 14 ob.

\(^{93}\) RGIA F. 821, op. 8, d. 1000, ll. 25 ob., 26.
Since the functions of an *akhund* were very different from the functions of an *imam*, he proposed that the Ministry of Internal Affairs set up new rules for the acquisition of this title and approve the appointment of *akhunds* according to the new rules. Using his description of *akhunds* in the case of Zeynitdinov, Kazem-Bek claimed that even though Zeynitdinov lost his *imamship*, he could keep the title of *akhund*.\(^{94}\)

As a result of Kazem-Bek’s response, the Ministry suggested that the OA prepare the rules for appointment of religious scholars in the position of *akhunds*. According to the new rules (1863-64), *akhunds* belonged to higher Muslim clergy, but did not have any advantages or benefits, financial or others, in comparison to *imams*. *Akhunds* could be appointed only from among *imams* and *imam-khatyps* who were assigned to a mosque, and from among those who had served for at least three years. An *akhund* was to serve a district comprising 20 to 100 *mahallas*. *Akhunds* were to be elected by a consensual decision of all the parish *ulama* of the district which would be under his jurisdiction. However, lay people were not to take part in the elections as was the practice at that time. The decision about an *akhund’s* election was to be sent for approval to local imperial authorities and to Governorship officials for the final approval.\(^{95}\)

The functions of *akhunds* were defined as the following: they were to supervise the correct upkeep of civil registry books by the parish *ulama*, watch over *imams’* proper fulfillment of their duties, and oversee mosques, madrasas, and the morality of students. Each year, by January 1, *akhunds* were responsible for submitting a report about all their activities throughout the year. According to article 1211, volume 11, *akhunds* had the right to judge and solve minor cases of disputes among Muslims according to *shari’a* “only if laypeople themselves wanted to resort to their help, being in disagreement with the decision of their parish *imam* as well as in

---

\(^{94}\) RGIA, F. 821, op. 8, d. 1000, ll. 24-29.

\(^{95}\) RGIA F. 821, op. 8, d. 1000, ll. 33-37 ob.
matters among Muslims about *mahr* and the division of property, on condition that Muslims, unhappy with their decisions, could appeal to the OA within a year".96

The project of Mufti Tevkelev on the reform of the OA from 1867, which he prepared and submitted to Russian central authorities, modified the above-mentioned rules in two ways.97 First, as Mufti Tevkelev sought to establish a firmer control over *akhunds*, he made a change that *akhunds* were to be elected by the higher clergy of the OA. Upon this election, *akhunds* were to be approved in their position at the suggestion of Mufti and local governorship administrations.98 Second, the primary function of *akhunds*, according to this project, was to watch over the parish *mullas* and “investigate the misdeeds of imams, muazzins, maktabs, and madrasas”. On the other hand, *akhunds* could travel to other mahallas only upon receiving complaints by parishioners regarding their *imams* and upon the orders of the OA. In addition, if an *akhund* learned about misconduct on the part of the *ulama*, he had to prepare a detailed report about it for the OA and could investigate the case only upon the request of its officials.99

Mufti Tevkelev’s proposal was very much in line with the expectations of the Russian administrators. We should bear in mind that Tevkelev himself was a former officer, a nobleman, and a rich landlord who had no religious education. Despite the overall efforts of Mufti Tevkelev to increase the social and legal status of the OA and its members as well as other Muslim

---

96 RGIA F. 821, op. 8, d. 1000, ll. 33- 37 ob.
97 The ides of Mufti Tevkelev about “*akhundship*” was part of his larger project (1867) about the reorganization of religious affairs of the Muslim population under the jurisdiction of the OA. Paragraphs 22-31 were devoted to the status of *akhunds*. For this project, see Zagidullin, “Proekt ‘Ustava upravleniia dukhovnymi delami magometan’ 1867 goda orenburgskogo Muftiia S. Tevkeleva”, in Il’dus Zagidullin et al. (eds.), *Orenburgskoe magometanskoe dukhovnoe sobranie i dukhovnoe razvitie tatarskogo naroda v poslednej chertverti 18-go – nachale 20-go vekov* (Kazan: Institut istorii, 2011), pp. 49-67.
98 To facilitate this process, the OA had to keep a list of candidates of more prominent and respected *imams* to the positions of *akhunds*.
99 RGIA, F. 821, op. 8, d. 611, pp. 91-126; Zagidullin, “Proekt ‘Ustava upravleniia dukhovnymi.”
institutions, we can observe that with respect to the status of akhunds, his efforts were rather directed at further integration of akhunds into the imperial bureaucratic system and establishing a tighter control of the OA over akhunds. The election of akhunds would be further centralized and controlled by the OA. So, if previously akhunds were elected on the basis of consensus and agreement between imams, on the approval of the Muslim population at large, now the OA sought to control this process more closely. The primary responsibility and function of akhunds shifted from watching over the correct implementation of shari‘a and handling personal status disputes to ensuring a tighter and more general surveillance and control over the parish ulama, their civil duties, and their behavior with the obligation to report on the cases of mulla’s misconduct. Their legal authority, where they had utmost independence, was degenerated to “minor” cases. As clerics, being part of the Russian imperial bureaucratic service, they would be awarded by the state with medals, similar to other state officials. In this way, the whole culture of legal experts was undergoing important change and was redefined by both Russian and Muslim authorities. The meaning of akhund was rearticulated to serve the needs of the state rather than the Muslim community and reflected the already existing and developing practice.

In 1870, Orenburg governor-general Kryzhanovskii shared his ideas on the functions of the OA and the ulama, including akhunds. According to him, the state should care about the administrative duties that the imams undertake, not about the strengthening of Muslim religion. The problem was that the state could not trace the performance of imams in the fulfillment of their administrative tasks. The OA was supposed to supervise their activities, but it did not have that capacity. In the current situation the only source that allowed the state and the OA to trace the activities of imams was the complaints of laypeople or imams against each other. Had there been a clearly established order of subordination between akhunds and imams the activities of
imams could be better controlled. Kryzhanovskii, like Mufti Tevkelev, proposed to institutionalize the akhunds as mere supervisors of imams.100

None of those projects could be implemented. Kazem-Bek’s orientalist approach, which took its examples not from the Volga-Ural practice, but from his knowledge on the judicial tradition in other Muslim countries, was simply not applicable in the Russian Empire. Moreover, his aim was to further limit the jurisdiction of the OA by denoting the akhunds as qadis who should be appointed by state authorities, not by the OA. Şihabeddin Märjani was an akhund and knew the problems related with the post as well as the previous practices. His suggestions could be beneficial, but would mean strengthening the OA and its religious clout in the empire: the provincial authorities did not prefer such an outcome. The projects of Kryzhanovskii and Tevkelev would mean the inclusion of akhunds in the bureaucratic system as Muslim inspectors for the administrative tasks of imams. However, in that case the government had to find funding to cover the expenses of akhunds, as their tasks would require traveling and correspondence with local authorities, for which the government simply did not have financial capacity. Moreover, although Kryzhanovskii’s and Tevkelev’s definition of akhunds’ responsibilities were devoid of religious significance, in reality the akhunds would have had religious authority. State authorization for a higher level Muslim religious functionary would have meant further consolidation of Muslim influence, as Samara governor explained in his report to the director of the Department of Religious Affairs of Foreign Confessions, Graff Speranskii Mikhail Rodinovich Kantakuzen (1848-1894), in 1891. The OA requested the approval of five more akhunds in the Samara province in addition to the existing seven, but the governor rejected this request, clarifying that “any increase in the number of high ranking Muslim functionaries would

100 RGIA, F. 821, op. 8, d. 611, 1870-1875, ll. 31-33.
mean the strengthening of the influence of Muslim clerics on the Tatar population, which had been detrimental as the events of the 1870s and 1880s had shown”.101

Thus the status, responsibilities, and rights of akhunds remained undetermined. As expected, in the correspondence among the Ministry of Internal Affairs, the Department of Religious Affairs of Foreign Confessions, the OA, and the gubernatorial administrations, we see that by the end of the nineteenth century akhunds were in a legal limbo. None of these institutions — ironically, not even the OA — had a clear idea about what an akhund could do, who had the authority to elect and appoint an akhund, or who could acquire this status. The following examples show how the ambiguity irreversibly transformed and diminished the importance of the title of akhund.

In October 1885, the OA suggested to the Saratov gubernatorial administration the appointment of Ahsän Hamzin Mamin as akhund upon the proposal of several licensed imams. This request initiated a correspondence among the gubernatorial administrations of Saratov and Orenburg, the Ministry of Internal Affairs, and the Department of Religious Affairs of Foreign Confessions on the question about which office had the right to appoint an akhund. The regulations about the OA clearly identified the rules for appointment of lower-level functionaries such as imams, muazzins, and imam-khatyps, and also higher-level functionaries like the Mufti and the qadis. However, akhunds were in a limbo. Were they higher-level clerics like qadis and muftis or just another type of mahalla imams? The decisive response for the case of the appointment of akhund Mamin came from the Department of Religious Affairs of Foreign Confessions only in August 1890. The Department suggested that gubernatorial administration had to appoint akhunds just as all the appointments of Muslim clerics except the Mufti were within the jurisdiction of gubernatorial offices. Here the Department of Religious Affairs of

101 RGIA F. 821, op. 8, d. 1065, ll. 25-25 ob.
Foreign Confessions evaded the specific issue of the appointment of an *akhund*, regarding it just a clerical post other than Mufti.\(^{102}\)

Even though the department regarded that the appointment of *akhunds* was up to the gubernatorial officials, an uncooperative official might decline to comply with that order following the laws and regulations to the letter. Thus, in 1892, the Semipalatinsk regional (oblastnoe) administration declined the request of the OA for the appointment of an *akhund* claiming that the gubernatorial or regional administrations could only confirm the appointment of Muslim clerics who were popularly elected. Thus, this case went to the arbitration of the Ministry of Internal Affairs.\(^{103}\)

The Department of Religious Affairs of Foreign Confessions wanted to get information on the function and number of *akhunds* in all provinces from the OA after the Samara governor declined to appoint five more *akhunds* in his province, claiming — to reiterate — that the increase of Muslim clerics would be detrimental for the stability of the province. The OA responded that the *akhunds*’ responsibilities were similar to those of *imams*, they performed religious rites at parish mosques, but occasionally the OA could charge them to conduct investigations about the wrongdoings of *imams* in fulfilling their responsibilities.\(^{104}\)

In 1891, the Tambov gubernatorial administration contacted the OA about the appointment of an *akhund* who was an *imam* in a village. Tambov officials wanted to learn, first, whether it was within the jurisdiction of the governorship to appoint an *akhund*, and if so whether an *imam* from a village could become an *akhund* or the position was only for *imams* in cities. The OA responded affirmatively to the first question referring to the previous decision of

---

\(^{102}\) RGIA F. 821, op. 8, d. 1065, ll. 7-8 ob.; 18-19.  
\(^{103}\) RGIA F. 821, op. 8, d. 1065, ll. 46-48.  
\(^{104}\) RGIA F. 821, op. 8, d. 1065, l. 27.
the Department of Religious Affairs of Foreign Confessions about the case of Akhund Mamin, but could not decide on the right answer for the second question. Although it did not consider that being a city imam was a requirement for akhunds, to be on the safe side, the OA decided to ask a more clear description of the rules for the appointment of akhunds from the Department of Religious Affairs of Foreign Confessions. However, Tambov administration was not satisfied with this response. According to the Tambov officials, if the akhunds were nothing but imams, then their mahallas had to prepare a communal decision for their appointment. The issue was thus presented to the Ministry of Internal Affairs for resolution.

The Minister of Internal Affairs and the director of the Department of Religious Affairs of Foreign Confessions prepared a circular to resolve the issue. First, they underlined the fact that “current laws on the regulations of religious matters of Muslims do not define any rights or obligations associated with that mentioned title [akhund]”. However, upon the information received from the OA, they deduced that the title of akhund was bestowed to Muslim clerics only for their excellence in service, but nothing else. Therefore, the Ministry and the Department decided that the gubernatorial administrations could appoint akhunds after assuring that they actually deserved that title because of their excellence in service and that there was nothing against the appointment of a village imam as akhund.

These cases all show us that none of the imperial authorities, even the OA, had any idea where the akhunds stood within the imperial religious and administrative system. The only consensus was that the title was a reward for those imams who performed excellent service. The kind of service was also not specified. It was not an unexpected development that the official newspaper of the OA, Malumat, included the acquisition of the title of akhund among its

---

105 RGIA F. 821, op. 8, d. 1065, ll. 34-35.
106 RGIA F. 821, op. 8, d. 1065, ll. 44-44 ob; ll. 62-63.
announcement of rewards bestowed upon the ulama. As such, we can see that a military mulla from Kazan, Fasiheddin Muhiddinuli, was rewarded with akhundship on September 30, 1909 upon his excellence in service.\textsuperscript{107}

This new definition completely eliminated the previous significance of the title, and opened ways for its abuse and arbitrary use. The OA had to devise an examination for akhund candidates, which was a clear diversion from the previous practice of consensual decision of prominent ulama to nominate akhunds. As the consensual basis of nomination might be disregarded, imams directly applied to the OA or to gubernatorial offices in order to become akhunds. For example, an imam sent a petition to the OA to be appointed as akhund because “since the death of a previous akhund of Kestynskii mosque, this position remains vacant so he would like to be appointed to this vacant position”.\textsuperscript{108} The number of akhunds thus increased uncontrollably, and this time the OA had to devise another undefined title as “senior akhund” in order to somehow preserve the value of akhundship.\textsuperscript{109}

Devoid of its religious significance, the state authorities sometimes tried to benefit from the perceived high status of the title. The gubernatorial administrations could appoint a certain mulla with whom they had good relations just to elevate him to a more influential status in expectation of better control of the Muslim society. For example, when the OA objected the appointment of a certain Ahmetov as akhund by the Semipalatinsk governorship, claiming that there were better candidates in that province for this title, the governorship officials admitted that they had approved Ahmetov in the position of akhund “not with the purpose of entrusting him with special rank (dolzhnost’), but only because they found him loyal to fulfill tasks concerning

\textsuperscript{108} TsGIA RB F. 295, op. 2, d. 278, Journal entry from September 2, 1905.
\textsuperscript{109} Azamatov, “Russian Administration…,” p. 92.
the religious affairs of the Muslim population”. The Ministry of Internal Affairs also supported the decision of the gubernatorial administration.\textsuperscript{110} In another case, the Ufa governorship approved the appointment of a \textit{mulla} who was not an \textit{imam}, but only a \textit{muallim} at a village school as \textit{akhund} upon the suggestion of a local official that the \textit{muallim} needed the title of \textit{akhund} in order to persuade local \textit{ulama} to stop their propaganda against Russian language education.\textsuperscript{111}

As such, the title of \textit{akhund} existed until after the dissolution of the Russian Empire and there were many prominent and respected members of the \textit{ulama} who hold that title. However, to a considerable extent the title lost its overall religious significance and status, and came to be referred to as “just an honorary title”.

