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Research paper

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## PROJECTS OF RELIGIOUS AUTONOMY OF MUSLIMS OF EUROPEAN RUSSIA, SIBERIA AND THE NORTH CAUCASUS IN THE EARLY 20<sup>TH</sup> CENTURY

*Annotation.* The study aims to compare the concepts of religious autonomies of the Muslims of European Russia and Siberia with similar ones in the North Caucasus, set out in projects in the early 20th century. We analyze the process of developing a decision on the creation of religious autonomy for Muslims in European Russia and Siberia and the North Caucasus at the beginning of the 20th century within the framework of a unified Russian statehood, including government bills, drafts of the All-Russian Muslim Congresses in 1906 and 1914, Muslim congresses in the spring-summer of 1917. As a result, in 1917, the Tatar Muslims of Inner Russia and Siberia at the II All-Russian Muslim Congress in July 1917. The concept of national-cultural autonomy was chosen and the Milli Idare and Millet Majlis were established. In the North Caucasus the First Mountain Congress announced the creation of the the Alliance of the United Mountaineers of the North Caucasus and Dagestan (SOGSKD), as a territorial autonomy, with a single body represented by the “Caucasian Muftiate”. We applied the comparative historical method in order to compare the provisions of the projects and characterize the historical events that accompanied their creation. We came to the following conclusions: firstly, the main questions were questions about the form of government and the autonomy of Muslims and the land issue. Secondly, the political cooperation between the Muslim leaders of the Volga-Ural region and the Caucasus at the beginning of the 20th century led to the creation of the All-Russian party “Ittifaq al-Muslimin”, the Muslim faction of the State Duma, the convocations of the all-Russian Muslim congresses, the idea of creating 5 separate Muftiates and a single all-Russian Muslim religious autonomy headed by Sheikh-ul-Islam. Thirdly, in 1917 there was a separation of the two regions on the issues of the formation of religious autonomy, a departure from the idea of common Muslim unity within the borders of Russian statehood. Fourthly, didn't result in a solution of the issue of organizing the Spiritual Administration of Muslims in the region.

*Keywords:* Muslims; religious autonomy; national-cultural autonomy; Muslim congress; Sharia; Spiritual administration of Muslims.

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Исследовательская статья

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## ПРОЕКТЫ РЕЛИГИОЗНОЙ АВТОНОМИИ МУСУЛЬМАН ЕВРОПЕЙСКОЙ РОССИИ И СИБИРИ И СЕВЕРНОГО КАВКАЗА В НАЧАЛЕ XX ВЕКА

*Аннотация.* Цель исследования - сравнение концепций религиозной автономии мусульман Европейской России и Сибири с аналогичной на Северном Кавказе, изложенных в проектах в начале XX в. В статье анализируется процесс выработки решения о создании религиозной автономии мусульман Европейской России и Сибири и Северного Кавказа в начале XX в. в рамках единой российской государственности, включая правительственные законопроекты, проекты Всероссийских мусульманских съездов 1906 и 1914 г., мусульманских съездов весны-лета 1917 г. В итоге, в 1917 г. у мусульман татар Внутренней России и Сибири на II Всероссийском мусульманском съезде в июле 1917 г. победила концепция национально-культурной автономии и были созданы Милли Идарэ и Миллет Меджлисе, на Северном Кавказе Первый Горский съезд объявил о создании Союза объединенных горцев Северного Кавказа и Дагестана (СОГСКД), как территориальной автономии, с единым органом в лице «Кавказского муфтията». Для сопоставления положений проектов и характеристики исторических событий, сопровождавших их создание, нами был применен сравнительно-исторический метод. Мы пришли к выводам: во-первых, главными вопросами были вопросы о форме государственного устройства и автономии мусульман и земельный. Во-вторых, политическое сотрудничество лидеров мусульман Волго-Уральского региона и Кавказа в начале XX в. привело к созданию всероссийской партии «Иттифак аль-Муслимин», мусульманской фракции Государственной Думы, созывам общероссийских мусульманских съездов, идее создания 5 отдельных муфтиятов и единой общероссийской мусульманской религиозной автономии во главе с Шейх-уль-Исламом. В-третьих, в 1917 г. произошло обособление двух регионов по вопросам формирования религиозной автономии, отход от идеи общемусульманского единства в границах российской государственности. В-четвертых, события Гражданской войны и установление советской власти на Кавказе так и не привели к решению вопроса об организации Духовного управления мусульман в регионе.

