

Official Islam in Post-Soviet Central Asia: A Study of the Fatwās by Tajikistan’s ‘Ulamā’ Council (2015-2017)

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**Official Islam in Post-Soviet Central
Asia:
A Study of the Fatwās by Tajikistan’s
‘Ulamā Council (2015-2017)**

Presented by

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For partial fulfillment of the requirements for Master degree in the Study of
Contemporary Muslim Thought and Societies

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ABSTRACT

Although Islam has been part of the Central Asia's identity for centuries, Islam as a religion and as a cultural identity has been subjected to tremendous repression since the mid-nineteenth century. The emergence of an official Islam comprising a set of actors and institutions took place in the mid-twentieth century under Soviet domination. The newly independent states of Central Asia inherited the structures of official Islam from the Soviet period. In Tajikistan, as in other Central Asian states, state-appointed fatwā bodies partly represent the continuation of the Soviet legacy in their structure, policy, and ambition. The Tajikistani Council of 'Ulamā has the complex task of managing state-religion relations through the accommodation of state secularism and the promotion of the now official Ḥanafī doctrine. This thesis examines how this task is accomplished by the Council of 'Ulamā. Drawing on a corpus of one thousand fatwās in Tajiki language, the thesis explores how the Council's fatwās on ritual, society and politics help to shape a distinctive form of Tajik Islam in contemporary Tajikistan. It highlights the various ways in which the Council departs from Ḥanafī doctrine in order to secure state interests in some fields, while confronting state policies in order to advance Islamic law and preserve the authority of the Ḥanafī madhhab in others.

ملخص الأطروحة

لقد بقي الإسلام جزءاً من هوية آسيا الوسطى لعدة قرون، غير أن الإسلام كدين وكهوية ثقافية تعرض لعملية قمع واستئصال هائلة منذ منتصف القرن التاسع عشر الميلادي. وشهد منتصف القرن العشرين ظهور إسلام رسمي في آسيا الوسطى يمثله شخصيات ومؤسسات تعمل تحت إدارة سوفيتية، وورثت جمهوريات آسيا الوسطى المستقلة مؤسسات الإسلام الرسمي من الحقبة السوفيتية. في طاجيكستان، كما هو الحال في بقية دول آسيا الوسطى، تمثل المؤسسة الدينية التي عينتها الدولة استمرار الإرث السوفييتي في هيكلتها وسياساتها وطموحاتها. المجلس الأعلى لعلماء طاجيكستان تتحمل مهمة معقدة في إدارة العلاقات بين الدولة والدين من خلال تكييف علمانية الدولة وترويج المذهب الحنفي الشبه الرسمي، وتبحث هذه الرسالة كيف يتم إنجاز هذه المهمة من قبل مجلس العلماء. بالرجوع إلى مجموعة من ألف فتوى باللغة الطاجيكية، تستكشف الرسالة كيف تساعد فتاوى المجلس في مجال العبادات والمجتمع والسياسة، في صياغة شكل مميز من أشكال الإسلام الطاجيكي في طاجيكستان المعاصرة. وتسلط الرسالة الضوء على الحالات التي يبتعد فيها المجلس عن المذهب الحنفي من أجل ضمان مصالح الدولة، بينما يواجه سياسات الدولة في حالات أخرى، من أجل النهوض بالقوانين الإسلامية والحفاظ على نفوذ المذهب الحنفي.

Table of Contents

Introduction	10
Chapter 1: Islam in Tajikistan - Soviet Legacy and Post-Soviet Realities	15
1.1 Central Asia and Islam: A historical background	15
1.2 Islam in Post-Soviet Central Asia	21
1.3 Post-Soviet Tajikistan: Islam, ‘Ulamā and Fatwā	25
1.4 Controlling Religion: Bodies and Regulations	28
1.4.1 Law on Freedom of Conscience and Religious Associations	28
1.4.2 The Committee for Religious Affairs	31
1.4.3 The Council of ‘Ulamā of Tajikistan	32
1.5 The Fatwās of the ‘Ulamā Council	33
1.6 The Council’s Muftīs	37
1.7 The Council’s Mode of Argumentation	42
1.8 Thesis Outline	43
Chapter 2: Fatwās on Rituals	44
2.1 Faith and Beliefs	44
2.1.1 Popular Islamic Practices	47
2.1.2 Issue of Takfīr	51
2.1.3 Issue of Taqlīd	55
2.1.4 Shī‘a -Sunni relations.....	61
2.2 Tahāra	63
2.3 Prayer.....	65
2.3.1 Mosques and Qibla Direction.....	66
2.3.2 Prayer at work place and during work time	68
2.4 Zakāt	71
2.5 Fasting	75

2.6 Hajj	77
Conclusion	79
Chapter 3: Fatwās on Society	81
3.1 Marriage	82
3.2 Divorce	87
3.3 Halāl food	93
3.4 Halāl jobs	96
3.5 Relation with non-Muslims	98
3.6 Personal appearance (ḥijāb and beard)	100
3.7 Names and Tajik Identity	102
3.8 Civil Liberties and Personal freedom	105
Conclusion.....	108
Chapter 4: Fatwās on Politics	110
4.1 Non-Official Islam	112
4.2 Shīʿa- Sunni Relations and Iran Factor	117
4.3 Extremism and Terrorism	121
4.4 State Authority and the concept of Obedience	124
4.5 National Interests and National Unity	126
Conclusion	129
Conclusion	131
Bibliography	136

LIST OF FIGURES AND TABLES

Figure 1 Presentation of a fatwā page in the Official Website	34
Figure 2 Presentation of Ask a question page in the Official Website	35
Figure 3 Presentation of Members of the ‘Ulamā Council in the Official Website	38
Table 1 Distribution of Fatwās	36

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DEDICATION

To my dear wife Amina Khatibi, it was her idea to do the MA program and it was her moral support and encouragement to finish this thesis.

Introduction

Islam has remained an integral part of the identity of the Central Asian nations despite the tremendous efforts exercised by communists in the Soviet era to remove religion from society. The failure to eradicate Islam from the Central Asia pushed Soviet leaders to contain it within state institutions and to produce what we may call an Official or Soviet Islam.

After the disintegration of the Soviet Union in 1991, official Islam remained functional within the regulations and institutes of the newly emerged independent Central Asian states. With the rise of National–Secular regimes in the aftermath of the Soviet collapse, official Islamic discourses acquired more specifically national dimensions “Uzbek Islam, Tajik Islam, Turkmen Islam, Kirghiz Islam and Kazakh Islam” (Karagiannis 2012, 71-74).

The nationalistic approach of the post-Soviet states has added new features to official Islam in each of these countries. The contemporary Central Asian states manage the religious needs of the society, monitor closely its religious activities, delimit the range of religious practices that it tolerates, and offers the only legal and official narrative of Islam in the country.

