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# *Ijtihād* in Putin’s Russia? Signature Fatwas from Moscow and Kazan

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## Abstract

The present article analyzes the recent fatwa production by two of Russia’s major muftiates, the traditionalist Spiritual Administration of Muslims of the Republic of Tatarstan (DUMRT) in Kazan and the modernist Spiritual Administration of Muslims of the Russian Federation (DUMRF) in Moscow. The author investigates the methodologies that Russia’s muftis follow when elaborating fatwas, and the global links that surface from their source bases. DUMRT’s *taqlīd*, or imitation, of elements of the Ḥanafī school of Islamic law is contrasted with DUMRF’s program of *ijtihād*. DUMRF’s claims to *ijtihād*, *wasatīyya* and minority *fiqh* are tested by the analysis of controversial fatwas about marriage, conversion, and divorce in Russia. This paper introduces the term “signature fatwa” to denote fatwas that are meant to demonstrate the particular identity of a given muftiate, and that serve as a tool for its political positioning vis-à-vis the Kremlin, other fatwa-producers, and the Muslim communities. The present contribution addresses scholars of Islam in Eastern Europe as well as students of Islamic law in Muslim minority situations, including in the European Union.

## Keywords

Islamic law – marriage – conversion – divorce – *fiqh al-aqallīyyāt* – *wasatīyya* – Yūsuf al-Qaraḍāwī – *taqlīd* – Tatars – Ḥanafism – Kremlin

## Introduction

After Russia's invasion of Ukraine in February 2022, many Islamic leaders in Russia hurried to express their public support for the Kremlin's war goals. Chechnya's Mufti Salakh Mezhiev announced that Chechens who joined Putin's "special military operation" in Ukraine were in fact conducting a jihad, "fighting for Prophet and Islam".<sup>1</sup> Three weeks later a group of muftis from various parts of Russia, including Mufti Kamil' Samigullin from the Republic of Tatarstan, announced that Muslims who perish for Russia "while defending their homeland" in Ukraine will immediately become martyrs for the faith (*shahīds*).<sup>2</sup> This joint statement of Kremlin support by Russia's muftis has been circulating in the form of a "fatwa", similar to previous political fatwas and jihad declarations that Russia's muftis issued to support their governments, including in 1914 and after the German attack on the Soviet Union in 1941.<sup>3</sup> One therefore easily gets the impression that in Russia, fatwas are by nature nothing more than declarations of political loyalty that combine Kremlin slogans with quotes from the Qur'an, issued by muftis who entirely depend on the goodwill and financial support of their political masters.<sup>4</sup> But is this the whole story?

In this paper I want to draw attention to the broader genre of fatwa in Russia, arguing that in recent years, Russia's state-accredited Islamic umbrella organizations—the competing muftiates that exist on regional or all-Russian levels—have used fatwas for engaging with a whole variety of issues. Formulated as a response to a question from a layperson (the *mustaftī*), a fatwa is formally a non-binding legal opinion; its acceptance ultimately depends on

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- 1 Kavkaz realii, "Muftii Chechni nazval vtorzhenie v Ukrainu 'voinoi za proroka i islam'" (28 February 2022); Kavkazskii uzel, "Muftii Chechni ob"iasnil dzhikhadom uchastie zemliakov voennom konflikte na Ukraine" (28 Feb. 2022).
  - 2 Kavkaz segodnia, "Obrashchenie liderov musul'manskikh religioznykh organizatsii" (16 March 2022). See also Tsentral'noe dukhovnoe sobranie musul'man Rossii, "Verkhovnyi muftii Rossii podderzhal provedenie spetsoperatsii RF na Ukraine" (2 March 2022).
  - 3 Jeff Eden, *God Save the USSR: Soviet Muslims and the Second World War* (New York: Oxford University Press, 2021).
  - 4 On the political subservience of Russian/Soviet muftiates see Renat Bekkin, *People of Reliable Loyalty: Muftiates and the State in Modern Russia* (Stockholm: Elanders, 2020); Robert D. Crews, *For Prophet and Tsar: Islam and Empire in Russia and Central Asia* (Cambridge and London: Harvard University Press, 2006); Eren Tasar, *Soviet and Muslim: the Institutionalization of Islam in Central Asia* (New York: Oxford University Press, 2017).

the prestige of the respective mufti (“fatwa-giver”).<sup>5</sup> Still, fatwas are often perceived as normative decrees; and in Russia where Muslims live in a minority situation (forming majorities, however, in certain regions of the Volga-Urals and the North Caucasus), fatwas make a significant contribution to the construction of a discursive realm of Islamic law that ignores or defies secular state legislation. The fatwa series of the major muftiates reflect competing programs for entrenching Islam in society; fatwas thereby become important markers of conflicting Islamic trends and visions.

My goal is to examine Russia's recent fatwa production from the viewpoint of Islamic legal scholarship. What methodologies are employed, and which regional or global models are followed? Which fields of law are covered, which are avoided—and what does this tell us about the ambitions of the respective fatwa-giving institutions? Finally, how consistent are Russia's programs of fatwa production? Studying these technical questions brings the Russian cases closer to scholars who encounter similar issues of fatwa methodology in other contexts, and can help to de-provincialize the study of Islam in Russia.

I introduce the term “signature fatwa” to denote a fatwa that is meant to encapsulate and mediatize the unique position of a given muftiate—the “signature” of its mufti/director or his team. The abovementioned “fatwa” in support of the war against Ukraine fulfils this function, as it publicly signals the position of the fatwa-givers vis-à-vis the state authorities and the political or ethnic/Muslim nation; however, in a situation of state-enforced war propaganda such a fatwa can hardly be called original or unique.<sup>6</sup> To qualify as a signature fatwa, a document needs to offer a sophisticated legal discussion of particular realities that Muslim communities are facing. It should furthermore display the specific methodology that the respective mufti/muftiate stands for, and reveal the historical or contemporary models it claims to be following. Importantly, a signature fatwa serves to draw attention to its producer, and to set that producer apart from his competitors.

My close reading of fatwa texts will demonstrate that in the competition for Islamic authority in Russia, the major point of distinction between the muftiates is the methodological difference between *taqlīd* (“imitation”) and *ijtihād* (“discretion”). In general, a mufti is carrying out *taqlīd* if he limits his

5 See David S. Powers, “Fatwā, Premodern”, as well as Brinkley Messick, “Fatwā, Modern”, and Bettina Gräf, “Fatwā, Modern Media.” In *Encyclopaedia of Islam Three*, ed. Kate Fleet et al. (2017 online edition).

6 For another controversial “signature fatwa” from Russia see Liz Fuller, “Grozny Fatwa on ‘True Believers’ Triggers Major Controversy,” *Radio Free Europe/Radio Liberty* (14 Sept. 2016).

research to selecting from among the judgments made by previous scholars of his Islamic legal school (which in European Russia is mostly Ḥanafism); and he is conducting *ijtihād* if he carries out independent research into the Qur'an and the Islamic tradition without limiting himself to one legal school. These different methodologies (with various shades and combinations) come with different links and references to global networks of Islamic scholarship.

For discussing the methodology of *taqlīd* in Russia this paper first reviews a corpus of about 100 online fatwas issued in 2020 by Mufti Samigullin's Spiritual Administration of Muslims of the Republic of Tatarstan (DUMRT)<sup>7</sup> in Kazan, which positions itself as "traditionalist".<sup>8</sup> DUMRT is Russia's biggest muftiate; it claims to administer around 1,400 Muslim communities on the territory of the Republic of Tatarstan in Russia's Volga area, and closely collaborates with the administration of the Republic of Tatarstan (section one).