\textbf{Conclusion}

Following the creation of the OA, the authority of \textit{akhunds} — Volga-Ural legal experts — was transformed considerably. While they had enjoyed a respected and influential status before Russian intervention in the structure of Muslim religious authority, by the end of nineteenth century the title of \textit{akhund} became ambiguously “honorary”. Having been deprived of the authority to render final decisions, their prominence decreased as people found another institution where the decisions of \textit{akhunds} could be challenged. Their authority also diminished because they now occupied only an ill-defined secondary position in the existing system of jurisprudence and the state did not sanction their activity in state-defined Muslim hierarchy. With the OA getting a more widespread recognition among Muslims as their religious institution, its

\textsuperscript{110} RGIA F. 821, op. 8, d. 1000, ll. 47-50.
\textsuperscript{111} TsGIA RB F. 295, op. 2, d. 134, Journal entry from February 3, 1876, cited in Azamatov, “Russian Administration…,” p. 95.
officials were not interested in delegating more authority to akhunds. On the contrary, they
wanted to establish a tighter control over them.

As I tried to show in this chapter, the meaning of akhund also underwent a
transformation, and both the OA and imperial authorities played a part in this process.
Akhundship was redefined to signify a shift from a purely legal position to a more administrative
one, which included administrative duties such as surveillance over an imams’ upkeep of civil
registry books. The creation of new ranks of akhunds, such as senior akhund or army akhund,
already meant the redefinition of “akhundship” in new ways. The election of akhunds also
underwent change as Russian civil authorities became increasingly involved in the process and
relegation of the final approval of akhunds to the jurisdiction of local imperial authorities; they
would in certain times manipulate the appointments. Finally, loyalty to the Russian state became
an increasingly important factor in the approval of akhunds in their positions. As a result, these
changes prompted Muslims to raise the question about reform of the rank of akhunds at the
beginning of the twentieth century and this question would occupy an important place in the
discussion about Muslim reforms in the Volga-Ural region. Decreasing the authority of akhunds
was an important aspect of transformation in the system and functioning of shariʿa within the
Muslim community. In the following chapter I will analyze substantial changes in shariʿa and
adaptation of shariʿa practices to the state-defined legal structure.
CHAPTER V: TRANSFORMATION OF SHARI’A AND RUSSIA’S LEGAL PLURALISM

Introduction

On April 17, 1909 Din và Mäğiysät published a letter describing the confusion of the ulama regarding the approach of the Orenburg Assembly to the issue of unofficial marriage.\(^1\) The author of the letter, akhund Qıblov from the township of Tsarev in the Saratov province, claimed that the OA did not consider unofficial marriages valid. Thus, if a woman who had been living in an unofficial marriage wanted to leave her husband and if she filed a petition to the OA, the Assembly let the woman leave her husband and marry another as she wished. Akhund Qıblov claimed that such a situation led many imams into confusion, for, according to shari’a, marriage was the declaration of mutual consent to live together by a man and a woman in front of two witnesses, and there was no such difference between official and unofficial marriages in the sources of religious law (fiqh kitapları). Qıblov stated that the ulama did not know how to act upon the order of the OA concerning the unofficial marriages. Moreover, some imams performed a second marriage ceremony for women who just left their husbands in what was deemed an “unofficial” marriage by the order of the OA. Qıblov then asked the editors of Din và Mäğiysät how the second marriage could be valid when the first marriage was not terminated. If there would be children to the second marriage would they be considered the children of the second husband? Logically, Qıblov sarcastically continued, there had to be a shar’i (legal) proof for the decision of the OA, which was beyond the knowledge of the ulama. He finished his letter stating

---

\(^1\) After the introduction of civil registry books, only the marriages that were entered in these registries were official or legal marriages.
that he had already sent a similar letter to Mâğlûmat (the official newspaper of the OA) last year, but it was neither published nor answered.

The response of the editors affirmed that there was no way but to accept an unofficial marriage as legal (sharʿi) according to shariʿa. Therefore, if a woman married again without terminating her marriage, the children that she had with her new husband would still belong to the previous husband. Although the editors had not seen the aforementioned order of the OA, which invalidated an unofficial marriage and permitted the wife to marry another man, the editors wrote they knew that there were many imams who were confused on this issue, as Din vâ Mâğıyşât received many letters with similar content. Therefore, they appealed to the OA to publicize an explanation to this situation in the pages of Mâğlûmat.2

The above-mentioned correspondence is an example of the discussions that Muslims had on the changing nature of shariʿa practices about marriage among the Muslims of the Russian Empire. The author of the letter emphasized that the OA, which was supposed to be a sharʿi and Islamic organization, was authorizing an un-Islamic, anti-shariʿa practice. Such an authorization confused the ulama who could not explain it according to Islamic sources. They found it threatening to the social order within the Muslim community.

In this chapter, I argue that the Russian state policy regarding the Islamic law within a certain legally pluralistic situation was the main reason for this transformation which had important consequences for the Muslim society and the ulama. The Russian state, as was the practice of other colonial empires, incorporated Islamic law into its imperial legal system. However, despite recognizing the existence of different legal systems, Russian officials interfered in the functioning of local laws in one way or another. As I briefly showed in the cases

---

of the North Caucasus and Kazakh communities, the state would limit and, if possible, replace Islamic law with alternative legal systems, such as *adat*. For this purpose it would devote effort to study and codify *adat* law, and create or reform the court system for the smooth functioning of new laws. However, it was not genuinely interested in learning, codifying, and empowering Islamic law despite the availability of Islamic legal experts, such as Alexander Kazem-Bek and Nikolai Tornau.

Alternatively, as the case of Kriashens (Tatars who were converted to Christianity, many of whom continued to profess Islam) illustrates, the state would refuse to recognize Islamic law altogether, despite the fact that Kriashens requested many times that the state to allow them to live according to Islam. Although Kriashens practised *shari’a* secretly from the state, Islamic law did not function properly because the state did not endorse it. Even when it is recognized, Islamic law still lacked enforcement, while the traditional communal system of enforcement was also weakened. In the Volga-Ural Muslim community, imperial officials had already restricted the functioning of Islamic law to the sphere of personal status law, leaving only matters of marriage, divorce and inheritance to the authority of Muslim religious scholars. However, in the nineteenth century, the state further interfered in this limited autonomous legal space. As I argue in this chapter, this dynamic caused important transformations in the subdued legal system — the Islamic law.

**Legal pluralism and the Russian Empire**

Legal pluralism is usually seen as the existence of multiple legal systems, often within a colonial or imperial state. “Multiple legal authorities were created out of the imposition of colonial law
and the persistence, protection and invention of indigenous practices”. In the initial stages of the expansion of colonial empires, the European states were not interested in expanding their jurisdiction over the native populations; such an expansion would not have been practical, nor possible, with regard to the limited capacities of the colonizers.

Accordingly, indigenous legal institutions were mostly left alone, unless they directly affected the status of the European traders, missionaries, settlers, or officials. Jurisdiction was determined mainly by the personal principle, under which indigenous law was applied to indigenous people and colonial law to colonizers (and to mixed cases). …When colonizing powers undertook to expand the reach of law, three basic strategies were applied to incorporate customary or religious law: the codification of customary or religious law; the application by state courts of unwritten customary or religious law in a fashion analogous to the common law; and the creation or recognitions of informal ‘customary’ courts run by local leaders. The customary law officially recognized by the system was often limited to family law issues, minor crimes, issues unique to the customary or religious law, and minor disputes.

The earlier studies of legal pluralism focused on the analysis of this “intersection of indigenous and European law” in a colonial context, which Sally Engle Merry describes as the “classical legal pluralism”. Later on scholars, following the lead of John Griffiths, described the colonial context as “weak legal pluralism”, because the existence of different legal systems depended on state recognition. The state defined and empowered different legal orders for different groups of the colonial population. According to this approach, since the state sets the borders of different legal orders, the colonial situation cannot be really called a pluralistic environment, but should be described as “legal diversity”. For Griffiths, the “real” or “strong” type of legal pluralism exists when at least one legal order exists outside the recognition of the

---

state and when the population, intentionally or unintentionally, function in different legal systems. Moreover, this approach regards the “legal diversity” within the legal system of a state as not worthy of social scientific study and thus concentrated on the legal pluralism outside the state and its interaction with state law. However, as Tamanaha objected, this approach led to an oxymoron — calling non-legal legal. Law was categorically connected with state, and the social science should analyze any legal concept within the state structure. The concept that Griffiths describes ceases to be legal pluralism but becomes a normative pluralism, which eventually Griffiths also accepted.

Building upon the objection of Tamanaha and the conceptualization of Jacque Vanderlinden, and finding the categorization of “weak” and “strong” legal pluralism of Griffiths useful, Ido Shahar proposes his own description of “weak” and “strong” legal pluralism. According to Shahar, “strong” legal pluralism allows a person to appeal to different legal systems functioning within the legal system of the state. However, in “weak” legal pluralism, the choice of a person is restricted to a specific legal system. Such an approach, according to Shahar “helps to achieve two goals. First, it highlights the institutional aspects of legal pluralism by emphasizing processes that occur between different legal institutions, and

7 Griffiths, “What is Legal Pluralism?” p. 39.
between such institutions and litigants, in addition to the interrelation between normative orders. Second, the litigant’s perspective becomes a focus of attention.”

Shahar employed this new framework of legal pluralism to analyze the functioning of shari’a courts along with other legal systems as well as the relationship between several legal schools of shari’a and draws “attention to the institutional context within which shari’a courts operate; to the interrelation between shari’a courts and other courts; to processes of change resulting from this interaction; and to the viewpoint of individual litigants who maneuver between different legal institutions.”

The incorporation of shari’a courts, and thus the Islamic law, into the colonial legal system was a practice shared by all colonial administrations. Compared to completely oral tradition and practice of customary law, Islamic law was a better-defined legal system with its long-functioning institutions and therefore easy to incorporate in the colonial legal system for the new sovereigns of territories with a considerable or predominantly Muslim population. Besides, the authority and legitimacy enjoyed by shari’a courts could be conferred upon the entire legal system of the colony. Shahar and Sartori argue that, “whatever form the incorporation of shari’a law into the state legal system took on, it was always a policy with multiple and cross-cutting implications. It had far-reaching implications for the relations between the Muslim community, and the colonial state; for the relations between indigenous Muslim elites; for gender

---

relations within Muslim communities; and, no less importantly, for the relations between state and religion and for the conceptualization and application of Islamic law.”

In the Russian Empire, as Jane Burbank suggests, “an imperial dimension of Russian legal thinking was the assumption that all peoples possessed their own customs and laws. Incorporating these distinctive customs and laws into official governance was a means to enhance order and productivity in each region of the empire”. Moreover, she also explains, “Russian state law consciously legalized, and thus appropriated, local courts, establishing a legal system for the Empire that deliberately included different procedural and normative orders”. Kirmse points out, however, that this legal pluralism in Russia did not allow much “forum shopping”, which was discussed as a key feature of colonial and post-colonial legal systems. In Imperial Russia, legal pluralism was certainly demarcated, and “most courts had clearly defined areas of jurisdiction.”

Following this classification, legal pluralism that existed in the Russian Empire was, first of all, a weak type of legal pluralism. The state demarcated the boundaries of legal systems that would be available to different groups of its subjects, and also the state sought for the ultimate unification of all laws and thus of all peoples under a single Russian legal system. Already in the eighteenth century, Catherine II supported the idea of acculturation of peoples of national

---

16 Stefan Kirmse, ““Law and Society” in Imperial Russia,” InterDisciplines, no. 2 (2012), pp. 103-134, here p. 117.
territories to Russian and European standards.\textsuperscript{19} Legal uniformity was the constant aim while several legal systems existed. The state introduced similar court structures and similar legal practices for all different legal systems in an effort to civilize and legally unify the subjects of the empire.\textsuperscript{20} Describing the legal reform attempts of Mikhail Speranski\textsuperscript{21} in the 1820s, Virginia Martin notes that Speranski had a “conviction that local customs of different ethnic groups should be tolerated until they were ‘merged’ under one imperial framework. Thus, the successful incorporation of the steppe into the legal-administrative framework of empire had to be pursued gradually, taking into account peculiarities of the local population”. According to Speranskii this gradual incorporation could be realized through separate legal-administrative systems for different regions and native populations.\textsuperscript{22}

Another feature of the weak legal pluralism was the suspicious approach of Russian authorities to Islam and Islamic law. When in the nineteenth century the empire expanded over large territories inhabited by Muslims, Islamic law ceased to be a local law that affected a relatively small minority. As the state accelerated its effort to bring unity to all systems of the empire, including the legal system, Islamic law appeared to be an alternative unifying legal system from the Crimea to the Chinese border for a large part of the population of the empire. Moreover, for the Russian authorities, Islam and Islamic law were the unifying ideology behind

\textsuperscript{19} Burbank, “An Imperial Rights Regime,” p. 418.
\textsuperscript{21} Mikhail Speranskii (1772-1839) was a very powerful statesman who was a close adviser of Alexander I and Nicholas I, and initiated important administrative reforms. Under the rule of Nicholas I, Mikhail Speranskii headed the efforts to codify imperial law. See: Marc Raeff, \textit{Michael Speransky, statesman of imperial Russia, 1772-1839} (The Hague: Martinus Nijhoff, 1969).
\textsuperscript{22} Virginia Martin, \textit{Law and Custom in the Steppe: The Kazakhs of the Middle Horde and Russian Colonialism in the Nineteenth Century} (Richmond: Curzon, 2001), pp. 36.
the fierce resistance in the Caucasus in the nineteenth century. Therefore, the Russian state preferred to undermine the hold of Islamic law if there was a readily accessible alternative. Thus both in the Caucasus and in the Kazakh steppe, the state constructed a custom-based law. In comparison with Islamic law, the Russian state regarded the custom-based law as more conducive to a future submersion of the native peoples into the Russian law, and thus into the Russian imperial nation.\(^{23}\)