In the heart of the on-going nationalization process of Islam in the post-Soviet Central Asia lie state muftīs and fatwā institutions. In Tajikistan, as in other Central Asian states, fatwā institutions partly represent the continuation of the Soviet legacy in its structure, policy, and ambition. Since 2009 when Tajikistan started officially promoting the Ḥanaḥī madhhab as the state doctrine, the state has explicitly engaged in the development of a

new Islamic narrative in order to achieve a double objective: to delegitimize the interpretations of new Islamist actors (Islamic Renaissance Party, Salafīs, Hizb al- Tahrīr) and to control the religious life of the population in the midst of a re-Islamization process. This approach has put the ‘Ulamā Council of Tajikistan, an institution originally established under Soviet rule and renamed in 1996, at the forefront of the nationalization of Islam process. The Council has the complex task of managing state-religion relations through an accommodation of state secularism and a promotion of the now official Ḥanafī doctrine - a task which gives rise to many tensions, as I explore in the thesis. Fatwās provide an important perspective to understand how the ‘Ulamā council seeks to achieve this double objective and shapes a distinctive form of Tajik Islam. The questions that guide my analysis are the following: what departures from the Ḥanafī madhhab can be tolerated by the ‘Ulamā Council in order to secure state interests? And what critiques of the state policies can be voiced within the Council in order to advance Islamic law and preserve Ḥanafī doctrine?

In order to answer these questions I draw on an unexplored corpus of texts: the fatwās of ‘Ulamā Council of Tajikistan available online. Although I was not able to interview the muftīs to clarify issues, the analysis of the fatwās written in Tajiki language and Cyrillic alphabet provides an appropriate focus for answering my questions and refining our understanding of official Islam in contemporary Central Asia.

This thesis seeks to contribute to three lively fields of research: Islam in post-Soviet Central Asia; state muftīs and fatwās in a media world; and the relevance of the madhhab in contemporary times.

I am interested in understanding the historical continuities and transformations of Islam in contemporary Central Asia. Adeb Khalid's 2007 book on *Islam After Communism: Religion and Politics in Central Asia* is a key intervention in this debate. I take up Khalid's claim that religion has long been seen as being in the service of the state, rather than the reverse (Khalid 2007, 39), in order to understand the seemingly apolitical nature of official Islam in post-Soviet Tajikistan. I also explore Khalid's assertion of the continuing relevance of Soviet policies and institutions for understanding the state's efforts to develop an official Islam in post-Soviet Central Asia. My work is also in conversation with studies that have analyzed, from different methodological standpoints, various dimensions of Islam in the region (Rashid 1994; Louw 2007; Roy 2000; Thibault 2014). This scholarship has shown how Central Asian national identities emerged from within the republican administrative units of the Soviet Union and mobilized Islam. My analysis of the Tajikistani 'Ulamā Council's fatwās builds upon and complements previous research on official Islam and popular religiosity in Central Asia.

The second field of research which my work intended to contribute is to deal with state muftīs and contemporary fatwās in a media world. Scholarship has by now amply demonstrated the usefulness of fatwās for social, economic, political and intellectual histories (Skovgaard-Petersen 1997; Masud, Messick and Powers 1996; Masud 2009; Powers 1990). Research has focused on various aspects including the relation between the court ruling and the fatwā, the modes of issuing fatwās, and the relations between the muftī and the mustaftī (the person who asks for a fatwā). In Tajikistan, as in many other countries today, official fatwā institutions operate in a secular environment where the Constitution and the legal courts do not recognize shari'a as a source of law. Skovgaard-

Petersen's (2015) differentiation between different fatwās (public, state, collective) is helpful to situate the kind of fatwās that the 'Ulamā Council issues. My work confirms that contemporary fatwās exhibit a broader scope than fiqh itself (Masud 2009). As I show in my thesis, Tajiks ask the muftīs of the 'Ulamā Council about different matters like exegesis, theological doctrines, heresiology, history, Ṣūfism, politics, public morality, etiquette and manners. The contents of the question and the concerns raised by the petitioners help to "anxieties about social changes and tension between law and society" (Masud 2009, 350). I pay attention to the ways in which modern muftīs cope with unprecedented issues. Drawing on previous studies of collective ijtihād (Al-Atawneh 2010; Caeiro 2011), I seek to understand the dynamics of collective fatwā-giving in a comparative perspective. Also useful for my study, given the online location of the 'Ulamā Council's fatwās, are works that have explored the media dimensions of contemporary iftā' (Messick 1996; Bunt 2003; Gräf & Skovgaard-Petersen 2008). Finally, my study seeks to contribute to our understanding of the relevance of madhhab in contemporary times. Many scholars have emphasized the centrality of the juridical school for traditional Islamic legal interpretation (Bearman, Peters and Vogel 2005; Powers 2014). The relations between taqlīd and ijtihād in the context of the madhhab, and the functions of the fatwā in Islamic law, have featured prominently in these discussions. The work of Tajikistan's 'Ulamā Council offers an opportunity to reconsider the relevance of the madhhab and the importance of the fatwā in a contemporary context. Historically, as is well known, Central Asia was attached to the Ḥanafī doctrine. Local jurists made critical contributions to the development of Ḥanafīsm which was in itself, as many scholars have shown, a diverse and evolving jurisprudential school. Furthermore, recent

scholarship has also demonstrated how Ḥanafīsm was integrated into modern state legal systems (Ayoub 2016; Burak 2015). Although the madhhab is often assumed to be marginal to contemporary Islamic legal practice, this thesis revisits debates about madhhab affiliation and taqlīd, exploring the relevance of Ḥanafīsm in a contemporary Central Asian context. My work shows how contemporary states may seek to institutionalize a madhhab in order to centralize religious authority. It hopes to shed new light on both the contemporary relevance of Ḥanafīsm and some of its limits in the context of the modern nation-state.

The thesis is divided into four chapters. The first chapter provides a historical overview of state-religion relations in Tajikistan from the Soviet era until today. It presents the institutional framework of the ‘Ulamā Council and its fatwās. Chapters 2 to 4 analyze the fatwās issued by the Council in three central domains: rituals, society, and politics. I constructed these categories in order to address the questions that guide my own research. While I recognize of course that that are political stakes in fatwās related to rituals and society, I distinguish these from the chapter on politics which deals directly with state institutions and power politics.

Chapter 1: Islam in Tajikistan - Soviet Legacy and Post-Soviet Realities

Any discussion about state-religion relations in the Central Asia in general, and in Tajikistan in particular, remains incomplete if we do not recall the history of Russian heritage, and the Soviet legacy in managing the relation with Islam as a religion and with Muslims as populations of the Russian empire and the Soviet Union.