In contrast to this program of *taqlīd* from Kazan, section two investigates the fatwa methodology of its major competitor, the Spiritual Administration of Muslims of the Russian Federation (DUMRF) in Moscow. DUMRF claims to represent all Muslims of Russia but has only few mosque communities under direct control; while it prides itself on good relations with the Kremlin it is also regularly attacked in the Russian press for not being "patriotic" enough<sup>9</sup> (and indeed, DUMRF Mufti Gainutdin did not support the "war fatwa" of March 2022 but called on his imams to conduct prayers for peace, in a sober YouTube message that even evoked the equal rights of nations).<sup>10</sup> DUMRF maintains a "modernist" public image, rejects *taqlīd*, and insists on the necessity of conducting *ijtihād*.

I will demonstrate that DUMRF in Moscow firmly anchors its fatwa methodology of *ijtihād* in the *wasatīyya* ("Moderation") trend of contemporary Islamic reformist thought. DUMRF's *wasatīyya* program raises new questions about the transfer of "minority *fiqh*" (*fiqh al-aqallīyyāt*) from the Western and global Muslim minority situation to Russia: to what extent does the preservation of Islam in Russia require Islamic regulations that differ from the ones

7 "DUM" is the abbreviation for *Dukhovnoe upravlenie musul'man*, "spiritual administration of Muslims", used in the official names of most muftiates in Russia.

8 In Russia's North Caucasus, the "Islamic traditionalism" of the muftiates of Chechnya and Dagestan is based on the Shāfi'i *madhhab*, in combination with various local Sufi affiliations. For a collection of 100 fatwas issued by the Dagestani Muftiate, see DUMRD, *Sbornik fetv: Bogoslovsko-pravovye resheniia ot dela fetv*, part 1 (Makhachkala: Muftiati Respubliki Dagestan, 2020).

9 Cf. Roman A. Silant'ev, "Turetskopredannye." *Nezavisimaia gazeta* (2 Dec. 2015); Silant'ev, "Tafsimaia voina muftiev", *Nezavisimaia gazeta* (20 April 2021).

10 DUMRF, "Prizyv muftiia Gainutdina k miru" (24 February 2022).

upheld in Muslim-majority states? The remainder of this paper therefore analyzes whether the *wasatīyya* credo is indeed reflected in the six DUMRF online fatwas that cover issues of marriage, divorce and conversion; these issues of personal status were selected because they also figure prominently in the work of the Qatar-based “global mufti” Yūsuf al-Qaraḏāwī (1926–2022), the most well-known representative of *wasatīyya* approaches. Of particular interest is a DUMRF fatwa that banned marriages of Muslim men with Christian and Jewish women in Russia, and that I will characterize as DUMRF’s most prominent “signature fatwa”. The paper’s conclusion compares the legal methodologies of *ijtihād*, *taqlīd* and *talfīq* (“forum-shopping”) in Moscow and Kazan, and reflects on the Muslim audiences that the muftiates seem to address—or fail to address.

## 1 “Traditionalism” from Kazan

DUMRT’s Mufti Kamil’ Samigullin (b. 1985, in office since 2013) emphasizes his strict adherence to the schools and spiritual lineages that dominated among Tatar Muslims in the late Tsarist period, namely Ḥanafī law and Mātūrīdiyya theology as well as Naqshbandiyya Sufism.<sup>11</sup> In Russia’s public discourse on Islam, this position is referred to as Sunni “traditionalism”. While DUMRT’s fatwas are officially formulated by DUMRT’s Council of Scholars (purportedly in response to requests from the population), Mufti Samigullin takes full responsibility for their content. In 2020, DUMRT published as many as 105 Russian-language fatwas online.<sup>12</sup> This was a unique campaign: not a single fatwa came out in 2021, and only three appeared in the first half of 2022.

11 For Mufti Samigullin’s positions in the discourse of Islam within the Republic of Tatarstan, see Leila Almazova and Azat Akhunov, “In Search of Traditional Islam’ in Tatarstan: Between National Project and Universalist Theories.” *Časopis za interdisciplinarnu studiju* 6.1 (2019): 11–46. See also Matteo Benussi, “The Golden Cage: Heritage, (Ethnic) Muslimness, and the Place of Islam in Post-Soviet Tatarstan.” *Religion, State & Society* 49.4–5 (2021): 314–330; Lili Di Puppo and Jesko Schmoller, “Here or Elsewhere: Sufism and Traditional Islam in Russia’s Volga-Ural Region.” *Contemporary Islam* 14 (2020): 135–156; Kaarina Aitamurto, “Discussions about Indigenous, National and Transnational Islam in Russia.” *Religion, State & Society* 47/2 (2019): 198–213. For the genesis of “Tatar traditionalism,” see Alfrid K. Bustanov and Michael Kemper, “Valiulla Iakupov’s Tatar Islamic Traditionalism.” *Asiatische Studien—Études Asiatiques* 67/3 (2013): 809–835. For Tatar scholarship in late Tsarist Russia see Danielle Ross, *Tatar Empire: Kazan’s Muslims and the Making of Imperial Russia* (Bloomington: Indiana University Press, 2020) as well as Nathan Spannaus, *Preserving Islamic Tradition: Abū Naṣr Qūrṣāwī and the Beginnings of Modern Reformism* (New York: Oxford University Press, 2019).

12 DUMRT, “Fetvy DUMRT”, at <http://dumrt.ru/ru/help-info/fatwas/>.

The biggest group of the 2020 fatwas (45 items) deals with issues of prayer, fasting, and ritual purity, as well as with religious taxes and donations. Another large group (23 fatwas) explains aspects of theology in the strict sense, including questions about how to imagine God and His relation to the world that He created, in accordance with the opinions of the Ḥanafī school's eponym Abū Ḥanīfa (d. 767) and other theologians of the formative and classical periods of *kalām*. These fatwas portray the Mātūrīdiyya theological school as embodying the consensus of all Tatar scholars past and present, thereby cementing the "traditionalist" link between Ḥanafism and Mātūrīdī *kalām*.<sup>13</sup> Other fatwas deal with issues of lifestyle, consumption and business (including a fatwa that declares mortgages as *ḥarām* but permits the occupation of a house that was purchased with the help of a mortgage).<sup>14</sup> Some fatwas legitimize measures to prevent the spread of the COVID-19 virus (e.g. disinfecting liquids, face masks, prayers at distance).<sup>15</sup>

Only two fatwas address issues of marriage and divorce, and they are both written from a perspective of male superiority: illicit relations are addressed via a pregnant *mustaftī* woman confessing she had sex with a man who was not her husband, asking whether she should marry him;<sup>16</sup> and the single fatwa on divorce cements the validity of the three-fold *talāq*, thereby requiring the wife to accept the divorce pronounced by her husband, and to first marry another man and then secure a divorce from that person as well before her first husband can take her back into a new marriage. Female subjecthood is literally explained as the eternal wisdom of God: "it is an expression of Allah's wisdom that He put the right of breaking up the family into the hands of the man."<sup>17</sup> There is no discussion about the rights of the wife to initiate a divorce.

