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Kunta Ḥājjī and the Stolen Horse

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- to the sphere of *fiqh* contradict the decisions of all the legal schools and are based on the works of Ibn Taymiyya and his scholars, who sought to reform not only dogma, but, also, the sphere of Islamic jurisprudence. This, for examples, relates to the question of the process for divorce, where the opinions of Ṣāliḥ al-Yamanī, Muḥammad ibn ʿAbd al-Wahhāb, al-Afghānī, ʿAbduh and Rashīd Rida almost completely agree with and are based upon the decisions of Ibn Taymiyya, which contradict the decisions of all four of the Sunni legal schools. In this way, the figure of Ibn Taymiyya is of especial interest. His ideas have remained popular among the Muslims of the Russian Empire for nearly three hundred years, down to the present day. Many adherents of his ideas, such as Muḥammad ibn ʿAbd al-Wahhāb, and, likewise, later reformers (ʿAbduh, Rida, al-Ghannuqī, Rida^o al-Dīn b. Fakhr al-Dīn and others) often cited Ibn Taymiyya's works. In Dagestan, interest in the ideas of Ibn Taymiyya first grew (in the late seventeenth century and eighteenth), and then waned (in the nineteenth century), and then again increased (in the early twentieth century), and then again decreased (in the post-First World War period), and then re-emerged in the post-Soviet period among the Salafīs, who were already widespread in all the Muslim regions of Russia.
83. Nadhīr al-Durgulī, *Taʿliq al-ḥamīd ʿala al-qawl al-sādīd*, ff. 102a–103b.
84. Ghazanuf al-Ghubdānī, *Risāla ftl-radd ʿala ʿAlī Jal-Ghannuqī*, 5 ff., MS Makhachkala, IHAE, f. M.-S. Saidov, op. 1, № 37, ff. 107–11.
85. Abū Suḥyān al-Ghazanīshī, 'Masʿala al-jihād', *Bayān al-ḥaqāʾiq* 3 (1926), pp. 2–5; 'Aḥwāl al-Ḥijāz wal-Ghaʿila al-wahhābiyya', *Bayān al-ḥaqāʾiq* 1 (1925), pp. 2–4; Masʿūd al-Mubukhī, 'Khīrabiya ʿulamāʾ', *Bayān al-ḥaqāʾiq* 4 (1926), pp. 7–11; Ibrahīm Ḥajiyaw al-Tamīr al-Rikmī, 'Mukālama ft ḥaqq dhann al-Taghtī', *Bayān al-ḥaqāʾiq* 6 (1927), pp. 15–17; ʿAbd Allāh b. Qurbān ʿAlī al-Ashlīhī, 'Fī ḥaqq al-jihād wal-tasawwūf', *Bayān al-ḥaqāʾiq* 7 (1927), pp. 6–8.

Kunta Ḥājī and the Stolen Horse

Michael Kemper and Shamīl Shikhaliyev

Introduction

This paper is a contribution to the study of Kunta Ḥājī al-Dīskhānī (1830?–67), the famous Chechen Sufī who is still enormously popular in Chechnya. Reportedly a representative of the Qādirīyya brotherhood, Kunta Ḥājī established a Sufī network in Chechnya, Ingushetia and parts of Dagestan, and came into conflict with a rival brotherhood, the expanding Naqshbandīyya khālīdīyya that had its stronghold in central Dagestan. According to Russian reports he was rebuked by *jihād* leader Shāmīl (Shamwīl, Imām in central Dagestan and parts of Chechnya from 1834 to 1859), apparently on the issue of the loud *dhikr* ceremonies that Kunta and his disciples practiced, with round dances, chanting and musical instruments. Kunta is said to have rejected Shāmīl's *jihād*, and to have called for non-violent resistance against the Russians instead. Many historians see him as a strong proponent of customary law (*ʿādāt*) against Islamic law. According to the many Chechen and Russian accounts, Kunta escaped conflict with Shāmīl by making a second hajj pilgrimage, from which he returned in 1862. He then gained more adherents who were dissatisfied with the long and unsuccessful militant resistance to the Russians, and placed his representatives in various villages. The Russian authorities soon became suspicious of Kunta's network, which they apparently saw as a parallel administration.¹

In the last days of 1863, Kunta and some of his *murīds* were imprisoned, and exiled to the Vologda area of Russia's north. In 1864, a rebellion of his remaining *murīds* in Chechnya – armed with nothing but daggers, and apparently motivated by the expectation of the End of Times – was bloodily suppressed by the Russian military. The movement disintegrated into several groups called *wirds* (from the Arabic word for 'Sufī litany'), which were led by his disciples of the first and second generations. Next to the

'Kunta Hājī' *wird* proper, today there are still other groups that emerged by names such as 'Bammāt-Gireis', 'Alī-Mīaevs' and 'Chim-Mirzas'. These Sufi groups still exist today. Often with hereditary leaderships, these branches of the Kunta Hājī network differ in their male headress and the musical instruments they use, and some groups allow women to participate in their round dances while others do not. These *wirds* survived Soviet repression in the 1930s as well as the violent deportation of the whole Chechen and Ingush nations to Kazakhstan, in 1944; one *wird*, the 'Vis-hājīs', even came into being in Kazakhstan, and entered Chechnya when the deportees returned to the North Caucasus starting in the second half of the 1950s.²

Today these Sufi groups are again a political factor. As Mairbek Vatchagaev observed in 2015:

With the advent to power in Grozny of the pro-Russian protégé Ramzan Kadyrov, Moscow's policy dramatically changed; it stopped supporting the creation of [political] parties and took on the Sufi fraternities as allies, specifically the Kunta-hājī order. Today they are found in all positions of power: in the government, the *mufītiā*, mosques, and the *medrese*. Someone visiting the republic, unaware of the situation, may get the impression Chechnya consists wholly of Kunta-hājī's followers. Undoubtedly, the [Kunta-hājī] order is the largest of all the fraternities. Nonetheless, the total number of Naqshbandis in the republic may be greater than the total number of Qadiris. Naqshbandis and those Qadiris that do not support Kadyrov and remain outside of politics can only resent Moscow's alliance with a single brotherhood out of the twenty-nine [Naqshbandi and Qadiri *wirds* in Chechnya].³

To have a critical look into Kunta's writings is therefore a political minefield.