Two striking examples can be seen in the Muslim communities of the Kazakh steppe and the North Caucasus. In both Muslim communities, Russian authorities were far from willing to grant their subjects permission to practice Islamic law. In both regions, a version of Islamic law that incorporated or conformed to customary law was in effect. The Russian state, however, claimed authority to dictate what kind of law they could practice, and decided that \textit{adat}, instead of \textit{shari’a}, would be the local legal system. Russian officials made efforts to codify \textit{adat} and make it part of the Russian administrative system. Explaining Russian policies toward the Kazakhs, Martin suggests that:

One of the biggest fears expressed by imperial lawmakers was that the Kazakhs would turn to Islamic law instead of Russian law if \textit{adat} was no longer available as a legal recourse… Increasingly in the reports of administrators and local observers at the end of the nineteenth century, the possibility of “resistance” was tied closely to the possibility of awakening “Islamic fanaticism” in the Kazakhs, which in turn was associated with the practice of Islamic law. “Islam” had long been a scapegoat for problems of administering the Kazakh nomads; since the 1860s, the government had waged a policy of “de-Tatarization” in the steppe to try to prevent Islamic religion, culture and law from influencing the Kazakhs… In the nineteenth century, through the policy of “de-Tatarization” the imperial government attacked Muslim faith, law and education in the steppe by taking the Kazakhs out from oversight of the Orenburg Spiritual Assembly and by attempting to decrease Kazakh exposure to Tatar scribes, translators, \textit{mullas} and traders.\(^{24}\)

\(^{24}\) Martin, \textit{Law and Custom in the Steppe}, p. 58.
We can find a similar observation by Kemper with respect to the North Caucasus:

In these regions, the official support of the use of *adat* had another background, for customary law was perceived as a bulwark against *shari’a*…. In order to unite the Muslim communities of the North Caucasus, the Islamic leaders tried to enforce the sole use of Islamic law, and declared all customary law to be non-Islamic or even heresy…. In this situation, the Russian administration began to regard Islamic law *per se* – regardless of its actual content – as a danger to Russian rule in the North Caucasus…. The Russians became more and more interested in local *adat*, which they perceived as a useful tool against the *shari’a* of the Imams.25

If there was no alternative, as in the case of the Volga-Ural region or Turkestan, the official approach was ignoring (*ignorirovanie*) or “not knowing” Islamic law and regulations.26 Not all the officials in the administration of Muslim regions, or the experts on Muslim law and culture approved this policy. One such administrator from Turkestan, Al’fred Termen, criticized Russian rulers for their “not-knowing” approach, and claimed that official ignorance of Islamic law and preference for Russian civil law for the disputes among the natives of Turkestan led to the degeneration of the Muslim society as the traditional system of regulation of morality lost its power and could not be replaced with an alien system of moral regulation.27 Voices such as Termen’s, however, never attained dominance in the administration of Muslim regions.28

In the Caucasus during the reign of Nicholas I Russian officials realized that replacing local courts with Russian ones would not be effective and might even cause disturbances. The administrator of the Caucasus, Aleksandr Bariatinskii (viceroy at the Caucasus from 1856 to

---

25 Kemper, “*Adat against Shari’a*,” pp. 98-100.
27 Al’fred Iusupovich Termen, *Vospominaniia administratora. Opity issledovaniia printsirov upravleniia inorodtsev* (Petrograd, 1914)
1862, who ended the revolt of Imam Shamil\(^\text{29}\), who saw \textit{shari'a} as a potential threat, wanted to develop \textit{adat} laws to the detriment of \textit{shari'a}. Under his guidance a system of military-civilian administration (\textit{voenno-narodnoe upravlenie}) granted Muslims of the Caucasus legal autonomy. These courts were to apply \textit{adat} laws that Shamil had annulled. Specialists on Islamic law, like Nikolai Tornau and Alexander Kazem-Bek, proposed to create a web of state-run Islamic courts in the Caucasus that would allow Muslims to officially solve all kinds of legal suits according to Islamic law, including marriage, divorce and inheritance.\(^\text{30}\) Tornau, supported by Kazem-Bek,\(^\text{31}\) even suggested training \textit{qadi}s and \textit{muftis} in the Caucasus and teaching Russian officials the fundamentals of \textit{shari'a}. Tornau and Kazem-Bek also continued to try to convince the government of the necessity to publish more Islamic law books for use in the administration.

Yet, these projects were never realized, for Bariatinskii wanted to build the local court system on the basis of customary law alone. Since the Russians wanted to control what was going on in the village courts, in the 1860s they resumed the study and collection of \textit{adat}.\(^\text{32}\)

As we can see, the government left the proposals of Tornau and Kazem-Bek without consideration and even regarded them to be against the interests of the state. The director of the military-history department in the Caucasus, Semyon Esadze, noted the reaction of the Viceroy

\(^{29}\) Imam Shamil was the most famous resistance leader in the Caucasus against the Russian rule. Imam Shamil managed to unite a considerable part of the North Caucasus under his leadership and devised an administrative system based on Islamic law. See: Moshe Gammer, \textit{Muslim Resistance to the Tsar: Shamil and the Conquest of Chechnia and Daghestan} (London: Frank Cass, 1994).

\(^{30}\) This system would include the official establishment of \textit{shari'a} courts at local or regional levels as well as a central institution in Tiflis, which would consist of a Shi'i \textit{mujtahid}, and two Sunni muftis.

\(^{31}\) I agree with Bobrovnikov that the author of this suggestion (zapiska) was Tornau while Kazem-Bek was more of an editor and supporter. Zapiska “Ob ustroistve sudebnogo byta musul’man” (published with commentaries by Vladimir O. Bobrovnikov), in D. Iu. Arapov et al. (eds.), \textit{Sbornik russkogo istoricheskogo obschestvo: Rossiiia i musul’manskii mir}, no. 7 (155) (Moscow: Russkaia panaroma, 2003), pp. 108-140, here at 108-109.

\(^{32}\) Kemper, “\textit{Adat against Shari’a},” pp. 105-106.
to the proposals of Tornau and Kazembek as such: “If we follow this logic, then not only would we not have an opportunity to subdue Muslims to general imperial laws, but we would have to give up the very idea of governing them”. In fact, this was a reflection of the general attitude of the Russian state concerning all “local laws” existing within the empire. The imperial administration always believed in the primacy of the Russian law and was never keenly interested in the study, teaching or incorporation of local laws in the imperial legal system. As Michel Tissier summarizes it: “Overall, the teaching of local laws never became a priority, even if the practical implications of the knowledge of local laws for administrative and judicial work were quite clearly identified”. This brings us to the question of the state’s interest in the use of Russian expertise in Islamic law.

Alexander Kazem-Bek and imperial interest in the shari‘a

Robert Crews has suggested that the state officials in St. Petersburg tried to address the problem of the lack of any knowledge in Islamic legal matters by searching for and preparing imperial experts on shari‘a. According to Crews, “to minimize the (imperial) reliance on Muslim authorities, state officials intensified their search for independent sources of knowledge about Islam”. In his account, at the beginning of the nineteenth century the government decided to develop Russia’s Oriental studies and established academic institutions to train scholars and bureaucrats in the languages and history of the East. As a result, he further claims, “By the 1830s and 1840s scholars emerged from these institutions to claim a mastery of Islamic texts superior to that of the ulama”, who “aggressively promoted their own professional qualifications,

34 Michel Tissier, “Local Laws and the Workings of Legal Knowledge in Late Imperial Russia,” Ab Imperio, No. 4 (2012), pp. 211-244, here at p. 243.
wielding trenchant critiques of Muslim religious scholars”, and “offered themselves to the administration as reliable alternatives to the ‘fanatical’ and self-interested Muslim clergy, highlighting their mastery of the sacred texts”.35

Vera Tolz, on the other hand, argues that Oriental studies in Russia emerged largely independent of the state. Despite the fact that from time to time the orientalists assisted the state, their contribution was not constant and the orientalists always criticized the state for not seeking and following their advice regarding the governmental policies towards the “oriental” non-Russians (inorodtsy).36 Comparing the British and Russian cases of relationship between orientalist knowledge and colonial administration, Alexander Morrison concluded that the paranoia of the Russian Empire about fanatical Islam and the relative weakness of the state in the borderlands dissuaded the state from learning about Muslim societies and from developing their legal and social systems. According to Morrison, “Although by 1917 Russian scholars had produced a large body of specialized Orientalist and ethnographic knowledge about Turkestan, this did not lead to the sort of grandiose classification and codification projects that we associate with the colonial state in British India (though much of it came to be used in the early years of the Soviet Union)”.37

I find the latter argument more persuasive for the case of orientalist expertise in Islamic law. Indeed, the state was largely uninterested in the specialist advice about Islamic law, and we can see this in the example of Alexander Kazem-Bek. Throughout their careers, imperial

35 Crews, For Prophet and Tsar, pp. 177-178.
officials made use of their knowledge only selectively and they also ignored the proposals of these scholars, as I have discussed earlier. 38

Alexander Kasimovich or Mohammed Ali Kazem-Bek played an important role in the development of Russian orientalism. He was born in 1802 in Resht, in a famous noble family of Northern Iran. 39 His father was a famous Sufi saint, and due to his wealth, status, and political influence was an honored person at the Iranian court. In 1810 his father moved with his family to Darband (Derbent in Russian transliteration), which was northern Iranian territory until after the Treaty of Gulistan in 1813. After the establishment of the Russian rule in Derbent, the Russian administration appointed him the chief qadi since he already had permission (ijaza) from a mujtahid who granted him the right to handle all criminal and civil legal cases. Kazem-Bek’s father tried to make sure that his son received an excellent education in Islamic sciences from a

38 Here, I focus on the life of Kazem-Bek, but the life of Nikolai Tornau, whom Crews included as another specialist of Islamic law whose knowledge was sought after, is also illustrative for this discussion. Although Tornau is considered to be another Imperial Orientalist, in fact, as Bobrovnikov underlines, he was not a professional Orientalist and hardly had close relationships to Orientalist circles. He was an imperial official and administrator in the Caucasus for many years. After he received his education at Tsarsko-sel’skii College (licee), he was appointed in 1829 as secretary in Russia’s mission in Persia. There he learned the Persian and Turki languages in Tehran. In 1841-45 he served as Vice-Governor of Kasiiskaia province. Unlike many other administrators in the Caucasus, he was genuinely interested in culture and law of the native peoples. Most importantly, he spent almost all of his spare time studying the local shari’a courts and shari’a laws. Later in his life he moved to St. Petersburg and moved rapidly along the career path finally being appointed as senator. In 1850 he published his first work including the main Muslim laws in civil matters. Apparently, he was self-motivated to acquire knowledge, and, as a mentioned earlier, the Russian state was not interested in supporting Tornau’s project at establishing shari’a courts and the teaching of Muslim legal system to Russian officials.

39 For this section I widely use an unpublished manuscript of a biography of Kazem-Bek. His daughter Ol’ga Baratynskaia compiled this biography, which also includes Kazem-Bek’s autobiography. The significance of this manuscript is to show another part of Kazem-Bek’s life that deals with his missionary activity, his devotion to the translation of Christian literature and his contribution to the education of missionaries such as Nikolai Il’minskii. This aspect of his life was not emphasized in the literature about him, and it seems from this biography that it constituted a substantial part of his life. The manuscript is preserved in the National Archives of the Republic of Tatarstan. NART, F. 1186, op. 1, d. 27. Hereafter I will refer to this biography as “Baratynskaia manuscript.”
young age. Muhammed Ali hoped one day to take the place of his father as a prominent judge. He studied Arabic grammar, rhetoric, logic, Qur’anic sciences, and all the schools of Islamic jurisprudence. He also mastered Turkish and Persian — the two main languages of northern Iran.⁴⁰

Later, however, Kazem-Bek got acquainted with Scottish missionaries whom he began to teach Oriental languages in order to earn a living, and under their influence he converted to Christianity and changed his name to Alexander in 1823. From that time on, according to his daughter’s description, Kazem-Bek devoted himself to acquiring knowledge of Jesus Christ. Very soon he wrote his first work defending Christianity in the Arabic language. Not only did he study Christianity, but also began to preach it. For Kazem-Bek, his daughter suggested, missionary work was his ultimate desire. However, the Scottish missionaries were deported and despite his desire to leave with them, Kazem-Bek had to remain in Russia. In 1824 the Governor-General Ermolov ordered Kazem-Bek to enter Russian state service as his knowledge of many Oriental languages was found to be useful for Russian interests. He was appointed to teach at a public school in the Siberian city of Omsk, and was to serve the Governor General of Western Siberia as an interpreter, although he did not speak a word of Russian.⁴¹

On his way to Omsk, two events changed his life and made him stay in Kazan for many years. First, he got very sick and had to stay in Kazan for a long time. In the meanwhile, one of his acquaintances wrote a recommendation letter for him to Karl Fuchs — a famous professor at Kazan University.⁴² Fuchs was fascinated by Kazem-Bek’s knowledge of several languages and

⁴⁰ “Baratynskaia manuscript,” ll. 1-1 ob.
⁴¹ “Baratynskaia manuscript,” ll. 18 a-18 a ob.
⁴² According to Rzaev’s biography of Kazem-Bek, he actually stayed at Karl Fuchs’ house while he was sick, and thus their acquaintance. A. K. Rzaev, Mukhammed Ali M. Kazem-Bek (Moscow: Nauka, 1989), p. 28.
erudition, introduced the young Kazem-Bek to local officials and petitioned the Ministry of Public Enlightenment to appoint him as Professor of Oriental languages at Kazan University. After protracted delays and other difficulties, in 1827 he was approved in the position of professor of Persian literature and the Turkish-Tatar language.\(^{43}\)

He spent twenty-three years in Kazan, became an important part of the intellectual community, in particular of the circle of Kazan University. His works were also well known in Europe. In 1829 he acquired an honorary membership to the British Asiatic Society in London and in 1835 he became a member of the St. Petersburg Imperial Academy of Sciences. He was also a member of French and German Asiatic Societies, Russian Geographic and Archeological-Numismatic Society, and the Kazan Society of Russian Literature Lovers. From 1837, he headed a separate department for the Turkish-Tatar language at Kazan University, and in 1844 he was elected as the Dean of the Department of Oriental languages. However, he could not stay in that position for long because the rest of the faculty preferred a more academic orientation rather than his practical approach to the curriculum of the department, which suggested the education of students for administrative purposes. He later became the chair of the department of Arabic-Persian literature at St. Petersburg University.\(^{44}\)

While in Kazan, he was also teaching Tatar and Arabic languages without pay at the Kazan Seminary (Dukhovnaia akademiia) and this activity brought him back to the work of missionaries. Among his students was the prominent missionary, Nikolai Ivanovich Il’minskii. Kazem-Bek spent several hours with Il’minskii every week giving private lessons and holding long discussions. He would supply his student with books from his own rich library and would introduce numerous works of Islamic theological content to him. They would continue their

\(^{43}\) “Baratynskaia manuscript,” ll. 14 ob.
\(^{44}\) Vera Tolz, Russia’s Own Orient, p. 76.
relationship until the death of Kazem-Bek. But what united the duo most was their collaboration on translating Christian theological literature into Tatar. In a letter, he wrote to Il’minskii that he was ready “to devote his spare time and his abilities to the dissemination of the light of Christ”.45

In 1849 Kazem-Bek was transferred to St. Petersburg University where the position of the Chair of Persian Literature was vacant. In fact, as Rzaev suggests, it was his cherished desire to move to St. Petersburg and work at St. Petersburg University; he had been asking for this since the beginning of the 1840s. However, imperial officials were suspicious of him, especially, about his intention to leave the country and kept refusing to issue him a passport. They did not allow him to travel outside Kazan and it took nine years for his dream to come true.46 He was also appointed inspector of private schools of St. Petersburg.