It has been argued that Mufti Samigullin does not want to step on the toes of any Muslim community in his republic.<sup>18</sup> A look at the scope of DUMRT fatwas confirms this impression: there is no fatwa related to Sufism (all the while Mufti Samigullin is known as a Naqshbandi), and also the topic of Islamic radicalism

13 DUMRT, "Kakikh ubezhdenii v akyde priderzhivalis' tatarskie uchenye-bogoslovy do revoliutsii?" (4 March 2020).

14 DUMRT, "Chto delat' s ipotekoi, esli chelovek vzial ee do togo, kak stat' sobliudaiushchim musul'maninom?" (13 February 2020).

15 E.g. DUMRT, "Rekomendatsii DUM RT v sviazi s rasprostraneniem koronavirusa" (13 March 2020); DUMRT, "Reshenie Soveta ulemov DUM RT po profilaktike rasprostraneniia koronavirusa v religioznykh uchrezhdeniakh RT" (18 March 2020); DUMRT, "Portit li namaz dezinfitsiruiushchaia zhidkost', soderzhashchaia etilovyi spirt?" (31 March 2020); DUMRT, "Dzhanaza-namaz po umershim musul'manam pri epidemii" (7 April 2020).

16 DUMRT, "Nikakh v sostoianii beremonnosti" (6 January 2020).

17 DUMRT, "Opasnye igry so slovom 'TALAK'" (13 February 2020).

18 Almazova and Akhunov, "In Search of 'Traditional Islam' in Tatarstan": 32–35.

is largely evaded (except for one fatwa that explicitly allows the sale of books by Wahhabis and “Muslim sectarians” [*musul'mane-sektanty*] as long as the customer is steadfast in the correct creed).<sup>19</sup> There are no Kazan fatwas concerning the status of non-Muslims or of converts—all the while Tatarstan is a religiously mixed republic of the Russian Federation where mixed marriages are not rare. Homosexuality is not discussed, but one fatwa (about the permissibility of buying consumer goods that bear pagan names such as *Nike*, derived from a Greek goddess) explains LGBT advocacy as just another Western (or “pagan”) brand.<sup>20</sup> Such statements are arguably catering to Russia's reactionary *zeitgeist*.

The source base of DUMRF's fatwas are above all classical Ḥanafī legal compendia and fatwa collections from the medieval and early modern Central Asian, Indian and Ottoman traditions.<sup>21</sup> This observation supports our classification of Samigullin and his Tatarstani muftiate as “late Sunni traditionalists” (in the terminology of Jonathan Brown)<sup>22</sup> who emphasize continuity with pre-modern institutions of Islam. Remarkably, DUMRT fatwas do not refer to the work of any *Tatar* scholar of the past or present (all the while in other publications DUMRT celebrates the particular Tatar theological heritage).<sup>23</sup> Only a few modern and contemporary authors are quoted; these include the Turkish Ḥanafī/Māturīdī scholar Muḥammad Zāhid al-Kautharī (d. 1962), to whom Mufti Samigullin attributes one of his intellectual lineages,<sup>24</sup> as well

19 DUMRT, “Mozhet li islamskii magazin prodavat' knigi po salafitskoi akyde, soderzhashchie ubezhdeniia vakhkhabitov i pr. vozzreniia?” (24 March 2020).

20 DUMRT, “Mozhno li brat' tovar, esli nazvanie brenda imeet iazycheskie korni?” (6 July 2020).

21 Major works of reference are for instance the *Fatāwā Qādikhān* attributed to al-Ūzjandī (d. 1196): *al-Mabsūṭ* by al-Sarakhsī (d. 1090); the *Fatāwā hindīyya* from seventeenth-century India, *Nūr al-īdāh* by al-Shurunbulālī (d. 1659) as well as *Durr al-Mukhtār* by al-Ḥaṣkafī (d. 1677); together with its gloss *Radd al-Mukhtār* produced by Ibn 'Ābidīn (d. 1836).

22 Cf. Jonathan Brown, “Scripture in the Modern Muslim World—Quran and Hadith.” In *Islam in the Modern World*, eds. Jeffrey T. Kenney and Ebrahim Moosa (Abingdon and New York: Routledge, 2014): 13–33, here: 29.

23 Only one fatwa mentions Tatar theologians by name, without however using their arguments; see DUMRT, “Kakikh ubezhdenii v akyde” (4 March 2020). This fatwa claims that the famous Tatar theologians Abū n-Naṣr al-Qūrṣāwī (d. 1812) and Shihābaddīn al-Marjānī (d. 1889) contributed to the Tatar Māturīdī *kalām* tradition. This statement is misleading because Qūrṣāwī and Marjānī in fact vehemently *opposed* the *kalām* scholars of their times.

24 DUMRT, “Mozhet li iman uvelichivat'sia ili umen'shit'sia?” (10 March 2020) (referring to Kautharī's annotations on the *Waṣīyya* attributed to Abū Ḥanīfa). On Samigullin's pride in Kautharī see DUMRT, “Kamil' khazrat Samigullin”.

as two well-known Ḥanafī Deobandis from Pakistan.<sup>25</sup> One contemporary fatwa-giving institution is mentioned: this is the *Darul Iftaa Mahmudiyyah*, a Ḥanafī fatwa institute in Durban (South Africa) run by the Indian-educated Mufti Ebrahim Desai.<sup>26</sup> We must conclude that DUMRT's fatwas reflect a *global* Ḥanafism, not a particular Tatar heritage.

In terms of methodology DUMRT's fatwas reflect a strict *taqlīd*, or imitation, of elements of the Ḥanafī school of Islamic law, with no room for experiments.<sup>27</sup> As one fatwa states, “verified knowledge in Islamic law comes only through studying an authoritative book of [one's own] *madhhab* under the supervision of a knowledgeable teacher.”<sup>28</sup> At the same time the Kazan fatwas pick and choose from a wide range of Ḥanafī authors. The huge source base employed—I counted 66 different legal works mentioned in the 105 fatwas of 2020—gives DUMRT significant room for making its own selections from within the Ḥanafī school. In some cases the reader will find a careful balancing of arguments; other responses are short and even colloquial in style. Some fatwas (e.g. on whether to trim or shave one's moustache) simply recommend to follow the local custom.<sup>29</sup>

To conclude, DUMRT fatwas do not bring a devout and conservative believer out of his comfort zone. Controversial statements are avoided: there is no single “signature fatwa” that would stand out as particularly bold, sophisticated, controversial, or emancipatory. At the same time the corpus as a whole is uniform in style, form, and attitude, making Samigullin's style recognizable. The Kazan fatwas serve to demonstrate Samigullin's personal care for his pious flock, and to position DUMRT as the backbone of “traditionalism” and conservative global Ḥanafism in Russia.

25 These are Zafar Aḥmad ‘Uthmānī (d. 1974) and Mufti Muḥammad Shāfī ‘Uthmānī (d. 1976). Another fatwa references an Islamic financial institution in Bahrain (DUMRT, “Dozvoleno li provodit’ rozygrish priza posle pokupki tovara?”, 11 February 2020).

26 DUMRT, “Mozhno li brat’ tovar, esli nazvanie brenda imeet iazycheskie korni?” (6 July 2020).

27 Some works by Shāfī, Mālikī and Hanbalī authors are referred to in theological (dogmatic) issues, not in questions of law and ritual questions.

28 DUMRT, “Narushaetsia li po khanafitskomu mazkhabu omovenie pri prikosnovenii k zhenshchine?” (11 February 2020).

29 DUMRT, “Iavliaetsia li noshenie obuvi uniseks upodobleniem zhenshchine?” (13 February 2020); DUMRT, “Mozhno li sbrivat’ usy?” (17 February 2020). Cf. DUMRT, “Bezalkogol'noe pivo—kharam?” (13 February 2020).