*Ключевые слова:* мусульмане; религиозная автономия; национально-культурная автономия; мусульманский съезд; шариат; Духовное управление мусульман.

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Since the middle of the 16<sup>th</sup> century the Russian state began to incorporate territories of the former Muslim states in the Volga-Ural region, Siberia, Crimea, the North Caucasus and Transcaucasia, Central Asia and Kazakhstan. Tsarism was faced with the task of organizing the control and management of a multi-million non-Orthodox population that had its own established system of social ties, education, marital and family law, etc.

With regard to the Muslims of the Volga-Ural region, the Russian administration in the middle of the 16<sup>th</sup> – first half of the 18<sup>th</sup> centuries tried to implement a policy of forced Christianization, which met with fierce resistance from the Tatars. By the middle of the 18<sup>th</sup> century, the authorities realized that they should look for other ways of interacting with their subjects, primarily in the field of confessional politics. In the context of the general liberalization of the government's course towards religions during the reign of Catherine the Great, taking into account the incorporation of Crimea, establishment of relations with the Ottoman Empire, and the advancement of Russian state to the Kazakh steppe, it was decided to create an official organization of Muslims of Russia, except former territories of the Crimean khanate. Such an organization, – the Orenburg Muslim Spiritual Assembly (further as OMSA), – was established in 1788. It was headed by the mufti, who resided in Ufa, and who was approved by the monarch.

Subsequently, during the 19<sup>th</sup> century, with the incorporation of new territories and an increase in the number of Muslim subjects, the experience of OMSA was applied to them. By the beginning of the 20<sup>th</sup> century, the Russian Empire established four spiritual administrations (assemblies) of Muslims: two in Transcaucasia (for Sunni and Shiite Muslims, respectively, in 1872), in Orenburg (1788) and Taurida (for Muslims of the Crimea and Western provinces, in 1794). At the same time, none of these spiritual administrations covered the multinational Muslim population of the North Caucasus with their “spiritual custody”. The reason for that is obvious – at the end of the 19<sup>th</sup> century, the Russian authorities were hesitant regarding the full loyalty of the mountaineers to the imperial authorities; the memory of the Caucasian war, the Imamate, the Uprising of 1877 was still fresh. Therefore, they preferred to postpone the creation of the Spiritual Administration in the North Caucasus.

According to the imperial laws, the territories and Muslim institutions of the North Caucasus, Kazakhstan and Turkestan inhabited by Muslims (who had no Spiritual Administration of Muslims) had to submit to the OMSA according to the nominal decree of Empress Catherine II (September 22, 1788) “On the appointment of mullahs and other religious officials of the Mohammedan law, and on the establishment of a spiritual assembly in Ufa to manage all the religious officials of that law, residing in Russia” [1, p. 1107]. But in the second half of the 19<sup>th</sup> century, they (except for some city mosques of the North Caucasus and Kazakhstan) were withdrawn from its jurisdiction.

Before proceeding to the main problem, let's focus on historiography. Dmitry Arapov's doctoral thesis “The system of state regulation of Islam in the Russian Empire (The last third of the 18<sup>th</sup> – early 20<sup>th</sup> centuries)” (Moscow, Moscow State University, 2005) is still a classic fundamental work on the analysis of government policy towards Russian Muslims, in general, and projects of Spiritual Assemblies, in particular [2]. The monograph written by Aidar Khabutdinov “The formation of the nation and the main directions of development of Tatar society in the late 18<sup>th</sup> – early 20<sup>th</sup> centuries” (Kazan, 2001) remains to be the main work

analyzing the projects of creation and reform of Spiritual Assemblies of Muslims created by Russian Muslims themselves in the period of 1905-1917 at the all-Russia level and separately for the Muslims of the OMSA district [3]. The doctoral dissertation of Imametdin Sulaev “The Muslim clergy of Dagestan and the authorities: the history of relations (1917 – 1991)” (Makhachkala, 2010) [4], is devoted only to Dagestan and covers the period since 1917.

