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Imperial Russia as Dar al-Islam?

Nineteenth-Century Debates on *Ijtihad* and *Taqlid* among the Volga Tatars

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Author Biography

Dr. Michael Kemper is chair of Eastern European history at the University of Amsterdam, and a specialist on the history of Islam in Russia’s regions, in particular the Volga–Urals and the North Caucasus. Currently, Dr. Kemper is directing two projects financed by the Dutch Scientific Foundation, one on Soviet “Orientalism” (*The Legacy of Soviet Oriental Studies*, with Stéphane A. Dudoignon, CNRS Paris), and the other on the interaction between Russian, Arabic, and Tatar in the contemporary Islamic discourse in the Russian Federation (*The Russian Language of Islam*, with Jos Schaeken, Leiden University). His recent publications include a forthcoming book (Routledge 2015) co-edited with Artemy M. Kalinovsky titled *Reassessing Orientalism: Interlocking Orientologies during the Cold War*, as well as a co-edited book (with Alfrid K. Bustanov) published by Pegasus in 2012 titled *Islamic Authority and the Russian Language: Studies on Texts from European Russia, the North Caucasus and West Siberia*.

Abstract

The Muslims of the Russian Empire provide us with some interesting cases of how local Islamic scholars used the language and genres of Islamic law to describe their situation in a “northern” and non-Muslim state. The development of Islamic law in nineteenth-century Russia was influenced by close contacts to the Islamic centers of learning in Central Asia, by the restraints imposed by the Russian Empire on Muslims, and by the internal dynamics of the Volga–Urals region. In this article, I discuss the writings of several Islamic scholars of the first third of the nineteenth century with regard to three fundamental questions: (1) how to conduct the night prayer during the “white nights” of the northern summer, (2) the question of whether the Friday prayer is valid under non-Muslim rule, and finally, (3) whether the Tatar lands in Russia can be considered part of Dar al-Islam. I demonstrate the various methodological approaches of Tatar Muslim scholars, with a focus on the dichotomy between *taqlid* and *ijtihad*. This analysis is embedded in a discussion of the Tatar and Russian/Soviet historiography of Islam in Imperial Russia.

The Stagnation/Isolation Paradigm

As the Tatar Muslims of the Volga area came under the rule of Muscovy already in the mid-sixteenth century, they provide us with the longest uninterrupted history of a significant autochthonous Muslim community living under non-Muslim European rule.¹ How did Islam survive in the Russian Empire? What Islamic legal responses did Muslims elaborate to face the challenges of living in the north, far away from the heartlands of Islam, and under non-Muslim rule? My central argument is that the regional Islamic discourse showed significant dynamism in responding to the colonial situation in Russia. Legal scholarship developed out of the Tatars' close links to the centers of learning in Central Asia, but gradually developed its own trajectories that cannot be accounted for by referring to external influences.

We know very little about the practical application of Islamic legal rulings in the Tatar lands in the first centuries after the Russian conquest of Kazan in 1552, but there is good reason to assume that in daily practice, Islamic law became largely reduced to issues of personal status, that is, to registering births and deaths, and marriages and divorces, and to dealing with issues of inheritance. These were the fields that the Tsarist administration largely left to the imams of the local mosque communities. In 1788, Catherine the Great established an Islamic religious administration, in the form of a Muftiate in the Urals town of Ufa, to supervise the local mosque communities of European Russia and their imams. Another task of the Muftis was to issue *fatwas* and regulations that would legitimize state policy and legislation from an Islamic point of view. The model of a Muftiate in a non-Muslim Empire, probably inspired by the Ottoman *'ilmiyye* system (but on a much lower level in terms of authority, infrastructure, and personnel),² turned out to be effective in preventing Islam from becoming a mobilizing force for rebellions. At least in the Tatar lands, Islam did not become a threat to imperial security within the Empire, and the imams aided the Russian administration by keeping the population registers.

With the establishment of the Imperial Muftiate in Ufa, Muslims were thus granted a small niche of religious autonomy in the non-Muslim Empire. From the second half of the eighteenth century, the Russian state also stopped the violent campaigns of forced Christianization and mosque destruction that had been conducted intermittently since the conquest of Kazan (when the Tatar population that survived the war was expelled from the city), and instead promoted the idea that Islam was a tolerated faith. From now on the missionary work of the Orthodox Church in the Volga region was largely limited to keeping the already baptized Tatars (the *kräshens*, a small part of the Tatar population) from “falling back” into Islam.³

¹ This essay is largely based on manuscript materials first discussed in my dissertation, *Sufis und Gelehrte in Tatarien und Baschkirien: Der islamische Diskurs unter russischer Herrschaft* (Berlin: Klaus Schwarz Verlag, 1998). The present article is my first English-language publication in which I draw attention to these materials, conceptualizing them in the light of the secondary literature that has come out since. My sincere gratitude to the two anonymous peer-reviewers for their helpful suggestions on how to clarify my argument.

² Alan W. Fisher, “Enlightened Despotism and Islam under Catherine II,” *Slavic Review* 27(4) (1968): 542–53; Danil’ D. Azamatov, “The Muftis of the Orenburg Spiritual Assembly in the 18th and 19th Centuries: The Struggle for Power in Russia’s Muslim Institution,” in *Muslim Culture in Russia and Central Asia*, vol. 2, ed. Anke von Kugelgen, Michael Kemper, and Allen J. Frank (Berlin, 1998), 91–112.

The official toleration of Islam enabled Muslim communities to construct several prestigious mosques in Kazan (in the Volga area) and Orenburg (at Russia's border with the Kazakh Steppe and Siberia), sometimes even with partial government support. Mosques and Islamic schools (*madrāsas*) were established not only in these cities, but also in many Muslim villages across the Volga–Urals.⁴ Starting in the early nineteenth century, we also observe a blossoming of Islamic literature under Russian rule, in the Arabic language (for genres of law and theology, and partly for Sufism) and in Turkic languages like Tatar and Bashkir (mostly for historiography, genealogy, and poetry). Since the early nineteenth century, Muslim printing houses in Kazan and elsewhere in the region produced a wealth of Islamic books, including standard Hanafi textbooks (mostly of Central Asian provenance), and also classical works of legal scholars from the medieval Middle East. By the 1840s, these printing houses also began to publish texts by contemporary Tatar Muslim authors.⁵ Yet most local literature still circulated in manuscript form, in Arabic or Tatar.

Overall, Islamic scholars in Russia's Volga–Urals region maintained the classical *fiqh* learning to uphold the idea that they still lived in a thoroughly Islamic community. At the local *madrāsas*, students continued to familiarize themselves with Islamic law in its entire complexity. The legal compendia of the Central Asian Hanafi tradition that were studied at these *madrāsas* included legal theory (*usul al-fiqh*), as well as the many fields of *fiqh* that could not be officially applied or followed in Russia, including aspects of constitutional law, that is, the regulations for the Islamic state. One could call this situation “the maintenance of the Islamic legal tradition for purposes of communal self-assurance”, aimed at defending Muslim identity, but not meant for practical application. The mosques and schools were maintained by the neighborhood communities, and in the cities they were financed by wealthy Tatar merchants and manufacturers. While Russian state law had no provision for Islamic pious foundations (*awqaf*, sg. *waqf*), the teachers and sponsors probably treated these donations and incomes as such.⁶

The position of the Volga Tatars as middlemen in Russia's trade with the Kazakh Steppe and Central Asia brought in money, and the lines of communication to Central Asia were also crucial to the maintenance of Islamic education and learning. Up until the early twentieth century, several generations of Tatar young men went to Bukhara and Samarkand to study law and theology at the feet of the local *madrāsa* masters. It is from this region, Transoxania, in what is today Uzbekistan, that the Tatar students brought home the books of Hanafi law, Maturidi *kalam*, and Sufism whose contents they then transmitted further on to their own students at home.⁷ In

³ Paul W. Werth, *At the Margins of Orthodoxy: Mission, Governance, and Confessional Politics in Russia's Volga-Kama Region, 1827–1905* (Ithaca: Cornell University Press, 2002). In 1719, 30,000 *krāshens* were counted in the Kazan area, and 99,000 in 1926; *Tatary*, ed. R.K. Urazmanov and S.V. Cheshko (Moscow, 2001), 427.

⁴ The link between the establishment of the Muftiate and the expansion of the Islamic educational and literary fields was first proposed by Allen J. Frank, *Islamic Historiography and “Bulghar” Identity among the Tatars and Bashkirs of Russia* (Leiden: Brill, 1998).