## 2 Moscow's *wasatīyya* Modernism

Against this “late Sunni traditionalism” from Kazan, the Moscow-based Spiritual Administration of Muslims of the Russian Federation (DUMRF), directed by Mufti Ravil’ Gainutdin (b. 1959), positions itself as a proponent of the *wasatīyya* (“Moderation”) movement in contemporary Islamic reformist thought. In Western Europe, *wasatīyya* is primarily associated with Yūsuf al-Qaradāwī, who was the long-standing leader of the European Council for Fatwa and Research (ECFR) in Dublin.<sup>30</sup> For Muslims in European minority situations, *wasatīyya* is meant to “make life easier for Muslims and not full of interdictions”<sup>31</sup> by adapting Sharī’a regulations to the realities encountered by migrants and their offspring. One of the ECFR’s most well-known statements—its “signature fatwa”, in the terminology of the present paper—is a fatwa from 1999 allowing Muslims to take mortgages for purchasing a home in Europe (and thus to pay interest to banks), with the argument that home-owning will facilitate the life of Muslims in Europe and eventually support the spread of Islam.<sup>32</sup>

According to Uriya Shavit, the program of *wasatīyya*

emphasizes the supremacy of the Quran to all other sources and the need for a contextual reading of its verses, promotes cross-*madhhab* search, and broadly and flexibly utilizes the mechanism of determining *maṣlahā* [i.e., pursuing the common good of the Muslim community; m.k.]. *Wasatī* literature endorses four main social positions as prerequisites for an Islamic revival: advancing science and technology, expanding the role of women in the public sphere, democratizing Muslim societies, and opening those societies to the constructive contributions of other civilizations, all within the limitations of Islamic law and the norms and priorities of the Muslim nation, as *wasatīs* interpret them.<sup>33</sup>

30 Ron Shaham, *Rethinking Islamic Legal Modernism: The Teaching of Yūsuf al-Qaradawi* (Leiden: Brill, 2018); Alexandre Caeiro and Bettina Gräf, “The European Council for Fatwa and Research.” In *Islamic Movements of Europe: Public Religion and Islamophobia in the Modern World*, ed. Frank Peter and Rafael Ortega (London and New York: Tauris, 2014): 119–124; *The Global Mufti: the Phenomenon of Yūsuf al-Qaradawi*, eds. Bettina Gräf and Jakob Skovgaard-Petersen (London: Hurst, 2009).

31 Bettina Gräf, “Chapter 8: Yūsuf al-Qaradawi”, in *Key Islamic Political Thinkers*, eds. John L. Esposito and Emad El-Din Shahin (New York: Oxford University Press, 2018): 186.

32 Cf. Uriya Shavit, “A Fatwa and Its Dialectics: Contextualizing the Permissibility of Mortgages in Stockholm.” *Journal of Muslims in Europe* 8 (2019): 335–358.

33 Uriya Shavit, *Sharī’a and Muslim Minorities: The Wasatī and Salafī Approaches to Fiqh al-Aqalliyāt al-Muslima* (New York: Oxford University Press, 2015): 17–18.

This is also a program of reaffirming the authority of the professional scholars of Islamic law, against the usurpation of religious authority by traditionalist Salafī-minded intellectuals, but also against Westernizers who reject the relevance of *fiqh* (Islamic jurisprudence) altogether. This makes sense for countries like Russia where the “turbaned clergy” is trying to regain the ground that it once lost to atheists, and that was more recently taken by Islamic radicals.

That DUMRF in Moscow subscribes to *wasatīyya* principles is expressed in a programmatic guidebook entitled “Rules for the Fatwa-Production of DUMRF”, published by its Council of Scholars (*Sovet ulemov*) in 2019.<sup>34</sup> This methodological paper emphasizes that any fatwa must be *ijtihād*: “A fatwa is *ijtihād* (theological research) of a practical nature, conducted to formulate a Sharī’a norm [...]” (p. 2). While Kazan’s *taqlid* simply ignores the specific minority situation of Russia’s Muslims, DUMRF’s *ijtihād* is meant to rethink Islamic law in a secular state in order to adapt legal rulings to the situation that Russia’s Muslims find themselves in.

According to DUMRF’s methodological guidebook, “the door of *ijtihād* is open for anybody who has the necessary competence and capabilities (*navyki i sposobnosti*)” (p. 3). DUMRF’s experts are obliged to conduct novel investigations that transcend the inherited wisdom of any one legal school. In order to avoid error they are exhorted to collaborate, in a “collective *ijtihād*” (p. 4).

DUMRF also emphasizes the political and social aspects of fatwa-giving. Here the key concept is the term “canonicity”, seemingly adopted from the Christian Orthodox lexicon but here clearly meant to encapsulate the Arabic legal term *maṣlaḥa*, common good. While not recognized as a principle of Islamic law finding, *maṣlaḥa* is central in Modernist thought, up to the point where it is invoked against clear texts from the Qur’an and Sunna.<sup>35</sup> According to DUMRF’s fatwa guidebook, a fatwa is “canonically correct” (*kanonicheski vyverennaia fetva*)—that is, *maṣlaḥa*-driven—if it “respects the general and specific Sharī’a texts and is thereby in accordance with the aims of the Sharī’a, namely the regulation and protection of human rights (*prava cheloveka*)” (p. 2). This is a bold statement—human rights are declared as the general goals of Sharī’a (*obshchie tseli shariata*, evidently a translation of *maqāṣid al-sharī’a*) (ibid.). What is implied here is that muftis should act on the basis of their

34 DUMRF, “O pravilakh podgotovki fetv sovetom ulemov Tsentralizovannoi religioznoi organizatsii Dukhovnoe upravlenie musul’man Rossiiskoi Federatsii” (Moscow, 2019). For the DUMRF fatwa-related documents see <http://www.dumrf.ru/sulem/sufatwa>.

35 On the centrality of *maṣlaḥa* in Modernist and *wasatīyya* thought see Shaham, *Rethinking Islamic Modernism*, 24–34 and passim.

understanding of the general goals of Islamic law—in fact, of God's universal intentions.<sup>36</sup>

Fatwas that do not respect this “canonicity” lead to harm and chaos:

[Canonicity is violated if a fatwa] lacks respect towards the human being, or [if it] violates the public order and general human morality (*obshchechelovecheskoi morali*); or [if a fatwa] calls for the destruction of the principles of family and society; or [if] it destabilizes the situation in the country or in the world. This type of fatwas is a threat to peaceful co-existence (*mirnoe sosushchestvovanie*), they incite to enmity and hate (p. 2).

By seeking to implement God's intentions in the form of fatwas, DUMRF puts itself above the existing Sunni schools of law. DUMRF's ambition to act as a pillar of stability and interreligious peace in Russia requires that a mufti must “refrain from publishing fatwas that might create interreligious tension, even if such fatwas have a historical precedent. Each fatwa has its own place and time” (p. 8). This is a clear reflection of the *wasatīyya* principle of careful adaptation to a given context. Emphasized are the principles of “going the middle way” (*sredinnost'*, in the sense of *wasatīyya*) and moderation (*umerennost'*) as well as *ijtihād* and renewal (*obnovlenchestvo*). According to the document, *ijtihād* leads to “the sincere production of novelty in the religious discourse, a discourse that encompasses a new approach to the understanding of the holy texts” (5). These ambitions are illustrated with quotes from Qur'an and *ḥadīth*, and presented as derived from the core principles of Islam. The *wasatīyya* orientation also surfaces in the requirement that a mufti must not only know the Shari'a but also have good knowledge of “contemporary sociological and humanitarian sciences, and the natural sciences”, in order to comprehend the specific context of the fatwa request as well as the consequences that his fatwa will have in society (p. 6).