The authors of this paper wrote two articles in English, devoted to the reforming of Spiritual Assemblies/Administrations of Russian Muslims in the late 18<sup>th</sup> – early 21<sup>st</sup> centuries: “Projects of state and political development of Muslims in Russia” [5] and “Muftis of European Russia and Siberia in the late 18<sup>th</sup> – early 21<sup>st</sup> centuries [6]. Both were published in the recent 5 years.

The works, written in the last five years and devoted to the North Caucasus region, focus on the activities of the Alliance of United Mountaineers of the North Caucasus and Dagestan (further as AUMNCD) [7, 8], the Vladikavkaz Congress of the Mountain Peoples of the North Caucasus [9, 10], the activities of Nazhmuddin Gotsinsky, including his attempts to create a Muslim theocratic state [11]. All these works have clearly made a significant contribution to the coverage of the issue of the history of the religious autonomies of the two macro-regions that have become the focus of our attention. At the same time, based on the analysis of documents and works of our colleagues, we present our own perspective based on a comparison on the religious autonomy projects (both imperial and soviet) of the two key Muslim macro-regions of Russia.

At the beginning of the 20<sup>th</sup> century, when it became obvious that the local Muslim population was integrated into the structures of the Russian state, the creation of an independent Spiritual Administration for the Muslims of the North Caucasus was widely discussed. It was clearly formulated by government circles, and it has also become one of the most discussed topics in the Russian Muslim social movement itself, which was organized during the Russian revolution of 1905-1907: the “Ittifaq-al-Muslimin” Party of Russian Muslims was created, three All-Russian Muslim congresses were held.

The III All-Russian Muslim Congress, held on August 16-21, 1906 in Nizhny Novgorod, became the peak of the Muslim movement in pre-revolutionary Russia. At the congress, the spiritual commission was formed, headed by Galimjan Barudi, rector of the Kazan madrasah “Muhammadiyah”. This commission formulated the provisions for the reform of the Spiritual Administrations of Russian Muslims. The provisions proposed to create five territorial Muslim assemblies, called Makhkama-i-Islamia: Orenburg (for Muslims of the European Russia and Siberia), Tauride (Crimea and Western provinces), Turkestan (Central Asia) and two in the Caucasus (for Sunnis and Shiites of the region). These assemblies were intended to concentrate in their jurisdiction all religious affairs of the Muslims of their districts, including control over confessional educational institutions (madrasahs and maktab), mosques and waqfs, appointment of clergy and legal proceedings on marital and family issues (marriage-nikah, divorce-talaq and miras-inheritance division). A uniform structure of assemblies was designed, the average level of which would be the provincial (guberniya) and county (uezd) majlises of the Muslim clergy. The head of all Russian Muslims was to be an elected Rais ul-Ulama (Head of ulamas) with the rank of imperial minister, with the right to report personally to the Emperor. Muslim clergy of all levels (including Rais ul-Ulama) were to

be elected exclusively by Muslims themselves. It consisted of three elements: election by the parish (mahalla), examination and approval by the Spiritual Assembly [3, pp. 210-213]. Ismail Gasprinsky proposed Galimjan Barudi as Rais ul-Ulama and Yusuf Akchura as the heads of the assemblies [12, p. 106]. Thus, a Muslim theologian-ulama was to become the head of Russian Muslims, and a public figure with a secular legal education – his deputy. But the project remained on paper.

The discussion by Muslim leaders of the issue of organizing the administration of their spiritual life made it clear that the imperial government could no longer ignore the needs of the Muslim Ummah of Russia and was forced to take a number of measures aimed, if not at solving, then at least at clarifying the most pressing issues. In the spring of 1906, a special council on religious issues was held in St. Petersburg, chaired by General Alexei Ignatiev, during which the issue of reorganizing the Muslim peoples of Russia governance system was also discussed. The main speaker on this issue was Senator, member of the State Council, acting Privy Councilor Vladimir Cherevansky, who in 1868-1880 distinguished himself as a talented chairman of the Turkestan Control Chamber.