In St. Petersburg he continued to devote most of his time to the translation and revision of the gospels. In 1852 he was busy translating the Gospel of John and was finished with the four gospels in 1853. He continued to translate Christian theological literature until his death in 1870. This is not to diminish, however, his effort to produce scholarly works pertaining to Islamic jurisprudence. The first was the translation of Mukhtasar al-Wiqaya, in 1845, from Arabic. Ubaydallah bin Mas‘ud bin Taj al-Shari‘ah Mahmud bin Sadr al-Shari‘ah Ahmad bin Jamal al-Din Bukhari is the author of Mukhtasar al-Wiqaya. It was a widely used commentary on Burhaneddin Marginani’s Hedaya and contains concise information on the major aspects of ritual (ibadat) and practice (muamalat). Besides, it combines theoretical bases of Hanafi jurisprudence with practical realities of law, as implemented by Muslim judges. Interestingly enough, this work was produced at the behest of Kazakh Khan Jihangir Bukeev to whom Kazem-Bek dedicated this work and whom he thanks in the first two pages for his patronage and

45 “Baratynskaia manuscript,” ll. 24 ob.
46 Rzaev, Mukhammed Ali M. Kazem-Bek, p. 42.
generous support in this endeavor.\textsuperscript{47} In the introduction to the translation of \textit{Wiqaya}, Kazem-Bek claimed that it was not only Jihangir Khan who was aware of the importance of this translation, but also the local \textit{ulama} supported his work and the book became widely used in local madrasas.\textsuperscript{48}

Besides this translation, many years later in 1867 Kazem-Bek published a translation of a compilation of laws on inheritance according to \textit{Shi`i} School of Islamic Law. In the introduction to the translation of Abul Kasim al-Muhakkik’s \textit{Kitab Shara`i al Islam},\textsuperscript{49} Kazem-Bek stated that it was his long-cherished desire to prepare a practical guidebook. He noted that “our legal and administrative institutions are often at a loss when they come across cases pertaining to Muslim subjects of the Russian Empire, when Muslims who were unsatisfied with the decision of their \textit{qadis}, brought them to imperial institutions”. The main aim was “to familiarize imperial officials with Muslim laws and when necessary to enable them to extract truth from these laws”.\textsuperscript{50} This work was primarily written for officials in Transcaucasia; therefore he compiled it according to the \textit{Shi`i} School of Islamic Law. Obviously it was never used in the Volga-Ural region. Rzaev suggests that many of his contemporaries did not even understand Kazem-Bek’s idea for publishing this work and blamed him for interfering in the Muslim affairs of the empire. Even such prominent orientalists as I. N. Berezin called it “administrative interference in Muslim jurisprudence” instead of an important manual for a thorough study of Muslim laws.\textsuperscript{51}

\begin{flushright}
\textsuperscript{48} Kazem-Bek, \textit{Izbrannye proizvedeniia}, p. 295. We have to take this claim with a grain of salt because \textit{Mukhtasar al-Wiqaya} was already an often-used basic text in the madrasa education and it was the main text for the examination of \textit{imam} and \textit{mudarris} at the OA.
\textsuperscript{49} Abul Kasim al-Muhakkik, \textit{Kitab Shara`i al-Islam} (Calcutta, 1839).
\textsuperscript{50} Kazem-Bek \textit{Izbrannye proizvedeniia}, pp. 299-300.
\textsuperscript{51} Rzaev, \textit{Mukhammed Ali M. Kazem-Bek}, p. 57.
\end{flushright}
Bek also began to work on a compilation of Muslim laws on marriage among Arabs, but this work remained in manuscript and was never published.\textsuperscript{52}

Despite the fact that he advised the central authorities in certain Islamic matters, he did not consider himself an expert of Islamic law. In his introduction to the *Wiqaya*, Kazem-Bek admitted:

\begin{quote}
Initially I wanted to write the commentary following the best commentators and citing their sources; however, I changed my mind upon the advice of some mullas that I know and whose opinion I respect. [According to them] in order to write a commentary on such a work as *Mukhtasar al-Wiqaya* I needed to have a certain degree of authority in Islamic jurisprudence, otherwise, I might have spoiled this publication with my commentaries. Since [these mullas believed that] I can never attain such authority, I forsook my initial intention and followed a method that was widely accepted among scholars — writing down the comments of well-known authors on the margins and citing them at the end of each comment.\textsuperscript{53}
\end{quote}

As can be seen from this short biographical sketch, he did not devote his whole career to the study of Islamic law and the Russian state did not endorse his education in Islamic jurisprudence. He was dreaming to become a missionary but was stuck in Kazan by chance and personally created a career in Oriental studies, including Islamic jurisprudence. The Russian state did not systematically use his expertise in Islamic law either. With respect to Islamic legal matters pertaining to personal status law, the Ministry of Internal Affairs asked Kazem-Bek’s opinion on only a few family law cases.\textsuperscript{54} This, however, is a minuscule number if we take into consideration the hundreds of cases that the OA considered each year. Nor can these cases serve as a proof that “a consultative role in the Ministry provided Kazem-Bek unprecedented

\textsuperscript{52} It is preserved in NART, F. 1186, op. 1, d. 20.
\textsuperscript{53} M. Kazem-Bek, *Izbrannye proizvedeniia*, p. 298.
\textsuperscript{54} These cases are from 1860, 1863, 1864 and 1868, and are preserved in RGIA, F. 821, op. 8, dd. 957, 963, 964, 965, 969
opportunities to leave his imprint on Islamic legal interpretation”.\footnote{Crews, \textit{For Prophet and Tsar}, p. 182. In fact, he could not reinforce the rulings of the mufti because the decisions of the OA were collegial decisions reached by a mufti and three 	extit{qadis} together. According to law, the mufti alone could not make decisions.} Therefore, we also cannot claim that Kazem-Bek “frequently reinforced the rulings of the Orenburg mufti and Assembly against lay people who claimed that these authorities had erred in their interpretation of the 	extit{shari’a}.”\footnote{Crews, \textit{For Prophet and Tsar}, pp. 184-5.}

When the state authorities asked the opinion of Kazem-Bek they were not after a well-grounded Islamic interpretation and reasoning on an issue. Rather they were looking for appropriate “Islamic ways” to support state policies. For example, the Ministry of Internal Affairs sent a letter to Kazem-Bek asking his opinion on the issue of the appropriate age for appointing Muslim clergy. In an attachment to this letter, Count Dmitrii Andreevich Tolstoi\footnote{Count Tolstoi (1823-1889), one of the most important Russian statesmen of the nineteenth century, was working at the Department of Religious Affairs of Foreign Confessions at the Ministry of Internal Affairs in those years. Later he would be the over-procurator of the Holy Synod, Minister of Education, Minister of Internal Affairs, and the president of the Academy of Sciences for many years.} wanted “to direct him to the necessary answer they were looking for, which would serve the state interests” according to the daughter of Kazem-Bek. Tolstoi wrote that “if you could find in Muslim laws a statement that does not allow the performance of clerical duties before the ages of twenty-one [for low-ranking Muslim clergy] and twenty-five [for high-ranking Muslim clergy], that would be useful for our cause, for Muslims and for the state… From this document you will see that everything here rests on Muslim laws and it is in your power to turn it in the favorable direction”.\footnote{“Baratynskaia manuscript,” ll. 33-34. These age-requirements were actually imposed on ulama. Minimum age for muazzins was twenty-one, for imams twenty-two, and for 	extit{qadis}, mudarris, and akhunds twenty-five. \textit{PSZ RI}, 1855, vol. 30, section 1 (St. Petersburg, 1856), p. 158.}
Two other cases in which the state sought his opinion are illustrative of the fact that the Russian officials did not heed his advice because they did not regard it to be in the interests of the state. Both cases, in fact, concerned practical problems that Muslims of the Volga-Ural region raised repeatedly before the Russian administration. One of them concerned the appointment of the mufti, who, according to Russian law, had to be elected by the Muslim population, but in practice, was appointed by the Emperor. The issue arose after the death of Mufti Suleimanov in 1862. At the time of the appointment of a new mufti, as I have explained in Chapter I, the Muslim elite tried to pressure the Russian government to activate the clause about the election of the mufti in the law. Once again, in 1862 the OA officials appealed to the Ministry of Internal Affairs for an explanation of the principles of this election. Instead, Minister P. V. Valuev instructed the governors of the Kazan, Orenburg, and Samara provinces to elaborate on their own projects, which were later sent to Kazem-Bek, who was asked to prepare a report on all three projects. Expressing his opinion, Kazem-Bek emphasized that he did not like the violation of Russian law denying Muslims the right to elect their mufti. According to him, “if in a Muslim state, according to shari’a, rulers appoint the mufti, a Christian state can hardly follow the same rule without tarnishing the religious authority of the mufti in the eyes of Muslims”. Only the elected head of the OA, “is able to elevate the religious status of the clerics, to prevent abuses, to serve the ruler as the respected representative of Muslims and be a respected official of the state among Muslims”. As I have discussed in Chapter I, the Russian state did not put the election clause in effect until the end of the empire, fearing that such an election would increase the influence of the OA to the detriment of the state.

59 In Azamatov, pp. Orenburgskoe magometanskoe..., 56-57.
The second case was also an attempt of Muslims to strengthen the Muslim religious legal structure within the empire. This time the petition was about the status of Muslim legal experts, the *akhunds*, whom the Russian state did not officially recognize as a part of the Muslim legal structure (see Chapter IV). The petition was asking for the official recognition of *akhunds* as middle level judges who would ease the appellation task of the OA, which could not handle all the cases that Muslim people were sending in search of correction or alteration of the *imams’* decisions. The Ministry of Internal Affairs once again asked the opinion of Kazem-Bek on the authority of the *akhunds*. Kazem-Bek tried to explain that *akhunds* were in fact *qadis*, who were considered legal experts and had higher legal authority and thus they constituted an important component of the Muslim legal structure. Therefore, he suggested, the *akhunds* had to be recognized and utilized as middle-level judges between the OA and *imams*.\(^{60}\) However, this suggestion also fell on deaf government ears.

**Legal pluralism in the Volga-Ural Muslim community**

So far I have argued how “weak” Russian legal pluralism was regarding the Islamic law. The Russian state tried to replace Islamic law whenever it could find an alternative, and was not interested in learning and understanding it even though there were experts on Islamic law who were willing to advise the state for the better functioning of *shari‘a* among Muslim peoples. In the Volga-Ural region there was no alternative legal system that the state could rely on. However, it took the Russian state almost two centuries to accept the colonial way of incorporating Islamic law into the imperial legal system. The initial policy of the state was to convert the whole Muslim population to Russian Orthodox Christianity. It was only after almost

---

\(^{60}\) RGIA, F. 821, op. 8, d. 1000.
two centuries of unsuccessful attempts of forceful conversion, missionary activities, and complete destruction of mosques which led to numerous uprisings that the Russian statesmen realized during the eighteenth century that it was not possible to eradicate Islam and tear Muslims apart from their faith and that it was necessary to think of other measures to control and govern Muslim subjects. It was only then that they decided to institutionalize Islam, create new institutions for its control and governance, and incorporate Muslim legal system into the imperial structure.