Fatwas must be based on the Qur'an, Sunna, *ijmā'* (consensus) and *qiyās* (reasoning by analogy, equivalent to *ijtihād*). At the same time the document emphasizes the agency of the mufti, as embodied in his personal prioritizing of arguments (*istihsān*) and his taking into account the common good (*maslaḥa*) and social custom (*'urf*). DUMRF's muftis are also encouraged to study the work of foreign “fatwa academies”, such as Egypt's *Dār al-iftā'* and Turkey's *Diyanet* as well as the European Council for Fatwa and Research. Like

36 Cf. Felicitas Opwis, “New Trends in Islamic Legal Theory: Maqāṣid al-Shari'a as a New Source of Law?” *Die Welt des Islams* 57/1 (2017): 12–13.

DUMRT in Kazan, DUMRF thereby positions its fatwas in a global Sunni setting, albeit without prioritizing the Ḥanafī school.

Fatwa production is here at the center of a broader program to modernize or reform Islam by *ijtihād*, seconded by the embrace of modern sciences and cooperation with secular academic institutions. Over the past years, the mouthpiece of this reform agenda has been DUMRF's Deputy Mufti Dr. Damir Mukhetdinov (b. 1976), who in 2020 defended his post-doctoral thesis on several Muslim reformists' readings of Islam.<sup>37</sup> However, Mukhetdinov is not mentioned among the twenty-two members of DUMRF's Council of Scholars,<sup>38</sup> and the fatwa guidelines do not state that any fatwa needs to be confirmed by DUMRF Mufti Gainutdin or his deputy. This implies some autonomy for DUMRF's Council of Scholars. The following section will test how far DUMRF's stated methodology of *ijtihād* and *wasatīyya* "renewal" is reflected in DUMRF's actual fatwa production.

### 3 Form and Scope of the DUMRF Fatwas

While the methodological document speaks of "fatwas", DUMRF's Council of Scholars calls its documents not fatwas but "theological conclusions" (singular: *bogoslovskoe zakliuchenie*, henceforth: BZ).<sup>39</sup> Unlike a classical fatwa, these "theological conclusions" do not start with the request of an anonymized *mustaftī* (as the Kazan fatwas do) but rather begin directly with the respective "order" or "recommendation" by DUMRF's Council of Scholars. This bureaucratic formula is then followed by a detailed demonstration of the arguments, with quotations from Qur'an and Sunna as well as from well-known jurists of the past, of all Sunni law schools. The "theological conclusions" thus develop into short treatises of up to 13 pages. For the sake of simplicity I will still call these documents fatwas.

DUMRF published significantly fewer fatwas than its competitor in Kazan: between 2017 and 2020, only 19 "theological conclusions" went online.<sup>40</sup> But

37 Damir V. Mukhetdinov, *The Islamic Reformist Movement at the End of the 20th and Beginning of the 21st Century: Ideas and Prospects, doktorskaia dissertatsiia* in Islamic theology, St. Petersburg State University, October 2020. On Mukhetdinov's publications see Michael Kemper, "Religious Political Technology: Damir Mukhetdinov's *Russian Islam*." *Religion, State and Society* 47/2 (2019): 214–233.

38 DUMRF, "Chleny Soveta ulemov", <http://www.dumrf.ru/sulem/sumembers>.

39 Sometimes the "conclusions" appear also in name of the *Sovet Muftiev Rossii*, the umbrella organization headed by DUMRF.

40 All downloadable at <http://www.dumrf.ru/sulem/sufatwa>.

like in Kazan, the year of 2020 saw a peak in fatwa production (with eight online documents), before ebbing down again in 2021.<sup>41</sup>

Nine DUMRF fatwas deal with yearly returning questions of the Islamic calendar and, in 2020, COVID-19 regulations. In contrast to the fatwa profile of Kazan, DUMRF spends no ink on questions of ritual purity and explanations of theology. Only one of its fatwas discusses a dogmatic issue, namely BZ 1/2018 on “the meaning of the Sunna”.<sup>42</sup> This fatwa confirms the status of *ḥadīth* as Islam’s most important source after the Qur’an; its publication must be seen as a defense against accusations—in particular from Chechnya—that with its “modernist” course DUMRF denigrated the value of commonly accepted *ḥadīth* traditions.<sup>43</sup>

The most elaborate “theological conclusions” are six fatwas of 2019 and 2020 about issues of marriage and divorce. In what follows I will discuss these documents in detail because they demonstrate how DUMRF’s stated methodology of *ijtihād* and *wasatīyya* is put into practice.

#### 4 Controversial Issues on Marriage and Divorce

Addressing issues of marriage and divorce is a testing ground for the power and reach of Islamic law in a given society, and can make the fatwa-giver vulnerable to criticism from various sides. After all, questions like “am I allowed to marry a non-Muslim?”, “how can I get a divorce from my Muslim husband?”, and “do I have to divorce from my non-Muslim husband?”, point at Islamic law as a mechanism for inclusion/exclusion that can hit right into families. Other than for instance fatwas on ritual purity, such fatwas also touch upon the a grey area of religious law adjudicated in parallel to (or in defiance of) the civil jurisprudence of the secular state, with a strong disciplining function. I argue that by selecting these controversial issues, DUMRF follows its guidebook’s call for no-nonsense fatwas that work towards the solution of urgent social problems.

In particular in minority situations, fatwas on marriage and divorce are conceived of as instruments to preserve the Muslim community. This goal first comes to the fore in DUMRF fatwa BZ 2/2019, which emphasizes that a three-in-one “*ṭalāq!*” utterance must be counted as only one of the three necessary

41 In 2021 only four rather unspectacular BZs were issued, including one on the permissibility of the Sputnik v vaccine and one on *ḥalāl* slaughtering.

42 BZ 1/2018 “Znachimost’ Sunny” (13 February 2018).

43 On these disputes see Michael Kemper and Gulnaz Sibgatullina, “Liberal Islamic Theology in Conservative Russia: Taufik Ibragim’s ‘Quranic Humanism!’” *Die Welt des Islams* 61/3 (2021): 279–307.

divorce pronouncements by the husband.<sup>44</sup> This allows the husband to take his wife back after a waiting period (*‘idda*). Explained by the need to protect Muslim families, this DUMRF fatwa contrasts with the *ṭalāq* fatwa from DUMRT in Kazan that, as seen above, emphasized the necessity of complicated remarriage procedures.<sup>45</sup>

Importantly, DUMRF’s “theological conclusions” on marriage and divorce also regulate the procedures that DUMRF imams and *qāḍīs* (“Sharī’a judges”)<sup>46</sup> are supposed to follow in such cases. This can be seen from an additional fatwa on *ṭalāq* (BZ 5/2020)<sup>47</sup> which states that a repudiation is invalid if the husband was in a state of mental derangement (*umopomrachenie*) when uttering the *ṭalāq* formula. To find out whether this was the case the *qāḍī* is advised to interrogate the husband under oath.