Vladimir Cherevansky in his speech highlighted the main provisions of his “Notes on the affairs of the Sunni Muslims religion”, the text of which he had prepared back in 1905. The speaker considered it possible to “consolidate the governance of the Sunni Muslims of the Caucasus by subordinating the Sunni North Caucasus to the Transcaucasian Spiritual Administration of the Sunnis in Tiflis” [13, p. 104].

One of the leading experts on the history of Islam in the Russian Empire, Dmitry Arapov, points out that in the North Caucasus in 1906-1914, the question of “regulating” the spiritual life of Sunni Muslims local organization was raised several times, “both by representatives of the tsarist bureaucracy and Muslim and Russian public figures, mainly of a liberal orientation” [2, pp. 303-305]. He also listed a number of projects that directly affected this issue, and were considered by the higher echelons.

Firstly, it was the already well-known project of Vladimir Cherevansky in 1905-1906, who proposed to subordinate the Sunni Muslims of the North Caucasus to the Transcaucasian Sunni Muftiat, implying that the creation of a separate North Caucasian Muftiate was not considered.

Secondly, it was the project proposed in July 1906 at a meeting of representatives of Muslims of the Kuban and Terek regions. It was set out in the adopted “Regulation” on the establishment in Vladikavkaz of an independent Spiritual Administration for Muslims of the North Caucasus headed by an elected mufti.

Thirdly, in 1909, the head of the Terek region, General Alexander Mikheev, spoke about the need to establish an independent Spiritual Administration for local Muslims in the North Caucasus.

Fourthly, the representatives of the Ummah themselves raised this issue from the rostrum of the Russian parliament – the State Duma of the IV convocation. In December 1913, 39 deputies introduced “legislative proposals” on the establishment of a special Spiritual Administration (Muftiate) for the Muslims of the North Caucasus “on the model and likeness of the Transcaucasian Sunni Administration”.

Despite that all the above-listed projects and proposals were sent to the highest governmental authorities of the monarchy, the adoption of any clear decision based on at least

one of them was constantly postponed. The Imperial government, including the chairmen of the Council of Ministers Pyotr Stolypin and Vladimir Kokovtsev, feared that the creation of a Muftiate in the macro-region would lead to an “anti-government” consolidation of North Caucasian Muslims. Among the opponents of the idea was the Emperor Nicholas II himself. When reading the text of the report of General Alexander Mikheev, the tsar, regarding the place where it was proposed to create a Muftiate in the North Caucasus, wrote: “I do not agree with this” [2, pp. 303-305].

Among these projects we can see the project of the Muslim faction of the State Duma: by the end of 1913, the Muslim Russian political elite formulated the idea of creating a spiritual administration (Muftiate) for Muslims of the North Caucasus on the model of the Transcaucasian Muftiate, submitting such a proposal to the State Duma. But it was not supported by the Council of Ministers, which, “agreeing with the conclusion of the Minister of Internal Affairs, ... found the above proposal unacceptable” [14, pp. 312-333].

The leaders of the public Muslim movement soon turned back to the idea of creating a Muftiate in the North Caucasus. At the IV All-Russian Muslim Congress, held on June 15-25, 1914 in St. Petersburg, on the basis of the report of the deputy from Kazan province in the II and III State Duma Sadri Maksudi (Sadretdin Maksudov), the draft “Regulations on the management of spiritual affairs of Muslims of the Russian Empire” was adopted. It contained provisions on the election of the clergy, the creation of secular and religious educational institutions for Muslims in Russia, the transfer of control over all schools, their program and the teaching staff into the hands of the Spiritual Assemblies, the abolition of restrictions concerning Muslim educational institutions and their teaching staff. The draft provided for a creation of uniform system of the Russian Muslims spiritual affairs’ management at the all-Russian level, on the basis of broad autonomy. The project in its structure resembled the “Regulation on the Administration of the Transcaucasian Muslim clergy of the Sunni doctrine” of 1872. In general, this project corresponded to the program of the reform of the Russian Muslims spiritual affairs adopted at the III All-Russian Muslim Congress in 1906 [3, pp. 254-255].