With the creation of the Orenburg Assembly, the Russian state claimed to leave personal status questions such as marriage, divorce, and inheritance to the autonomy of the Muslim community. Before the end of the eighteenth century, these disputes were settled by the Muslim community itself, but as soon as Russian officials embarked on a task of institutionalizing Islam, they proclaimed that shari’a with respect to family law was to be left to the jurisdiction of Muslim scholars, i.e. to the autonomy of the Muslim community, and was thus made a part of the imperial legal system. The OA was responsible to ensure control over marriage and inheritance disputes, and already in 1791 the OA officials sent to provincial authorities reports stating that it took the cases of family law under its jurisdiction. This was supported by Bashkir deputies of Codification Commission (Ulozennaia komissiia) in their 1793 collective petition to Catherine II in which they asked that cases occurring among Muslims and concerning divisions of

---

61 Russian monarchs initiated several attempts to codify Russian law in the eighteenth century, and established several codification commissions, the most well known of which was the Codification commission of Catherine II. However, these attempts remained fruitless until the more systematic efforts of Mikhail Speranskii at the beginning of the nineteenth century, which resulted in the Digest of Laws of the Russian Empire. Tatiana Borisova, “Russian National Legal Tradition: Svod versus Ulozhenie in Nineteenth-century Russia,” Review of Central and East European Law, vol. 33, no. 3 (2008), pp. 295-341, here at: pp. 297-299.
inheritance and family matters be settled by “our own religious authorities but not by civil laws”.\footnote{Azamatov, Orenburgskoe magometanskoе dukhovnoе sobranie, p. 123.}

At the beginning of the nineteenth century local and central imperial officials discussed the question of who should be responsible for Muslims’ personal status disputes. In 1802, for example, the Orenburg civil Governor I. G. Frisel’ insisted in his petition to the Minister of Internal Affairs on handling all the Muslim cases by civil law and the governorship kept allowing or prohibiting the OA to solve Muslim civil disputes. The question was not completely settled until almost the end of the 1820s, when other officials also proposed to transfer all family and inheritance matters to civil courts. It was after the introduction of metrical books in 1828 that the authority of religious scholars and the OA over personal status matters was finally confirmed.\footnote{Azamatov, Orenburgskoe magometanskoе dukhovnoе sobranie..., pp. 124-125.}

As ChaeRan Freeze suggested, “the task of producing the standard marital code for a multinational, multiconfessional empire was as mind-boggling in its complexity as it was provocative in its political implications. As a result, the state’s new legal code — the Svod zakonov Rossiiskoi Imperii (Digest of laws of the Russian Empire), first promulgated in 1833… formally recognized the right of each religious confession to marry according to its own laws and customs”. One of the reasons for this, she claims, was that state interference into this sphere provoked a harsh opposition from the Orthodox Church, “jealously seeking to protect its remaining prerogatives and privileges”. As a result, although some bureaucrats wanted to secularize marriage and divorce and although the state did include some family matters under criminal law, the government generally left marital questions to the consideration of religious
In his thorough account of the power of the Orthodox Church over the Russian family, Gregory Freeze showed how the Russian church exercised authority and developed a new capability in retaining control over marital issues until the end of the imperial regime. He shows the connection between the “crisis of Orthodoxy”, between 1760 and 1860, and its attempt to formulate and implement a new set of policies to regulate family order.\(^6^5\)

In the second half of the nineteenth century, Russian society was faced with the Great Reforms of the 1860s, and especially reforms in the legal sphere in 1864. As Burbank has suggested, the essence of this reform was in the introduction of a new type of jurisprudence and separation of legal/court system from an administrative apparatus. More importantly, she suggests, reforms of the 1860s targeted the system of unequal distribution of rights and obligations among different peoples of the Russian Empire. However, “the principle of ruling through allocated and differentiated rights persisted”.\(^6^6\) After 1864, the Russian state created circuit courts, which were open for all citizens of the Russian Empire. In some parts of the empire citizens of all estates had the right to bring their cases to circuit courts. Despite this, Burbank concludes, until the end of the imperial regime, Russian statesmen followed the rule according to which different imperial subjects could handle their cases according to their own norms and in their local courts. At the turn of the century, many Russian jurists and officials called for unification of the legal system, but their attempts and projects remained unrealized.\(^6^7\)

\(^{6^4}\) ChaeRan Freeze *Jewish Marriage and Divorce in Imperial Russia* (Hanover and London: Brandeis University Press, 2002), pp. 77-78.
\(^{6^6}\) Burbank, “Imperial Rights Regime,” p. 422.
\(^{6^7}\) Burbank, “Imperial Rights Regime,” pp. 422-423.
Although the Russian state did not intentionally empower Islamic law, the inclusion of it in the legal system of the empire was an act that in and of itself gave a crucial authority to Islamic law and made the state a crucial part of its functioning. Even if we can argue that state intervention was limited and Muslim societies functioned autonomously to some extent, by the nineteenth century state authorization was vital. Burbank convincingly argues that the Russian Empire set up a rights regime that was bound to the collective and the respective religious laws that the collective professed. As she underlines, “To subjects, imperial law provided rights assigned through collectives. (There could be no rights without the state in this context). Individuals, by belonging to one or another of the empire’s collectives, were enabled by the law to marry, participate in various inheritance regimes, acquire or manipulate property, engage in other social relations”.68 This dependency on the state created such a fact that the power of any body of law was intrinsically related to the state and the state’s recognition of this body of law. I have argued the importance of state authorization in the case of akhunds, and now I would like to discuss it with regard to family law within the Kriashen community.

This Tatar speaking group had once been converted to Orthodox Christianity and was registered as such. However, Kriashens were not assimilated into the Russian Orthodox community, and the state or the Church did not provide a self-sufficient Kriashen liturgical and clerical religious tradition. Therefore they remained in a situation described as “neither meat nor fish”. The efforts of Ilminskii and other missionaries who understood the importance of native languages in the Christianization and assimilation process of these peoples came too little too late. Many of the Kriashens remained within the cultural sphere of Volga-Ural Muslims who, especially in the nineteenth century, developed a common effort for the re-Islamization of

Thus a significant group of Kriashens, if not the majority, were Muslims in essence and Orthodox Christians in form. According to the imperial rights regime, however, they were Orthodox people and their life and legal status was to be organized by Russian Orthodox rules and regulations. Despite this fact, the Kriashens were regulating their lives according to Islamic law and thus stayed in a no-man’s land in the legal environment.

As a result, the apostates (Kriashens that follow a Muslim way of life) occupied, in the description of Paul Werth, “a strange and nebulous legal space somewhere between Christianity and Islam”. In their numerous petitions to state institutions, apostates claimed that they had been practicing Muslims for decades like their fathers and grandfathers, and that they had mullas who performed religious rites, but they could not do that openly and legally. They could not hold any local office, since they were unwilling to take the Christian oath that their religious status required. Apostates were not allowed to marry Muslims. Mulas were not permitted to perform marriages and keep civil registries for them, since this would constitute their recognition as Muslims. They especially complained that they could not marry legally and that their children remained illegitimate. They had problems in dealing with the division of inheritance and could not prove their age and social status, which was problematic with respect to the military draft. They were also unable to attend mosques legally or to receive religious rites from Islamic clergy,

---

71 Werth, “The Limits of Religious Ascription,” pp. 502-503. Petitions of apostates to the OA after the proclamation of Manifesto of 1905 reveal the fact that there were licensed and unlicensed mullas among them, and these mullas performed religious rites for the apostates.
and therefore had almost no opportunity to develop their religious lives or to sanctify their marriages and the births of their children.\textsuperscript{72}

Since there were no rights without the state, the Kriashens were asking for governmental recognition of their status as Muslims in order to gain legal status and the freedom to practice legal rights. Even though within their community both licensed and unlicensed \textit{mullahs} were officiating their marriages, handling legal disputes, validating divorces etc. according to \textit{shari'a}, without state recognition these dealings did not have sufficient validity. Thus the petitioners emphasized that their families were breaking up more easily and the law was not sustained. They complained, “although the legality of family relationships was very important, [their] families were not considered families but illegal cohabitations (\textit{nezakonnye sozhitel’stva}), and this situation disturbed [them] a lot”.\textsuperscript{73}

Therefore, the official recognition of Islamic law was vital for its functioning. As we will see later in this chapter, in the Volga-Ural Muslim community, the state not only “recognized” Islamic law, i.e. it not only made it part of the imperial legal system and authorized its legitimate functioning through state law, but also defined its limitations. For example, it allowed Islamic law to function only with respect to personal status law; it then limited its application within personal status law, and made a further interference within its application when it wished to.

Thus, a legal system requires state recognition to function. The limited “weak” legal pluralism in the Russian Empire granted this recognition to Islamic law at least within the sphere


\textsuperscript{73} RGIA, F. 821, op. 8, d. 631.
of family issues and allowed it to function. As I have described in the case of Kriashens, the Islamic law could not function properly because the state did not accept the practice of Islamic law for the Kriashens officially. The engagement of the state with “other” legal systems that it allowed to function was not limited to their recognition. As I will analyze in the following section, local imperial institutions became a component of the functioning of Islamic law. However, this involvement did not turn the state authorities into agents of shari’a that tried to impose the correct version of shari’a. Rather, this involvement was an undesired outcome of the weak legal pluralism that the Russian state established and the state authorities were not always content with this consequence, regretted that state institutions unintentionally “became protectors of a foreign religion”.

The role of local imperial institutions in shari’a disputes

Russian administrative and legal institutions were already involved in the regulation of Muslim society. Criminal cases were already under the jurisdiction of the Russian police and courts. Family disputes which involved criminality and child custody cases were to be submitted to the Russian police and courts. In 1826, Russian law defined that Muslim clerics, in all religious cases, were under the jurisdiction of the OA, with the exception of civil and criminal, when their wrongdoings were to be dealt with by Russian courts. In 1836 the law about the marriage age was issued. The law stated that the citizens of the Russian Empire, including Muslims, could not marry before the ages of 16 and 18, for females and males respectively. After that the cases and complaints about underage marriage were to be dealt with by gubernatorial authorities. Another new law of May 11, 1836 stated that the OA still had the right to handle the

---

74 This was the remark of the governor-general of Orenburg, Kryzhanovskii in his report on the functioning of the OA. RGIA F. 821, op. 8, delo 1061, l. 34.
cases on private property according to Islamic law but it limited its jurisdiction to only those cases when Muslims themselves asked about it and accepted the decisions of the OA without question. If one of the involved parties was not satisfied, they were to apply to Russian civil courts and be judged according to Russian law.\textsuperscript{75} Similarly, if Muslims had disputes relating to ‘iddat (three-month waiting period for a woman to remarry after she was divorced) and kalym, they had to apply to secular courts.\textsuperscript{76} Therefore, the state was curtailing the practice of shari‘a in family matters, which was claimed to be under the jurisdiction of Muslim religious authorities.\textsuperscript{77} Thus, this type of weak legal pluralism provided the state with a framework that allowed state officials to intervene within the Muslim community and the practice of shari‘a even in its supposedly autonomous sphere.

In the previous chapter I have explained how there was a disconnection between the OA and imams in mahallas and villages. Azamatov noted that the connection between the OA and the ulama was realized through decrees, orders, and resolutions of the OA and that muftis were unable to inspect religious scholars.\textsuperscript{78} Indeed, it seems that the OA could not control imams in their mahallas, often situated very far away from the city of Ufa and therefore could not communicate with them properly. The Orenburg governor general Kryzhanovskii pointed out that the only means of getting information about the performance of the ulama was the petitions of Muslim parishioners, and, as I have discussed earlier, these petitions were not the most reliable sources to evaluate their functioning. The state authorities ignored or could not implement the proposals of Muslim scholars as well as Russian experts of Islamic law to institutionalize akhunds as intermediaries between the OA and imams or supervisors over the

\textsuperscript{75} Arapov, Islam v Rossiiskoi imperii, pp. 121-122.
\textsuperscript{77} Kirmse, “Muslim Tatars and the Imperial Legal System,” p. 215.
\textsuperscript{78} Azamatov, Orenburgskoe magometanskoe dukhovnoe..., p. 111.
ulama in a given district. Local Russian administrative and legal institutions would fill the void in this new legal system.

In a similar situation, where the Russian administration did not keep the qadi-kalan position in Turkestan, Russian bureaucrats, Muslim appellants, lawyers, and judges crafted a new legal system which involved a complex web of negotiations, dispensations, and loopholes. In his article about waqf in Turkestan, Sartori tries to show how the interrelations between individuals and legal institutions affected significantly the application of the law. He shows how Central Asian Muslims exploited the appellate system and engaged Russian bureaucrats into their legal disputes, which forced Russian officials to refer to Muslim laws. This situation created a legal hybridization, a mutually constitutive relationship in which Muslims’ knowledge of legal matters was significantly influenced by their dialogue with colonial officials on the one hand; on the other hand, Muslims’ conceptions of justice influenced the practice of Russian bureaucrats thus influencing the decision-making process of Russian officials.  

In this respect, it is interesting to look at the role of local imperial institutions in Islamic personal status disputes as well as the reasons Muslims brought Russian officials into their family problems in the Volga-Ural region. Both show how the Volga-Ural Muslim community was becoming gradually integrated into the imperial bureaucratic system throughout the nineteenth century and how relatively close the interaction between Russian authorities and Muslim communities was. Robert Crews effectively analyzed this interaction between Muslims and secular administrative bodies, however he jumped to the conclusion that during this interaction Russian officials eagerly worked with the ulama to base their decisions on shari‘a

and that Muslims regarded Russian local authorities as “agents of *shari’a* to be realized in its entirety”.  

Crews rightly noticed that we can see imperial officials at every level of a dispute, but I could hardly see a case when they cooperated with the *ulama* to find solutions in *shari’a* disputes according to Islamic orthodoxy. Rather than being interested in finding a solution in Islamic family law matter, I argue that provincial authorities were more interested in fulfilling their duties as bureaucratic officials. In other words, they were largely at the service of the OA as representatives of the state. Provincial institutions performed different tasks in this respect. Usually, the OA asked the local administrations to interrogate an imam and ask for his explanations on this or that case. Also, frequently the OA sent information to plaintiffs and imams about the state of their cases through provincial authorities. It also often requested provincial institutions to order police investigations, which were to be sent back to the OA with all the necessary reports and documentation.

Indeed, in many cases all the correspondence between the OA and Muslim plaintiffs/imams was done through local officials. If the OA wanted to inform a petitioner about its final decision, if it wanted to assign a *mulla* to interrogate new witnesses etc., it asked to do these through province authorities. So, local Russian officials became an important administrative link between the OA and Muslim populations. It can be suggested from analyzing the procedural part of the way the OA handled marital cases that local imperial institutions were the so-called missing link in this Muslim legal hierarchy as it played an important role in this procedure. However, Russian state authorities were not content with the role of local institutions as the intermediaries between the OA and imams or as the enforcement forces for the verdicts of

---

80 Crews, *For Prophet and Tsar*, p. 165.
81 TsGIA RB, F. 295, op. 11, d. 866.
the OA. The Orenburg governor Kryzhanovskii criticized that situation in his report on and reform project for the OA in 1870. He noted that, although there were no rules obliging the local administrative institutions to fulfill the orders or requests of the OA, in practice the OA “relies on the administrative authority for the fulfillment of all its duties. This leads to the abnormal situation that the police become protectors of a foreign religion”.

Almost thirty years later, in 1899, the then governor of Orenburg reiterated his concerns about a similar problem. In his report to the Ministry of Internal Affairs he demanded that the OA cease to ask from the police forces to fulfill the tasks which were legally assigned to the OA.

Another observation of the archival documents of the OA reveals the fact that in none of the hundreds of cases did provincial officials and Muslim scholars, either that of mahalla or of the OA, come together to decide on Islamic family law matters. On the contrary, Russian officials were completely uninterested in them. Governorship authorities, in many cases of personal status, ordered cases that did not belong to their jurisdiction and so were sent to the OA, stating that they were not their responsibility. Provincial officials sometimes clarified to both imams and laypeople that, according to the law, all religious (dukhovnye) cases, including rituals and the performance of religious rites such as marriage and divorce, were to be dealt with by the religious administration of Muslims; complaints on the parish clergy were also to be submitted to the OA.