In line with *wasatīyya* thinking, these fatwas also emphasize the academic and collegial character of fatwa-writing. While the Kazan fatwas are often brief responses in colloquial style, DUMRF’s fatwas contain lengthy appendices listing the relevant Qur’an and *ḥadīth* quotations and juxtaposing the diverging opinions of well-known jurists of all Sunni schools, plus fatwas by the ECFR and major Egyptian Muftis. The *ṭalāq* fatwa BZ 5/2020 (on “divorce in anger”) even indicates that the legal research underpinning the fatwa was carried out by one particular member of the Council of Scholars, the al-Azhar graduate Damirdzhan R. Zainuddinov, imam and *khaṭīb* of the new Moscow Cathedral Mosque (p. 9). Curiously, the style of Zainuddinov’s appendix resembles that of a Russian PhD thesis, starting with a paragraph *Aktual’nost’ issledovaniia* (“The topicality of this research”) followed by sections on methodology, definitions of anger and emotions, and then an argumentation strictly divided into points and sub-points with an extensive footnote apparatus. A similar academic approach is visible in BZ 8/2020 (on guardianship)<sup>48</sup> where the research was conducted by a female member of the Council of Scholars, Maryam Vladimirovna Kovaleva—presumably a convert to Islam.<sup>49</sup>

44 BZ 2/2019 “Edinovrememennyi troinyi razvod” (12 March 2019).

45 DUMRT, “Opasnye igry so slovom ‘TALAK’” (13 February 2020).

46 Russian law does not recognize any Islamic judges; the acceptance of a *qāḍī*’s verdict depends on the goodwill of the parties involved.

47 BZ 5/2020 “Razvod v podryve gneva” (5 October 2020).

48 BZ 8/2020 “Zakliuchenie musul’manskogo braka bez soglasia opekuna (valii)” (6 November 2020).

49 Kovaleva, is presented as a graduate of the European Institute of Human Sciences in Dublin.

## 5 Forum-Shopping

I argue that rather than conducting “independent” *ijtihād*, DUMRF’s muftis mostly practice “forum-shopping”—they compare the positions of scholars from the various Sunni legal schools in order to then pick the judgment that leads to the desired result. This is best demonstrated with the case of BZ 3/2019. This fatwa discusses under which circumstance the wife can initiate a divorce<sup>50</sup>—an issue that other fatwa-givers like DUMRT in Kazan simply avoid. Such procedures lead to a divorce pronounced by an Islamic judge (i.e., a muftiate co-worker), if necessary against the will of the husband. In countries like Morocco, the strengthening of this practice of *taṭlīq* according to Mālikī law was at the core of a 2004 civil law reform, and it significantly improved the position of women.<sup>51</sup> DUMRF fatwas go into the same direction, opting for *taṭlīq* by *qāḍī* instead of a *khul’* divorce. The latter is practiced in Egypt as well as in Germany and the Netherlands; in a *khul’* divorce the woman remains at the mercy of her husband, to whom she has to make a compensation payment.<sup>52</sup>

Fatwa BZ 3/2019 defines the reasons that allow a wife to turn to a judge to demand a divorce. This document underlines that according to the Ḥanafī *madhhab*, a poor, absent, mad, impotent or violent husband cannot be forcibly divorced, no matter whether he provides sustenance to his wife or not (pp. 3, 7, 5, 6). The Council of Scholars therefore compares statements by scholars from other Sunni schools, and supports those that are most forthcoming to the request of the wife. In one case (the right to divorce after the husband’s absence of more than one year) the Council even underlines that it follows the Mālikī school of law, which is practically absent in Russia but is the only *madhhab* to allow for divorce in such a situation. While this fatwa implicitly confirms the unequal rights of husband and wife according to Islamic law, it still highlights a modicum of female agency.

In other questions of Islamic law it is the Ḥanafī school that gives the wife more agency, and then DUMRF sometimes sides with the Ḥanafīs. An example is DUMRF fatwa BZ 4/2020 that discusses the consequences of conversion for

50 BZ 3/2019 “Razluchenie mezhdru muzhem i zhenoi posredstvom sudebnogo razbiratel'stva (AT-TAFRIK AL'-KADAI)” (12 March 2019).

51 Elisabeth Nössing, “Divorce on Grounds of Discord: Did the Moroccan Family Law Reform Bring the Guarantee of Divorce for Women?” *Asiatische Studien/Études Asiatiques* 74/1 (2020): 35–65.

52 Esther van Eijk, “*Khul’* Divorce in the Netherlands: Dutch Muslim Women Seeking Religious Divorce.” *Islamic Law and Society* 26 (2019): 36–57; Mahmoud Jaraba, “The Practice of *Khul’* in Germany: Pragmatism versus Conservatism.” *Islamic Law and Society* 26 (2019): 83–110.

existing marriages.<sup>53</sup> If a non-Muslim couple lived in a civil marriage, or was married in church, and then both become Muslims, their original marriage is accepted but an additional *nikāḥ* ceremony is recommended. The same is the case if only the husband accepts Islam and the wife remains among the People of the Book: BZ 4/2020 recommends an Islamic marriage for couples consisting of a “new” Muslim man and a “remaining” Christian/Jewish woman. However, if only the wife becomes Muslim, then with the moment of her acceptance of Islam a waiting period (*‘idda*) sets in, allowing her husband to also embrace Islam.<sup>54</sup> According to the Mālikīs, Shāfi‘īs and Hanbalīs, the marriage automatically ends if the husband fails to accept Islam within the stipulated *‘idda* period. But here the Council of Scholars sides with the Ḥanafī school which insists that it takes a *qāḍī* decision to end that marriage (pp. 9–10), even allowing for a *qāḍī* to decide that the wife may continue to live in matrimonial relations “as long as it takes” for her husband to convert (pp. 1–2). This DUMRF judgment is in line with a fatwa issued in 2001 by Yūsuf al-Qaraḍāwī.<sup>55</sup> In other cases, however, DUMRF deviates from Qaraḍāwī’s position; while the latter insisted that a marriage can be concluded without the presence of a male guardian of the woman (which is a Ḥanafī position), one of DUMRF’s 2020 fatwas insists on the presence of a *walī*. Curiously, both Qaraḍāwī and DUMRF supported their opinions with reference to the present-day situation of Muslims: Qaraḍāwī, by arguing that the changed position of women in contemporary society makes the requirement of a guardian obsolete,<sup>56</sup> and DUMRF by insisting that in the Russian Federation, the guardian is still necessary to protect Islamic values and Muslim families.<sup>57</sup>

## 6 A Signature Fatwa to Preserve the Community

On 10 November 2020 DUMRF published its most controversial “theological conclusion”, one that like the aforementioned fatwa on guardianship seems to contradict Qaraḍāwī’s *wasatīyya* policy of “making things easier”. This fatwa, BZ 5/2019, put a ban on Islamic marriages between Muslim men and Christian

53 BZ 4/2020 “Rastorzenie braka v sluchae priniatiia suprugoi islama” (9 August 2020).

54 If she accepted Islam before her marriage was consummated then the marriage is immediately regarded as invalid.

55 Shaham, *Rethinking Islamic Legal Modernism*: 125–144.

56 *Ibid.*: 62 fn. 49.