At the IV Congress, it was decided to propose the Muslim faction of the State Duma to re-submit to the government the demands of all Muslims of Russia, including the requirement to create a spiritual administration (Muftiate) of Muslims of the North Caucasus, and then submit them to the Duma for approval. But in August 1914, the First World War started, and the government had more pressing matters at hand than discussing and solving the ethno-confessional problems of its subjects.

A new stage in the development of projects on the management of spiritual affairs of Russian Muslims is associated with the fall of tsarism. The February Revolution brought the peoples of Russia hope for the possibility of deciding their fate on the basis of democratic principles. At the I (V) All-Russian Muslim Congress, held on May 1-11, 1917 in Moscow, the key issue was the form of autonomy of Russian Muslims. A fierce discussion broke out over it. As a result, the majority of the congress delegates representing the Muslims of the Caucasus, Crimea, Bashkiria, Turkestan and Kazakhstan supported the Azerbaijani politician Muhammad Amin Rasulzade and his proposal to create a federation based on national territorial autonomies. Almost all representatives of Muslims of the Volga-Ural region

(Tatars) and some of the delegates of the North Caucasus had a different opinion, and spoke in favor of national and cultural autonomy as part of a unitary state, which corresponded to the decisions of the III All-Russian Muslim Congress of 1906 on local autonomy and its self-government.

As a result, a two-paragraph resolution was adopted. The first paragraph notes that the form of the state structure of Russia, “most ensuring the interests of Muslim nationalities, is a democratic republic on a national-territorial-federal basis,” and the peoples who did not live compactly on any territory of the former empire must receive national-cultural autonomy. The second paragraph of this resolution suggested the creation of a central body with legislative functions common to all Muslims in Russia. The All-Russian Muslim Council (Milli Shuro) became such a body, intended to solve religious and cultural issues of Muslims [15, p. 101].

On the issue of religious governance of Muslims (resolution of Salihjan Urmanov, qadi of OMSA) the congress decided to reorganize the Orenburg Mohammedan Spiritual Assembly, and elect a Temporary Spiritual Administration headed by Mufti Galimjan Barudi. The administration also included six qadis: Salihjan Urmanov, Gabdulla Suleimani, Kashaf Tarjemani, Khujat ul-Khakim Mahmudov, Mukhlisa Bubi, Gumer Karashi. The latter one represented Kazakhs. The Kazakhs of Turgai, Ural, Akmola, Semiplatinsk regions were included back to the OMSA, according to the wish of their population. The OMSA received the rights of religious autonomy, including the election of all clergy (which was approved by the OMSA), control over parishes (mahallas), waqfs, military mullahs, and the teaching of the divine law in religious and secular schools. According to the resolution, a three-tier management system was established: The Spiritual Assembly (administration) – mukhtasibat – parish (mahalla). This project concerned only the OMSA district, since Muslims from other regions had to establish their own Spiritual Administrations [15, pp. 108-110, 140-143].

The proposal of the religious section of the Congress (resolution of Kashshaf Tarjemani) “on the creation of a single religious all-Russian center” was never put to a vote at the congress. Since this project provided for the creation of only religious autonomy, it was redirected to the consideration of the All-Russian Congress of the Moslem Clergy (Ulama s’ezi), scheduled for the second half of July 1917 in Kazan. We should note that since the All-Russian Clergy Congress was attended mainly by imams of the OMSA district, no decision-making took place on issues of the all-Russian level.

At the First All-Russian Muslim Congress of 1917, a controversy arose on the question of who should be responsible for the education system of Russian Muslims: religious or secular bodies. As a result, the resolution on cultural and educational affairs provided for the creation of a national-cultural autonomy, including all types of vocational education and teachers’ schools. At the same time, spiritual administrations retained control only over the madrasahs, that is, the system of religious professional education. The Congress recommended that Muslims everywhere switch to education in the “mother tongue of each tribe” (i.e., in their ethnic languages), learn the Turqi language in secondary and higher schools with mandatory study of the Russian language [15, pp. 108-110, 140-143].