In what follows we intend to open up a new view on Kunta Hājī, not as a Sufi in opposition to Islamic law but as a person who was well-versed in Islamic law and also applied it. This we do in five steps. We start with the translation of a brief undated text (see Figure 8.1), a hitherto unpublished Arabic letter from the quill of Kunta Hājī. The original is preserved in the Oriental section of the Institute of History, Archeology and Ethnography of the Dagestani Scientific Centre of the Russian Academy of Sciences, Makhachkala, Dagestan.⁴ In step two we reconstruct what this letter is all about, namely a legal case about a horse. In step three we contextualise this letter by placing it into the framework of what we know about legal relations in the nineteenth-century North Caucasus; this allows us to develop additional hypotheses about the purposes of Kunta's letter. The fourth section briefly reviews the Sufi writings that are ascribed to Kunta, and asks what this letter adds to our knowledge of the shaykh. Then we return

to contemporary politics in Chechnya, in the line of Vatchagaev's observation quoted above; here the question is how the ongoing Islamisation of Chechen society under President Ramzan Kadyrov relates to Kunta's image as a peaceful saint, and to the conclusions that we draw from the letter – namely that Kunta positioned himself not only as a Sufi or saint but also as a scholar of Islamic law.

Step One: Translation

From the servant of Allah the Exalted, from Hājī Kuntā, to his truthful close companion and his smart friend Hājī-Muḥammad. Peace be with you, and Allah's grace!

In the following:

The things that happened concerning the restitution (*naqq*) of your lost horse are well-known, and observed from the meal on the table at your place (*ma'nada min al-tān fī al-mā'ida ladayka*) and at the places of others.

If I had given a compensation (*damān*) for Hājī Arqa or for Aygum, or if I had taken over the debt (*in kuntu mu'addyyan al-daym*) that was proven to be Hājī Arqa's or Aygum's, then I would not turn against you [now]. In fact, I know this better.

But I am turning against you because what I gave to you was not a compensation payment (*damān*), and not a payment (*ada'*) [in a legal procedure]; I therefore now demand back from you what I paid (*daf'a*) to you. I [simply] gave you the silver in order to stop the litigation (*litawagquf al-da'wā*). For I did not know the truth of this issue concerning Aygum, so I feared Allah ḡ the Great and therefore refrained from making the judgment (*an aḥkama*) that the fine (*ghurm*) of the horse would fully fall on Hājī Arqa. I also feared him ḡ [that is, Allah] in case I put part of the fine (*ghurm*) of the horse on Aygum, for I did not find the evident proof [for this case] (*sarīḥ*) in the books. So I asked the scholars in the plain (*al-'ulamā' fī l-sah*) [to solve this issue], and each of them said that apparently, Aygum ḡ made mistakes [that is, was negligent or falling short of fulfilling his obligations, *mugassiv*] in the issue of this lost horse.

But neither in my eyes nor in my heart do I see the evident proof (*sarīḥ*) that would be the necessary foundation for me to decide (*li-an naqta'a*) that he ḡ [= Aygum] made mistakes. And I have been hopeful that the eyes of a more intelligent scholar could find the evident [proof] and detect [the truth]; I would ask him about this issue, and then I would pass a judgment (*aḥkamu ba'da dhālika*) and ask my money back. And I have hoped [that the scholar would] reject (*an a'zala*) the judgment of Tarki (*qaḍā'*

Targhū). Then this *qādī* and scholar would take my place (*maqāmī*) and sit in the council (*majlis*) in my place. He will judge according to his own will (*yahkumu bi-nā arāda*), and according to what he finds is the truth.

So if [this scholar] judges (*hakama*) that I should take my money back from Hāji Muhammad according to his vision [*ru'yā*] of the person ^Y from whom ^Y the price (*haqq*) of the horse must be taken, then God the Exalted gave me what I asked from Him. My thanks go to God for this.

And you should not doubt the safe procedure (*amn*), for each person who deserves restitution (*haqq*) will attain restitution.

And you continue to say that the fine (*ghurm*) for the horse should come to me [that is, that I should pay it]. However, I do not want this to fall on me, no matter from which side. This [to ask that I pay the fine] is not appropriate for you; rather, you should claim your lost and stolen horse from the person who deserves this [that is, from the real thief]. As you know well, I am not obliged to pay the fine (*ghurm*) for your horse.

You must understand my words, and act according to what is the truth. And do not be surprised by what I wrote to you earlier; it is not surprising that a man demands money (*haqq*) from the person who owes him money.

Rather, surprising is what you wrote to me. You must pay me my money (*haqqī*) [back], if you do not [intend to] do me injustice (*in lan tazlumu 'alayya*). Greetings!

Step Two: Reconstruction

As Kunta emerges here as a person of means and power, there is reason to assume that the letter stems from his last years in Chechnya (before his imprisonment in December 1863), when he was at the peak of his influence. The issue at stake is who has to pay compensation (*damān*) for the loss of a horse, and who has to pay the fine (*ghurm*) that accompanies the restitution payment. As we have no other information about this particular case, we will first try to make sense of the text simply by re-narrating its content.

The addressee, Hāji Muhammad, claimed that his horse was lost, and there are two men who may have been responsible for the loss, Hāji Arqa and Aygun. There is no information on how the horse was lost; perhaps Arqa and/or Aygun had been in charge of guarding it, perhaps there were indications one of them stole it.

Then the writer of this letter, Hāji Kunta, intervened by making a payment (in silver) to the owner of the horse, Hāji Muhammad. Kunta now employs a legal argumentation: he argues that his payment was not a compensation payment (*damān*), which would have been equivalent to

acknowledging that Hāji Arqa or Aygun (or both) had indeed been legally responsible for the loss of the animal. Instead, Kunta claims he just wanted to stop the process of litigation without making his own statement on who of the two was to blame for the loss of the horse, because he did not find a clear solution 'in the books' (*al-Kitāb*). It seems Kunta had intervened to protect Hāji Arqa and/or Aygun, and to please his friend Hāji Muhammad. To obtain a judgment Kunta then asked Islamic specialists 'in the plains', most probably, the Kumyk lowlands of Dagestan; this seems to have been a court in Tarki (an old political centre close to present-day Makhachkala), the only place name that is mentioned in the text. The legal specialists there decided that the responsibility falls on Aygun.

This, however, does not satisfy Kunta; he has doubts about Aygun's responsibility, and hopes that another (unnamed) scholar can be found who comes to a better judgment, perhaps by establishing Arqa's guilt, in any case by clearing Aygun from guilt. If this *qādī* confirms Kunta's view of the matter then he will take Kunta's seat in the *majlis* ('council', here perhaps: the court meeting). Kunta thus encourages the horse owner Hāji Muhammad to continue to search for another *qādī* who would pass the desired judgment. The identification of the legally responsible person would be the basis for Kunta to get his money back from Hāji Muhammad.