The first chapter is mainly dedicated to offering a necessary historical background in understanding the dynamics of state-religion in Central Asia in both the pre and post-Soviet era. The Soviet legacy, even after the collapse of Communism, will be discussed in order to examine the roots of the nationalization of Islam in the region.

Islam in the post-Soviet Tajikistan and its official instruments and policies are discussed in this chapter. The 'Ulamā Council of Tajikistan, its history, current structure, modus operandi and fatwā issuing methods are also explored. The chapter also offers a general account of fatwās reviewed in this thesis along with their categories in order to understand the scope and diversity of the research. Finally, it also considers accounts of muftīs of the 'Ulamā Council and their mode of argumentation and sources they depend on when issuing fatwās.

1.1 Central Asia and Islam: A historical background

History is pivotal in the search for answers we seek to understand why communist elites in Central Asia sustained their authority after the disintegration of the Soviet Union. It will also help us understand why and how the Soviet legacy remained the basic

framework that defines the relationship between the state and religion, and manages it. As Adeb Khalid describes it, “History does matter. The way in which Central Asians relate to Islam, what Islam means to them, can only be understood by taking into consideration the experience of seventy years of Soviet rule” (Khalid 2007, 2). Historically, Central Asia was a crossroads where several cultures and civilizations met together and developed societies, but Islam as the last monotheistic religion remained in control of the Central Asia and was able to spread among their communities and become part of the region’s identity.¹

What history suggests is that this region was one of most important centers of Islamic civilization. Cities such as Samarkand and Tashkent, and especially the prosperous city of Bukhara, emerged as the centers of Sunni orthodoxy in the region. Adeb Khalid sees that “this orthodoxy rested on a synthesis of juridical Islam with Şūfīsm. Shari‘at and Tariqat came to be seen as complementary sources of authority. All ‘Ulamā had Şūfī affiliations, and Şūfīsm realigned itself to the norms of juridical Islam” (Khalid 2007, 31).

Nearly 140 years of Russian colonialism, starting from mid-nineteenth century, are considered important regarding Islam in the Central Asia. From the time that Russian troops began to invade the Khanates of Khiva and then Tashkent city, through to the fall of the Tsarist Russian state during the communist revolution of 1917, and finally to the disintegration of the Soviet Union in the early 1990s, this was the period when Central

¹ For more information about the history of Islam in the Central Asia read: Ludmila Polonskaya, and Alexi Malshenko (1994) *Islam in Central Asia*. UK: Ithaca Press.

Asia witnessed the initial efforts of modernizing its societies, and shaping public awareness about Islam as a religion and as a life style and national identity.

Historically, Central Asia had fallen under the control of different empires, but it was only “Russian conquest that brought new forms of political control and new forms of knowledge to justify it. It brought the Central Asia into the modern world via colonialism” (Khalid 2007, 31).

In 1788, Queen Catherine II (1762-1796) established a “spiritual assembly” at Orenburg. The Orenburg Muslim Spiritual Assembly was an attempt, unique in the Muslim world at that time, by the state to impose an organizational structure on Islam. In general, Catherine’s policies remained constant until 1917, but not with the same enthusiasm that was shown by the Queen towards the Muslims and their religion (Khalid 2007, 36-37). Robert Crews suggests that the tsarist state's attitude to its Central Asian Muslim population was much more interventionist than Russian rulers in the region intended (Crews 2006, 12).

Adeeb Khalid, noticed that Muslim religious scholars, despite their resistance to the Russian colonial power in different ways, began leaning to accept the legitimacy of the Russian colonization as long as it did not threaten the Islamic Shari‘a, and as long as the Muslim communities could find space for the practice of Islam and Islamic personal law was valid in courts. What helped them to adopt such a position was the fatwā in Ḥanafī School on the legitimacy of a usurper as long as he supports Shari‘a and implements it (Khalid 2007, 39).

In the generation that came after the Russian occupation, Muslim scholars gradually adopted the new system in Central Asia. They were happy also in dealing with the Russian administration and accepted and appreciated many of the advanced services provided by Russians, such as modern medication and communication services, especially trains, without being obliged to make any change within the Muslim communities.

Thus, before the start of the communist Bolshevik Revolution, Central Asia had gone through the experience of more than fifty years of Russian colonialism, during which many Islamic concepts witnessed changes due to the modernization process that accompanied Russian colonialism, and internally through reformist movements like Jadidism;² a significant pedagogical reform movement, with a deep influence through dissemination of a wide array of reformist literature in the region after 1905 (Chatterjee 2001, 1126).

After the Communist revolution in Russia in 1917, and despite the confluence of the Bolsheviks and Jadidis at several points, the communists were not interested in supporting Jadidis in the application of their reformist projects. It was the communist utopian vision that Bolsheviks sought to be applied in the whole world. In mid-1926, the communist authorities in the Central Asia began a cruel and destructive campaign against traditional culture. All non-official schools were closed, and by the following year, all schools with the old curriculum were closed too. Qāḍī Courts also met with the same persecution and were closed quickly, with the abolition of the Department of awqāf

² For more reading about Jadidism and related events in Central Asia read: Khalid, Adeb (1998) *The Politics of Muslim Cultural Reform: Jadidism in Central Asia*, University of California Press

(endowments) and the confiscation of its properties. By 1928 and 1929, all religious councils and mosques were closed by the Public Justice Committees, which had the full rights of closure and confiscation of mosques and education centers.

Along with the destruction of the mosques, the call for atheism spread, where the literature and arts were promoting the principle of atheism in the understanding of life. The importance of this promotion was not its impact and effectiveness, but rather the way in which it destabilized the public debate. Atheism challenged Islam, not only at the level of faith, but also as a source of moral values that could be adopted by masses (Shahrani 1994, 143). Despite the demise of atheism's promotion by 1930's, Islam had disappeared from public life, and Jadidism's Islamic reform project also vanished, and thus the goal became the preservation of Islam, not its reform.

In the absence of 'Ulamā (religious scholars) and formal Islamic education, the sole and only mean to transfer Islam and Islamic teachings through generations was the family. This situation continued until 1985, when Soviet leader Mikhail Gorbachev introduced his reformist policies of Glasnost and Perestroika (Khalid 2007, 80-82).

When Gorbachev came to power in 1985, the position of official Islam, the one tolerated by the communist system, was at its lowest level. There was only one madrasah operating in the whole of Central Asia - in Bukhara - which turned out a small number' of Muslim clerics every year. The muftī of Tashkent, chosen by the regime, was the official spokesperson for Islam in the Soviet Union – a position that was inimical to the very spirit of Islam (Rashid 1994, 40).