The proposal of the religious section of the Congress (Kashaf Tarjemani’s resolution) took into account the realities of the North Caucasus, where the majority of Muslims were not

of the Turkic origin. Thus, the relations between all Spiritual Administrations (Assemblies, i.e. Idare and Makhkama) and their local boards (daira) were to be conducted in the Turkic-Tatar language, and for the Muftiate of the North Caucasus, paper work was carried out in Arabic [15, p. 144].

Simultaneously with the First All-Russian Muslim Congress in Moscow, the First Mountain Congress (or the First Congress of the Mountain Peoples of the Caucasus, May 1-7, 1917) was held in Vladikavkaz under the chairmanship of B. Shakhnov. The Congress announced the creation of the Alliance of United Mountaineers of the North Caucasus and Dagestan. Its authority extended to the Dagestan region, the mountain districts of the Terek region (Nazran, Nalchik, Vladikavkaz, Grozny, Vedenskoye, Khasav-Yurt), the Nogai section of the Terek region, the Kuban Mountain Regional Committee, the Zaqatala district and the executive committees of the Nogais and Karanogais of the Stavropol province [16, pp.16-183]. The Program, Constitution, Political Platform, and a number of resolutions concerning the most pressing issues of the region and the local population – land, religious, financial, and local legal proceedings of the AUMNCD were discussed and approved at the Mountain Congress. The adopted Constitution legitimized the state-legal existence of the AUMNCD on a federal basis. In turn, the AUMNCD was to become a subject of the future Russian Federal Republic.

According to the text adopted at the congress of the Constitution, “The Alliance of the Mountaineers of the Caucasus united all the mountain tribes of the Caucasus, as well as the Nogais and Turkmens”, became a “member of the Caucasian Muslim Union” and had the goal of “ensuring the peaceful coexistence of all the peoples of the Caucasus and Russia; the defense and consolidation of the freedoms won by the revolution; implementation of democratic principles; protection of political, cultural and national interests common to all mountain tribes” (Article 1). The bodies uniting the highlanders, Nogais and Turkmens, in accordance with Article 2, became the Congress of Delegates and the Central Committee of the United Mountaineers [17, p. 92].

The Congress adopted a number of important decisions on issues of public life of the Mountain society. Universal, compulsory and free primary education in mountain schools was declared. Incomplete secondary education was also to become universal and free. The education of children and youth was intended to be carried out in their native language, while “the Turkic (Turqi) language was introduced from the first year” [17, p.88]. That is, it was supposed to teach the language and writing of the Turqi language, which at that time (and not Arabic) was presented to the leaders of the Muslim peoples of Russia as the language of interethnic communication for Russian Muslims of different nationalities.

Clearly, for the Muslim mountaineers, one of the most important issues was related to religious governance in the Caucasus, still not resolved by the imperial administration. In accordance with the resolution of the religious section of Congress (Paragraph 1), a decision was made: “To introduce the rules of the Koran and Sharia into all Muslim court cases.” Paragraph 2 provided for the creation in the capital of Russia (at that time – Petrograd) of the Department of Sheikh ul-Islam, “elected according to Sharia by Muslims throughout Russia”, which will be endowed with “the rights of the Minister of religious and political affairs of Muslims” [17, p. 92]. This provision generally corresponded to the resolution of the III All-Russian Muslim Congress of 1906. As part of the Administration) it was planned to



create a council of 6 representatives of Muslim peoples elected according to Sharia laws: 2 Shafi'i, 2 Hanafis and 2 Jafarites (Shiites), that is, the representation here was determined by belonging to the Madhhabs [17, p. 92].

The third paragraph of the resolution concerned the issue of the organization of the management of the "Caucasian Muftiate". It assumed that the Muslims of the Terek, Kuban regions and Dagestan, the Black Sea province, Nogais, Karachays and Turkmens of the Stavropol province would elect the Caucasian mufti. His residence was to be located in Vladikavkaz. The council under the mufti was also elected, consisting of 4 qadis, representing the Sunni branch of Islam (2 representatives each from the Hanafi and Shafi'i madhhabs).

The vertical of Sharia courts was specifically stipulated in the document. Paragraph 4 regulated the establishment of regional Sharia courts in the region. It was supposed to establish regional Sharia courts, consisting of qadis, who were elected by capable Muslims in accordance with Sharia laws. One judge was to be elected from each district. The regional courts were to become the appeal instances for the district courts.