But the last section of the letter indicates that after having obtained the value of the horse from Kunta, Hāji Muhammad insisted that Kunta must also pay the accompanying fine (*ghurm*) for the theft or loss. This seems to be the point that made Kunta furious: Kunta had been ready to compensate Hāji Muhammad for the loss, but he was not willing to also pay the penal fine (which, traditionally, would go into the treasure of the claimant's community, but perhaps also to the owner), for it was not Kunta who stole the horse. Hence Kunta decided to emphasise that his payment was not a legal compensation payment (*damān*) that would have established his own guilt, or the guilt of Aygun. Hāji Muhammad's insistence on also getting the fine from Kunta seems to have put their relationship under strain, and may have been the reason why Kunta now demanded his money back. The initial reference to a lavish meal at Hāji Muhammad's place was Kunta's reminder that Hāji Muhammad had previously treated him with much honour.

For Arabists, an interesting feature in this letter are the syntactical signs: in Dagestani Arabic writings, authors often used extra symbols to clarify syntactical relations. Kunta employed a sign similar to the Arabic number '2' (ʿ), which is placed underneath 'Allah' and under 'him' (in 'I feared Him'), making clear Kunta feared Allah. The same sign is later on employed in two more cases, namely to connect Aygun with the 'he'

in 'he made mistakes', as well 'the person' with 'from whom the price is demanded' (*man yastahaquq minhu al-haqq*).

Step Three: Contextualisation

This letter is a typical specimen of the legal literature from the North Caucasus of the nineteenth century and early twentieth, which has, in the absence of central archives of Muslim ruling houses (as we know them from pre-colonial Central Asia), largely come down to us in fragments. Letters are often preserved as loose sheets in Daghestani manuscript volumes; mostly written in Arabic or in Kumnyk (the second lingua franca of the region), they report on donations, divorce cases, *waqf*, theft and compensation issues, to name but a few reoccurring legal subjects. We also have compilations of customary law 'agreements' (sg. *ittifaq*), that is, conclusions of legal cases either between two litigating parties, or among all fellow villagers, or between two or more village communities. Some communities gathered lists of historical *ittifaqāt* that they used as legal precedents, and that were constantly enlarged by new judgments and agreements. Such community agreements cover not only how to compensate for manslaughter, theft, arson or the loss of a limb; they also lay down the use of water and community-owned meadows and the organisation of the village's defence.⁵ These customary law documents employ a sophisticated legal terminology that is partly derived from Islamic law, and they are a gold mine for historical anthropology. But also individual letters combine terms from Islamic and customary law. Equally in circulation were classical texts of Shāfi'ī law, including commentaries, glosses, treatises and *fatwās*, which were used as textbooks at the many small madrasas in Daghestan's mountains. The *jihād* leaders (esp. Ghāzī Muhammad, Imām 1828–32, and Shāmīl, Imām 1834–59) were from among the madrasa students who saw that most of the Islamic law that they studied with their masters was not applied in practice – and their *jihād* began as a rebellion against customary law, and only developed into war against Russia once the empire supported the traditional legal and political authorities in Daghestan who upheld customary law.⁶

Kunta's letter belongs to the genre of legal correspondence, and has therefore to be understood in the field of tension between Islamic and customary law. The letter contains a number of professional legal terms, such as *adā'* (making a payment), *dayn* (debt), *damān* (compensation for theft or destruction) and *ghurm* (fine). Often the term *haqq* is used, with various meanings depending on the context. The whole procedure is called *dā'wā*, a formal legal process. The text also mentions experts of Islamic

law (as '*ulamā'*', 'scholars'), and more specifically the unnamed *qādī*: his job is to give a legal ruling (*hukm*). Whether this *qādī* was attached to any court institution is not clear; he may have been a freelancer. Kunta's own attempt at identifying the culprit is referred to as *qar'*, 'to determine', which would precede the *hukm*. The decisive proof (or argument) necessary for a judgment is referred to as *ṣarḥ*.

There is also a reference to the 'judicial decision (*qadā'*) of Targhū'. A mountain on the Caspian coast (today a part of Makhachkala, the capital of the Republic of Daghestan), Tarki was the seat of the Shamkhāl dynasty, one of several old ruling houses in central Daghestan. The Shamkhāls for a certain period also owned lands in northern Daghestan and in the Chechen lowlands; and many regarded the Shamkhāl as the *primus inter pares* among Daghestan's Muslim noble families. Russia used the Shamkhāl family as their ally against the *jihād* movement of the three Imāms (1828–59), but after Imām Shāmīl's surrender in 1859, they deprived the Shamkhāls of their political authority and established direct colonial rule. In the empire, Daghestan Oblast' (region) obtained a new legal system in which petty legal cases among Daghestanis were settled at local village courts, with one higher court of appeal. Here customary law and Islamic law were administered, under colonial supervision.⁷ Based on the assumption that the litigation about the horse took place in the time after Shāmīl's surrender in 1859 and before Kunta's exile to North Russia in 1863, we might assume that 'the judgment of Tarki' refers to a legal procedure held at the seat of the Shamkhāl, or conducted by Islamic judges residing in Tarki, perhaps operating under a Russian constable.

The fact that Kunta first tried to find a solution to this case in 'the books' (of Islamic law) indicates that he saw himself as a person capable of using legal literature (in Arabic), and of passing an appropriate judgment once he identified a similar case in the books. The letter indicates that he was expected to resolve this case. He first did so by turning to more learned scholars, in Tarki. However, these 'scholars in the plain' did not produce the desired outcome, since they also blamed Aygum. Kunta makes it clear this is unacceptable for him, and therefore demands that the search for an appropriate *qādī* must go on. So, while Kunta is not himself posing as a full-fledged Islamic *qādī* here, he clearly takes the liberty to pick and choose from various judgments offered by professionals, and to reject the judgments of *qādīs* if they do not confirm his view of the affair. Let us add here that at least in one more surviving letter, in a different legal context (how to sell a house), Kunta is explicitly addressed as 'Qādī Hājī Kunta', indicating that Muslims in the North Caucasus saw him not only as a Sufi master but also as a legal authority.⁸

It remains to be asked why Kunta intervened in the first place. Did he pay money to protect Aygum or Arqa from prosecution, or to extend a favour to 'his friend' Hājī Muhammad? If it was not meant as a *ḍaman*, how then should we define Kunta's payment – as an extra-legal gift or bribe, with the tacit understanding that Aygum or Arqa were indeed responsible for the loss? Or was it a security he hoped to get back once the culprit was identified and forced to pay?