⁵ For the printing activities in Kazan, see Bernhard Dorn, “Chronologisches Verzeichnis der seit dem Jahre 1801 bis 1866 in Kasan gedruckten arabischen, türkischen, tatarischen und persischen Werke,” *Mélanges Asiatiques, tirées du Bulletin de l'Académie Impériale des Sciences de St.-Pétersbourg*, 5.5 (St. Petersburg, 1867), 533–649.

⁶ Il'dus Zagidullin, “Istochniki sushchestvovaniia islamskikh institutov,” *Istoriia tatar s drevneishikh vremen*, vol. VI: *Formirovanie tatarskoi natsii XIX – nachalo XX vv.* (Kazan, 2013), 415–21, here: 419.

the early nineteenth century, one particular Sufi brotherhood, the Naqshbandiyya Mujaddidiyya, quickly spread from Transoxania to the Volga–Urals region. Going back to the writings of Ahmad Sirhindi from India (d. 1624), the Mujaddidiyya was a major Sufi reform movement, with a focus on maintaining sobriety and piety “in society” (as opposed to what Max Weber called “outer-worldly asceticism”). The available biographical literature suggests that by the mid-nineteenth century, most Tatar imams and scholars between Kazan and Orenburg were affiliated to the Mujaddidiyya.⁸

The Tatars’ dependence on the centers of learning in Central Asia also had its downsides. The Khanates/Emirates of Bukhara, Khiva, and Kokand in Transoxania were not exactly places of vibrant discussion. The Muslim rulers of these places fought each other, their relations with neighboring Iran were inimical, and links to the broader Sunni world were not developed, or even undesired. “Bukhara the Noble” (*Bukhara-i sharif*) was highly respected for its preservation of the Islamic tradition (and in this function it was highly important for the Tatars), but not for its further development. Co-opted by the rulers of the local khanates, the most famous Central Asian masters of law, theology, and Sufism became the backbone of a conservative Islamic establishment, not a driving force for any kind of change.⁹

Some Tatar students went further on to Kabul, to Istanbul, and to the Holy Sites in Arabia; and the writings of some Ottoman Hanafi traditions (in the first place, the works of Mehmed Birgevi [d. 1573] and of the Qadizadeli preacher movement that he inspired) were widely read and used by Tatar scholars.¹⁰ Yet knowledge of other contemporary movements in the Muslim world, and even of the *jihād* movement that emerged against Russian colonial rule in the North Caucasus (in which fellow-Naqshbandis played an important role!), was very limited among the Tatars before the end of the nineteenth century.¹¹ So while the Tatars were not isolated, their communication with the wider Muslim world was restricted.

In historiography, this state of affairs led to a characterization of Tatar intellectual life as shaped by stagnation and isolation. This image goes back to Tatar writers of the late nineteenth and early

⁷ Allen J. Frank, *Bukhara and the Muslims of Russia: Sufism, Education, and the Paradox of Islamic Prestige* (Leiden: Brill, 2012).

⁸ On Sirhindi, see Yohanan Friedman, *Shaykh Ahmad Sirhindi: An Outline of His Thought and a Story of His Image in the Eyes of Posterity* (London and Montreal, 1971). On the Mujaddidiyya in Central Asia, see Baxtiyor Babadžanov, “On the History of the Naqšbandiyya muğaddidiyya in Central Mawara’annahr in the Late 18th and Early 19th Centuries,” in *Muslim Culture in Russia and Central Asia*, vol. 1, ed. Michael Kemper, Anke von Kügelgen and Dmitriy Yermakov (Berlin, 1996), 385–414; and Anke von Kügelgen, “Die Entfaltung der Naqšbandiyya muğaddidiyya im mittleren Transoxanien vom 18. bis zum Beginn des 19. Jahrhunderts: ein Stück Detektivarbeit,” in *Muslim Culture in Russia and Central Asia*, vol. 2 (Berlin, 1998), 101–51. On the Tatar disciples of Mujaddidiyya shaykhs from Bukhara and Kabul, see Kemper, *Sufis und Gelehrte*, 82–97. On Weberian models, see *ibid.*, 168–72.

⁹ Anke von Kügelgen, *Die Legitimierung der mittelasiatischen Mangitendynastie in den Werken ihrer Historiker (18.–19. Jahrhundert)* (Istanbul/Würzburg, 2002); Bakhtiiar Babadžanov, *Kokandskoe khanstvo: vlast’, politika, religiia* (Tokyo, 2010).

¹⁰ Kemper, *Sufis und Gelehrte*, 147–72.

¹¹ Michael Kemper, “The North Caucasian Khalidiyya: Historiographical Problems,” *Journal of the History of Sufism* 5 (2006): 111–26.

twentieth centuries who were in one way or another associated with the Jadid movement. The Jadids (from *usul-i jadid*, “the new method [of teaching]”) were reformers of Muslim education who introduced “modern” (secular) sciences into the curriculum of a number of Tatar *madrasas*. As “new” intellectuals with an old religious educational background, they distanced themselves from the conventional Tatar scholars (*‘ulama’*), whom they reproached for not being able to prepare the Tatar youths for the challenges of the modern period, in a modernizing Russian Empire.¹² The Jadids established the idea that Tatar intellectual and/or religious life had been stagnant until they themselves entered the scene—a notion that soon became dominant in Tatar, Russian/Soviet, and Western historiography, up until the present day. This powerful image has for a long time precluded scholars from seriously engaging with the opponents of Jadidism, but even more so with the pre-Jadid period, and with the Islamic manuscripts from the area in general.

For the Jadids (and later historians), this intellectual stagnation was synonymous with *taqlid*, which they understood as “the blind and uncritical following of the teaching of the masters of the own (legal, theological, Sufi) school”. *Taqlid*, originally a method of Islamic law, became a general symbol for stagnation, and its proponents were described by the Jadids (“the renewers”) as “adherents of the old (*qadimi*) ways”, that is, as opponents of any new initiative and renewal.¹³

In contrast to *taqlid*, the Jadids celebrated the opposite method in Islamic law, namely *ijtihad*. In the Islamic legal tradition, *ijtihad* is a rigidly circumscribed method of analytical reasoning that goes back to the original sources of Islam—the Qur’an and the Sunna of the Prophet—to solve problems of Islamic law that were not directly covered, or not convincingly answered, by the old masters of the legal school in question, in our case, Hanafism. *Ijtihad* is thus a method that maintains a certain dynamism in Islamic law, and that allows for adaptations to new social, economic, and political circumstances. In principle, *ijtihad* is the method of any *mufti* who is confronted with a problem that does not have a clear-cut solution in the school tradition, or that requires a new solution. We know that *taqlid* and *ijtihad* have to be seen in context, with a recognition of the gradation between them, from the “blind following” of one’s own legal school (*madhhab*) over “*ijtihad* within a given legal school” (that is, selecting from the various opinions within one *madhhab*) to “fully independent *ijtihad*,” the latter entailing the possibility that the *mujtahid* (the person practising *ijtihad*) would come up with solutions that contradict the consensus of his legal school, and that he would thereby constitute a new *madhhab*.¹⁴ Yet the main activity or focus of the Jadids did not lie in the field of Islamic law, but in educational

¹² On Jadidism, see Edward J. Lazzerini, “Ġadidism at the Turn of the Twentieth Century,” *Cahiers du Monde russe et soviétique* 16:2 (1975): 245–77; Ahmet Kanlidere, *Reform within Islam: The Tajdid and Jadid Movement among the Kazan Tatars (1809–1917)* (Istanbul, 1997); Adeeb Khalid, *The Politics of Muslim Cultural Reform: Jadidism in Central Asia* (Berkeley, 1998); Christian Noack, *Muslimischer Nationalismus im Russischen Reich: Nationsbildung und Nationalbewegung bei Tataren und Baschkiren, 1861–1917* (Stuttgart, 2000).

¹³ Stéphane Dudoignon, “Qu’est-ce que la ‘qadimīya’? Éléments pour une sociologie du traditionalisme musulman, en Islam de Russie et en Transoxiane (au tournant des XIXe et XXe siècles),” *L’Islam de Russie: Conscience communautaire et autonomie politique chez les Tatars de la Volga et de l’Oural, depuis le XVIIIe siècle*, ed. Stéphane Dudoignon, Dämīr Is’haqov and Rāfyq Mōhāmmātshin (Paris, 1997), 207–25.