Here I would like to illustrate these debates by citing a case from the Kazan province. On February 28, 1900, a peasant of the village Shakhmaikino of the Chistopol’ region, Tuhvatullin,

---

82 RGIA F. 821, op. 8, d. 611, l. 33 ob.
83 RGIA, F. 821, op. 8, d. 621, l. 72 ob.
84 Articles 1399 and 1418 and 1424 of volume 11, part 1 of the Statute of the Department of Religious Affairs of Foreign Confessions. Similarly, in 1876 the Governing Senate responded to a Muslim petitioner that divorce cases were not under its jurisdiction. RGIA, F. 821, op. 150, d. 404, l. 5.
filed a petition to the Kazan Governorship administration against the imam of the village of Isliaikino Muhametzakir Bahautdinov. In his petition, he complained that imam Bahautdinov divorced him from his wife, Nurjamal Abdulvalieva, without his will and even without his knowledge upon the initiation of divorce by his wife. As in almost any other family dispute in the Volga-Ural Muslim community, Tukhvatullin initially applied with the problem to a local imam, and later, having disagreed with his decision, appealed to the OA which annulled it and assigned akhund Fathutdinov to investigate the matter. Fathutdinov decided to keep the marriage valid. The ensuing appeal of Nurjamal Abdulvalieva to the OA, in which she asked for the annulment of the decision of akhund Fathutdinov, was declined. After that Tuhvatullin went to imam Bahautdinov to seek advice about what he should do to reunite with his wife. However, Bahautdinov insulted him in the presence of other people and added that even if his wife would agree to remarry him and even if her father and brother allowed her to do that, he (imam Bahautdinov) would not allow that to happen. Indeed, after that, his wife Nurjamal agreed to reunite with him but imam Bahautdinov did not allow this reunion.85

Tuhvatullin then reported the case to the Kazan gubernatorial administration and a state official reported that the threat of imam Bahautdinov not to allow Nurjamal Abdulvalieva to reunite with her husband was contrary to the decision of the OA, which decided that the marriage of the couple was still valid. The provincial official noted that if the imam would prevent the reunion of the couple, then this would be seen as a violation of his religious obligations according to the law.86 The state official also underlined that the complaint of Tuhvatullin against imam Bahautdinov for slander was not within the jurisdiction of the gubernatorial administration.

85 NART, F. 2, op. 3, d. 7452, l. 1.
administration because according to article 1085 of Criminal Code and Article 347, “On insulting citizens during the state service”, there were no legal rules concerning the clerics (dukhovnye litsa) who held state office and who were blamed for slander. Therefore, the gubernatorial administration decided not to take this petition into consideration and to inform Tuhvatullin about it through the office of the police.  

As we can see in this example of the petition of Tuhvatullin, the latter applied to the imperial institution in order to repeal the decision of both the local imam and the OA. Since neither decision satisfied him, he was trying to find another way to obtain the outcome he wanted, which was to retain the validity of his marriage. Kazan provincial authorities re-sent the petition of the peasant back to the OA underlining that the case under consideration dealt with “religious obligations” of imams and as such did not belong to their authority. More than that, local authorities also did not see themselves as any kind of a religious authority for the Muslim population and usually spoke about the OA as Muslims’ “dukhovnoe nachal’stvo” (religious directorate). Thus, provincial institutions performed the role of an executive organ, albite important part in the bureaucratic procedure. This is especially seen from the large volume of correspondence between the OA and different local imperial authorities.

As bureaucrats, the provincial officials acted according to law and handled only the cases that were under their jurisdiction. The behavior of the OA was similar. Sometimes it reported to the petitioners that they had to apply to civil courts. Thus, once a local official sent a case of divorce, which was about the distribution of possessions to the consideration of the OA. The OA ruled that according to Russian law, the OA was responsible for cases on the validity of divorce

---

87 NART, F. 2, op. 3, d. 7452, l. 2.
88 Such an answer by province officials was a frequent response in the cases that concerned religious aspects. I came across a number of such replies in the archive of the OA.
and marriage, but disputes relating to property were to be dealt with by civil courts. Thus, it
further clarified that since the problem brought by petitioners was about property but not the
validity of divorce, the OA returned this case for being outside of their responsibility, back to
zemstvo administration.\(^8^9\) Overall, there was a “division of labor” between the OA and Russian
institutions and this division was reflected in Russian legal documents.

The case is also peculiar because a Muslim applied to imperial provincial authorities as
he was not satisfied with the decision of the OA and wanted to circumvent the initial judgement.
Why and when did Muslims apply to Russian officials? By the end of the nineteenth century,
Muslims increasingly started to apply to Russian courts and other imperial provincial institutions
with their complaints. Why did Muslims send their petitions to them? What were the cases that
they preferred to send to these institutions and why? And how wide was this practice?

First of all, it was the Russian state that compelled and at times encouraged Muslims to
apply to Russian institutions for their family problems (as in the cases of inheritance, for
example). Throughout the nineteenth century, the Russian state was making the Muslim
community more dependent on Russian institutions. Therefore Muslims had to apply to Russian
institutions according to state law. Second, sometimes Muslims brought complaints against their
imams to provincial administrations because they knew that imams were approved in their
positions by provincial officials upon the election of an imam by the mahalla community. Third,
Muslims applied to Russian authorities because it was a means to circumvent Islamic law — the
decision taken by their mahalla imams or even by the OA. Thus, in one of the examples, a
couple was divorced after the husband pronounced talaq three times, which, according to the
usually practiced Islamic law, means that the couple’s divorce is concluded. Later, they

\(^8^9\) TsGIA RB, F. 295, op. 2, d. 252, Journal entry of August 28, 1900.
reconciled and applied to the Russian court to annul the divorce. The OA, however, ruled out that divorce had taken place at all and another marriage was possible only after tahlil — that is, the wife had to marry another man, get a divorce and wait for the required period to remarry her first husband. So, the OA informed the local Russian court about its decision and suggested the couple stop living together.⁹⁰

Fourth, Muslims applied to imperial institutions when they were not content with the decision of the OA, as was the case with the petition under our consideration. Likewise, a Muslim woman complained against the OA because she did not accept the decision of an imam who investigated her case and who did not interrogate all the witnesses. The Ministry found that her complaint was worth considering and asked the OA to send it for further investigation.⁹¹ In another case, a Muslim peasant complained against the OA to the Kazan province administration for leaving his petition without reply. The Kazan province administration replied to him that his case was under the responsibility of the OA and was to be handled according to shariʻa.⁹² Sometimes imams filed petitions to Russian institutions. Thus, an imam complained to the Department of Religious Affairs of Foreign Confessions about the decision of the OA to fire him from his position.⁹³ Muslims applied to the Ministry of Internal Affairs when the OA left their petitions unanswered or decided not to take any measures.⁹⁴ Sometimes imams could suggest to Muslim laypeople of their mahallas that they go to a Russian court. It seems that Muslim scholars clearly knew the cases that were under their jurisdiction and those that had to be settled according to Russian law. Thus, for example, when a Muslim woman applied for a divorce from

---

⁹⁰ TsGIA RB, F. 295, op. 2, d. 282, Journal entry of February 8, 1907.
⁹¹ TsGIA RB, F. 295, op. 2, d. 252, Journal entry of September 7, 1900.
⁹² NART, F. 1, op. 3, d. 6074, l. 5.
⁹³ TsGIA RB, F. 295, op. 2, d. 275, Journal entry of May 10, 1905.
⁹⁴ TsGIA RB, F. 295, op. 2, d. 278, Journal entry of September 6, 1905.
her husband due to abuse and slander, an akhund concluded that there was no reason for the
dissolution of marriage according to shari’a and that she could apply to a secular court, but not
to a Muslim scholar.  

While local imperial institutions helped the OA in the procedural way of settling disputes,
they were also responsible for a number of cases that were to be handled according to Russian
law. Restriction of the implementation of shari’a and not-very-well-defined enforcement of
decisions according to shari’a were important reasons for the tarnishing of the ulama’s authority.
When the Russian circuit courts occupied a larger space in the legal lives of the Muslims, even
the previous practice of asking the opinion of the OA gradually disappeared. Analyzing several
circuit court cases that were about criminal issues among Volga-Ural Muslims, Stefan Kirmse
reached the conclusion that

While the cases discussed… were about Kurtpedin Mengli Ahmet oglu, Bibi Fatyma
Sabitova, or Ibetulla Gizetullin, most of them could just as well have featured people
called Ivan Petrov… Behind this there was no liberal policy of integrating minorities;
rather, the apparent neutrality of courts concerning ethnicity and religion was the result of
a court system designed to strengthen the Empire and run by jurists who had little interest
in culture. In the clearly demarcated, state-centered form of legal pluralism that followed
the Great Reforms, cultural differences mattered mainly in lower-level courts and specific
civil cases (usually of minor monetary value). The circuit courts, on the other hand,
formed part of an increasingly unified legal space — thanks to both their design and the
ways in which they were used.”  

Therefore, I can assert that the legal pluralism practiced in the Russian Empire was not
conducive to the preservation of the differentiation of its subject, but aimed at an impossible
unification.

Muslims, on their part, were also cautious about using Russian courts. In general,
Muslims preferred to resort to the help of their local imams and the OA. Petitions to Russian

95 TsGIA RB, F. 295, op. 10, d. 642.
officials were still too rare in comparison with the number of petitions to the OA. In this respect the situation was quite similar to what Paolo Sartori has suggested with respect to Russian tribunals in Turkestan. In his opinion, they did not become an attractive alternative to the local people.  

Something similar can be seen in the Volga-Ural region. Even in inheritance cases, which were under the jurisdiction of Russian courts in case of disagreement between parties, Muslims often petitioned initially to the OA. On this note, Kryzhanovskii noted as early as the 1870s that “The Orenburg Assembly considers it compulsory for Muslims to obey shari’a in cases of inheritance division, and indeed cases when Muslims refuse to handle them according to religious law are extremely rare, because such refusal is considered by Muslims as apostasy”.  

At the end of the imperial regime, the great majority of complaints were still sent to the OA, while Muslim petitions to imperial institutions rarely concerned shari’a questions. Therefore, at the beginning of the twentieth century, despite all the criticism of OA officials, Muslims wanted to keep it as a center, as a higher religious court reflecting and defending Muslim interests. That is why one of the most important points of discussion was how to reform this institution in every respect, including the legal.

Although unification was the ultimate aim, the immediate concern of the state authorities was the maintenance of order and out of habitual action they fulfilled the requests of the OA, but the state did not institutionalize the link between the OA and the enforcement agencies. Another important impact of this state-favored legal pluralism was substantial changes in the practice of shari’a within the realm where Muslims had utmost autonomy — family law. By analyzing the

---

98 RGIA, F. 821, op. 8, d. 611, l. 41.
issue of the minimum age for marriage, I will try to show how the functioning of shari’a was transformed.

**Marriage age law**

I had started this chapter with a letter of an akhund to the editors of a newspaper. The akhund described the problems related with the discrepancy between the traditional practice of marriage and the one that the Muslim religious administration, the OA, endorsed. One of the most important changes that the Russian state introduced into the Muslim community was the new legal marriage age law, according to which women could not enter marriage before they reached the age of sixteen while men could marry only after they were eighteen. That was a significant novelty for the Muslim community because in practice Muslims often married earlier than sixteen and eighteen, especially girls. Local shari’a practice not only allowed it, but also encouraged, especially girls, to marry earlier. Marriage was rather a communal affair, often arranged by parents or with parents taking an important role in finding spouses and negotiating the bride price (kalym). Fathers would often like to marry their daughters earlier if they found a good candidate. Sometimes, when the families were too poor, they wanted to give their daughters in marriage as soon as possible to decrease the expenses to feed and support all the members of family.

The law on marriage age was introduced to the Muslim population in 1836. The law had a profound impact on Muslim family, law, and society. It was passed a few years after the requirement to keep the civil registry books was introduced in 1829. The two regulations were directly related. Marriages were one of the four rites that imams had to register in the metrical books. It was the imams’ responsibility and failure to do so had grave consequences. Throughout
the nineteenth century imams kept civil registry books poorly and often the higher clergy at the OA reprimanded them, but by the end of the nineteenth century both the OA and Russian officials got much stricter about keeping the books and this could at times cost an imam his job — he could be dismissed from performing his duties for several months or lose his position altogether. The same rule was applied for performing marriages to those younger than the required legal age.

In the second half of the nineteenth and early twentieth century people began to increasingly complain about “illegal” or “underage” marriages. An analysis of such petitions reveals that the marriage age law unleashed a number of problems in marriage practices, family relations, and in the relations between Muslims and the ulama as well as between Muslims and the state. Most importantly, it redefined Muslim marriage and its practice in new ways, transformed Muslim marriage law, and had consequences for Muslim family and society. I argue that devaluation of shari‘a family norms and family and marriage values began much earlier than at the beginning of Soviet rule and that marriage-age law, the ability of women to obtain divorce from the OA and other novelties all played an important role in the transformation of Muslim family.

Two such illegal marriages occurred in 1898 and 1901 while both were registered in the metrical books only in 1903. As a result of police investigations, the muazzin of the village of Ishimbaevo in the Ufa province, Islamitdin Ğaynitätinov, was found guilty of marrying off two Muslim girls who had not reached their marriageable age and of registering these marriages long after they had taken place. Ufa governorship officials asked the OA to give its opinion concerning the evidence provided by witnesses that they had been given in marriage much earlier than their actual marriage ceremonies had taken place. The governorship inquired if this was
possible according to Islam and requested information from the metrical books about the birth
dates of these girls. The witnesses stated that the licensed mulla Yulamanov officiated these
marriages in 1903, whereas the two girls had been married earlier — Sahiya in 1898 and
Bibinäqıya in 1901. The brothers and mothers of both girls testified that they had been given in
marriage in 1898 and 1901 and marriage ceremonies were performed only in 1903. The OA
replied that according to the laws of Muslim religion giving girls in marriage earlier than
performing marriage ceremony (nikah) was prohibited.\textsuperscript{99}

Here we see an example of the bifurcation of marriage into two parts, the first when both
girls were in fact given in marriage by their parents and the second when nikah was performed
by an imam and entered into the registry books. In this case, it seems that a village muazzin
performed the marriages in 1898 and 1901 without registering them in the book. The muazzin,
therefore, was suspected and found guilty by local imperial police officials. Later, when both
girls entered the legally marriageable age, a local imam performed the nikahs and registered the
marriages. These are probably samples of cases with less rigid and less painful consequences for
all parties but the muazzin. As we will see later on, that was not always the case and many such
marriages led to different kinds of problems and conflicts within the Muslim community.