The next, Paragraph 5, provided the establishment of district Sharia courts, which included judges elected on the basis of Sharia laws – one from each precinct. This type of court was to become the first judicial instance for the Muslims of the site and the cassation court in relation to rural courts. In those districts where there were two mountain verbal courts, two or more Sharia courts were established, depending on the size of the population.

Paragraph 6 provided for the creation of a qadi position in each rural area, elected by local Muslims on the basis of Sharia norms. Their jurisdiction extended on civil cases in which the amount of damage did not exceed 300 rubles" [17, p. 92].

This project was compiled by local lawyers, representatives of the Muslim intelligentsia, who received a secular legal education in the Russian Empire and abroad. As a result, the document turned out to contain many references to the norms of secular civil law, despite the fact that, in general, it had to rely on the norms of Sharia.

This can be seen most clearly in the article on the difference between the appellate and cassation instances, which corresponded in general to the Russian Judicial Statutes of 1864. In the "arguments" to the Statute of Civil Procedure of 1864, it was noted that with regard to Russian civil proceedings, "there are two kinds of ways by which litigants can achieve a change or quashing of a judgement": ordinary (including reviews of absentee decisions and appeals) and extraordinary (cassation complaints, requests for review of decisions and reviews of third parties) ... The proceedings in the second instance court and the final decision resolution by it provided the fullest possible (based on the evidence presented by the parties within the framework of the adversarial proceedings principle implementation) and the "final" clarification of the factual circumstances of the case (in this sense that cassation, as one of the extraordinary ways of appealing the decision, in its essence no longer provided the possibility of this clarification) [18, pp. 132-135].

Vladimir Zakharov, a specialist in the history of Russian law, notes: "Cassation differed from appeal in that it was used to overturn decisions that violated laws, and not incorrect or unfair from the point of view of the actual circumstances of the case" [19, pp. 52-94]. Thus, the district Sharia courts with their district qadis had to correct possible violations of the laws in the decisions of rural qadis. One can agree with the following analogy:

“Following the results of the Judicial Reform of 1864, – as M.N. Marchenko notes, – at first there was, and then quite clearly outlined, a trend that continues to this day of gradual practical “mastering” by the Russian court, along with its traditional functions of a law enforcer and interpreter of law, very close to the main activity of a Russian lawmaker, to the functions of the creator of new legal norms” [7, p. 376].

In fact, as follows from the analysis of the text of the document, the North Caucasian Sharia courts received full control over the entire vertical of judicial power from the courts of first instance to the appellate and cassation ones [17, p. 92].

The religious section decided to ask the Congress of mountaineers to organize a special religious council of 9 people under the Alliance of United Mountaineers: 5 – from Dagestan and Terek regions, 2 – from the Kuban region and 1 – from Nogais, Karachais and Turkmens of Stavropol province. The Religious Council was to deal with the religious affairs of the Muslims of the North Caucasus before the appointment of the mufti. It was planned to open a Sharia Law Academy in Vladikavkaz, with a full course of Sharia and cycles of secular sciences [17, p. 92]. The Council was headed by Nazhmuddin Gotsinsky (1859-1925), who became the mufti of the North Caucasus.

The creation of the vertical of the Muslim clergy of the Caucasus in 1917 was planned on an elective basis, which corresponded to the decisions of the II All-Russian Muslim Congress (Nizhny Novgorod, 1906). The resolution of the Mountaineers Congress stated the following:

“7) Village imams are elected by competent members of the above-mentioned society in accordance with Sharia. The elections of the qadis of all type of courts are held through the mediation of the authorized representatives of the competent population of the relevant district in case if the assembly of this district faces difficulties.

8) Rural imams and muftis are subordinate to district qadis, the latter – to muftis. Before taking up their duties, muftis are to be examined by the Provisional Religious Council under the Central Committee of the United Mountain Peoples” [17, p. 93].