¹⁴ See Wael B. Hallaq, “Was the Gate of Ijtihad Closed?,” *International Journal of Middle East Studies* 16(1) (1984): 3–41, and many subsequent publications of the same author.

reform, which ultimately meant the relegation of the classical Islamic subjects to a secondary position in the school curricula. Consequently, the term *ijtihad* gradually became separated from the field of Islamic law proper, and instead came to symbolize critical reflection, expressing the emancipation of the Jadidi intellectuals from the allegedly stifling tradition of Islamic law and theology, and, more generally, from the authority of the turban-wearing ‘*ulama*’ as the leading cultural elite in Tatar society. While *taqlid* became synonymous with stagnation, *ijtihad* became equivalent to progress and rationalism.

In the Soviet period, this dichotomy was developed further not only in the direction of secularism but also towards atheism. The characterization of “traditional Islam” as stagnant, and as inimical to individual reasoning and to social and economic progress, and as supportive of “feudalism”, provided a suitable framework for the Bolsheviks to launch their anti-religious campaigns.¹⁵ In fact, in the late 1920s and in the 1930s, this perception of Islam as stagnant and “backwards” provided legitimacy for the full-scale destruction of mosques, *madrasas*, Sufi shrines, Islamic printing houses, journals, and libraries, as well as for the arrest, exile, or execution of most Islamic scholars and Sufis.¹⁶

Islamic Scholars of the Early Nineteenth Century as “Enlighteners”

While upholding the stagnation paradigm in characterizing Islam in the Tatar lands up to the late nineteenth century, both the Jadids of the late nineteenth and early twentieth centuries and the Tatar Marxist historians of the period from the 1950s to the 1980s also pointed out that a few Tatar religious scholars from before Jadidism had indeed tried to escape from the prevalent conservatism of their times; they were identified as local predecessors of Jadidism. The major personality who was drawn upon was ‘Abd al-Nasir Abu l-Nasr al-Qursawi (1776–1812), a Tatar scholar from the village of Verkhniaia Korsa in the Volga area. In his Arabic-language writings, Qursawi attacked several dogmas of Islamic speculative theology (*kalam*, especially with regard to the dominant assumptions about the nature and number of the divine attributes, *sifat*),¹⁷ and in a number of legal disputes he also defended the necessity of *ijtihad*. In fact, Qursawi’s advocacy for *ijtihad* (which I will discuss below) was a challenge to some central positions held by the established Islamic elites. This brought Qursawi into serious trouble with the respected authorities in Bukhara, where he stayed several times for pursuing studies at the local *madrasas*. At one point, he was even threatened with execution, and the most influential scholars at the court of the Manghit Khanate of Bukhara forced Qursawi to renounce his attacks on the central assumptions of Maturidi and Ash‘ari rational/speculative theology.¹⁸ But also in his native Tatar

¹⁵ Michael Kemper, “The Soviet Discourse on the Origin and Class Character of Islam, 1923–1933,” *Die Welt des Islams* 49(1) (2009): 1–48.

¹⁶ For documentation of the Bolshevik repression of Islam in several regions of the USSR, see *Islamic Education in the Soviet Union and Its Successor States*, ed. Michael Kemper, Raoul Motika, and Stefan Reichmuth (London, 2009).

¹⁷ For a detailed analysis of Qursawi’s theological work, see Nathan Spannaus, “Islamic Thought and Revivalism in the Russian Empire: An Intellectual Biography of Abū Naṣr Qūrṣāwī (1776–1812)” (PhD diss., McGill University 2012).

lands, he faced the wrath of many high-level scholars who shared the opinions of the Central Asian masters. Qursawi eventually left for a *hajj* pilgrimage, and on his way to Mecca he passed away in Istanbul in 1812.

For the Tatar Jadids of the late nineteenth and early twentieth centuries, Qursawi became the eponym of the emergence of critical thinking among the Tatars, and they portrayed him as a direct precursor to their own movement, Jadidism. This led to the construction of a “golden genealogy” of Jadidism that supposedly started with Qursawi and then led further to the famous Islamic scholar and historian Shihabaddin al-Marjani from Kazan (d. 1889), who took up many of Qursawi’s positions regarding questions of Islamic law and theology, and then further to the Jadids themselves, several of whom had studied with Marjani.¹⁹ Qursawi and Marjani thus came to stand for the local and Islamic roots of Jadidism, which the Jadids themselves combined with influences from the Arabic–Islamic reform movements of their time (the other famous golden genealogy, leading from Jamaladdin al-Afghani to Muhammad ‘Abduh to Rashid Rida) and with Ottoman and Turkish influences, in addition to the many elements that the Jadids took from contemporary Russian and European education, literature, and political and social thinking.

In the Soviet period, many Jadids (especially those who had developed secularist or cultural-nationalist positions) had first been integrated into the Soviet administration and educational system, but from the late 1920s onwards these representatives of Muslim cultural reform were first marginalized and then also persecuted and killed or exiled. After the death of Stalin in 1953, some *madrasa* graduates returned from the Gulag camps (or were spared political persecution), but by that time the transmission of Islamic knowledge (and the teaching of Arabic, as its key language) was largely lost in Tatarstan. Only a few enthusiasts continued to collect, consume, and copy Islamic manuscripts.²⁰

After the end of Stalinism, Tatar Marxist scholars in the Autonomous Soviet Socialist Republic of Tataria (within the Russian Soviet Federative Socialist Republic of the USSR) were allowed to introduce revisions of Soviet Tatar historiography, and to move away from the wholesale condemnation of everything Islamic. Searching for “progressive” elements in Tatar history and literature, these Marxist historians appropriated the Jadid movement as a phenomenon that was admittedly “bourgeois” in nature, but that could still be labeled as “progressive in its time”, and that ultimately prepared the ground for the reception of socialism among the Tatars. Similar processes were underway also in Central Asia and in the Caucasus.

With this selective return to the Jadids, some earlier Islamic scholars also re-entered the historical debates in Tatarstan. The foremost among these were Qursawi, his contemporary ‘Abd

¹⁸ Michael Kemper, “Šihābaddīn al-Marġānī über Abū n-Nasr al-Qūrsāwīs Konflikt mit den Gelehrten Bucharas (Einleitung, arabischer Text und Übersetzung),” in *Muslim Culture in Russia and Central Asia, Vol. 3*, ed. Anke von Kügelgen, Ashirbek Muminov, and Michael Kemper (Berlin, 2000), 353–83.

¹⁹ See the memories of Marjani by his disciples and admirers in *Mārjani: Shihabeddin ʿal-Mārjani häzrätläreneng väladätenä yöz yıl tulu (1233–1333) mönasäbätiylä näsher itelde*, ed. by Salih ibn Thabit ‘Ubaydullin (Göbäydullin) (Kazan, 1333/1915).

²⁰ Examples are Zainap Maksudova (a school teacher who built her own manuscript collection) and Al’bert Fatkhiev (who found employment in the Lobachevskii Library of Kazan University, where he catalogued and described manuscripts). Alfrid K. Bustanov (Amsterdam, Kazan, St. Petersburg) is currently studying their archives.

al-Rahim al-Bulghari (d. 1834),²¹ and Shihab al-Din al-Marjani, who all made a return to the fore as positive points of reference in Tatar intellectual history. Yet the Soviet scholars of the post-war period lacked the Arabic and Islamological skills to analyze the Islamic writings of these scholars, and based their conclusions on just a few second-hand quotations from the works of Qursawi, Bulghari, and Marjani. This neglect of the primary sources enabled them to claim that these Islamic scholars had fought for the emancipation of the Tatar Muslims from the Islamic tradition in general, a claim that could only be upheld as long as the actual religious contents and contexts of these scholars' writings could safely be ignored. On these grounds, Tatar Marxist historians like Iakh"ia Abdullin advanced the view that scholars like Qursawi stood at the basis of an autochthonous Tatar "enlightenment" (*prosvetitel'stvo*).²²

The claim that there was an indigenous "Muslim enlightenment" among the Tatars in the nineteenth century was very flattering to Tatar nationalist thinking, and it is still upheld by many historians in Tatarstan today,²³ where Qursawi, Bulghari, and Marjani occupy prominent places in the pantheon of Tatar national heroes.²⁴ At the same time, many other prolific Islamic scholars of the nineteenth century remain largely ignored, especially if nothing "progressive" can be found in their lives and works.