Under Gorbachev's policies, people's interest in religion increased dramatically in the Soviet Union, as his open door policy encouraged the search for religious and moral values that were believed to be destroyed at the hands of Communists. "'Perestroika' and 'Glasnost' allowed Muslims to demand greater religious freedom and worship their Allah openly. Closed mosques were reopened and new ones were built" (Akbarzadeh 1996, 1120).

Central Asia also witnessed efforts in the restoration of national heritage that also helped the shift toward religion, but governmental surveillance and persecution of religious activities continued until 1988. The number of mosques opened in the region increased dramatically, alongside the reopening of historical mosques, and Islamic education witnessed a lot of public interest, in a move that was considered the Islamic reawakening in Central Asia. Maria Louw talks about the return of Islam to the public sphere in the late Gorbachev period, "which was one of the signs that the relations between Centre and Periphery were changing" (Louw 2007, 23).

Rashid noted an important point, namely that "people learned to bypass official Islam as they set up their own mosques and other structures, while the arrival of funds, Korans, literature and mullahs from Saudi Arabia, Iran and Pakistan spread these countries' particular versions of Islam" (Rashid 1994, 244). He further noted, "The refusal of Central Asian governments to allow Islamic education in government schools resulted in the spread of unofficial Islamic schools" (Rashid 1994, 245).

1.2 Islam in post-Soviet Central Asia

With the disintegration of the Soviet Union and the collapse of the communist bloc in early 1990's, regime change appeared successively in several ex-Soviet republics and other socialist countries around the world. Surprisingly, from around 30 countries of the socialist camp, ranging from Albania to Mongolia, there were only the Central Asian republics that have not seen any change in their ruling elites. All ex-Soviet Communist Party leaders in the Central Asia continued to lead their states in the post-Soviet era with much same methods and mindsets.

On the other hand, the subsequent events after the fall of communism and the collapse of the Soviet Union have left the leaders of Islamic and nationalist oppositions in the Central Asian republics in a state of shock and confusion paralyzed them to seize this rare historical moment, besides the lack of enthusiasm and awareness for a radical change in the ruling regimes of the Central Asia.

Historically, when Soviet leader Joseph Stalin, ordered to draw the borders between the republics of the Central Asia based on the ethnic and linguist divisions, he wanted to divide the large ethnic groups and probably the disobedient ones, especially the Uzbeks and the Tajiks, to the ethnically mixed areas. This allowed him to create a state of the majority-minority struggle, which made it easier for the Soviet Union to rule (Merry 2004, 25-27). In keeping with the colonial tradition in the rest of the world, the Soviet Union maintained its rule in the Central Asia through the development and training of local elites, which made them strangers to the broad sector of indigenous peoples. These leaders were working as control stations of Moscow and often became Soviet in their

mentality more than Russians themselves. These local elites in the Soviet Central Asia enjoyed high prestige and a lot of luxury; thanks to their posts within the Soviet ruling elites (Merry 2004, 28).

Adeeb Khalid believes that the Bolsheviks transformed the social and political milieu in which Islam lived in the Central Asia. Communists driven by their utopian vision to rebuild society and individuals, moved to build a state which could intervene in the society at all levels (Khalid 2003, 538). One of the main consequences of the isolation witnessed by the Central Asia in the Soviet era was that Islam has become synonymous with the heritage (Khalid 2003, 554). During the Soviet period, the population of the Central Asia was cut off from many dimensions of the Islamic practice. Formal, theological education at the official Islamic educational institutions was limited to a tiny handful of students, and Muslims in the Soviet Union were isolated from contact with the rest of the Islamic world (Rasanayagam 2011, 84).

In addition, as Khalid observed, the isolation imposed by the Soviet Union against the Muslims in the Central Asia made it beyond the reach of religious ideas of prominent Muslim intellectuals in the mid-twentieth century, including the phenomenon of political Islam as fully developed in the ideas of contemporary influential Muslim thinkers such as Sayyid Abu'l-A'la Mawdudi (b. 1903–d. 1979) and Sayyid Qutb (b. 1906- d.1966) (Khalid 2003, 574). Olivier Roy mentioned that the national policy of the Soviets in the Central Asia reiterated the determination of the Tsarist Russian state to organize and gain control of its colonies in order to prevent any Islamic or Turkish nationalist uprising in the region (Roy 2000, 6). Ronald Suny believes that the Soviets in the twenties and thirties of the last century relied on the supporting regional and local policies through

promoting the communist elites among the indigenous populations (Suny 1993, 102-105). Throughout Central Asia, national culture museums has been built by the Soviets, along special schools to instill the official version of national history of the Uzbeks or Turkmen and other Central Asian nationalities in the minds of young people (Brown and Sheiko 2006, 1-2).

The post- Soviet Central Asian leaders have found that Soviet state has actually done a lot to pave the ground for the construction of their respective countries. Soviet state has proved the possibility of how fast a nation-state can be built in a record short time. In the case of the Central Asia, the Soviet Union did the border demarcation of new states, named the new nationalities, and re-invented their past in a very short time (Roy 2000, 7). These countries have created a contemporary discourse based on a historical legacy, which did not exist, and looked at the history of the great writers and poets and political leaders as cultural assets to serve the current political agendas and build a modern nation-state. These countries have adopted the greatness that existed in the area before the Soviet influence to build a nation-state from a local perspective (Roy 2000, 125-130).

This historical presentation helps to understand the circumstances that supported the communist elites in the Central Asia to continue in power. They inherited states with demarcated borders by Soviet Union, and citizens subjected to forced secularization, atheism and modernization under the artificial national identities and lived isolated from their past, that has been wiped out from the collective memory and lived isolated from the world as well, and the religious and cultural extensions in the region. The Soviet legacy did not only pave the ground for communism elites to stay in the power of the Central Asia, but also helped them to continue in the same autocratic approach that raised them,

as they never engaged in a democratic process and never experienced any free and fair election (Cummings 2002, 7). Helen Thibault observes the continuity of the Soviet practices in subjecting religious institutions under the state authority across the Central Asian countries. She explains that the “assessment made by Brill Olcott about Central Asia in 1994 is still closely related to the year 2013, Olcott has written that the relationship between Islam and the state will remain tense as they were in the Soviet times” (Thibault 2014, 135).