And were Aygum and Hājī Arqa, or only Aygum, from among Kunta's Sufi *murīds*? If so, this would imply that the master also took care of his disciples' financial liabilities. Money is then Kunta's instrument to protect his Sufi circle. But the document does not indicate that Kunta was particularly close to either of the two suspects.⁹

More probable is that Kunta wanted to terminate the legal case by an extra-legal payment because he knew that Hājī Arqa or Aygum would not pay restitution. This could have unpleasant consequences, especially if they were not from Hājī Muhammad's own community; in this case the community of Hājī Muhammad would be entitled to conduct a raid on the community of the defendants, and take *ishkīl*, in the form of an item equal to the lost horse. This could lead to long-lasting feuds between families and communities.

Ishkīl was a respected instrument of customary law (*'āḍāṭ*).¹⁰ Dagestani's Islamic scholars saw customary law as a remnant of the pre-Islamic 'period of ignorance' (*yāhiliyya*), and as a highly defective system that allowed for the self-enrichment of those village elders and local aristocrats who administered customary law. As the regulations of customary law were man-made, they were unjust and illegitimate. In his letter, Kunta Hājī argues from the position of Islamic law, and his legalistic reasoning is quite sophisticated (for instance, when he argues that his payment did not belong to the category of *ḍaman*). And, finally, if his intention was to prevent Hājī Muhammad from taking recourse to self-help (*ishkīl*), then Kunta acted in the spirit of Islamic law, against a customary law practice that would escalate the conflict.

The alternative to *ishkīl* is of course mediation by a respected outsider. Kunta seems to have taken on this role, and decided to pay for the lost horse from his own pocket, in order to preserve peace. This investment would have obliged all parties – especially Hājī Muhammad! – to honour and respect him. Kunta only changed his mind once Hājī Muhammad was so bold as to also demand the accompanying fine from him, that is, the punishment for negligence or theft. As Kunta's investment would not bring the expected dividends in terms of respect and authority, he demanded his silver back – and did so by turning to professional judges

in the hope that they would identify the person responsible for the loss of the horse. Kunta would get his money back, and Hājī Muhammad would perhaps also receive the fine.

Step Four: What Does this Letter Tell Us about Kunta Hājī?

This letter is one of the few testimonies that we have from Kunta himself. While Kunta has been a major anchor point in every historical survey of Islam among the Chechens, hardly anybody has ever looked at his (or his followers') Arabic, Kumyk or Chechen/Ingush writings from his era. All that has come down from him are editions of his sayings written down by his disciples, in 'editions' that Kunta may or may not have authorised. So far we have discovered three books that present Kunta's words in direct speech, and that seem to have been written during his lifetime or shortly after his death.¹¹

The most well-known book ascribed to Kunta is the *Maqālāt*, a loose compilation of Kunta's purported sayings. It also contains statements that are introduced as having come not from Kunta but from a certain Ghāzī-Hājī, supposedly Kunta's master. Clearly, the *Maqālāt* was produced by one of his disciples, perhaps even after his death in 1867. The text was printed in lithograph form in 1910, in the Mavraev publishing house in Temir-Khan Shura (today Buinaksk, Dagestan). According to the preface to this edition, the work was originally written in Arabic, and then translated into Kumyk by Shikhamat-gadi Biibulatov from the Dagestani village of Erpeli. Following the classical tradition of theological and legal commentaries, in this edition the Arabic original is still preserved in the form of fragments (in brackets) between the Kumyk translation parts (also in Arabic script). One year later, in 1911, Mavraev also published a Chechen translation of the Arabic-Kumyk text of the *Maqālāt*.¹² Contentwise, the *Maqālāt* is completely devoted to Sufism, dealing particularly with the relationship between the Sufi master and his disciples, in addition to sections on dream interpretation. Some of the individual statements are clearly directed against Islamic scholars (*'ulamā'*) who claim that Islam is all about the legal schools, and about studying the disciplines of law. To such statements Kunta replies that 'our Prophet revealed the *sharī'a* and made clear the Sufi path (*tariqa*), and the latter is the root (*asīl*) of the four law schools. And [the Prophet] was illiterate (*ummī*), and therefore he did not make the understanding (*ma'rifa*) of the judgments of the four law schools dependent on the understanding (*ma'rifa*) and reading of the books (*al-kutub*) that had been laid down [by men], because they are [just] a wisdom (*ḥikma*); and Allah gives the wisdom to whom he wishes.'¹³

We understand from this text that Kunta was in a dispute with scholars of Islamic law who reproached him – presumably for his Sufi practices, but maybe also because he opposed Shāmīl's claim to political authority as Imām and *jihād* leader. These statements imply that Kunta placed mystical insight higher than pure knowledge of the books, without, however, rejecting the bookish interpretations of Islamic law out of hand; still, the emphasis on the Prophet's illiteracy stands in full opposition to Kunta's skilfully composed letter on the horse.

A second Arabic work connected with Kunta Hājī is a collection seemingly composed in 1281 (1864/5)¹⁴ by a certain 'Abdassalām al-Chachānī, that is, a Chechen; the latter gave it the title *Ayibat al-ustādh li-masā'il al-murīd* ('The Master's Answers to the Murid's Questions'). This text exists in several Dagestani manuscript copies and in an Arabic print edition from 1330 (1912).¹⁵ As 'Abdassalām noted, he had accompanied the saint (*walī*) Kunta Hājī for a couple of months during their exile in 'Sberia' (a term that in North Caucasus literatures refers also to central and north Russia as a place of exile), and became his disciple. The text is structured along fourteen questions that 'Abdassalām posed to Kunta, with the latter's replies again in direct speech. Here as well we find a negative view on scholars of law: in one place Kunta complains about the 'ulamā' who imposed their rule during the Imamate of Shāmīl.¹⁶

A third Arabic text, finally, is structured as Kunta's responses to claims of 'the Islamic scholars', evidently reflecting a debate with Dagestani 'ulamā'. Again, this text is authored by the above-mentioned 'Abdassalām, and presented as Kunta's direct speech, which 'Abdassalām again translated from Chechen into Arabic. This text is known from Dagestani manuscript copies and was also included in the 1330/1912 Syrian edition of 'Abdassalām's *Ayibat*.¹⁷

All three texts therefore clearly present Kunta Hājī as a charismatic saint who opposes the Islamic legal scholars and their legalistic approaches. Dagestani private libraries contain more text fragments written by Kunta, or on him; they might give more clues about Kunta's relationship to Shāmīl and in particular to the Russian authorities. Suffice it to mention here that *Ayibat* contains a section in which Kunta is reported to give advice on how service to Islam (*'ibāda*) can be upheld by those 'who fell into the hands of the infidels', that is, in Russian prison or exile, far away from their communities. Kunta here argues that as long as a Muslim is able to praise God, he is still a Muslim. The third text contains a separate section in which Kunta argues that fasting and prayers can be performed at other than the prescribed times if the situation forces the Muslim to do so, for instance, while being imprisoned by infidels or in exile; in such situa-

tions Muslims may follow the same norms that are applied during travels. The third text is also the only one of the three that mentions the Qādirīya: Kunta here defends the loud (*jahr*) *dhikr* of the Qādirīya against the silent (*khaf*) *dhikr* of the Naqshbandīya, however without denigrating the latter. Kunta clearly developed his more ecstatic Sufi path against the 'sober' Naqshbandīya khālīdiyya in Dagestan, and against the legalistic approach of Shāmīl's *jihād* state.¹⁸ This opposition to the Naqshbandīya may have had ethnic overtones: most Naqshbandīs came from Dagestan, and accompanied Shamīl's taking control of significant parts of Chechnya in the 1830s.

