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## THE STUDY OF THE WAQF INSTITUTION IN TURKESTAN

**Abstract.** *After the territories of Turkestan were conquered by the Russian Empire, new changes were introduced into the socio-economic and political systems of the region. Among other things, this led to the abolition of the waqf institution. The waqf institution, property rights, and waqf documents were thoroughly studied by Russian Imperial Orientalists and Soviet colonial authorities. This article discusses the researchers who studied the waqf institution during those periods and their scholarly works.*

**Keywords:** *Russian Empire, Turkestan, waqf institution, property rights, waqf documents.*

### INTRODUCTION

After Turkestan was conquered by the Russian Empire, new orders were established in the political, socio-economic, and other spheres of the region in accordance with the demands of colonial rule. The Governor-General of the Turkestan region, K.P. Kaufman, considered it necessary to study land relations based on Sharia law that had previously been in force before introducing a new system of land ownership, and for this purpose invited specialists with Orientalist training to the region (Savitsky, 1963:5). As a result, the first studies devoted to land relations – and in particular to waqf issues – appeared. Subsequently, the historiography of waqf property of this period was enriched by the scholarly investigations of such researchers as V. Blagoveshchensky, A. Moskaltsev, P. Tsvetkov, V. Vyatkin, V. Nalivkin, L. Zimin, and V. Bartold.

Among the documents of the National State Archive of the Republic of Uzbekistan, alongside waqf documents from the 9th–15th centuries and the 16th–19th centuries, there are also waqf documents from 1867–1924 relevant to the period under study. The waqf documents were signed in Bukhara, Samarkand, Khiva, Khorezm, and Tashkent,

and were designated by certain individuals for the donation of immovable property or a specific sum of money for the repair, restoration, and maintenance of mosques or madrasas, for paying the salaries of mu'adhhdhins and imams, and for providing stipends to madrasa students.

## MAIN PART

M.N. Rostislavov's views on establishing the amount of waqf lands, determining to which waqf institution they belonged, studying all waqf documents of the waqf institutions from various periods and translating them into Russian, as well as carrying out other similar tasks, were put forward as proposals to the regional administration for political reforms. In his study, he also touched upon the letter of the Ottoman Minister of Finance addressed to the Sultan, analyzing the policy of transferring waqf properties belonging to mosques in Constantinople to state ownership and levying taxes on immovable property (Rostislavov, 1873).

N. Emelyanov, in his work, provided information about waqf properties in the Turkestan region, reporting that – excluding the Kazalinsk district and the Amu Darya section – there were 2,909 waqf-endowed institutions in the region, with 462,566.75 tanabs of land attached to them. The total annual income of the waqf institutions was also presented as data (Emelyanov, 1887).

L.A. Zimin noted that research on land and water relations in the Fergana region had been conducted during the years 1897–1905 and that its results had been published in a special study. (Zimin, 1910) The author drew attention to the information in this research regarding waqf documents and the khan's charters appended to them. According to him, waqf documents that did not bear the khan's seal or were not accompanied by a khan's charter as an appendix were found by the Russian administration to be forged and were not recognized as valid legal documents. In the Namangan district of the Fergana regional administration, 1,376 such waqf documents without a khan's seal were found, and in the Osh district, 227 (Zimin, 1910).

A number of articles published in the pages of the newspaper *Turkestanskije vedomosti* were also devoted to the waqf topic, with one of them discussing madrasas and the waqf properties that formed their material foundation. In particular, special attention was paid to the number of madrasas in the cities of the Turkestan region and the size of their waqf properties. It was emphasized that by encouraging qadis, muftis,

and other religious scholars to learn the Russian language, Russian cultural influence could first be transmitted to the educated Muslims and through them to the broader population (On Madrasas and Waqfs, 1898).

An article about Tashkent waqfs published in the 1884 issue of the newspaper touched upon the tax policy of the colonial government of the region concerning immovable properties in the city, and particularly waqf properties. The total amount of all waqfs in the city of Tashkent was cited as 947,000 rubles. (Waqfs in Tashkent, 1884) In addition, another article specifically noted that by 1901, there were 3,238 waqf institutions in the Fergana region (The Waqf Question in Fergana Region, 1901).