This complex historiographical situation calls for a critical evaluation of what the early nineteenth-century scholars 'Abd al-Nasir Qursawi and 'Abd al-Rahim al-Bulghari actually stood for, on the basis of their own writings, not on the basis of what later historians made of them. In the following, I will discuss some of their works on Islamic law, and will focus on their methodological differences with reference to *ijtihad* and *taqlid*. For this discussion, I have selected three debates about how to be a good Muslim in the Russian Empire.

The Question of the Night Prayer

²¹ 'Abd al-Rahim al-Bulghari is often referred to by Tatar scholars as Utyz-Imani (or, in Tatar, Utiz-Imäni), after the village of Utiz Imän in the territory of the Tatar Autonomous Republic. Contemporary Bashkir scholars reject this *nisba* and argue instead that 'Abd al-Rahim was an ethnic Bashkir. For the purpose of the present study, the question of ethnic affiliation is of secondary importance. Like many other scholars of the time, 'Abd al-Rahim used to sign his texts with the *nisba* al-Bulghari, which refers to the place of Bulghar, south of Kazan, where, according to a famous collection of local legends, three *sahaba* of the Prophet brought Islam to the local rulers. For this legend (and for the common Muslim regional identity transcending ethnic divisions that this legend expresses), see Frank, *Islamic Historiography and "Bulghar" Identity*.

²² Iakh"ia G. Abdullin, *Tatarskaia prosvetitel'skaia mysl' (Sotsial'nai priroda i osnovnye problemy)* (Kazan, 1976). For Abdullin's selective reading of Islamic texts, see A. K. Bustanov and Michael Kemper, "From Mirasism to Euro-Islam: The Translation of Islamic Legal Debates into Tatar Secular Cultural Heritage," *Islamic Authority and the Russian Language*, 29–54.

²³ Today, the Republic of Tatarstan is one of the 83 (or 85, if the Crimea and Sevastopol are added) units of the Russian Federation.

²⁴ Rafael'R. Khakim, *Dz'hadidizm (reformirovannyi islam)* (Kazan, 2010); Aidar Iu. Khabutdinov, *Lidery natsii* (Kazan, 2003).

One specific debate over Islamic law that emerged in Eastern Europe and Siberia is the question of the night prayer (Arabic: *'isha'*, Tatar: *yastî namazi*). The problem results from the northern geographic location of a part of the Tatar settlements. As there is no complete darkness during the short summer nights in the northern parts of Russia, how should Muslims perform the fifth of the mandatory daily prayers, which, according to some traditions of the Prophet, has to be conducted “after the disappearance of the dusk” (*ba'da ghaybubat al-shafaq*)? Many Hanafi scholars deduced from this *hadith* that the complete darkness is the *sabab* (here in the sense of “cause”) of the *'isha'* prayer, which led them to the conclusion that Muslims in the north do not have to perform this prayer when there is no full night.

The problem is as old as the Muslim presence in the north. Ibn Fadlan, who visited the Khanate of Volga–Bulgharia in 921 CE with an Abbasid diplomatic mission, observed that the Muslims of Bulghar observed the *'isha'* together with the sunset prayer (*maghrib*).²⁵ But there were also other options. When Central Asian Hanafi scholars started to discuss this question in earnest in the eleventh century, some of them opted for the dropping of the night prayer when darkness is absent. The first of these was reportedly a certain Shaykh Sayf al-Sunna al-Baqqali from Khorezm. His contemporary, Shams al-A'imma al-Halawani (d. 447/448 H; 1055–57 CE), is reported to have first produced a *fatwa* against the elimination of the *'isha'*, but then apparently changed his opinion and also argued for leaving it out. In 495 (1102 CE), another Hanafi scholar, Burhan al-Din Abu l-Sudur al-Kabir, produced in Bukhara a new *fatwa* against the omission of the night prayer, while Abu l-Sudur's disciple, Zahir al-Din Hasan ibn 'Ali al-Marghinani (lived around 600/1203), argued that Muslims are obliged to drop it when the full night does not materialize. But the opposite view also remained popular, and was held by Zahir al-Din Abu Bakr Muhammad ibn Ahmad al-Marghinani (d. 619/1222) from Bukhara, by the Egyptian scholar Kamal al-Din Muhammad Ibn al-Humam (d. 861/1457), and by the Ottoman *faqih* Shams al-Din Muhammad ibn 'Abdallah al-Timurtashi (d. 1004/1595); while a scholar from Aleppo, Burhan al-Din Ibrahim ibn Muhammad al-Halabi (d. 956/1549), argued for the elimination. The problem might have been brought to the attention of these foreign scholars through visiting Tatar students, or through requests for *fatwas*.²⁶

In the Tatar lands themselves, the first scholar who dealt with this question was a certain Mulla A'zam ibn 'Abdarrahman al-Tanaki al-Bulghari, who in 1143 (1730–31) first opted for the dropping of the *'isha'* during the “white nights”, but then revised this decision in another *fatwa*.²⁷ In the late eighteenth century, another *fatwa* on the inapplicability of the *'isha'* duty in the northern summer was produced in Orenburg by Ishniyaz ibn Shirniyaz al-Khwarazmi, a scholar from Urgench in Khwarazm who enjoyed considerable authority among the Tatars.²⁸

²⁵ *Ibn Fadlan's Reisebericht*, German transl., comm., Arabic ed. Zeki Validi Togan (Leizig, 1939), 53f.

²⁶ On these debates, see Shihab al-Din al-Marjani, *Nazurat al-haqq fi fardiyyat al-'isha' wa-in lam yaghib al-shafaq* (Kazan, 1287/1870–1), 120–23.

²⁷ Marjani, *Nazurat*, 142–3; Marjani, *Mustafad al-akhbar fi ahwal Qazan wa-Bulghar*, vol. 1 (Kazan, 1880), 72f; vol. 2 (Kazan, 1885), 314–15.

²⁸ Marjani, *Mustafad al-akhbar*, vol. 2, 216 and 296.

While the option of dropping was a clear and easily applicable solution, those scholars who argued for keeping the *'isha'* duty also in the absence of the night came up with various alternatives about when exactly the prayer should be observed. Should it be prayed together with the *maghrib* prayer? Or should it be prayed somewhere in between the *maghrib* and *subh* prayers? Or should it be prayed when night falls in Mecca, or in the nearest place where indeed the full night occurs? This diversity of opinions on this important issue of ritual practice threatened to split the Muslim community. Let us see how the above-mentioned Tatar scholar 'Abd al-Rahim al-Bulghari described the situation in his small Arabic-language treatise on this issue (probably dating from the early nineteenth century):

I saw that most of the Bulghar people [*ahl al-Bulghar*, that is, the Muslims of the Volga–Urals region] do not pray [the night prayer] in the short nights, claiming that they have to drop the *'isha'* because they fear that they will otherwise fall into unbelief (*kufir*) (...). Others, however, pray [the night prayer] after the disappearance of the red sunset gleam (*al-humra*); they claim that they are following a certain *fatwa*. Each group says that the other is falling into corruption (*fisq*), in so far as the first group has given up a duty [*fard*, namely the duty to pray five times a day], while the second prays before the time [established by Allah for the night prayer]. Both groups claim that they are right and that the error is with the other party, and both follow the statements of certain scholars of Islamic law without knowing the truth of the issue.²⁹

The problem, so said 'Abd al-Rahim al-Bulghari, is the definition of the dusk (*shafaq*). For clarifying this term, he referred to no less than thirty-three Hanafi authors and legal works. These quotations boil down to a disagreement between Abu Hanifa (d. 767) and some later Hanafis. Abu Hanifa understood the *shafaq* to be the “white glow” (*al-bayda*) in the sky, which remains after the disappearance of the “red gleam” (*al-humra*). But some respected Hanafi works of the later centuries, like Ahmad al-Quduri's (d. 1037) very popular *Mukhtasar* and Hafiz al-Din al-Nasafi's (d. 1310–11) *Kanz al-daqa'iq*, argued that *shafaq* referred to the red gleam, which would enable Muslims to pray the night prayer in spite of the fact that there is still some (“white”) light shining in the sky.