At the same time, the Muslim clergy was not a closed corporation, but had to be elected by the entire population from the level of Muslim parish (mahalls) up to the All-Russian Muslim Congress: “12) The procedure for the election of Sheikh-ul-Islam and members of his Council is established by the All-Russian Muslim Congress” [17, p. 93]. Thus, in the realities of May 1917, the Muslim population of the North Caucasus continued to focus on the creation and inclusion into the all-Russian Muslim structures within the frameworks of Russian statehood.

By the summer of 1917, the divergence in the development of religious autonomy of Muslims in the European part of Russia and Siberia (on the one hand) and the North Caucasus (on the other) became obvious. Muslim political leaders of the first of these regions hold a joint meeting of the All-Russian Muslim Congresses (including the Congress of the clergy) in Kazan on July 22, 1917, where they included the Muftiat as one of the nazarats (ministries) in Milli Idare (government of national-cultural and religious autonomy), effectively putting the spiritual power under the control of the secular one. By rejecting a number of liberal provisions (the most important one was a partial restriction of women’s equality), the secular leaders of Muslims in the region managed to conclude an alliance with most of the spiritual leaders of European Russia and Siberia [13, p. 282]. The leadership of the OMSA supported

Milli Idare in his confrontation with the Soviet regime until the end of 1919, but it was not about the mobilization of the clergy under religious slogans.

At the same time, the Muslim clergy began to play an increasingly important role in political decision-making in the North Caucasus. At the congress held on August 19, 1917, which went down in history as the Andean congress, Nazhmuddin Gotsinsky was elected imam of the North Caucasus. The ceremony was performed by the Avar sheikh Uzun-Haji Saltinsky (1847-1920). Thus, the course was taken to create an imamate as a Sharia state. It was decided to introduce Sharia laws and eliminate state secular courts throughout the territory of the Alliance of United Mountaineers of the North Caucasus and Dagestan [7, p. 9]. However, the delegates of the Second Mountain Congress (held on September 21-28, 1917 in Vladikavkaz) confirmed the priority of the secular authorities, while unanimously recognizing Nazhmuddin Gotsinsky as the head of the Mountain [peoples] Spiritual Administration with the rank of mufti [17, p. 148]. At the same time, neither of them focused on the all-Russian Muslim unity.

The Revolution of 1917 and the Civil war of 1918-1922 led to the fact that religious figures of Dagestan were “on different sides of the barricades”, who divided into supporters and opponents of the Bolsheviks and the Soviet government. The well-known Muslim authority N. Gotsinsky stood as the leader of the opponents of Bolshevism. He believed that Anton Denikin, the Commander-in-chief of the Armed Forces of the South of Russia of the White Movement, was a true believer and, among others, defended the religious values of different peoples (unlike the atheist Bolsheviks). Gotsinsky forbade his followers to fight the Denikin’s armed forces, and in 1920-1921 led an anti-Soviet uprising in the North Caucasus under the banner of Islam.

Sheikhs Ali-Haji Akushinsky (in January 1918, he was proclaimed Sheikh-ul-Islam by supporters of socialist transformations), Seifullah-qadi Bashlarov, Hasan Kahibsky and their followers, supported the Soviet government. But both supporters and opponents of the Bolsheviks in their appeals actively used religious slogans, sermons and fatwas calling on Muslims to protect Islam and Sharia from the “gavurs” (infidels). As a result, at the call of religious figures on both sides of the front, thousands of Dagestanis took up arms [4, p. 28].

As a result, the Soviet authorities in 1925, as the imperial ones in the 1860s, having secured control over Transcaucasia and the steppe and coastal regions of Dagestan, managed to isolate and eliminate the supporters of the Gotsinky’s imamate, including him personally. The issue of creating a Spiritual Administration of North Caucasus Muslims has never been resolved.

Once again, the issue of religious autonomy has become relevant in the present-day Russia, in which the constitutional democratic principle of freedom of conscience has been consistently implemented since the early 1990s. In the 1990s, separate Spiritual Administrations of Muslims were established in all regions with a significant Muslim population. During their creation the historical century-old experience was in demand, described in the projects of religious autonomies of Muslims of the early 20<sup>th</sup> century in the two Muslim macro-regions of Russia – the Volga-Urals and North Caucasus.

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