Step Five: On the Political Usefulness of Kunta Hājī in Contemporary Chechnya

In the 1990s the Kunta Hājī ritual – especially the fierce-looking dance in which men move in circles, clapping and shouting – was revived as national folklore, and used by the leaders of the Chechen separatist movement. In the first war between Russia and Chechnya (1994–6, ending with Russia's withdrawal), Chechen military formations were partly organised around the various Kunta Hājī *wirlds*, and the *muftī* of independent Chechnya, Akhmed Kadyrov, regarded the Kunta Hājī brotherhood as a bulwark against the rise of the foreign-funded *jihādī* ('Wahabi') groups. When the militants' pressure on the secular interwar government of Chechnya/Ichkeria became overwhelming, Akhmed Kadyrov defected to Moscow. After Russia's victory over Chechnya (Ichkeria) in the second Chechen war (1999–2000, with operations continuing for several more years), President Putin made Akhmed Kadyrov 'head' of the republic that was now again integrated into the Russian Federation. With significant financial support from the Kremlin, Kadyrov had the tombs of Kunta's mother Hedi and of many of Kunta's followers renovated.¹⁹ His son Ramzan Kadyrov, president of Chechnya since 2007, continues the Kunta cult, and portrays the saint as the archetype of Chechen Islam. Also in neighbouring Ingushetia, the local *wirld* of the Kunta network is portrayed as a pillar of the state²⁰ (although Ingushetia's leadership seems to be less attached to it, and enrages Chechnya's Kadyrov by signalling readiness to establish a dialogue also with Salafis in Ingushetia). In the Republic of Adygea (in the north-west Caucasus), a 'Russian Islamic University' bears the name of Kunta Hājī.

There are still many unanswered questions about the actual influence of 'Kunta-Hajism', in the past as well as today. Many observers hold that Chechen Muslims are by and large Sufis, and closely connected to the

Kunta Hajji *wirids*; but we already saw from Vatchagaev's observation at the start of this paper that the picture is more complex. All arguments about the persisting influence of the Sufi groups and families are connected to assumptions about the 'traditional clan structure' of the Chechens and Ingush: many argue that clan identities are directly replicated in affiliations to specific *wirids*, in a unique 'ethno-religious' social structure.²¹ But both the *wirids* and the clan structure must have been transformed, if not destroyed, by Soviet modernisation, urbanisation, violent exile and resettlement at places other than their original homes. On top of that, the two wars of the 1990s turned huge parts of the population into internally displaced people, and made others go into exile; and since the mid-1990s many Chechen and Ingush men have lived and worked in central Russia, as 'internal labour migrants'. All of these factors have influenced the way in which traditional Chechen clan structures have given way to flexible political and religious alliances.²²

In this light the role of Kunta Hajji remains highly ambiguous. He has been celebrated as a pacifist, and even as a Chechen Mahatma Gandhi.²³ But the Russian Empire, as a rule, did not send pacifists into exile. As there is no critical research on the sources from his time, Kunta has become an easy model for whatever one wants to see in him. It almost seems as if his written heritage is purposefully exempted from critical examination, since any serious investigation of the past might lead to political tensions in the present, especially among the competing *wirids* that claim his heritage. The saint's image remains stereotyped, with popular legends in place of historiography.²⁴

For the current Chechen leadership, Kunta is important because he was Chechen, because he stood for a 'Chechen way of Islam' (against the overwhelming Islamic influence that came from Dagestan, and against Russia's Tatar *mufitis*) and because he was foundational for major religious communities of our times. The *dikir* ceremonies that he introduced have become part of the Chechen national cultural heritage, and the tombs of his disciples adorn a Vaynakh (Chechen and Ingush) Islamic topography, which makes Kunta closely linked to Vaynakh soil. And Kunta's reported rejection of violence seems to fall on fertile ground today, after two recent wars, just as it did in the 1860s, after the failure of Shāmi's *jihād*.

But other features of Kunta's career are more difficult to integrate into this conventionalised picture. In particular, his Sufi thinking seems to have been shaped by eschatological expectations, which did not make him a state-builder. But, above all, his understanding of Islam seems to have defied the mainstream Sunni scholars of the time. All this while today's Chechnya is striving hard to be as orthodox as possible. Ramzan

Kadyrov's government is well-known for its enforcement of Islamic customs and norms, with Kadyrov posing as a native fighter – fearing God, caring for his dependants, but ruthless to his enemies. This image is not exactly in line with Kunta's rejection of violence, and certainly not with Kunta's Sufi message.²⁵

Kadyrov's legalistic approach to Islam can be demonstrated with the example of a highly controversial Islamic congress that took place in Grozny in August 2016. With welcome messages transmitted from Vladimir Putin and Ramzan Kadyrov, the Chechen Muftiate convened several hundred Islamic authorities from Russia and other countries (including Egypt and war-torn Syria) to discuss 'who falls under the category of Ahl al-Sunna'. The event was meant to exclude Islamic radicals from Sunni Islam. The delegates allegedly gave their consent to a *fatwā* that defined Sunni Islam as the religion of those (1) who follow one of the four accepted Sunni legal schools, (2) who subscribe to Mātūrīdī or Ash'arī speculative theology (*kalām*) and (3) who honour the Sufism of Junayd al-Baghādāfī (d. 910), Bahā'addīn Naqshband (d. 1389) (remembered as the founder of the Naqshbandiyya) and 'Abdalqādir al-Jīlānī (d. 1166, founding father of the Qādiriyya). In other words, Sufism (here termed *ḥisān*) is defined as an intrinsic part of what it means to be Sunni; who does not subscribe to this definition is excluded from that community.