In this dispute, 'Abd al-Rahim took sides with the “abolitionists”, which he established as holding or supporting Abu Hanifa's view. In his view, Allah's will established the praying times in a secure, indisputable manner (that is, by *al-yaqin*). A regulation pertaining to the exact times for individual prayers can only be abrogated by another *yaqin*, not by a mere assumption (*zann*). Accordingly, the absence of darkness means that it is not allowed to perform the *'isha'*, for conditions for its observance are not safely met:

²⁹'Abd al-Rahim ibn 'Uthman [al-Bulghari], *Risala shafaqiyya*, Kazan Federal University, Lobachevskii Library, Section of Rare Books and Manuscripts [in the following: KFU RBM], manuscript 2400-g, fols 76a–79b, here: 76b.

According to Qadikhan,³⁰ the *'isha'* is not permitted if it is conducted after the disappearance of the red gleam but before the disappearance of the white gleam that comes after the red gleam. To conduct a prayer before the designated time constitutes a great threat and danger to one's belief.³¹

Therefore, 'Abd al-Rahim al-Bulghari regarded the performance of a prayer before its set time as a greater form of disobedience (*'isyan*, towards God) than the dropping of any prayer without good excuse. Whoever performs the *'isha'* before the end of the white gleam is sinful because he has given up the necessary amount of scrupulosity (in the sense of careful abstention from dubious things, *ihdiyat*). In contrast, the person who drops the *'isha'* under these conditions in the northern regions cannot be blamed because he cannot see the "cause" (or indicator, *sabab*) of the prayer, since without the *sabab* there is also no object (*musabbab*, that is, the thing that is produced by the *sabab*; here: the night prayer).

Yet the opinion of Abu Hanifa was not shared by his major disciples, Muhammad al-Shaybani (d. after 804) and Abu Yusuf (d. 805), for the latter two are reported to have called a prayer valid even if the person praying was not sure whether he had picked the correct time of the day or not. Yet here 'Abd al-Rahim al-Bulghari categorically explains that the opinion of Abu Hanifa must be preferred over that of his disciples because of Abu Hanifa's authority as the founder of the Hanafi school (*sahib al-madhhab*).³²

We thus see that 'Abd al-Rahim al-Bulghari's position regarding this question is the *taqlid* of Abu Hanifa. It should be added, however, that in regard to some other legal issues (as, for instance, in the question of the purity of products of non-Muslim tanneries)³³ Bulghari gave priority to the positions of Muhammad al-Shaybani and Abu Yusuf, especially when these positions seemed to be closer to his own demand for utmost scrupulosity (*ihdiyat*). It would, therefore, be more appropriate to see Bulghari's path as a *taqlid* of the larger group of the founding fathers of the Hanafi school, with the possibility of picking and choosing from among these school builders in case of dissent among them. The difference is not significant; what matters is that 'Abd al-Rahim stood for the attempt to resolve any issue, or to answer any question, by reference to the great school masters, and in case of dissent to follow the opinion that appeared as the "safest" option with regard to personal piety. For the sake of simplicity, we can call this approach "traditionalism".

'Abd al-Rahim al-Bulghari was an "oppositionist" preacher, and probably even an itinerant imam who never ever found a permanent position for himself at one of the mosques in the region. He had no "license" from the Muftiate in Ufa that would "register" him as imam of this

³⁰ "Qadikhan" refers to the *fatwa* collection of the Hanafi scholar Fakhr al-Din al-Hasan ibn Mansur al-Uzjandi al-Farghani Qadikhan (d. 1196); this work was widely popular in both Central Asia and in the Volga-Urals.

³¹ 'Abd al-Rahim ibn 'Uthman, *Risala shafaqiyya*, fol. 76b.

³² 'Abd al-Rahim ibn 'Uthman, *Risala shafaqiyya*, fol. 78a.

³³ 'Abd al-Rahim ibn 'Uthman [al-Bulghari], *Risala-i dibagha*, KFU RBM 2400-g, 79b-87a; Kemper, *Sufis und Gelehrte*, 201-02.

or that village, and accordingly he often changed places.³⁴ Yet his position on the *'isha'* coincided with that of the major “official” Tatar scholars of his time, including Fath Allah al-Uruwi (d. 1843) and Baymurad al-Mangari (d. 1848), who also demanded that the *'isha'* be dropped during the short summer nights.³⁵

It is against this “traditionalist” consensus that the above-mentioned ‘Abd al-Nasir al-Qursawi came up with a fervent argument for the opposite view, which we can regard, again with some reservation, as “fundamentalist” in nature.³⁶ For the issue of the night prayer, this entails an emphasis on the texts of the Prophet’s Sunna, for ascertaining the primary duties of a Muslim, against which some secondary issues, including the *sabab* of the prayer, are relegated to the personal discretion of the scholar.

According to Qursawi, the Sunna clearly demands five prayers, but it also leaves room for *ijtihad* in resolving the question of the time span (*mudda*) of when to conduct these prayers. In the case of the *'isha'*, the prophetic statement “when the dusk has disappeared” (*hina ghaba l-shafaq*) can only be taken as an indication (*'alama*) for the prayer, not a *sabab* in the sense of “cause”:

When the indicators (*al-'alamat*) appear [in the sky], this must be seen as something that makes things easier for the believer, because this way the prayer duty is linked to a clear [natural] phenomenon. But when one of these indicators – like the disappearance of the dusk in our country – does not materialize, although the time span (*mudda*) for the prayer is given, then [God’s] order [to pray] has to be seen against the background of the real situation (*al-haqiqa*), and is identified through the time span [that is, the availability of enough time for the prayer]. In this way, [God’s] order is linked to the time span; and in a certain sense, this is also something apparent [*zahir*, in the same manner

³⁴ For biographical notes on ‘Abd al-Rahim, see Marjani, *Mustafad al-akhbar*, vol. 2, 239–41; Murad al-Ramzi, *Talfiq al-akhbar wa-talqih al-athar fi waqa’i’ Qazan wa-Bulghar* (Orenburg, 1908), vol. 2, 434–35; Rida’ al-Din ibn Fakhr al-Din [Fakhreddinov], *Athar*, part 6 (Orenburg, 1904), 300–16.

³⁵ Fath Allah ibn al-Husayn al-Uruwi, *Risala fathiyya*, KFU RBM 999-g, fols 107b–117a; Baymurad al-Mangari, *Risala fi awqat al-salat*, Institute of Oriental Manuscripts of the Russian Academy of Sciences, St. Petersburg, ms B2962, fols 12b–16b.

³⁶ The terms “traditionalism” and “fundamentalism” are, of course, highly problematic and deeply politicized. I refer to “traditionalism” as an approach based on the respect one has for one’s own school of law, and on the conviction that its masters, and the disciples of these masters, did their best to preserve the original meaning of the Islamic revelation even in cases where they applied rational methods of interpretation (which implies that a “traditionalist” mufti will always try to back up his views with citations from the writings of the grand masters of his school). In contrast, I use the term “fundamentalism” to describe the trend that demands direct consultation of the Qur’an and the Sunna (as the fundamental texts of Islam), and that regards the centuries of school tradition as a human enterprise, with many errors that became cemented by the subsequent generations of scholars who produced more commentaries and glosses on the school’s standard works, but without going back to the Qur’an and the Sunna. Of course, in practice, many scholars situated themselves in between these two extremes. For the political use of “traditionalism” in today’s Tatarstan, see Alfrid K. Bustanov and Michael Kemper, “Valiulla Iakupov’s Tatar Islamic Traditionalism,” *Asiatische Studien – Études Asiatiques* 3 (2013): 809–35.

as the natural “markers”]. The *asbab* (“external reasons”) of the legal prescriptions are in reality only hints (*‘amarat*) at the duties imposed by the lawgiver [that is, God]; they are no causes [here: *mujiba*, that is, of the prescriptions].³⁷

“Time span” here refers to the period between sunset and morning prayer, no matter whether full darkness materializes or not. The *mudda* thus guarantees the separation of the prayers and precludes that they all fall into one prayer. In extreme cases, even the fusion of all three prayers is feasible; this could be the case when there is no time between sunset and morning prayers for conducting a separate night prayer, so that the three prayers would obviously have to be read in direct sequence. This Qursawi legitimizes by reference to a *hadith* according to which the Prophet himself once used to pray certain *salat* prayers in one, due to necessity on military campaigns. Eventually, the Muslim has to find his own solution; what remains undisputed is that there must be five prayers a day.³⁸