Description of such a bifurcation can also be found in ethnographic works. Ethnographers
who studied family traditions among Bashkirs noted and described this practice. Bikbulatov and
Fatykhova note that if a bride and groom were over the required age for marriage
(sovershennoletiie) by the time of their wedding, an imam registered this ceremony in the book
and “in its full form” the marriage was called nikah. However, imams also performed marriages
before one or both of the couple reached the required age, and in that case the ceremony was

\textsuperscript{99} TsGIA RB, F. 295, op. 2, d. 282, Journal entry of January 8, 1907.
called *icab-kabul* or *aldim-birdem* (denoting the mutual consent of a couple to marry) and underlined that in its essence a marriage had taken place. After *icab-kabul* people could organize a wedding (*svad’ba*), and the youth could start their marital life together. But for the legal performance of marriage, the ceremony had to be repeated when a bride reached the legal age and it was then registered in the civil registry book.

It can be seen that Muslims did not in fact always stick to these rules. B. Iuluev, speaking about underage marriages in the 1880s, notes that *imams* often violated the law. B. Bikbulatov suggests that we can understand the bifurcation of Muslim marriage as an attempt to reconcile Islamic tradition with Russian laws by creating “the impression of obedience to law while preserving the tradition”. He also thinks that this practice was more widespread in the southern and southeastern parts of the Bashkir lands where the nomadic way of life and its traditions were stronger and marriages at early ages were more frequent and the bifurcation of marriage gradually became a norm. Even when the bride was of a legally marriageable age, people still observed these two ceremonies — *icab-kabul* and *nikah*. Thus, *icab-kabul* replaced *nikah* in its essence for the Muslim population as marriage according to *shari’a*, while the actual *nikah* was demoted to a formality and practiced to conform to the new religious and secular laws. Therefore, M. Baishev wrote at the end of the nineteenth century, “since *icab-kabul* has an important significance according to *shari’a*, and *nikah*, only a secondary significance, a groom has the right to consummate the marriage after, *icab-kabul*, when *nikah* had not yet performed”.101

100 B. M. Iuluev, “K etnografii Bashkir: (Svadebnye obriadы v Orskom uezde Orenburgskoi gubernii,” *Etnograficheskoe* obozrenie, nos. 2-3 (1892), pp. 216-223, here at p. 222.

101 M. Baishev, “Derevnia Zianchurina Orskogo uezda Orenburgskoi gubernii,” *Izvestiia orenburgskogo otdela rossiiskogo geograficheskogo obschestva*, vol. 7 (1895) cited in N. V.
This practice was also widespread in marriages between Muslims and apostates as well as Muslims and animistic Finno-Ugric peoples (iazychniki). Officially such marriages were prohibited according to Russian law, although this did not prevent *icab-kabul* becoming a common practice. Such cases are recorded in the journals of the OA as well as in Russian imperial documents when some of these couples applied to both the OA and the state authorities to legalize the children born to such marriages. That was in fact one of the ways that imperial officials learned about this Muslim practice. Thus, when a Muslim man and his wife, a cheremis (Mari)\textsuperscript{102} woman asked the OA for the official registration of their child and the case went to the Department of Religious Affairs of Foreign Confessions. The director of that department contacted a prominent akhund, Ğataullah Bayazitov, to get explanation about the legal status of “*icab-kabul*” between a Muslim and a pagan. In his letter *akhund* Bayazitov explained that the words of *icab* and *kabul* are used to express an agreement to enter into any contract, be it trade or marital contract. Among Tatars however, he continued, this meant a union between a man and a woman who mutually agreed to live together (*na sozhitel’stvo*), which is not yet officially announced and not registered according to state requirements. Such a union, in his opinion, could be in line with the marriage requirements *shari’a* in some cases, but it may also contradict *shari’a*, depending on the conditions under which *icab-kabul* took place.\textsuperscript{103} Here, *akhund* Bayazitov touched on a crucial issue, although he left it without explanation. The problem was that on the one hand *icab-kabul* was certainly valid according to *shari’a* because both bride and

\textsuperscript{102} Mari, who were also known as Cheremis in Russian sources, are a Finno-Ugric ethnic group in the Volga-Ural region. They professed a pagan religion and had been a target of Russian missionary activities during the imperial times. Despite mass conversions that took place since the sixteenth century, many Mari still practice paganism. See: Seppo Lallukka, “Finno-Ugrians of Russia: Vanishing Cultural Communities,” *Nationality Papers*, vol. 29, no. 1 (2001), pp. 9-39.\textsuperscript{103} RGIA, F. 821, op. 10, d. 629, ll. 57-60.
groom declared their mutual consent for marriage in the presence of witnesses and before an imam. But on the other hand, Bayazitov continued, an announcement to the community was supposed to accompany a Muslim marriage. However, since this was a very risky move, very often people performed icab-kabul in secrecy or by informing only very close relatives. That created an awkward situation for the couple, their parents, relatives, the village community, and, of course, the imams.

Not all mullas agreed to perform such marriages, despite the fact that the shari’a allowed them to do so. Especially by the turn of the twentieth century it was becoming very risky to perform them. Thus, in one of the cases filed against imam Niğmätullin who allegedly performed the marriage of an underage bride, the fathers of both the bride and groom claimed that imam Niğmätullin knew that the bride was underage but had agreed to marry them off if he was given three rubles instead of one and if no one other than the bride and groom’s immediate families would be present at the ceremony. This marriage was obviously not registered in the civil registry book. During the investigation, the imam claimed that when he was invited to the marriage ceremony he required the document certifying the groom’s birth, and refused to perform marriage since the parents could not provide such a document. A few more witnesses were interrogated, all of whom pleaded in favor of the couple and against the imam. On the basis of the interrogation, the provincial governorship found the imam guilty of committing a crime for performing this marriage and for concealing it by refraining from registering it. The case was about to be closed when it was further sent to the consideration of the Kazan judicial chamber (Sudebnaia palata), which held a hearing. The evidence did not convince the judicial chamber

---

\[104\] After the judicial reforms of 1864, six judicial chambers and forty-one circuit courts were established. These judicial chambers dealt with serious criminal or civil cases and also functioned as a court of appeals in the territory within their jurisdiction. Until the end of the
because all the interrogated witnesses were related (zainteresovannie litsa) to the couple and there were discrepancies in their explanations. Therefore the judicial chamber decided that the witnesses were concealing the truth and that the marriage, in fact, did not take place. So, imam Niğmätullin was found not guilty.105

Some of the mullas became rather cautious and many of them refused to marry the underage altogether. Other mullas did marry underage Muslims after taking some measures of precaution. As a response to one of the petitions blaming the imam of the village of Musliumkino of Chistopol’ province for performing underage marriages, local officials at Chistopol’ reported to the OA that recently imams of their province were performing marriages for brides younger than sixteen, through a proxy (podstavnoe litso), and were not recording these marriages in civil registries. Thus, they were legalizing “illegal cohabitations” (nezakonnye sozhitiia). Such was the case in the marriage of Mahubjamal. In 1900, the Chistopol district police got a letter informing them that Mahubjamal was living in an illegal marriage. The imams from the mahallas of the couple denied that they had performed the marriage. During the police investigation Mahubjamal confessed that she lived voluntarily with his co-villager Näbiulla Habibullin as “a wife without marriage” (zhena bez braka), that she was approximately twenty-three years of age, but according to civil registry books she was much younger because she was born in the steppe and therefore her birth was not registered on time. Näbiulla confirmed that they had been living together since 1899 and planned to marry her by the time of harvest. Local police officials underlined that cases of performing underage marriages occurred in many villages of their

---

105 NART, F. 2, op. 3, d. 7505.
province, but they could not specify who performed the marriages and on whose behalf, because “it is difficult to trace these cases and what can be only revealed from civil registries were birth dates and marriage dates”. The governorship authorities ruled out sending the case back to the OA since marriage was not performed and because the young people were illegally cohabitating (sostoiat v nezakonnom sozhitel’stve). They also ordered the Chistopol’ police to take measures to watch for and prevent such cases in the future.  

Imams also controlled whether the couple had proper registration in civil registries. Thus, a Muslim peasant of the Belebeevskii province Ġilajetdin Kamaletdinov complained to the OA that his daughter Bibihatirä had to live with Bashkir Mohamätkayum Musin for four years in common-law marriage because the imam refused to marry them when he could not ascertain that the girl was properly registered. The girl’s father told the imam that he would bring supplementary documentation, but the imam was obstinate. Kamaletdinov requested the OA to order the Belebeevskii imam to marry his daughter to that man. The OA sent an order to the khatyp of the city of Belebei Yamalitdin Huramśin to investigate the case and to marry the couple if there was no obstacle according to shari’a or Russian law.

While some imams refrained from performing unofficial marriages, some others might have tried to make some easy money. In such a case, the peasants of Krasnoyarskii uezd Kılmohamät and Nurbikä complained against the imam of the Second mosque, Baymohamät Noğmanov, who they claimed asked for 20 rubles in order to marry an underage bride. The couple was poor, so they offered “their last five rubles”, but the imam did not accept this and refused to marry them. The couple further complained that in this way they were forced to live without being married and their soon-to-be-born child would be illegitimate. More than that, they

106 NART, F. 2, op. 3, d. 7451, ll. 9-11.
107 TsGIA RB, F. 295, op. 2, d. 282, Journal entry of February 12, 1907.
also felt very uncomfortable living outside of wedlock. Imam Noğmanov denied that he asked for money, and stated that he refused to marry the couple on account of the girl’s age. Although several witnesses supported the claim of the couple, the OA rejected the case because the girl was indeed underage and the imam did not commit a crime for refusing the couple’s request to marry.\textsuperscript{108}

A whole new terminology developed in the discourse of imperial officials with respect to such marriages. They were defined as “underage” or “illegal” marriages and couples married in this way were characterized as living in illegal cohabitation (nezakonnoe sozhitel’stvo). Whereas in many cases at least the parents accepted the married status of the couple, the larger community was not necessarily aware of them. Moreover, some men and women might have preferred to live together even without the approval of their parents. This situation was named as grazhdanskii brak, civil marriage, and constituted a serious concern for the Muslim community. Such marriages and cohabitation were illegal according to Russian law and children born to such marriages were considered illegitimate. Of course, Muslims tried to legalize their children, i.e. ask the OA to register them in the civil registry books. However, as I mentioned in Chapter III, this was becoming increasingly harder and almost totally impossible with the law of 1892 when retroactive entries into registry books were completely prohibited.

Official illegitimacy of children from these marriages was not the only problem. The women were also affected adversely both in and out of this type of marriage. The rights of the women in marriage could not be protected. Moreover, since these marriages were not officially recognized, they could not be legally terminated. In the case of separation, women could not ask

\textsuperscript{108} TsGIA RB, F. 295, op. 2, d. 279, Journal entry of November 10, 1905.
for their rights of divorce according to *shari‘a*. A significant impact of this problem was the degeneration of the institution of marriage.

The following case illustrates the ways that people abused this situation of illegal marriages. On April 26, 1905, the *imam* of the city of Kakhitov (Kokchetav) of the Akmolinskaia province, Hamidulla Biktaşev, reported to the OA that in August 1904 his parishioner, Safiulla Hisametdinov, invited him to perform *nikah* for his son. Hisametdinov told the *imam* that he paid a large bride price (*kalym*) for the bride and the *icab-kabul* ceremony already took place and asked him to perform *nikah* and to record the marriage in the civil registry. The *icab-kabul* ceremony was repeated before the *imam*, and thus the marriage become valid according to *shari‘a*. However, the *imam* refused to perform the *nikah* and to record it in the civil registry because the father of the bride could not present a document to verify the girl’s age. Notwithstanding the refusal of the *imam*, the parents of the couple consented for the cohabitation of the couple without waiting for the performance of *nikah* when the bride’s father provided the necessary document. The couple continued to live together normally until February 1905, but without a reason the father of the bride took away his daughter. Moreover, seizing on the fact that *nikah* was not performed and was not registered, and ignoring the fact that marriage took place according to *shari‘a*, Hisametdinov married his daughter off to another man without the termination of the first marriage. To make matters worse, the father of the girl and her new husband were trading her off to other men, and deriding *shari‘a* and violating its sacredness. The *imam* asked the OA to take measures to stop such practices, which, he said, were unfortunately widespread among the people of Kokchetav.\(^{109}\)

\(^{109}\) TsGIA RB, F. 295, op. 2, d. 277, Journal entry July 26, 1905.
While in many cases women were adversely affected, sometimes, the unofficial status of their *shar‘i* marriage led to easier divorce, of course, without any of the rights that usually go along with it. However, this led to the confusion that the article at the beginning of this chapter described. In June 1905 a Muslim Bashkir woman, Halimä Şarafetdinova, wrote to the OA that her deceased father gave her in marriage in 1902, when she was underage, and she was forced to live with her husband against her will. Her husband happened to have a cruel character and beat her and so that her father took her back home, where she lived with the support of her mother and brother amidst many difficulties and poverty. She wrote that she would like to marry another man but their *imam* would not allow that, claiming her *shar‘i* marriage was still valid. She requested the OA to allow her to marry again. The OA delegated the case to *khatyp* Sultangäräy Ahmätjänov and asked him to check whether the marriage was officially registered or not. If there was no official marriage, the woman had the right to marry whomever she wanted.\(^{110}\)

In March 1913 the OA issued a circular to all *akhunds*, *khatyps*, and *imams* under its jurisdiction. The circular stated that every year the spiritual administration received a lot of petitions requesting permission to marry young people who had not reached the legally marriageable age. Although every time the OA declined these petitions because of the civil law (articles 3 and 91 of part 1), Muslims continued to send such petitions and this lead to excessive correspondence. It ordered parish *ulama* not to initiate petitions concerning underage marriages any more because they were against law and caused unnecessary trouble and expenses. They were also to explain this to their parishioners.\(^{111}\)

\(^{110}\) TsGIA RB, F, 295, op. 2, d. 278, Journal entry of August 24, 1905.

\(^{111}\) TsGIA RB, F. 295, op. 11, d.101.
Conclusion

Sally Eagle Merry noted that “on closer inspection, even dominant colonial legal orders failed to penetrate fully, encountered pockets of resistance, and were absorbed and co-opted”. One importance of this work would be to rethink and problematize the basic notions of “resistance” and “collaboration” as the relationship between the imperial state and its minorities were more complex and nuanced than the notions of collaboration or resistance suggest. The second aspect is the adaptation of the Muslim community and Islamic law to the imperial legal structure. In this respect the issue of marriage age provides a lens through which we can observe how the Muslim community adapted to the state legislation. It primarily indicates a remarkable flexibility of shari’a law at times when the urge for change was pressing. It also shows the flexibility of the ulama to find ways for the communal practices and law to function smoothly. As Muhammad Qasim Zaman has suggested, the ulama “are hardly frozen in the mold of the Islamic religious tradition”, but continued to respond to the challenges of changing times and thus re-imagined and re-constructed the tradition.