Some scholars tried to answer the question: Why the Central Asian governments adopted and launched a repressive secularization process. They believe that institutional secularization and authoritarian leadership within the Soviet system has moved in the same institutional shape to the new Independent States of the Central Asia. The continuation of ex-communists leaders to govern under new banners in the Central Asian states explains this vision and supports it to a big extent. In reconstructing their relation with the religion, the Central Asian State authorities have manipulated the appointment of the muftīs. As Gunn observes “the exact role of the state in appointing and controlling the official muftīs and the governing boards has not been transparent, and Muslims have had, and continue to have, ambivalent attitudes towards this official Islam” (Gunn 2003, 405). In Tajikistan, the government “maintains control over the official religious leadership and appointments to it, forbids it to issue resolutions (fatwās) and does not allow unregistered religious activities. The State Committee on Religious Affairs has the responsibility of upholding the regulation of religious life in the country” (Jonson 2006, 162). Lena Jonson gives more examples of state intervention in religious affairs, as in the case of electing a regular imām for an ordinary mosque in Tajikistan. The government “follows the Soviet

tradition, which in this case means that the government together with the local representative of the State Committee on Religious Affairs suggests a candidate and has an unofficial but deciding vote. As a result, the heads of the mosques are appointed not because of their qualifications or authority on the religious issues, but on the basis of their relations with the state authorities” (Jonson 2006, 163).

1.3 Post-soviet Tajikistan: Islam, ‘Ulamā and Fatwā

Tajikistan apart from other Central Asian states, took a different path in its early post-Soviet days, manifested in two main dimensions: First, it witnessed a civil war lasted for five years 1992-1997, killed more than 20 thousand people (Nourzhanov and Bleuer 2013, 323), and ended with a peace accord, and secondly, Tajikistan was the only Central Asian state with a secular constitution allowed an Islamic political party to function freely after 1997 peace accord which ended the war³.

Islam and its different agencies in the Tajik society played a pivotal role in shaping the events before the disintegration of the Soviet Union and after the independence of Tajikistan. The primary reason could be the high level of religiosity of Tajiks compare to any other nations in the Central Asia. Some authors mention that “in the 1970s and 1980s, there emerged a kind of accommodation between the state and Islam in Tajikistan. It was characterized by two non-contradictory parameters: a) state-sponsored secular institutions and norms of behavior dominated the public realm of social action, and b)

³ This exception is no more there in Tajikistan, after May 2016 constitutional amendment bans political parties that are based on religion. See: <https://www.rferl.org/a/tajikistan-referendum-approved-rahmon-increasing-power/27751364.html>

religion was tacitly recognized as an integral element of private life” (Nourzhanov and Bleuer 2013, 233). Early surveys in 80s also reflect the level of religiosity of Tajiks, as one “in 1985 showed that 55.6 per cent of Tajik communists regarded themselves as true Muslims”. In mid 80s finding of a sociological survey of religious practices in the Muslim areas of the Soviet Union shows that a “comparatively extensive practice of [Islamic] traditions, festivals and rites among all socio-demographic groups of the population, including the young” (Nourzhanov and Bleuer 2013, 233- 234).

The official restrictions on Islam in Tajikistan loosened in last years of the Soviet Union “allowing the Qoziyot (the official Islamic governing body) and others to open new Islamic schools and mosques in Tajikistan, as well as to renovate shrines and to more easily organize hajj”. The number of registered mosques witnessed a great rise with the independence of Tajikistan, from 19 to more than 3000 between 1989 and 1992” (Nourzhanov and Bleuer 2013, 234- 235). Part of religiosity in Tajik society in that last years of the Soviet Union also came from the large underground madrassas which kept preserving Islamic norms and teachings, and which also contributed in laying the foundations of the contemporary Islamic movement in Tajikistan in mid 70s. This movement which emerged as Islamic Renaissance Party of Tajikistan (IRPT) later in 1991 was the center of political events in the country which defined somehow the relations between state and religion in the aftermath of independence. Foreign factors like: The Soviet invasion of Afghanistan 1979-1989 and Iranian revolution also played role in what may called Islamization of Tajik society.

These elements make case of Islam in the Tajikistan somehow special than other Central Asian states in the post-Soviet era. The existence of a strong Islamic opposition both

during civil war, and after peace accord in 1997 pushed the Tajik state to adopt a different discourse regarding Islam to serve its multidimensional goals. The Tajik state tried to offer its own version of Islam to realize two goals: First, to disarm its Islamist opponents, especially IRPT through nationalization of Islam and offering the brand of “Tajik Islam”, and secondly, to control Islam in both private and public life of the Tajiks, through official institutions, regulations, and tight monitoring of Islamic activities. Officially, the ‘Ulamā Council of Tajikistan “provides fatwās on religious practice that imāms throughout the country must respect and follow”, but “the vacuum of independent religious authorities may not be felt profoundly in the hearts of religious practitioners, as teachers of Šūfī orders, or ishans, traditionally played a more influential role than the ‘Ulamā in Tajikistan” (O’Dell 2011, 12).

In their article Shanoza Nozimova and Tim Epkenhans find that “despite hostile religious policies, public observation of Islamic religious practices as well as an Islamic habitus has significantly increased among parts of the population over the past decade (Nozimova, Epkenhans 2013, 966). They find also that “the internet has emerged as a new public sphere in the Central Asian republic of Tajikistan in particular for negotiating ‘Islam’ – religious belief, practice and morality. Whilst the authoritarian regime severely restricts the ‘traditional’ public spheres, the internet has proven to be more resilient and elusive to government control. Blocked web pages move to other domains, and, in particular, labour migration has ‘denationalized’ public spheres.” (Nozimova & Epkenhans 2013, 965). As Nazimova and Epkenhans also mention, Torajon brothers (Nurudidinjon, Mahmudjon and Hoji Akbar Turajonzoda) represent one important source

of unofficial Islamic authority in Tajikistan dealing with Tajikis' religious and moral queries.

1.4 Controlling Religion: Bodies and Regulations

The policies adopted and institutions created by Tajik government are not trying only to influence the evolution of the religious field “but they certainly contribute to shape religious life due to the numerous rules and laws that regulate religion and religious behavior” (Thibault 2014, 101). This controlling policy along its laws, regulations and organizations are inherited from the past, and customized based on the official needs of post-Soviet Tajikistan. The laws regulating religion and religious practice can be traced, as Thibault did, mainly in the Tajik Constitution and Law on Freedom of Conscience and Religious Associations. The main two institutions controls the religious life of the Tajiks are the Committee for Religious Affairs and the ‘Ulamā Council of Tajikistan. Thibault refers to other effective elements such as religious education “Law on Parental Responsibility in the Upbringing and Education of Children” and official discourse (Thibault 2014, 105-135).

1.4.1 Law on Freedom of Conscience and Religious Associations

The Law on Freedom of Conscience and Religious Associations, in fact is a continuation of earlier Soviet laws to regulate freedom of conscience and religion, besides managing the relations between the state and religion and religious communities. “Originally

adopted in December 1994, the law was amended in 1997, 1999 and 2001. It was profoundly redrafted by the Committee of Religious Affairs in 2006 but adopted only on March 5, 2009. Before and after its adoption, the law was denounced by local and international advocacy organizations as one of the most restrictive law on religion in the region” (Thibault 2014, 108).