While during his lifetime Qursawi was harassed as a trouble-maker, after his early death in 1812, his position on the duty of the night prayer quickly gained acceptance. Already in 1232/1816–7, the Emir of Bukhara, Amir Haydar (ruled 1800–1826), issued a *fatwa* for keeping the *‘isha*’ also during short nights; and in 1819 the Ufa Mufti Muhammadjan ibn al-Husayn (Khusainov, in office 1788–1825) also produced a *fatwa* to this effect.³⁹ Until the late nineteenth century, many other Tatar scholars would follow suit; the most famous defense of the night prayer came from Shihab al-Din al-Marjani, who published a lengthy treatise on this particular issue in Kazan in 1870. Like Qursawi before him, Marjani used the *‘isha*’ case for demonstrating the priority of the “core duties” over the “secondary” elements mentioned in the Sunna or those developed by later scholars, and to him we also owe a first historical overview of how the debate had evolved in Central Asia and in the Tatar lands, as discussed above.⁴⁰ Today, the *‘isha*’ problem is no longer a hot topic; Muslims in Tatarstan use to perform it one and a half hours after the evening prayer.⁴¹

The Question of Dar al-Islam

While the debate on the issue of night prayer reflected the geographical specificities of the Tatar Muslim community, Tatar Muslim legal scholars of the nineteenth century also debated a

³⁷ Abu l-Nasr ‘Abd al-Nasir ibn Ibrahim al-Bulghari al-Qursawi, *al-Irshad li l-‘ibad* (Kazan, 1904), 58. For an annotated Russian translation of Qursawi’s major book, see Gul’nara Idiatullina (transl.), *Abu-n-Nasr Kursavi. Nastavlenie liudei na put’ istiny (al-Irshad lil-‘ibad)* (Kazan, 2005).

³⁸ al-Qursawi, *al-Irshad li l-‘ibad*, 59.

³⁹ Marjani, *Mustafad al-akhbar fi ahwal Qazan wa-Bulghar*, vol. 2, 188–89; 290ff.

⁴⁰ Marjani, *Nazurat*.

⁴¹ Personal communication with Dr. Alfrid Bustanov, Kazan (December 19, 2013). The related question of how to undertake the fasting for Ramadan during “the long days” of the northern summer was authoritatively dealt with by a prominent Tatar Jadid with a clear Islamic profile, Musa Jar Allah Bigi (1875–1949), in his *Ozün könlärdä ruzä* (Kazan, 1911).

number of issues that had direct *political* relevance. For instance, from an Islamic point of view, it was important to ascertain whether the Orthodox Christians really belonged to the “people of the book”, or whether they were pagans; the latter impression was obviously based on the perception that Russians used to pray to icons. It is against this background that the anonymous author of a treatise called *Risala fi nikah al-kitabiyya* (probably in the mid-nineteenth century) discussed whether Muslim men are allowed to marry Christian Orthodox women. As he explained, the reverence for icons does not deprive the Orthodox believers of their status as “people of the book” who believe in one God and who have received a divine revelation.⁴²

The fact that Muslim Tatars were living in constant interaction with Christians is also reflected in ‘Abd al-Rahim al-Bulghari’s writings. For him, however, it remained imperative to stay away from Christians, and to not adopt their habits. Bulghari prohibited the use of Western furniture (chairs, tables, beds) as well as Russian *samovars* and tea drinking (which he regarded as frivolous luxury), not to speak of alcohol.⁴³ Bulghari’s call for the strictest asceticism was directed against the growing Tatar bourgeoisie, engaged in trade, who accepted features of the Russian lifestyle, and against the Muftis’ policy of integrating the Islamic community into Russian society and economy.

Behind all this stood the broader question of whether Muslims living in the Tsarist Empire still belonged to the “World of Islam” (Dar al-Islam), or whether Russia had to be regarded as a “Land of War” (Dar al-Harb).⁴⁴ In the North Caucasus, many Islamic scholars saw Russian colonial expansion as a threat to Islam; these scholars supported the *jihad* movement of the three Daghestani Imams, the most famous of which was the third Imam Shamil (r. 1834–1859). And when this *jihad* was eventually crushed by the Russians, some Daghestani scholars encouraged all Muslims of the Caucasus to move to the Ottoman lands.⁴⁵ The Russian authorities, in fact, supported this *hijra* movement, which resulted in a huge exodus, especially of Chechens and Circassians.

In the Volga lands, things were quite different; most scholars came to defend the view that Islamic life was possible also under Russian rule, and that the Tatar lands should be regarded as Dar al-Islam.

The easiest option of defending this view was to simply ignore the presence of the Russians. An early example of this position is a Persian-language *fatwa* by a certain Yunus Akhund ibn Iwanay (d. 1688 or 1691) on the applicability of the *‘ushr* tax in the Tatar lands. Yunus judged that *‘ushr* still needed to be paid, but he left it open to which (Muslim) ruler it should be paid;

⁴² *Risala fi nikah al-kitabiyya*, KFU RBM 999-g, fols 132b–135a.

⁴³ See, for instance, ‘Abd al-Rahim al-Bulghari, *Risala fi dhamm shurb-i chay*, KFU RBM, ms 1635-g, fols 3b-6b; Änvär Shäripov (ed.), *Gäbderäxim Utüz-Imäni äl-Bolğari* (Kazan, 1986), 89–93.

⁴⁴ Cf. Komatsu Hisao, “Dar al-Islam under Russian Rule as Understood by Turkestani Muslim Intellectuals,” in *Empire, Islam and Politics in Central Eurasia*, ed. Uyama Tomohiko (Slavic Eurasian Studies No. 14) (Sapporo, 2007), 3–21.

⁴⁵ Michael Kemper, “The Daghestani Legal Discourse on the Imamate,” *Central Asian Survey* 21(3) (2002): 265–78.

that is, he acted as if nothing had changed since the Islamization of the Bulghar khanate in the tenth century.⁴⁶

The debate was widened by a certain Mulla Murtada ibn Husayn al-Burali, a person about whom we know nothing except that he produced a short treatise titled *Risala fi dar al-harb*, probably dating from the first half of the nineteenth century. In his reflection on what constitutes Dar al-Islam, this author again juxtaposes the opinion of Abu Hanifa with that of his disciples:

Our colleagues differ in opinion about when Dar al-Islam becomes Dar al-Harb. The Greatest Imam [Abu Hanifa] said: It will only become Dar al-Harb [1] when the jurisdiction of polytheism (*ahkam al-shirk*) is being applied in it, [2] when this land is adjacent to Dar al-Harb, (...), and [3] when there remains no Muslim and no *dhimmi* [that is, no representative of other religions that Islam recognizes as monotheistic] in it from those who had obtained the original *aman* [that is, the protection granted by the first Muslim ruler who conquered this territory]. If these three conditions are not met, then it does not become Dar al-Harb. (...) But [Abu Hanifa's disciples] Abu Yusuf and Muhammad al-Shaybani said: It will only become Dar al-Harb when the jurisdiction of polytheism is applied, no matter whether the land is adjacent to Dar al-Harb, or whether a Muslim or *dhimmi* remains in it.⁴⁷

However, later Hanafi scholars did not place the bar that high:

The *Multaqit*⁴⁸ mentions that the [Muslim] lands that find themselves in the hands of the unbelievers (*kuffar*) are without any doubt still part of Dar al-Islam, not of Dar al-Harb. They do not fall to the lands of Dar al-Harb as long as they are not ruled by the legislation of unbelief (*kufr*), and as long as they have Muslim *qadis* and kings of the religion (*muluk al-din*) who only obey [the unbelievers] because this is necessary for the Muslims.

Apparently, the term “kings of the religion” is meant to refer to pious Muslims and scholars, and these, in fact, continued to exist in Russia’s Muslim provinces. These excerpts from classical Hanafi textbooks thus expressed the situation of the Muslims of the Volga region, where members of the Islamic establishment, in the form of the Muftiate and its “registered” mosque

⁴⁶ See Fath Allah ibn Mulla Husayn [al-Uriwi], *Risala fi tarikh al-Bulghar*, KFU RBM 3571-t, fol. 1a.

⁴⁷ Murtada ibn Husayn al-Burali, *Risala fi bayan dar al-harb*, KFU RBM 2400-g, fols 63a–68b, here: 63ab.