More explicitly, this *fatwā* banned from Sunni Islam not only 'sects' like Hizb al-Tahrīr (under legal ban in Russia anyway) but also 'Wahhabism', which in Russia is the catch-all term not just for the Islam of the Saudi establishment but for all trends of Salafism or radicalism. The document called for the establishment of a council of Islamic experts to support the Russian legal authorities in the identification of dangerous trends that misuse Islam, clearly with the aim to impose more official bans.²⁶

Days later Saudi authorities began to protest against this call for a legal ban on Wahhabism. Several of the high-profile international guests realised the explosive character of the document, and tried to defend themselves by arguing that the *fatwā* was not properly discussed at the congress, and that all communication was conducted only in Russian.²⁷ While several *mufitis* from Russia's regions continued to support the *fatwā* (which they understood as a Kremlin demand that one cannot ignore), a major Islamic umbrella organisation, the Council of Russia's *mufitis* headed by Ravil Gainutdin in Moscow, openly opposed the Grozny resolution, arguing that Russia's Muslim leaders should not copy the *taḳfīr* strategies of their radical and terrorist opponents.²⁸

To Kunta, the Chechen Muftiate's attempt at defining 'good Islam' with the help of the Russian authorities, and at defining it by dogmatic

schools, would probably have sounded preposterous. The three texts that report his Sufi positions describe him as an opponent of the Islamic legal scholars who define Islamic life by adherence to 'the books'.

But the horse letter allows us to draw a more balanced image of the saint: evidently, he was not just an ecstatic mystic but also a reasonable player in the field of legal relations, a role that he seems to have exploited as a means of strengthening his authority. Above we quoted his observing that the 'basis' of Islamic law is gnostic perception: he did not pose as an opponent of Islamic law but rather emancipated Sufism from the legal schools, and thereby from the purview of the scholars who reject Sufism or demand more 'sober' forms of Sufism. In this sense we can also interpret the only mystical reference in the letter: at one point Kunta writes that he does not see a clear text 'in his heart', indicating he might have given an earlier judgment (*hukm*) if he had seen a corresponding vision of the Prophet. Sufism is not just something added to *shari'a*; for Kunta, Sufism is the core of Islam!

This is, we believe, the main contribution that this document makes to our understanding of Kunta Hājī. More research into his Sufi writings, but especially into the various fragmentary sources that we have about this important Sufi master, must take into consideration not only Kunta's rejection of specific Islamic scholars but also his use of Islamic law. And letters like the one discussed in this chapter might in fact reflect what the Russian administration saw as Kunta's 'parallel administration' in Chechnya. Perhaps the Tsarist authorities sent him into exile not because of his wild Sufi practices but because of his growing legal authority. At any event, Ramzan Kadyrov might be delighted to hear that Kunta was also a scholar of Islamic law – even though Kunta's legal thinking clearly developed in a Daghestani context.

Notes

1. The best study on Kunta to date is still V. Akaev, *Sheikh Kunta-Khadzhi. Zhizn' i uchenie* (Grozny: Nauchno-issledovatel'ski institut gumanitarnykh nauk Chechenskoi respubliky, 1994). See also M. Vachagaev, *Chechnia v kavkazskoi vojne XIX st.: sobytia i sud'by* (Kiev/Paris: Fond 'Istoriko-kul'turnoe nasledie chechentsy', 2003). C. W. Detmering, *Russlands Kampf gegen die Sufis: Die Integration der Tschetschenen und Inguschen in das Russische Reich 1810–1880* (Oldenburg: Drvas, 2011), is very brief on Kunta (pp. 290–6).
2. Z. Ermekebaev, *Chechentsy i Ingushy v Kazakhstane. Istoriia i sud'by* (Almaty: Daik-Press, 2009), esp. pp. 220ff.

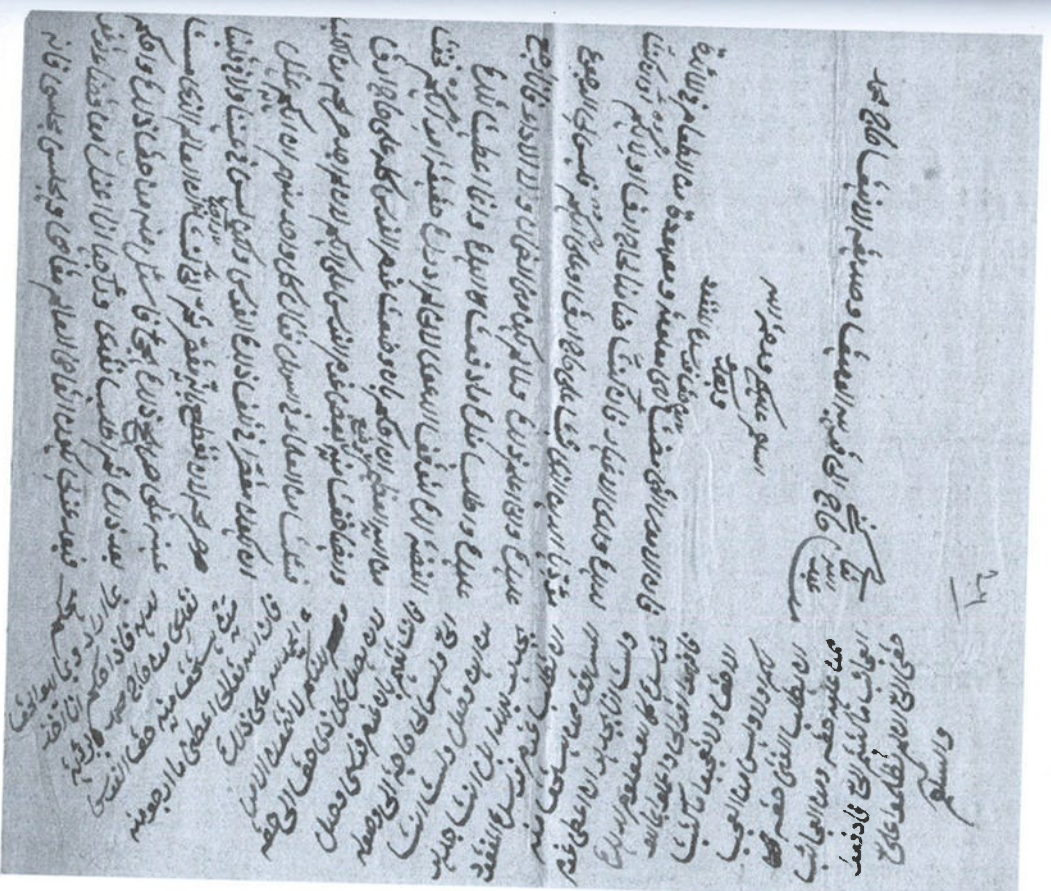


Figure 8.1 Facsimile of Kunta Hājī's letter to Hājī Muhammad

3. M. Vachagaev, 'The Politicization of Sufism in Chechnya', *Caucasus Survey* 1:2 (2014), pp. 25–35, here: p. 6.
4. Institut istorii, arheologii i etnografi (IAE, Makhachkala), fond 16, opis' 3, no. 1024. The letter was brought to the IAE library by Institute co-worker Magomed-Rasul Mugumaeov, as part of texts collected during archaeological expeditions into the Kazbek and Gumbet raions of Daghestan in 1975–7. We extend our sincere gratitude to IAE director Dr. Makhach Musaeov for giving us permission to publish this letter in translation and facsimile.
5. V. O. Bobrovnikov, 'Itrifāq Agreements in Daghestan in the Eighteenth