V.L. Vyatkin, in his study devoted to waqf, mentioned the existence of 1,200 waqf documents related to lands around the Khujand district within the Samarkand regional administration, which chronologically encompassed the period from the end of the 17th century until the Russian conquest of Khujand (Vyatkin, 1903).

The renowned Orientalist scholar and academician V.V. Bartold also paid attention to the waqf issue in his works. He noted that the main material source of schools and madrasas consisted of lands, shops, and other waqf properties donated to them. He also reported, as a matter of record, that during the tenure of Governor-General Cherniaev, the waqf lands of one of Tashkent's madrasas were forcibly seized and transferred to a Russian charitable society. (Bartold, 1964:314) Yet this situation was contrary to the norms of Islamic law, leading to the violation and elimination of the inviolable status of waqf as property.

With the advent of the Soviet period, new studies devoted to the waqf issue appeared. One of the distinctive features of this era was that waqf documents were studied primarily from a source-studies perspective. These scholarly investigations shed light on certain aspects of the waqf administration's activities, as well as the role of waqf properties in the economic and socio-political life of society, and also drew attention to aspects such as the topography of cities, villages, neighborhoods and quarters, as well as irrigation structures and canals.

Among the scholars who studied the waqf topic from a source-studies perspective are V.L. Vyatkin, (Vyatkin, 1958:109-136) O.D. Chekhovich, (Chekhovich, 1979) A.V. Vildanova, R.G. Mukminova, (Mukminova, 1966) A.D. Davydov, (Davydov, 1960:82-128) A.A. Divaev, (Divaev, 1901) Kh. Khamraev, (Khamraev, 1947:205-217)

K.M. Mirzaev, (Mirzaev, 1961:107-119) and G. Djuraeva, (Djuraeva, 1995) among others.

The first study in this field, carried out by A. Divaev, mentions that Amir Timur endowed for the mausoleum of Ahmad Yasawi the Yangcha canal flowing from the spring called Khoja-tumasa, together with the lands and gardens adjoining it on both sides. The waqf funds were distributed among the Quran reciters performing recitation at the mausoleum and the other mausoleum staff listed in the waqf document. (Divaev, 1901).

O.D. Chekhovich's article «A New Source on the History of Bukhara in the Early 14th Century» and his monograph «Bukhara Documents of the 14th Century» are devoted to the study of a waqf document concerning the waqf properties established by Yahya ibn Ahmad, the grandson of Sheikh Sayfiddin Bokharziy, for the mausoleum and khanaqah of Sheikh Sayfiddin Bokharziy. The names of 13 localities (villages) donated as waqf, as well as the names of several dozen villages and canals bordering the waqf lands of Sayfiddin Bokharziy, are mentioned (Chekhovich, 1965:13).

The studies conducted by R.G. Mukminova on the waqf documents pertaining to the madrasas of Muhammad Shaybani Khan in the city of Samarkand (Mukminova, 1957:17-21) contain valuable information about land and property relations in the Shaybanid state, and the state of trade and craftsmanship in Samarkand in the early 16th century, among other topics.

Among the scholars who conducted a comparative analysis of the khan's seals found in waqf documents and certain facts related to coins in circulation at that time alongside numismatic data, and who pursued scientific research in this field, are O.G. Bolshakov (Bolshakov, 1971:170-178) and E.A. Davydovich. (Davydovich, 1960:87-128).

## CONCLUSION

After the Russian Empire conquered Turkestan, waqf affairs began to be gradually curtailed. The Soviet waqf policy in Turkestan continued in an uncertain manner until 1925. After the formation of the Uzbek SSR, a land and water reform was scheduled. According to the land and water reform, lands belonging to cultural waqfs were to be dissolved and distributed among the peasants. Ultimately, waqf ownership was abolished by the late 1920s in all Central Asian republics, including Uzbekistan.

In conclusion, it can be stated that in the second half of the 19th century and the early 20th century, the allocation of waqf properties by the people to madrasas, mosques, and mausoleums in the territory of Turkestan did not cease. From the income derived from waqf properties, alongside the repair of madrasas and mosques, salaries were allocated to mutawallis, teachers (domlas), imam-khatibs, maqsurakhans, and students (talibs).

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