⁴⁸ A compilation of the *fatwas* of the Hanafi scholar Nasir al-Din Abu l-Qasim Muhammad ibn Yusuf al-Husayni al-Samarqandi (d. 656/1258).

imams and ‘*ulama*’, had made their peace with the Christian overlords, and where the Russian state allowed a certain autonomy in matters of family law and the Islamic ritual:

In every town (*misr*) where there is a Muslim governor (*wali*) [put or left in office] from the side [of the unbelievers], it is allowed to conduct the Friday and feast prayers, to collect the *kharaj* taxes, to follow the [Islamic] jurisdiction (*qada*’) and to conduct marriages, because there is a Muslim who rules over [the Muslim population of that given territory]. If Muslims pay obedience to the unbelievers (*kafara*), then this is to be understood as a truce (*muwada’a*) or as outright deception (*mukhada’a*) [from the side of the Muslims towards their non-Muslim rulers].⁴⁹

This was how far Islamic law could go in adapting to non-Muslim rule: Muslims were encouraged to obey non-Muslims for the sake of necessity as long as they could maintain their own Islamic identity and obey the Islamic legal regulations, and have their acknowledged representatives. In the case of Inner Russia, the existence of a Muslim governor was, of course, a fiction. The text seems to leave room for regarding the Mufti in Ufa as a “Muslim governor”, although his authority was limited by, and dependent on, the Russian administration. Yet we know that at least one of the subsequent Muftis in Ufa, ‘Abd al-Wahid ibn Sulayman (in office 1840–1862), referred to himself as the “leader (*ra’is*) of the Muslims and scholars of Russia”.⁵⁰ In other words, the Russian establishment of a Muftiate, and Catherine’s edict of tolerance towards Islam, made it possible to identify Russia’s Tatar lands as Dar al-Islam.

Friday and Feast Prayers

We saw that support for the Dar al-Islam status of the Tatar lands came from the “official”, “registered” imams and scholars, and especially from the Muftiate. In the Islamic discourse of the time, the major symbol for classifying this territory as Dar al-Islam became the question of the Friday (*jum’a*) and feast (*’id*) prayers, and the position on these questions reflected whether a given scholar supported the Muftiate (and thus the status of Dar al-Islam) or not.

It is well known that the Friday sermon (*khutba*) is a political affair. It is supposed to mention the name of the ruler, whose authority is thereby acknowledged. This is also true for the Volga–Urals, where Friday prayers used to mention the name of the Tsar. Robert D. Crews took this curious phenomenon at face value, arguing that Russia’s Muslims indeed prayed “for Prophet and Tsar”, and that they regarded the Tsar as their rightful ruler and protector of Islam.⁵¹ In fact,

⁴⁹ al-Burali, *Risala fi bayan dar al-harb*, fol. 64a.

⁵⁰ As reported in Rida’ al-Din ibn Fakhr al-Din, *Athar*, part 13 (Orenburg, 1907), 366–67.

the Ufa Mufti, ‘Abd al-Salam (in office 1825–1840), issued *fatwas* in which he plainly demanded that the local imams bless the *padishah imperator* and his family in their sermons, and he called upon Russia’s Muslims to follow the orders of the Tsar’s government, to pay the taxes, and to deliver the services that were demanded from them.⁵² While Crews’ argument is thus formally correct, it is still open to question whether this acceptance of non-Muslim authority by the Muslim community of Russia was not just understood as a temporary necessity, as indicated above. Crews adduces a number of other documents that support his claim that Muslims in Russia regarded the Tsar as their protector, especially petitions drafted by Muslims. But here again one wonders whether the petition-writers were not praising the Tsar for opportunistic reasons, namely to obtain satisfaction of their particular grievances.⁵³ In any event, the Muslims learned to play the game, whether out of a sense of conviction or by maintaining a legal fiction.

Yet there were also Tatar ‘*ulama*’ who were clear in their rejection of non-Muslim rule. These views were expressed in the discourse of Islamic law, and centered around the question of the Friday prayer.

Seemingly, the first *fatwa* on the question of the legitimacy of Friday prayers in the Volga–Urals region came from a certain Mawlud ibn Mustafa ibn Yunus (d. 1236/1820–21) from the village of Qaltay near Ufa. It is reported that Mawlud became *akhund* (that is, senior imam) of Qaltay in 1778. This is interesting because it shows that already ten years before the Russian government set up the official Muftiate in Ufa, local imams had cooperated with the authorities and had obtained titles from them. It is no surprise, then, that Mawlud argued (on the basis of texts by al-Shafi‘i and Muhammad al-Shaybani) that the Friday prayer is valid in the Volga–Urals area. As the only condition for this, he mentioned the presence of an imam and of forty believers at the congregation.⁵⁴

But again there were also Hanafi textbooks that clearly required the existence of an (Islamic) leader (*amir*) and of a *qadi* “who carries out the [Islamic] regulations (*ahkam*) and the *hudud*-punishments.” Furthermore, the Friday sermon “must be carried out by a Sultan or his representative.”⁵⁵ As there had been no Muslim Sultan in the region since the Russians had occupied the area in the sixteenth century, and no *qadi* to speak of (the Muftiate in Ufa had two *qadis*, but they had largely secretarial, not legal functions), our “oppositional” preacher ‘Abd al-Rahim al-Bulghari saw good reason to vehemently reject the legality of Friday sermons in the Russian Empire. In a small treatise on the Friday sermon issue, Bulghari also argued that in many villages the Muslims were so uneducated that they did not know how to pray properly,

⁵¹ Robert D. Crews, *For Prophet and Tsar: Islam and Empire in Russia and Central Asia* (Cambridge, MA: Harvard University Press, 2006).

⁵² Rida’ al-Din ibn Fakhr al-Din, *Athar*, part 7 (Orenburg, 1904), 358.

⁵³ This argument was also articulated by James H. Meyer, “Speaking Sharia to the State: Muslim Protesters, Tsarist Officials, and the Islamic Discourses of Late Imperial Russia,” *Kritika* 14(3) (2013): 485–505. See also, in a different context, Paolo Sartori, “Authorized Lies: Colonial Agency and Legal Hybrids in Tashkent, ca. 1881–1893,” *Journal of the Economic and Social History of the Orient* 55(4–5) (2012): 688–717.

⁵⁴ Rida’ al-Din ibn Fakhr al-Din, *Athar*, part 3 (Orenburg, 1903), 153–54.

⁵⁵ *Tuhfat al-muluk tarjumasi* (Kazan, 1904) (a Tatar translation of the original Arabic work), 41.

which would make the Friday and feast prayers invalid, with the imam becoming an “innovator” (*mubtadi‘*) who leads his flock astray.⁵⁶ By rejecting the legitimacy of the Friday prayer, Bulghari implicitly argued that the Volga–Ural region belonged to Dar al-Harb, and that the Muftiate’s claim to safeguard the Islamic identity of the region was sheer vanity and not legitimate.

Similar to what we saw above in the question of the night prayer, Bulghari’s “traditionalist” argument was refuted by ‘Abd al-Nasir al-Qursawi, who based his argument on the Sunna of the Prophet and on very practical considerations. Qursawi argued that a person living in Dar al-Harb has no opportunity to know the Islamic regulations, because these are not taught in the land of the enemy. This would eventually even exculpate Muslims in these territories from the sin of not performing these rituals.⁵⁷ But this was obviously not the case in Russia, where Islamic schools did exist. Qursawi, therefore, defended the performance of Friday prayer.

As was characteristic of his way of arguing, Qursawi’s argument started with a reference to the general obligation of carrying out the *jum‘a* prayer, as stated in Qur’an 62:2 and in some *hadiths*. According to Qursawi, there is a consensus (*ijma‘*) that the Friday prayer is an Islamic duty. To be sure, Abu Hanifa had indeed mentioned that a *misr* was needed, which he obviously understood as a major town with markets and with an Islamic ruler who applies Islamic law. But this, so Qursawi argued, only indicated that Abu Hanifa did not allow a Friday ceremony in the desert and in the smallest villages. Other Hanafi scholars even held it possible to have the *jum‘a* in summer or winter camps of nomads, under the condition that there is a *misr* at least in the vicinity. From this, Qursawi concluded:

[To be sure,] in our lands there is no such place (*mawdi‘*) [that is, a *misr* with an Islamic ruler]. For that reason, the *jum‘a* and *‘id* prayers are [in the Volga–Urals] even necessary in the villages, for the Qur’an, the Sunna and the consensus all agree that they are obligatory. The conditions concerning the place [where these prayers are to be held] belong to those issues in which *ijtihad* is possible.

This line of reasoning we have found already in Qursawi’s arguments for the maintenance of the night prayer in the white nights: the basic obligation makes secondary regulations obsolete if these latter cannot be fulfilled physically.