Decades of interaction between imperial rulers and subjects created new practices and transformed old ones in many spheres of life in the nineteenth century. As I have tried to explain, Muslims and their religious leaders displayed instances of both cooperation with and resistance to the state. Interpreting these conflicting instances as examples of the failure or success of integration to the imperial structures would be unsatisfactory. Some imams, for example, were afraid to violate the law and refused to perform marriages for their parishioners. Others agreed to marry couples for some additional fee and took the risks of registering false entries in the civil registry books or refraining to register them at all, thus concealing marriages from the state.

---

112 Sally Eagle Merry, “Legal Pluralism,” p. 874.
the same time, they would conform to state rules when the risks of resistance got higher and they could lose their job.

Moreover, this issue opens up the question of religious identity and shows the limits of imperial authority. I suggest that the law was central to the construction of imperial rule and that both sides, imperial and Muslim, took part in the contest. The Muslim community and the holders of religious authority were not passive participants in this interactive relationship. They were trying to set and protect cultural and religious boundaries. But as the contest was unequal, Muslims had to find their own way to preserve their identity and to adapt. In this sense, the community proved to be quite adaptable and resilient to imperial rule. This contest is thus important to discuss because it is deeply embroiled in the politics of identity. Religious law or religious identity was the main governing factor of the Volga-Ural Muslim community.
CONCLUSION

In May 2013, the former adviser to the President of the Republic of Tatarstan and the head of the History Institute at Kazan, Rafael’ Khakimov, published an article online following up from his book, Where is our Mecca? The article touched a raw nerve and created a furious reaction. In his article, Khakimov spoke about an extreme clericalization of the contemporary Volga-Ural ulama. He claimed that “instead of reviving faith, we revived a group of clerics”. He is wondering how to explain this phenomenon when the Soviet regime had already “cruelly got rid of the clerics”, yet they re-appeared again. He compared contemporary mulla to the pre-revolutionary ulama, who, in his opinion, “left piles of petitions and complaints against Jadids in our archives”, and “some voluntarily and others for money served the police and wrote denunciations on everyone”. Khakimov continues that contemporary mulla “cannot explain the meaning of life, but just perform rituals”, which “became a tool in their hands”. Thus, they “exploit faith, claiming that they are the defenders of morality”. Moreover, their activity is closely accompanied by internal rivalries for the sphere of influence and “[mullas] can hardly be distinguished from businessmen, because the performance of ritual has a concrete tariff, and mosques turn into small enterprises”.

While such description of contemporary ulama is no doubt a gross exaggeration, there is a grain of truth to it as well. Indeed, it was not the Soviet regime that is solely responsible for the radical transformations that both the ulama and shari‘a witnessed and experienced. The Soviet regime managed to eradicate religion, religious schools and the ulama to a great extent. Just a

---

few hundred mosques were left in the whole Soviet Union whereas there were over twenty thousand of them at the end of the Russian Empire. Religious schools were closed and the majority of the ulama were either murdered or exiled. During the Soviet period, religion survived in the underground thanks to devout mulls and abistays. The role of abistays was probably more important than that of the mulls because the abistays could continue to transmit religious knowledge in their homes or in other informal settings whereas the formal venues for religious education were closed, and most of the ulama disappeared under the Soviet regime.²

I have suggested in my dissertation that this transformation started much earlier, during the last century of the Russian imperial rule, and today’s state of affairs among the ulama as well as Russia’s policies toward mulls is a legacy of that imperial past. I suggest that history matters, even such a remote history as that of the last century of Russian imperial rule, and think that in order to explain developments, mentalities, and attitudes within the ranks of the contemporary ulama and the relationship between state and religion, we need to know the imperial past.

In this dissertation I have set out to explain the religious transformation at a number of levels: at an individual level — where a religious scholar faced new requirements to become an imam; at a communal level — where new rules introduced by the state with respect to an imam’s functions and duties within the mahalla changed his relationship with his community; at the district or province level — where the functions of imams and akhunds were redefined by the state; and at the imperial level — where the state used a legal pluralistic framework to introduce

change in substantive law. Not only did the new rules affect relationships within the Muslim community, but religious authority and religious law which had long functioned within this community also underwent a transformation. The state figured increasingly more important in these relations, and the OA played a vital role in facilitating the relationship between the state and the Volga-Ural Muslims.

The creation of the OA was an important institutional and discursive space which legitimized Russian rule in the eyes of Muslims. As I tried to show, although often corrupt and ineffective, its existence created a peculiar link of communication between the state and the Muslim population. It helped to consolidate a distinct Muslim identity of specific geography, linked religious scholars of different parts of Russia, and even became an important institution in the eyes of Muslims. Increasingly, by the turn of the twentieth century, Muslims wanted to claim authority over it to make it more useful for Muslim interests. It was only with the downfall of the imperial regime that Muslims could elect their own mufti and have control over this imperial institution.

While this institution provided opportunities for creating new links and thus new relationships with the Muslim population, the state, it seems, was not too successful in using these opportunities. Suspicion prevailed and thus hinted the development of more collaborative ties. Muslims’ demands were often perceived as providing them with too much autonomy or giving too many concessions. The state was more concerned with asserting better control which would hinder attempts to meeting the requests of Muslims. After all, the OA was established after a wave of revolts in the region, and till the end of the empire there were no serious anti-governmental uprisings among Muslims. For the Muslim community, though, Islam and its institutions were never to function as they did before.
Clericalization and bureaucratization of the *ulama* was reflected in several ways. The *ulama* acquired new social and administrative duties, which transformed their relations with the community. It also found expression in the novel ways that the *ulama* perceived their duties. Thus, at the beginning of the twentieth century, in a conversation between Ğabdurräșît Ibrahim and a *mulla* of the Chistopol’ district, the former asked the latter what was his service to the community throughout the seventeen years that he served as a *mulla*. The latter replied that he performed marriages, prayers for the newborn babies, and funerals. Ibrahim was not satisfied with his answer claiming that these “were for your own benefit”, but could not be considered as a service to the community.³

Another reason for state failure to develop more cooperative ties with the Muslim population was the tendency of the state to homogenize and unify its administrative, legal and other structures and institutions. While the recognition of plural legal systems within the imperial legal framework seems to have been able to provide the Muslim legal system to function autonomously, throughout the nineteenth century the imperial state intervened in this sphere and limited the *ulama*’s traditional role in it. The intervention of the state transformed the traditional functioning and practice of *shari‘a*, breaking traditional legal order, having a community-wide impact.

The transformation continued during the Soviet regime in much more radical ways. The Soviet state was not only suspicious about Islam, but it tried hard to eradicate all religious beliefs in Muslim society. In the 1920s Muslims were still actively trying to preserve their Muslim

---

institutions, but in the 1930s this was already impossible. The last two spheres of the traditional
authority of the ulama were abolished altogether at the beginning of the Soviet regime —
personal status law was replaced by a unified civil code, and Muslim schools were closed to give
way to secular Soviet schools. The mahalla was turned into a Soviet kolkhoz (collective farm)
and sovkhoz (state farm) acquiring another character altogether and different functions. But the
ulama and the OA continued to exist even throughout the 1930s when many imams were
murdered, imprisoned, or deported. Still, however, the outcome was a transformation, but not the
termination of religion.

The OA was not abolished because the Soviet regime needed it. In the 1920s the
Bolsheviks were cautious to keep it as they needed to ensure the support of the Muslim
population for their rule, especially at a time when mullahs were divided into red and white.5 The
need became especially urgent during the Great Patriotic War when many Muslims fought in the
Red Army. The OA was to elevate the patriotic feeling of the Muslim population and to ensure
their support in manpower and the collection of food and other necessities for the Soviet army.6
In the course of WWII when the Soviet regime was once again in acute need of social support of
all segments of the society, the state created three other Muslim religious administrations — in
the North Caucasus (in the city of Buinaksk), Transcaucasia (Baku), in Central Asia, and in

6 Safuat Rahmankulova, daughter of Mufti Gabdrakhman Rasulev, who replaced Rizaeddin Fahreddin in 1936, recalls in her memoirs that due to her father’s efforts a lot of money was collected from the Muslim population, which caused big surprise of the Soviet government. The mufti even got a telegram from Stalin who expressed his gratitude. Rakhmankulova, Muftii Gabdrakhman Rasulev, p. 122.
Kazakhstan (Tashkent). In 1944, the Soviet state established a Council of Religious Cults (Sovet po delam religioznykh kul’tov) at the Soviet of the People’s Commissars. Its main function was to ensure a link between the government and religious organizations, and in particular to regularly inform the Communist Party about the affairs and activities of religious organizations, providing statistical information about Muslims and their activity (such as control over registered and unregistered religious organizations) and characterize the level of Muslim religious activity in the regions. Later on, in 1948, when the regime relaxed to some extent its policies toward religion, and Islam in particular, and allowed to reopen some empty mosques, DUMES was to assume control over mosques. After another wave of harsh treatment of Islam under Khruschev and the demise of his power, the Soviet government assigned new duties to the higher clergy of DUMES — it encouraged the participation of the ulama in the social life of the country, organized meetings for clerics of different confessions to discuss the questions of internal and foreign policies of the Soviet state, and encouraged the ulama to raise funds for different state projects.

But the ulama also learned to use this institution for the interests of Muslims. As the Soviet state relaxed its religious persecution during the Great Patriotic War and allowed the TsDUMES to officialize religious organizations, Mufti Šabdarham Rasulev encouraged and facilitated this process. As his daughter writes in her memoirs, her father was in correspondence

---


8 The Orenburg Muslim Spiritual Assembly was renamed as Tsentral’noe dukhovnoe upravlenie musul’man (Central Spiritual Administration of Muslims – TsDUM) at the beginning of the Soviet rule and later, in 1948, was again renamed as Dukhovnoe upravlenie musul’man Evropeiskoi chasti Rossii i Sibiri (the Spiritual Administration of Muslims of European Russian and Siberia – DUMES).

with many people who previously served as *imams*, but could not continue serving in this way because mosques had closed. As soon as *mullas* learned that mosques could be reopened, they petitioned to TsDUMES to allow them to again serve as *imams*. Although the process of registration of religious organizations and mosques was very difficult, Mufti Rasulev gave out the necessary documents with his signature on the basis of which mosques could be reopened again. Besides, Ibragimov notes that because unregistered *mullas* were prohibited any kind of religious activity, Mufti Rasulev often helped unregistered *mullas* by giving them a sort of certificate that granted the right to perform religious rites, thereby providing them with a status of legitimacy.\(^{10}\) A lot of *mullas* continued to function unofficially.\(^{11}\) The Muslim population continued to observe many Muslim rituals and to practice their faith, albeit in a peculiar way. Thus, just as their predecessors under imperial rule had to formulate a certain Russian Muslimness, the Soviet and post-Soviet Muslims formulated a Soviet Muslimness as an outcome of their interaction with the state, through accommodation, adaptation, manipulation, and resistance.\(^{12}\)

---

\(^{10}\) R. Ibragimov, *“Gosudarstvenno-islamskie otnosheniia...,”* p. 372.

\(^{11}\) R. Ibragimov, *“Gosudarstvenno-islamskie otnosheniia...,”* p. 374.

BIBLIOGRAPHY

Archival materials

National Archive of the Republic of Tatarstan (NART), Kazan, Russia

Fond 1 – Kantseliariia Kazanskogo gubernatora (Chancellery of Kazan governor): opis’ 3 (dela 5881, 6074, 7797, 7798, 10049, 38137)
Fond 2 – Kazanskoie gubernskoe pravlenie (Kazan gubernatorial administration): opis’ 2 (dela 1074, 1244, 1933, 3741, 7243, 7255, 8185, 12628, 12700); opis’ 3 (dela 413, 2638, 4905, 7184, 7451, 7452, 7504, 7505)
Fond 1186 – Fond Aleksandra Kazem-Beka (Personal fond of Alexander Kazem-Bek): opis’ 1 (dela 20, 27)

Central State Historical Archive of the Republic of Bashkortostan (TsGIA RB), Ufa, Russia

Fond I-295 – Fond Orenburgskogo magometanskogo dukhovnogo sobrania (Fond of the Orenburg Muslim Spiritual Assembly): opis’ 2 (dela 20, 61, 134, 179, 211, 252, 272, 275, 276, 277, 278, 279, 280, 282, 283, 284); opis’ 4 (deilo 20677); opis’ 6 (deilo 8, 36, 814, 880, 2195, 3887, 3953, 4126); opis’ 7 (deilo 400); opis’ 8 (deilo 151); opis’ 10 (deilo 642); opis’ 11 (101, 643, 764, 866, 882)

Russian State Historical Archive (RGIA), St. Petersburg, Russia

Fond 821 – Ministerstvo vnutrennikh del: department dukhovnykh del inostrannykh ispovedanii (Department of Religious Affairs of Foreign Confessions, Ministry of Internal Affairs): opis’ 8
Published State Documents


Dobrosmyslov, A. I. *Materialy istorii Rossii: sbornik ukazov i drugikh dokumentov, kasaiushchikhsia  upravleniia i ustroistva Orenburgskago kraia.* Orenburg, 1900.


*Istoriiia Tatarii v materialakh i dokumentakh.* Moscow: Gosudarstvennoe sotsial’no-ekonomicheskoe izdatel’stvo, 1937.


*Polnoe Sobranie Zakonov Rossiiskoi imperii: sobranie tret’e.* Gosudarstvennaia Tipografiia, 1885.


Newspapers and journals

*Din vä Mäğiysät*, Orenburg

*Din vä Adäh*, Kazan

*Şura*, Orenburg

*Mağlümät*, Ufa

*Ili*, St. Petersburg

*Waqıt*, Orenburg

*Gorodskoi i sel’skii uchitel’*

Published sources


———. “Russian Administration and Islam in Bashkiria (18th – 19th Centuries).” In *Muslim Culture in Russia and Central Asia from the 18th to the Early 20th Centuries,* edited by Anke von Kugelgen, Michael Kemper, and Dimitrii Yermakov. Berlin: Klaus Schwarz, n.d.


