



MANAGING THE WAQFS OF TURKISTAN UNDER RUSSIAN IMPERIAL ADMINISTRATION: LEGAL RESTRICTIONS AND THEIR CONSEQUENCES

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Abstract. *The article examines the legal and administrative transformation of the waqf institution in the Turkistan region following its incorporation into the Russian Empire. Particular attention is paid to the legal status of waqf properties, the introduction of administrative supervision, taxation, and restrictions on the establishment of new waqfs under the Statute on the Administration of the Turkistan Region of 1886 and subsequent regulations. The study analyses the impact of these measures on the economic sustainability, management, and social functions of waqf institutions, including mosques, madrasas, caravanserais, bazaars, mills, and bathhouses. Archival documents, normative legal acts, periodical publications, and writings of Jadid intellectuals are used to identify both external administrative pressures and internal factors that contributed to the weakening of the waqf system. The article also considers the views of Munavvar Qori Abdurashidkhonov and other intellectuals concerning the adaptation of waqf to changing social and educational needs. The findings demonstrate that colonial administrative intervention, combined with weaknesses in internal management, disrupted the traditional functioning and development of the waqf institution.*

Keywords: *waqf, Turkistan region, Russian Empire, colonial administration, waqf property, waqf management, taxation, land relations, madrasas, mosques, Jadidism, Munavvar Qori Abdurashidkhonov, Central Asia, Islamic institutions, legal regulation.*

INTRODUCTION

Until the Turkistan region was incorporated into the Russian Empire, the waqf system operated in close connection with local state administration and with the institution of the qadi. Ensuring the correct distribution of waqf income and the integrity of the property lay with the ruler and with the qadis. This system formed a single whole together with

the forms of landholding, the order of taxation and the financial provision of religious educational institutions.

The economic weight of the waqf was also considerable. In the Khanate of Khiva more than forty per cent of the cultivated land, together with many caravanserais, bazaars, mills and bathhouses, was waqf property, administered mainly by the waqf office. In the Emirate of Bukhara there were more than two hundred waqfs, which covered almost a quarter of the cultivated land, seventy per cent of all the bazaars, one thousand four hundred and fourteen shops and one hundred and thirty-three residential buildings; the income derived from them amounted to more than one million roubles a year in gold (Khalimov, 2024). A complex of property on such a scale could not remain outside the attention of the new administration, either economically or politically.

The aim of the present article is to determine the content of the legal regime introduced by the colonial administration and to assess the influence of this regime on the functioning of the waqf institution.

MAIN PART

The study analysed the normative documents on the administration of the region, the tax rules and the instructions of the governor-general, together with the periodical press of the period and the written sources left by the Jadid intellectuals. Statistical data on waqf properties and incomes were compared on the basis of archival documents and of the research literature (Central State Archive of the Republic of Uzbekistan, fund I-323). The work employs historical-legal, comparative and source-critical methods (Khalimov, 2024).

After tsarist Russia had seized the lands of the region, it approached waqf property with caution and chose the path not of abolishing it entirely but of restricting it and bringing it under supervision. Under the waqf provisions of the Statute on the Administration of the Turkistan Region, waqfs recognised by the government were left in their former condition, while the establishment of a new waqf was permitted only with the consent of the governor-general and only in special cases. The provincial administrations received the right to establish supervision over the founding and the management of a waqf and to carry out inspections; in certain cases it was also laid down that waqf lands might be taken into the disposal of the state (Statute on the Administration of the Turkistan Region,

1886). In this way the establishment of a waqf ceased to be an act depending on the proprietary will of the individual and became a procedure dependent on administrative permission.

The second direction was pursued through taxation and land relations. On 12 June 1886 rules on land and property tax relating to the administration of the waqfs of the region were drawn up, and on the basis of the relevant articles the governor-general of Turkistan adopted special instructions on 10 April 1891. At the same time the Statute divided the population into settled and nomadic groups and, while confirming the local population's possession of the lands they had long held, imposed a land tax amounting to ten per cent of the income derived from them, a tanobona tax on gardens and a two per cent tax on trading capital; wild forests and vacant lands were declared to be state property (Statute on the Administration of the Turkistan Region, 1886). As a result waqf properties were left under a new burden within the general fiscal system.