One of most significant part of this law is the special role it gives to “the Ḥanafī School of Islamic religion in the development of the national culture and spiritual life of the people of Tajikistan”.⁴ The official approach to give Ḥanafī madhhab a special status serves the reality that more than 90% of Tajiks follow this madhhab, and most importantly it serves the policy of nationalization of Islam in post- Soviet Tajikistan. At the same year Tajikistan adopted the law on Religion, the Tajik government declared the year 2009 as the “Year of Imomi A'zam Abū Ḥanīfa”⁵.

The above mentioned two steps marked an obvious turning point in the official discourse regarding Islam and also regarding the Tajik nationalism. Ḥanafī madhhab being part of the national, cultural and the intellectual identity considered important, because “by proclaiming Abū Ḥanīfa as ‘son of the Tajiks’, the government accepted officially Islam as a core pillar of Tajik national identity” (Jones 2017, 269). Furthermore, in stressing principles such as “tolerance”, “peace”, “dialogue in faith”, and “cooperation”, the Ḥanafī madhhab is presented as the cultural and humanistic foundation of the Tajik nation, as well as the main source of “Tajik Islam,” which embraces both orthodox

⁴ https://www.wto.org/english/thewto_e/acc_e/tjk_e/WTACCTJK26_LEG_6.pdf (English Translation of the Law)

⁵ <http://news.tj/en/news/2009-announced-year-imam-azam-tajikistan>

principles and local traditions as well as the cultural heritage of the nation's ancestors (Jones 2017, 269).

This official approach of Ḥanafī madhhab being to most appropriate juristic school for Tajiks also echoed in fatwās of the ‘Ulamā Council of Tajikistan very clearly. The Council, in its fatwās⁶ as well as in articles⁷ published on its website, clearly underlines the importance of Ḥanafī madhhab in promoting unity and solidarity among the Tajiks, and its compatibility to the Tajik culture and identity as a peaceful and tolerant madhhab.

The “Law on Religion” also raised a lot of criticism as it paves the way for state interference in the religion. Tajikistan’s legal environment for religious freedom has seen a sharp decline since the passage of several highly restrictive laws in 2009. The 2009 religion law sets onerous registration requirements for religious groups; criminalizes unregistered religious activity and private religious education and proselytism; sets strict limits on the number and size of mosques; allows state interference with the appointment of imāms; requires official permission for religious organizations to provide religious instruction and communicate with foreign co-religionists; imposes state controls on the content, publication and importation of religious materials; and restricts Muslim prayer to mosques, cemeteries, homes, and shrines. The law also prohibits headscarves in educational institutions, and bans teachers younger than 50 from wearing beards in public buildings (United States Commission on International Religious Freedom Tajikistan-Annual Report 2016).⁸

⁶ <http://shuroiulamo.tj/en/faq/ids/286>

⁷ <http://shuroiulamo.tj/en/articles/ids/81>

⁸ http://www.uscirf.gov/sites/default/files/USCIRF_AR_2016_Tier1_2_Tajik.pdf

1.4.2 The Committee for Religious Affairs

The Committee for Religious Affairs is considered the state body responsible for implementing laws on religion as it has been mentioned. Advocacy organizations report that the Committee of Religious Affairs stands as an executive body, and that real policy is formulated in the President's office. This influential controlling body operates according to two laws on Freedom of Conscience and Religious Associations and on Traditions, Celebrations and Ceremonies, to the extent that this law regulates traditionally religious ceremonies such as weddings, circumcisions and burials. This law also raised a lot of criticism because of its strict regulation of social and traditional gatherings. Thibault in her account mentions two main responsibilities CRA has to fulfill: the registration of mosques and madrassas and the organization of the annual pilgrimage to Mecca (Thibault 2014, 128-129). However, she mentions that the resolution on the creation of the CRA displays an extensive long list of responsibilities for the Committee. United States Commission on International Religious Freedom in its annual Report for year 2016 on Tajikistan also refers that "CRA controls the selection and retention of imāms and the content of sermons. Since 2014, the government has paid the salaries of imāms of cathedral mosques; these are the only mosques where the state allows sermons prepared in advance by the semi-official Council of 'Ulamā".⁹ The 'Ulamā Council of Tajikistan works in close relation with CRA especially in issues related to appointing Imāms and Khaṭībs, preparing of Friday sermons, Imāms salaries and other related issues. This relation can be traced in several fatwās in coming chapters.

⁹ http://www.uscirf.gov/sites/default/files/USCIRF_AR_2016_Tier1_2_Tajik.pdf

1.4.3 The Council of ‘Ulamā of Tajikistan

The ‘Ulamā Council of Tajikistan is a continuation of Spiritual Board of Muslims of Central Asia and Kazakhstan (SADUM), the sole official representative body for Islam in Central Asia for the period from 1943 to 1991. In last years of the Soviet Union and exactly in 1988 Akbar Turajonzoda appointed as Qozi Kalon (Supreme judge of the Qoziyat) in Tajikistan, in a remarkable step which made this official institute very influential just before disintegration of the Soviet Union. Turajonzoda served as highest religious authority of Tajikistan till 1992 when he forced to leave the country with the eruption of civil war. Under his management of Qoziyat, the country witnessed a boost Islamic manifestation in both official and public life. Qoziyat under his auspice enjoyed more freedom and even was confronting high authorities.

After Turajonzoda the position of the head of Qoziyat was vacant. The National Front government summoned an impromptu Islamic conference in Dushanbe and transformed the Qoziyat into a Muftiyate under Hojji Fathullo Sharifzoda in 1992. The transformation of Qoziyat to Muftiyate and the appointment of a pro-government cleric as its head considered as a first step for the control of religious affairs in post-Soviet Tajikistan (Thibault 2014, 122). After the killing of Sharifzoda in January 1996, the Muftiyate went through massive changes and was renamed the ‘Ulamā Council of Tajikistan in June 1996 (Akiner 2003, 119). Hoji Amunullo Nematzoda has occupied the function of President of the Council from 1996 until his death in 2010. In October 2010 the Council elected a new head, Saidmukarram Abdukodirzoda, a 47 year old graduate of the International Islamic University in Islamabad, who had previously worked as the head of Religious Examinations at the CRA (Thibault 2014, 122).

As Epkenhans suggests, the ‘Ulamā Council “in theory is supposed to be elected every three years from an assembly of the highest-ranking official clergy, to my knowledge no elections have taken place since the establishment of the Council in 1996”. He further explains that since then, the official clergy is appointed unanimously in co-ordination with the government. An independent institution only on paper, the present Council is deliberately loyal to any government decision even if it further ridicules the Council’s reputation. Unsurprisingly, the Council and its members enjoy little respect among the Muslim population (Epkenhans 2009, 997). The Council maintains the Islamic Center (Markazi Islami) in Dushanbe responsible for the administration of official Islamic institutions.