57 BZ 8/2020 “Zakliuchenie musul'manskogo braka bez soglasiia opekuna (valii)” (6 November 2020).

or Jewish women.<sup>58</sup> BZ 5/2019 “ordered” (*postanovil*) that “interconfessional marriages, in particular with female representatives of the People of the Book (*liudi Pisaniia*), are not allowed (*nedopustimy*) on the territory of the Russian Federation, and are possible only in specific singular cases on the basis of a decision by the local mufti who will take into consideration all conditions of the particular case.” Il'dar Aliautdinov, chairman of DUMRF's Council of Scholars (and DUMRF's Mufti of Moscow city), explained this ban as a means to preserve the national and religious identity (*sokhranenie natsional'noi i religioznoi identichnosti*), and to reduce the number of divorces.<sup>59</sup> Clearly designed to position DUMRF as the most consequential protector of Islamic identity in Russia, this fatwa caused much commotion and became DUMRF's most prominent signature fatwa.<sup>60</sup>

BZ 5/2019 was immediately rejected by other major Tatar muftis. Mufti Kamil' Samigullin of DUMRT in Kazan and others insisted that the Qur'an and their own Ḥanafī school explicitly allow marriages with Christian and Jewish women.<sup>61</sup> Roman Silant'ev, an academic scholar with strong links to the Russian Orthodox Church (and known as a fierce critic of DUMRF),<sup>62</sup> described the ban as a “factor that disturbs the interreligious, inter-ethnic peace (*mezhhreligioznyi i mezhnatsional'nyi mir*)” in the Russian Federation.<sup>63</sup> This was a predictable

58 BZ 5/2019 “Mezhkconfessional'nye braki” (19 November 2019). The DUMRF website mentions 18 July 2020 as date of publication, but seemingly it was published only on 10 November 2020. See *Interfax*, “Dukhovnoe upravlenie musul'man zapretilo braki s nemusul'mankami” (10 November 2020).

59 TASS, “Dukhovnoe upravlenie musul'man ob'iasnilo fetvu o nedopustimosti mezhkconfessional'nykh brakov” (10 Nov. 2020).

60 DUMRF later clarified that its ban on mixed marriages only concerned *nikāh* wedding ceremonies in the mosque; BZ 5/2019 “Mezhkconfessional'nye braki, variant s pravkami ot 13 noiabria 2020” (13 November 2020): a corrected version where the expression “interconfessional marriages (*mezhhkconfessional'nye braki*)” is replaced by “the Muslim ritual of wedding [*brakosochetanie*] (*nikakh*)”. Indeed, in Russia only the state has the right to register marriages; how Muslim authorities regulate their own wedding ceremonies is theoretically up to them. See Konstantin Erofeev, “Bogoslovskoe zakliuchenie i svetskoe gosudarstvo: pravovye aspekty. Dopustimy li na territorii Rossii mezhkconfessional'nye braki?” (2020).

61 Polina Petrova, “V DUM Tatarstana ne podderzhivaiut zapret na mezhkconfessional'nye braki”, *Kommersant* (11 Nov. 2020). The Moscow fatwa was also rejected by Mufti Tadzhuiddin of TsDUM in Ufa; TsDUM, “Verkhovnyi muftii provel rabochee soveshchanie s rukovoditeliami dukhovnykh upravlenii” (12 Nov. 2020).

62 Kovalskaya, “Nationalism and Religion”: 143–145.

63 RIA Novosti, “Reshenie ob ogranichenii brakov s inovertsami ne ukrepit mir, uveren ekspert” (10 Nov. 2020).

act of depicting DUMRF as a threat to Russia's security and stability. Support for the Moscow ban on interreligious marriages came from the Chechen Mufti Salakh-khadzhi Mezhiev, who emphasized that his Shāfi'i school (which is dominant in Chechnya) has always banned such marriages.<sup>64</sup> This support is ironic, inasmuch as the "traditionalist" Chechen Muftiate is otherwise an entrenched opponent of DUMRF's "modernist" course.

A closer look at the argumentation offered in support of the ban reveals an unusual attempt at truly independent reasoning and contextualization. In fact, BZ 5/2019 concedes that Qur'an 5:5 does permit Muslim men to take non-Muslim wives "from the People of the Book", but then offers various arguments as to why this Qur'anic permission does not apply to contemporary Russia.

One way of sailing around Qur'an 5:5 is to question Christianity's status as a monotheistic religion. According to one tradition from the early days of Islam, Muḥammad's companion 'Abdallāh b. 'Umar once claimed that "to believe that Christ is God" is in fact "the worst form of paganism". According to another tradition the fourth Caliph 'Alī b. Abī Ṭālib, close friend and son-in-law of Muḥammad, once proclaimed that the Banū Taghlib tribe was Christian only in name and in fact knew nothing about Christianity; 'Alī b. Abī Ṭālib therefore regarded them as pagans. As BZ 5/2019 states, "some Muslim scholars draw an analogy to contemporary Christians, a part of whom, unfortunately, does not know anything about the Christian religion, and does not practice it" (pp. 2–3).

A second strategy for contextualizing the Qur'anic permission is to link it to what is assumed to have been God's underlying intention at the time of revelation: allegedly, marriages with non-Muslim women were permitted because back in the days it was expected that the Christian or Jewish women would soon accept Islam—pressured by their Muslim husbands. This argument is brought forward with a report about the second Caliph 'Umar b. al-Khaṭṭāb who at one point ordered Muslims to repudiate their wives who remained Jewish or Christian. The "theological conclusion" then emphasizes that today, a Muslim husband can barely be expected to divorce his wife if she fails to accept Islam; better then to not conclude a mixed marriage in the first place!

In this fatwa, a clear Qur'anic permission is rendered irrelevant on the basis of what DUMRF's methodological guidebook does not even count as sources of Islamic law: reports not of the prophet Muḥammad but merely of his

64 See RIA Novosti, "Muftii Chechni vyskazalsia o zaprete na mezhhkonfessional'nye braki" (10 Nov. 2020).

companions. As the fatwa states, “Muslims must also implement the actions of the Rightly-guided Caliphs, alongside Qur’an and Sunna” (p. 3).

BZ 5/2019 concedes that mixed marriages can continue in Muslim-majority states where the Muslim state enforces Islamic regulations. Yet this does not count for Russia:

Some theologians, but also a number of world-leading councils of Muslim scholars,<sup>65</sup> say that such [mixed] marriages are extremely *undesirable under the conditions of a non-Islamic state in which Muslims only form a minority* [emphasis added, M.K.]. The main point is that under such conditions, the personal status of the believer has not been regulated—namely his right to live in accordance with the canons (*kanony*) of his confession, which encompasses the free execution of his religious needs (including the possibility to conduct the five daily prayers when they are due), and the organization of his life in accordance with Shari‘a legislation (in questions of family, marriage, inheritance, etc.) (p. 4).

This call for specific Islamic regulations for minority situations again displays DUMRF’s *fiqh al-aqalliyāt* approach. It can also be read as a critique of Russia’s treatment of Islam. As the fatwa argues, non-Muslim mothers in mixed marriages are susceptible to the influence of “nationalist and anti-Islamic sentiments” in the mass media, with the result that they do not allow a Muslim upbringing for their children. This reasoning is remarkable because it declares the fatwa to be a response to Islamophobia and (Russian) nationalism. Under these conditions, permitting mixed families would be fatal: “If we are careless in family issues, allowing for families consisting of a non-Muslim mother and a Muslim father, with the latter not reflecting responsibly about the spiritual and moral fundament [of the family], we can simply say goodbye to Islam and its followers” (p. 5). This is a dramatic scenario; Rustam Batyr, a “modernist” Tatar Islamic intellectual from Kazan, explained DUMRF’s ban on mixed marriages as “a fatwa of despair”, a last attempt to protect Russia’s Muslims from assimilation and from losing their religious identity.<sup>66</sup>

I argue that BZ 5/2019 is a clear signature fatwa because it embodies DUMRF’s fatwa philosophy and methodology: it argues on the basis of God’s

65 [With a footnote mentioning the ECFR and Turkey’s *Diyanet* as well as the shady *Islamweb.net* platform; M.K.]