The practical consequences of these changes soon began to appear. Although the population continued to give waqf and alms for madrasas and mosques, the work of repair and of allocating salaries to the trustee, the professor, the imam-khatib, the maqsurakhon and the students weakened and became more complicated. The main part of the income from a waqf was to be allocated to the maintenance and repair of the buildings, and the remainder was to be divided among the personnel indicated in the waqf deed; in practice this condition was not fully observed, since the personnel of mosques, madrasas and reading rooms changed very rapidly. Because of the insufficiency of the funds allocated for repairs, the madrasas and mosques, together with the caravanserais, mills, trading rows, bathhouses and wooden water pipes belonging to them, deteriorated year by year. The decay of the Sherdor, Tillakori and Ulugbek madrasas in Samarkand and of the Baroqkhon, Borikhoja and Shukurkhoja madrasas in Tashkent is a manifestation of this process (Khalimov, 2024).

A noteworthy aspect is that it would not be correct to explain the weakening of the waqf system solely by external causes. The sources also record that the khans and emirs, being absorbed in introducing new taxes, in increasing their personal income and in waging war on their neighbours, treated the waqfs with indifference (Baljuvoni, 2001). The administrative supervision, therefore, fell upon defects already existing in the internal administration and deepened them still further.

In that period the question of the waqf came to occupy the centre of debate among the enlightened intellectuals. Munavvar Qori Abdurashidkhonov writes that formerly everyone in Turkistan regarded assistance to the cause of public education as a meritorious act, that in order to provide materially for teachers and students people converted their own lands, caravanserais and shops into the property of educational institutions, and that for this reason professors and students felt no want of anything; he stresses that it was precisely the waqfs that had brought about the progress of that period. At the congress of the heads of the departments of public education of the Turkistan Republic held in June 1920, he stated that waqfs should be established not for religious and social service but for raising the culture of the people, and that the religious colouring acquired by the national schools and madrasas was based on the policy of the tsarist government (Munavvar Qori Abdurashidkhonov, 2003). These views were not a complete rejection of the waqf institution but an attempt to adapt it to new social tasks; at the same time they also opened the way for the waqf to be subsequently distanced from its religious essence. The fact that in September 1920, after the overthrow of the emirate in Bukhara, A. Fitrat and F. Khodjaev summoned such intellectuals as Munavvar Qori, Said Ahrori and Cho'lpon to Bukhara and entrusted them with the task of restoring the waqf and national culture is likewise a part of this process.

The experience of the colonial period is instructive today in two respects. First, the stability of a waqf depends not only on the extent of the property but on the continuity of administration and the transparency of accounting: when the system of trusteeship was interrupted by administrative interference, even the largest waqfs fell into disrepair within a short time. Second, subjecting waqf property to the general tax and administrative order extinguishes its purposive nature, since the order of expenditure determined by the founder's stipulation is replaced by external rules. In the present day, in the example of the activity of the "Waqf" charitable public foundation established under the Muslim Board of Uzbekistan (Decree of the President of the Republic of Uzbekistan No. PF-5416, 2018), the principal question stands at the same point: how the purposive and conditional nature of the historical waqf can be preserved within a modern legal form.

CONCLUSION

The waqf system of the Turkistan region was at one and the same time preserved and weakened from within under colonial administration. Although leaving the recognised

waqfs in their former condition outwardly gave the appearance of respect, making the establishment of new waqfs dependent on the consent of the governor-general, granting the provincial administrations the right of supervision and inspection, and the tax rules of 1886 together with the instructions based on them, halted the natural growth of the institution. The consequence of this was clearly visible in the disruptions in the distribution of income, in the weakening of the provision made for personnel and in the large madrasas being left unrepaired. At the same time the sources show that indifference in the internal administration also accelerated the process, and for this reason it would be one-sided to explain the matter solely by external pressure. The views of Munavvar Qori and of the intellectuals who thought as he did show that the idea of adapting the waqf to the demands of the age was born within the region itself. The principal lesson to be drawn from this experience is that the vitality of a waqf is determined not by the extent of its property but by respect for the founder's stipulation, by the continuity of administration and by the transparency of accounting.

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