- Nineteenth Centuries', *Manuscripta Orientalia* 8:4 (2002), pp. 21–7; M. Kemper, 'Communal Agreements (*ittifāqāt*) and 'ādāt-Books from Daghestani Villages and Confederacies (18th–19th Centuries)', *Der Islam* 81 (2004), pp. 115–51.
6. M. Kemper, 'Ghazi Muhammad's Treatise against Daghestani Customary Law', in Moshe Ganner (ed.), *Islam and Sufism in Daghestan* (Helsinki: Finnish Academy of Sciences and Letters, 2009), pp. 85–100.
7. V. O. Bobrovnikov, *Musul'mane severnogo Kavkaza: Obychai, pravo, nasilie. Ocherki po istorii i emografii prava Nagornogo Dagestana* (Moscow: Vostochnaia literatura, 2002).
8. IIAE, fond 16, op. 3, no. 1011 (a certain Ahmad al-Hashīshī to Kunta, undated, on a question concerning the sale of a house: the author states that the transaction takes place when all items of the previous owner are removed).
9. At any event, their names do not appear in a surviving Russian list of Kunta's foremost disciples; cf. V. Akaev, *Sheikh Kunta-khadzhi*, pp. 39f.
10. V. Bobrovnikov, 'Verbrechen und Brauchtum zwischen islamischem und imperialen Recht: Zur Entzauberung des *iškāl* im Daghestan des 17. bis 19. Jahrhunderts', in M. Kemper and M. Reinkowski (eds), *Rechtspluralismus in der Islamischen Welt. Gewohnheitsrecht zwischen Staat und Gesellschaft* (Berlin: De Gruyter, 2005), pp. 297–315.
11. For a first overview of the manuscript material, see Sh. Sh. Shikhaliev, 'Kratkii obzor arabografskikh sochinieni Kunta-khadzhi Kishieva', in ed. M.S. Albogachieva (ed.), *Islam v Rossii i za ee predelami: istoriia, obshchestvo, kul'tura. Sbornik materialov mezhdunarodnoi konferentsii, posviashchennoi 100-letiiu so dnia konchiny vydavushchegosia religioznogo deiatel'ia sheikh Batal-khadzhi Belkharoeva* (St Petersburg and Mags: Muzei antropologii i emografii imeni Petra Velikogo RAN, 2011), pp. 71–5.
12. *Maqālat al-Shaykh al-fāṭil wa l-ustādh al-kāmil al-Hājjī Kunta al-Michighishi al-Iliskhāni*, Kumyk translation from the Arabic by Erñili [from Erpeli, Daghestan] Shikhamat Qadi [sic] (Temur-Khan Shura: al-Maiba'a al-Islāmiyya li-Muhammad Mirza Māvāyūf [Mavraev], January 1910). Another edition of the Arabic text was published by the Muftiate of Ingushetia, with an accompanying Ingush translation: *Maqālat al-Shaykh al-fāṭil al-Hājjī Kunta al-Iliskhāni. Tarjama bi l-lughā al-inghūshī* [sic]. Translator: Abū Bakr b. Ahmad al-Sarkhkhī [Ingush title: Galgaq Respublika Muftiatio: *Vezacha Shaikha, Kamil Ustaza Ilaska-iurtara Kunta-Kh azhii 'K'ama'lash*] (Nazran: n.p., c. 2000)]. For a Russian translation of the *Maqālat* see 'Poucheniia dostoinogo sheikha i sovershenного ustaza Kunta-Khadzhi Chechenskogo . . .', introduction and translation from the Arabic and Chechen by A. M. Garashev, in *Vestnik Moskovskogo universiteta*, seriya 13: Vostokovedenie, 2001, no. 4, pp. 99–112.
13. *Maqālat al-Shaykh al-fāṭil al-Hājjī Kunta al-Iliskhāni* [Ingushetian edition, Arabic text], p. 21.
14. 'Abdassalām, *Ayibat al-ustādh li-masā'il al-murīd*, Arabic manuscript copy (of 1324/1906–7) from the private collection of Magomed Dalgatovich Dalgatov in the village of Somoda, Daghestan, 20 folios; here fol. 22a. The manuscript was detected (and registered under no. 146) by the archaeological expedition of the Institute of History, Archeology and Ethnography of the Daghestani Branch of the Russian Academy of Sciences.
15. *Kitāb Jawāb al-sā'iliin fī hujjat al-murīd, wa-huwa al-kitāb al-mustarāb alladhī taḍqāhu al-fāṭil 'Abdassalām al-Chachāni 'an shaykhīni Qurb al-wāshīn*, ed. Muhammad b. al-Hājjī Ahmad al-Chunūkhī (al-Qunayzara/al-Shām al-Sharfi: Maiba'a at Jawlān, 1330). The text of *Ayibat* – roughly equivalent to the manuscript version mentioned in the preceding footnote – goes from pages 18 to 39. In the print version the date of termination is given as 27 Ramadan 1288, which would imply that the manuscript version referred to above (which has 1281 as the date when the text or the copy were produced) is older, and not a copy from the print.
16. *Ayibat al-ustādh li-masā'il al-murīd*, manuscript collection Dalgatov, fol. 15a.
17. *Kitāb Jawāb al-sā'iliin fī hujjat al-murīd*, pp. 2–16.
18. On which see M. Kemper, 'The Daghestani Legal Discourse on the Imamate', *Central Asian Survey* 21:3 (2002), pp. 265–78.
19. For photographs and historical information on these tombs, see M. Vachagaev, *Sheikhi i zitaray Chechni* (Moscow: n.p., 2009).
20. J. Meskhidze, 'Shaykh Batal Hājjī from Surkhokhi: Towards the History of Islam in Ingushetia', *Central Asian Survey* 25:1–2 (2006), pp. 179–91.
21. For a recent example of this mystifying obsession with clans and winds in a political studies work see O. V. Vol'ter, 'Akhmat-khadzhi Kadyrov kak politicheskii lider v sovremennoi Rossii', *Vestnik Zabaikal'skogo gosudarstvennogo universiteta* 22:4 (2016), pp. 63–75, with many references to the traditionalist-esotericist Khodzha-Akhmed Nukhaev.
22. Cf. E. Sokirianskaia, 'Families and Clans in Ingushetia and Chechnya. A Fieldwork Report', *Central Asian Survey* 24:4 (2005), pp. 453–67; C. Detmering, 'Reassessing Chechen and Ingush (Vainakh) Clan Structures in the 19th Century', *Central Asian Survey* 24:4 (2005), pp. 469–89.
23. V. Kh. Akaev, 'Sheikh Kunta-khadzhi Kishiev v dukhovnoi kul'ture chechentsev: osnovnye vekhi zhizni, sur' ucheniia i ego sovremennoe znachenie', *Islam v sovremennom mire* 12:1 (2016), pp. 95–108, here: p. 104.
24. For a similar post-Soviet context where historical studies are replaced by epics and hagiographies, see A. Bouna, 'Turkmenistan: Epics in Place of Historiography', *Jahrbücher für Geschichte Osteuropas* 59:4 (2011), pp. 559–85.
25. For a balanced analysis of Ramzan Kadyrov's policies see A. Malashenko, *Ramzan Kadyrov: Rossiiskii političeskii kavkazskoi national'nosti* (Moscow: Rosspen/Carnegie Endowment, 2009).
26. T. Iusupov, 'Anti-salaftskaja Konferentsiia v Groznom prevrashaet