66 Aleksei Luchnikov et al., “Eto fetva otchaitaniia!": pochemu DUM RF ‘zapretilo’ musulmanam smeshanye braki”, *Biznes onlain* (11 Nov. 2020).

assumed intentions and against a broad Ḥanafī consensus, it addresses contemporary social problems, and it must have anticipated the public outcry that followed. At the same time BZ 5/2019 walks a fine line—instead of prioritizing the Qur'an it draws on tertiary sources to support the desired conclusion.

Produced already in November 2019—hence its designation as “BZ 5/2019”—this fatwa banning interreligious weddings was published only in November 2020. During this “waiting period” another BZ (4/2020) came out that, as seen above, *recommended* a wedding ceremony with a non-Muslim woman, namely in the case that the husband embraced Islam but his wife did not. These contradictions perhaps indicate a lack of consensus among DUMRF's Council of Scholars<sup>67</sup>—which would explain why they did not touch upon any other controversial subject since 2020.

### Conclusion

While President Putin keeps urging his muftis to develop a loyal Islam that is “traditional” to Russia and free of foreign influences,<sup>68</sup> the fatwa material reviewed here demonstrates that the two muftiates are positioning themselves within global networks of Islamic scholarship. Instead of anchoring their fatwas in the “homegrown” heritage of traditionalist or modernist Tatar jurists of the 19th and 20th centuries, the muftiates mostly follow scholars from the Middle East and Europe, albeit of opposing trends and schools.

What the two fatwa series equally have in common is that they ignore the increasingly diverse Muslim public that attends their mosques in Moscow and Kazan. While many urban Muslim communities in Russia today consist to a large degree of labor migrants (and their offspring) from Tajikistan, Kyrgyzstan, Uzbekistan and Azerbaijan, the Tatar muftis make no effort to include Muslim voices from contemporary Central Asia or the Caucasus.<sup>69</sup> None of the fatwas studied here reflects the specific circumstances under which Muslim migrants live and work in Moscow or Kazan, or the way they maintain relations with their families at home (which would include questions related to polygyny and

67 TASS, “Dukhovnoe upravlenie musul'man ob"iasnilo fetvu”.

68 Danis Garaev, “The Methodology of the ‘Russian World’ and ‘Russian Islam’: New Ideologies of the Post-Socialist Context.” *The Soviet and Post-Soviet Review* 48 (2021): 367–390.

69 Sophie Roche, “Status Translation Central Asian Migrants between Ethnic Discrimination and Religious Integration.” *Anthropological Journal of European Cultures* 27/1 (2018): 94–98.

sustenance, for instance).<sup>70</sup> This mismatch is all the more striking as the Ḥanafī platform on which DUMRT operates could also serve as a bridge to (mostly Ḥanafī) Muslims from Central Asia. At the same time DUMRF in Moscow, with its more sophisticated *wasatīyya* program, does address the growing group of Slavic converts to Islam; one is tempted to say that better-educated Russian “new Muslims” are more articulate, and therefore more visible in the public sphere,<sup>71</sup> than the many “silent” Muslims from the post-colonial South who work in markets and construction sites.

In terms of form and content, the difference between DUMRT and DUMRF fatwas is huge. While DUMRT in Kazan remains within the classical and popular fatwa genre, DUMRF in Moscow developed a new genre of detailed academic legal reflection—the “theological conclusions” that turned fatwas into brief comparative treatises. That they are still meant as fatwas is clear from DUMRF’s “methodological guidebook” where the products are still referred to as fatwas. Another difference to Kazan is that in Moscow, the DUMRF Council of Scholars seems to operate autonomously from its Mufti Gainutdin, with individual Council members (holding international academic degrees) elaborating particular theological questions. Notable also is the fact that the DUMRF Council also has an active female member, arguably to better address a female and convert audience. A further novelty is that DUMRF’s “conclusions” contain procedural instructions for the imams and *qāḍīs* who deal with the respective issues in their practical work; the definition of their (hitherto largely undefined) roles and competences is clearly meant to increase their authority in the community.

There is also a difference in terms of the questions that are brought up. With more than a hundred fatwas in just one year, Kazan offers a profile that is very much geared towards questions of ritual, ritual purity, and correctness of creed, with otherwise a wide field of random issues. Questions of marriage and divorce are largely avoided. In contrast, DUMRF’s fatwa-givers emphasize that their job is to solve social problems, even to save Islam and Russia from ruin; this makes their work more political and controversial from the start. DUMRT in Kazan writes exclusively from the position of male prerogatives, but DUMRF in Moscow claims to pay specific attention to the interests of women.

70 Anna Cieślowska, “Second Wife, Second Life: Polygyny among Migrants from Central Asia in Moscow.” *Oriente Moderno* 100 (2020): 225–247.

71 Cf. Renat Bekkin, “Russian Muslims: a Misguided Sect, or the Vanguard of the Russian Umma?” In *Islamic Authority and the Russian Language: Studies on Texts from European Russia, the North Caucasus and West Siberia*, eds. Alfrid K. Bustanov and Michael Kemper (Amsterdam: Pegasus, 2012): 361–401.

While DUMRT in Kazan stays within the global Ḥanafī school, the methodological guidebook of DUMRF in Moscow emphasizes the need for independent *ijtihād*. In actual practice DUMRF's Council of Scholars compares the positions of all four Sunni legal schools and then selects the one that comes closest to DUMRF's *wasatīyya* "modernist" preferences. In Yūsuf al-Qaraḏāwī's terminology, this procedure would be called "selective *ijtihād*" (*ijtihād tarjīhī intiqā'ī*), as opposed to a "creative and original" *ijtihād* fully independent from previous scholarship.<sup>72</sup> With Ahmed Fekry Ibrahim we can characterize this "forum-shopping" as pragmatic eclecticism (in the sense of *tatabbu' ar-rukhaṣ*, "searching for statements that give permission", including from another legal school), or *talfīq* in the broad sense.<sup>73</sup>

In several fatwas, DUMRF's scholars select those statements that offer women some agency. BZ 5/2019 against mixed marriages seems to be a curious exception from this series as it banned inter-confessional weddings even in the face of a clear Qur'anic permission. At the same time, it is this fatwa that comes closest to original *ijtihād*—instead of adopting the position of any given legal school (e.g. Shāfi'ism) it digs deep into the corpus of early Islamic reports to produce a dissident opinion. BZ 5/2019 also continued the *wasatīyya*-informed practice of arguing from the position of God's assumed intentions (or "canons"), and of emphasizing that fatwas must be guided by the actual needs of the Muslim community, that is, by the quest for *maṣlaḥa*. In that respect this "fatwa of despair" was a very effective signature fatwa.

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72 Shaham, *Rethinking Islamic Modernism*: 60 ff and 144.

73 As Ibrahim shows, in a more narrow sense *talfīq* denotes a case where two aspects of the same transaction are regulated according to statements taken from two legal schools (e.g. the ablution is done according to one school and the ensuing prayer according to another); or where the opinions of two scholars from the same school are combined. See Ahmed Fekry Ibrahim, *Pragmatism in Islamic Law: a Social and Intellectual History* (Syracuse: Syracuse University Press, 2015): esp. 106–109.

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