Talking about the responsibilities of the ‘Ulamā Council, Thibault says that members of the Council have the responsibility to guide the population in accordance to the fundamentals of the Ḥanafī tradition, to regulate Islamic institutions, to train and attest imāms, to oversee the import of religious literature in the country, to develop education curricula, and to nominate the Qozi who serves for seven years. The Council is also the only legitimate organ to emit fatwās (Thibault 2014, 122).

1.5 The Fatwās of the ‘Ulamā Council

The fatwās of the ‘Ulamā Council of Tajikistan are available online in the official website of the Islamic Center of the Republic of Tajikistan (<http://shuroiulamo.tj>). Alongside features such as Library, Articles, Announcements and Videos, the website contains an archive of fatwās (“Questions and Answers” that is regularly updated. The fatwās are in

Tajiki language, written in Cyrillic alphabet, numbered and dated, categorized according to topics and contain a viewed icon of each fatwā (See Figure 1).

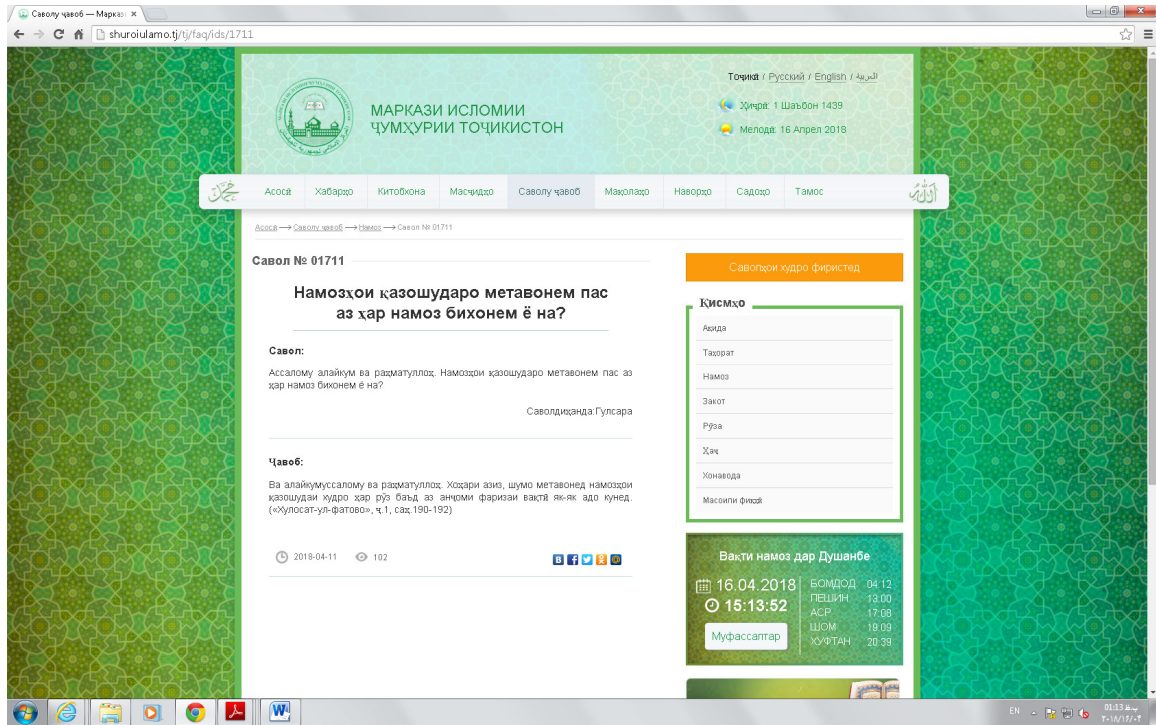


Figure 1: Presentation of a fatwā page in the Official Website

The Council receives petitions online through an “Ask a Question” page, where the petitioner has to fill compulsory his name, email, phone number and his question (See Figure 2). I noticed that Ask a question page at the Council’s website does not allow the petitioner to select the category of fatwā he seeks unlike fatwā seeking page at Egyptian Dār al-Iftā’. Another observation can be the compulsory requirement of the phone number to seek a fatwā online, which may limits the freedom of petitioner and his privacy in seeking a fatwā online.

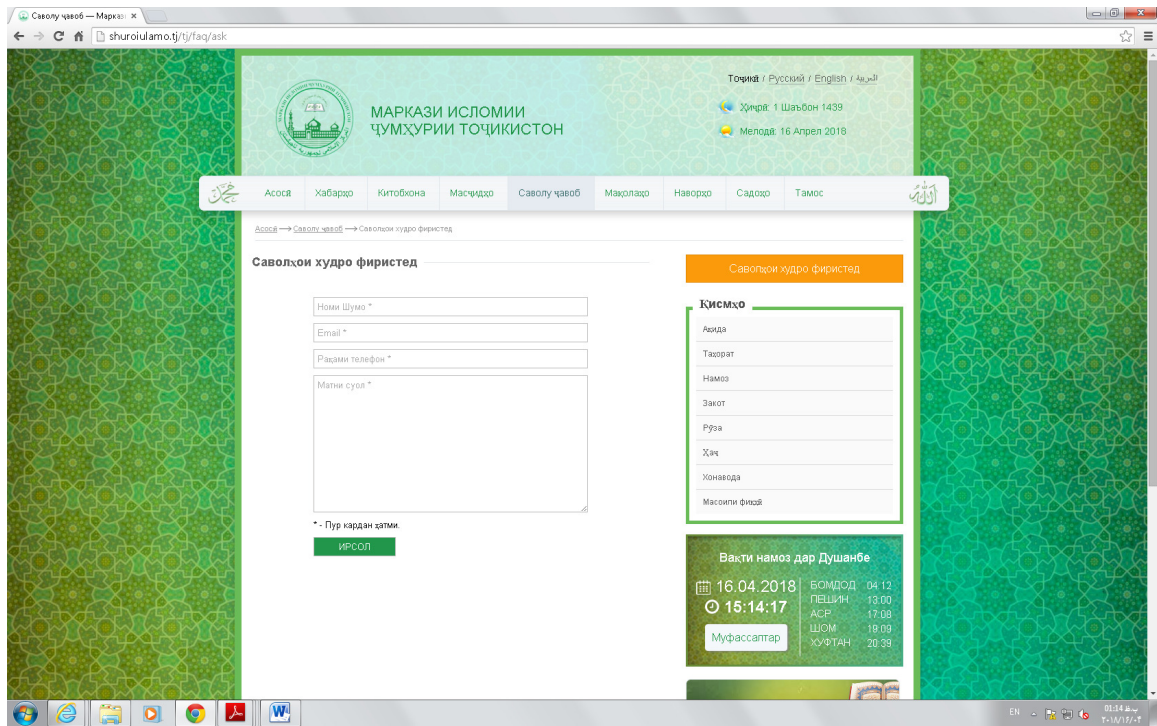


Figure 2: Presentation of Ask a question page in the Official Website

The fatwās are not signed by specific individuals, which may indicate that they are produced collectively. The first fatwā in the archive is dated from 21 January 2015. I included all fatwās available on the website at the time I started my research, 4 April 2017. My corpus of texts consists of exactly 1,000 fatwās, which I surveyed and organized according to topic (see table one).¹⁰