It is interesting to see how Qursawi attempted to reduce the apparent contradiction between his view and that of Abu Hanifa. In order to not make himself vulnerable to the reproach that he had left the Hanafi school, Qursawi explained that one should differentiate between Abu Hanifa’s correct *madhhab* and the mistaken *fatwa* that he might have produced in addressing a particular question:

⁵⁶ ‘Abd al-Rahim ibn ‘Uthman al-Bulghari, *Risala fi l-jum‘a*, KFU RBM 182-t, fols 1b-5b.

⁵⁷ al-Qursawi, *al-Irshad li l-‘ibad*, 28.

My own *fatwa* on the issue of the *jum‘a* in the villages that do not have a *misr* in their vicinity is still in accordance with the legal school of Abu Hanifa, because his *madhhab*, and indeed the *madhhab* of all people of knowledge, is to prefer what is indeed irrefutable (*qati‘*) to what is only probable (*muhtamal*). (...) The *madhhab* [lit.: the going, derived from Arabic *dhahaba*, “to go”] stands for the path that comprises *ijtihad* and *tarjih* [the latter meaning to prefer a strong argument over a weak one], and it does not stand for simply following this or that *fatwa*. Just as people say “you go to a certain goal” (*madhhab ilayha*), not “you go in this or that” (*madhhab fiha*). (...) The *madhhab* of the person who goes to Kufa is the way to Kufa, not Kufa itself.⁵⁸

According to Qursawi, the *madhhab* of Abu Hanifa always gives preponderance to the argument that observes the necessary scrupulosity (*ihtiyat*), and for this reason it demands the consideration of a huge number of conditions also in the case of the Friday prayer. However, the Muslim who eventually gives up these conditions in order to be able to fulfill the basic duty is still following Abu Hanifa’s method. And if Abu Hanifa himself erred in his exercise of *ijtihad* because he did not find the most important text proof (*dalil*), then he is excused by God for this shortcoming.⁵⁹

What we see also from this case study is that Qursawi did not mean to leave behind the Hanafi *madhhab*. Rather, he digressed from the opinion of the school masters only in those cases where he found that they contradicted the demands of Qur’an and Sunna, which had priority over everything written by later legal scholars. And while the basic duties are inviolable, the precise manner in which they are to be carried out left room for new *ijtihad*. For Qursawi, the Hanafi school was not a corpus of holy texts, but a methodology for exerting one’s own *ijtihad*. We may, therefore, assume that Qursawi regarded his method as *ijtihad fi l-madhhab*, “*ijtihad* within a given legal school”.

Very different was ‘Abd al-Rahim al-Bulghari’s approach. In all matters, he first used to refer to the respected masters of the Hanafi school who shared his view on a given question; his firm belief in the reliability of the scholars of the preceding centuries made any direct reference to Qur’an and Sunna unnecessary, or merely a secondary issue. For Qursawi, *ihtiyat* (“caution, piety, scrupulosity”) meant taking the safest path towards the implementation of the demands of Qur’an and Sunna. For ‘Abd al-Rahim, *ihtiyat* meant the scrupulous following of the texts of the legal scholars; to embark upon an own interpretation of Qur’an and Sunna would, in his view, be a token of irreverent presumption.

Conclusion

⁵⁸ This and the preceding quotation in al-Qursawi, *al-Irshad li l-‘ibad*, 61–62.

⁵⁹ al-Qursawi, *al-Irshad li l-‘ibad*, 63.

In my introduction, I have argued that the Jadids, and then the Soviet Marxists of the period from the 1950s to the 1980s, regarded both ‘Abd al-Nasir al-Qursawi and ‘Abd al-Rahim al-Bulghari as exceptional Muslim thinkers who fought for rationalism and progress, and who thus paved the way towards Jadidism and eventually towards secularism and socialism among the Tatars. Our brief discussion of the prayer disputes has shown that this interpretation is difficult to sustain in this form.

First, the cases reveal that both men operated within the classical field of Islamic law, in which they were firmly grounded. Both Qursawi and Bulghari argued from within the Hanafi tradition, and dealt with questions that pertained to the correct performance of the Islamic ritual. There is no indication in their works that their reasoning was geared towards “enlightenment”, that is, towards an emancipation from any perceived Islamic straitjacket, as the Jadids and later the Marxist historians argued. For both men, the goal was to disclose, and popularize, what they saw as the correct interpretation of how to practise Islam. Both were guided by the concept of *ih̥tiyat*, that is, of carefully weighing all options and then giving preference to the “safest” solution, in order not to risk falling into sin.

At the same time, Qursawi and Bulghari are difficult to put into one unidirectional movement because they opposed each other, not only in their solutions to the individual legal and/or ritual problems, but also in their methods: the former stood for *ij̥tiḥad* (“within the *madh̥hab*”), the latter for *taqlid* (“of the *madh̥hab*”, so to say). But while this places them at different ends of the ideological spectrum, we find that *taqlid*, as practised by Bulghari, is in its implementation not very different from *ij̥tiḥad* insofar as also Bulghari often had a wide spectrum of opinions from which to choose. In this sense, ‘Abd al-Rahim’s discussion of all the controversies within the Hanafi school gives support, paradoxically, to Qursawi’s view that the Hanafi school was not one unified corpus, but rather needed to be seen as a common tradition of dispute. Finally, another commonality that united the two scholars was that both ‘Abd al-Rahim and ‘Abd al-Nasir had spent considerable time studying in the *madrasas* of Central Asia, and that both were disillusioned with the dogmatic approaches of the Bukharan theologians and jurists (and with the Tatar establishment muftis who followed their Bukharan masters). From this perspective, we have to conclude that both Qursawi and Bulghari, in spite of their methodological differences, stood for a critique of the Central Asian tradition as it had been implemented in Bukhara, and as it had been brought to the Volga–Urals by the generations of Tatar students who had followed the lectures of the Central Asian Hanafi teachers in Bukhara and Samarkand.

The examples of Qursawi and Bulghari, therefore, give us a good indication of how Islamic legal debates came from Central Asia to the Volga–Urals, and how Tatar scholars developed their own critiques of that Central Asian Hanafi tradition—with both claiming to not challenge the Hanafi *madh̥hab*, but, to the contrary, to give it new life. We are obliged to recognize their achievement on their own merits, that is, independently of what the later Jadids and others made out of it.

Another paradoxical conclusion is the following. In contemporary Western (and Muslim!) Islamic studies, the general tendency is to regard *ij̥tiḥad* as something positive, as having emancipatory potential, and in some cases as even providing the basis for national–liberation movements against Western colonialism. For Westerners and Westernizers, *ij̥tiḥad* is more attractive than *taqlid*, the latter being the symbol of intellectual stagnation. However, if we look

at the three legal debates discussed above, we find that the most revolutionary path—the one against the established order of cooperation with the Russian administration—was that of the representative of *taqlid*, ‘Abd al-Rahim al-Bulghari, who completely rejected any relations with the unbelievers, and who went as far as telling his fellow Muslims that they did not live in Dar al-Islam. The uncompromising negation of the existence of Islam in Russia was for him the price that had to be paid for safeguarding Islam from corruption.

So was Islam in the Volga–Urals of the Russian Empire stagnant before the Jadids arrived on the scene? Our text documentation is rather fragmentary, due to the destruction of the Islamic libraries brought about by the Soviets in the 1930s. Still, the surviving manuscript collections in Kazan, Ufa, and other places hold thousands of Arabic and Turkic manuscripts on legal and theological issues that nobody has ever looked at over the past one hundred years. What we saw from the cases described above is that since the establishment of the Muftiate in 1788, the Islamic discourse in the Volga–Urals of the Russian Empire gained an impressive dynamism. We also saw that legal debates on questions of ritual could have considerable political implications for the Tatars in Russia. So instead of describing it as “stagnation with few exceptions”, one could better characterize the Islamic discourse of those early decades of the nineteenth century as a partially autonomous field with its own dynamics. The links with Central Asia enabled and fed the Tatar discourse on Islam, but the major developments were local, and were partly directed against the interpretations of Central Asian scholars. And while the Russian state tried to control the Islamic establishment (through the Muftiate), and limited the implementation of Islamic law, private Islamic scholars formulated legal responses to what they perceived as the challenges of the time. These manuscript treatises and *fatwas* often opposed each other, some of them being openly provocative, but they were all united by the adoption of remarkable methodological skills and standards.

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