- Ramzana Kadyrova v pravitelja vsekh musul'man Rossii', *OnKavkaz*, 4 September 2016, <http://onkavkaz.com/news/1223-anti-salafitskaja-konferencija-v-groznom-prevrashaet-ramzana-kadyrova-v-pravitelja-musul-man-ro.html> (accessed 30 December 2016).
27. A. Priimak, 'Saudity vozmushcheny otlučeniem ot Groznogo. Posle razgovora s Chechnei saudovskii bogoslov oproverg soobshchenia o svoem prizyve k ubiistvu Ramzana Kadyrova', *Nezavisimaa gazeta*, 21 September 2016, http://www.ng.ru/facts/2016-09-21/6_saudi.html (accessed 30 December 2016).
28. D. Akhmetova, 'Smuta iz-za odnoi fetvy. Popytka perekroit' musul'manskoe pole Rossii obernuťlas' mezhduarodnym skandalom', *Nezavisimaa gazeta*, 7 December 2016, http://www.ng.ru/facts/2016-12-07/7_411_fetva.html (accessed 30 December 2016).

What We Talk about When We Talk about *Taqi'd* in Russian Central Asia*

Paolo Sartori

Introduction

A half-century or more in which colonialism has been examined both in imperial history and Islamic studies has produced a colossal amount of scholarship. But it has also yielded a host of assumptions and narratives about colonial *shari'a*, which are seriously in need of problematising and refining. One such narrative propounds that in the nineteenth century *shari'a* underwent a process of transformation that ultimately led to what many observers have called a 'rupture'. Such a process is usually interpreted as the outcome of modernisation, that is, some kind of inevitable evolution in which the West imposed its legal episteme consisting of a new codification ethos, superimposed institutional rearrangements and imported secular normative sensibilities. In other words, we are dealing here with a narrative of irreversible decline according to which *shari'a* fell apart and its broken pieces could not be glued back together.

Indeed, it does not take a great effort to verify real changes in the Islamic juridical field under colonial rule. One notes, for instance, the following: (i) It is today common knowledge, for example, that Western empires that extended their power over Muslim-majority regions claimed an exclusive prerogative over punitive institutions and punishments, thereby truncating *qādis'* jurisdiction and constraining this latter to the so-called personal status law, itself a colonial legal category.¹ (ii) One notes the institutional arrangement common to many a colonial situation whereby Muslim legislators were organised into a juridical hierarchy and made subject to judicial review, either by their Muslim peers or their colonial masters. Such arrangements affected the moral standing of *qādis* and other members of the '*ulamā'*' whose rulings became easier to quash on grounds of judicial malpractice, either actual or purported.² (iii) Many have noted that the codification of *shari'a* by means of translation and massive publication

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SHARĪʿA IN THE RUSSIAN EMPIRE

THE REACH AND LIMITS OF ISLAMIC LAW IN CENTRAL EURASIA,

1550–1917



Edited by Paolo Sartori and Danielle Ross



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Contents

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List of Contributors

vii

Introduction: The Reach and Limits of *Shari'a* in the Russian Empire, c.1552–1917

1

Danielle Ross and Paolo Sartori

1 Islamic Education for All: Technological Change, Popular Literacy and the Transformation of the Volga-Ural Madrasa, 1650s–1910s

38

Danielle Ross

2 *Taqi'd* and Discontinuity: The Transformation of Islamic Legal Authority in the Volga-Ural Region

81

Nathan Spannaus

3 Debunking the 'Unfortunate Girl' Paradigm: Volga-Ural Muslim Women's Knowledge Culture and its Transformation across the Long Nineteenth Century

120

Danielle Ross

4 Between Imperial Law and Islamic Law: Muslim Subjects and the Legality of Remarriage in Nineteenth-century Russia

156

Rozaliya Garipova

5 Islamic Scholars among the Kereys of Northern Kazakhstan, 1680–1850

183

Allen J. Frank

6 Tinkering with Codification in the Kazakh Steppe: *'Adat* and *Shari'a* in the Work of Efim Osmolovskii

209

Pavel Shabley and Paolo Sartori

Contents

7	<i>Taqlīd</i> and <i>Ijtihād</i> over the Centuries: The Debates on Islamic Legal Theory in Dagestan, 1700s–1920s <i>Shamīl Shikhaliyev</i>	239
8	Kunta Hājī and the Stolen Horse <i>Michael Kemper and Shamīl Shikhaliyev</i>	281
9	What We Talk about When We Talk about <i>Taqlīd</i> in Russian Central Asia <i>Paolo Sartori</i>	299
10	Take Me to Khiva: <i>Shariʿa</i> as Governance in the Oasis of Khorezm (Nineteenth Century–Early Twentieth) <i>Ulfat Abdurasulov and Paolo Sartori</i>	328
	Index	363

Contributors

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Contributors

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Contributors

localisation, cataloguing and edition of Islamic manuscripts from private and mosque collections.

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