The fatwās are categorized into eight sections: ‘Aqīda (Belief), Tahorat (Purity), Namoz (Prayer), Zakot (Alms-giving), Ruza (Fasting), Hajj (Pilgrimage), Khonawada (Family), and Masoili fiqhī (Juristic Issues).

¹⁰ The fatwās run from 1 to 1015. However, 15 fatwās are absent. I have not been able to ascertain the reasons for this absence.

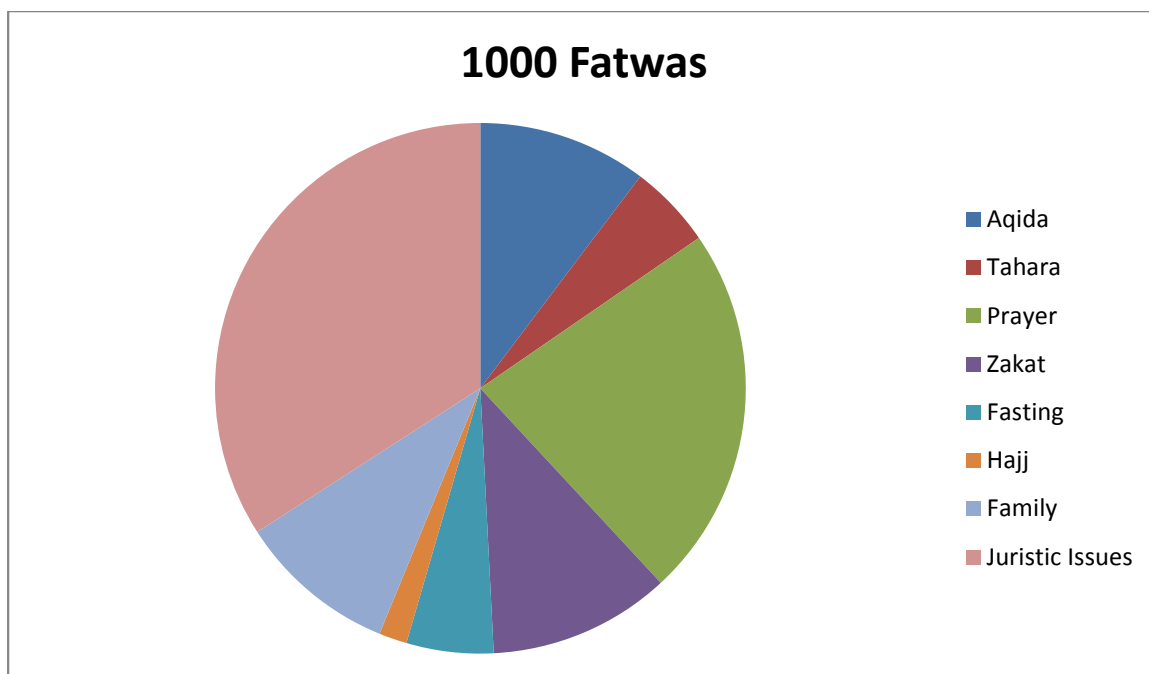


Table 1: Distribution of Fatwās

Each category contains fatwās related to the same subject, with different dates of publication. I have found during my research that some fatwās are repeated with the same question and answer under the same category, and sometimes one may find the same fatwā repeated in another category.¹¹ The categorization of the website is not always careful. This explains why nearly 34% of fatwās fall under the category “Juristic Issues”.

The fatwās related to prayer consist nearly 23% of all fatwās studied in this thesis, and that indicates the importance of this topic in the daily life of ordinary practicing Tajik

¹¹There are some few fatwās that I found not related to their categories, for example, fatwā number 204 (<http://shuroiulamo.tj/en/faq/ids/204>) under Aqida, and should be under Family, and fatwā number 1015 (<http://shuroiulamo.tj/en/faq/ids/1015>) under zakāt, which does not, relates to its category at all. There are also fatwās that contain more than one question, but categorized under one topic.

Muslims. The less numbers of fatwās come under Hajj category, which seems logical, as this ritual is seasonal and limited to people with ability to perform it.

For the research purposes, I have categorized fatwās with new typology: Rituals, Society and Political fatwās. The Rituals mainly contains all fatwās fall under ‘Aqīda, Tahāra, Prayer, Fasting, Zakāt and Hajj. The Society contains fatwās fall under Family and some fatwās in the category of Juristic Issues, and even some fatwās of previous topics, Political fatwās refer to those questions and answers deal directly or indirectly with the state policies or government interference in religious affairs. This category also deals with fatwās seem in conflict with state constitution and by-laws.

These fatwās underline the religious concerns of Sunni Muslims in the post-Soviet Central Asia in general and Tajikistan in particular. They show how religion is an important component of national identity, not just for some political instrumental needs, but for the sake of religiosity which is characterized in the questions of petitioners and the social background of petitioners themselves. Seeking ḥalāl in a secular and multi-religious society can be considered an enough sign of religiosity shown by Tajik petitioners, a religiosity which is most concern by fatwās relevant to rituals and society and a less emphasis on politics may be due the limits both muftī and mustaftī (petitioner) are aware of them.

1.6 The Council’s Muftīs

As mentioned above, the ‘Ulamā Council is operating under the Islamic Center of the Republic of Tajikistan. Saidmukarram Abduqodirzoda has been the head of the Council

since 2010. There are eight other members of the ‘Ulamā Council whose names and biographies are presented in the website of Islamic Center (see Figure 1). In this section I first present the nine scholars of the Council and then give an overview of the muftīs’ mode of argumentation.



Figure 3: Presentation of Members of the ‘Ulamā Council in the Official Website

The head of ‘Ulamā Council Saidmukarram Abduqodirzoda (b 1963)¹² was raised in a religious family at Khatlon province in the south of Tajikistan where he memorized the whole Qur’an. The origin of the head of the Council is the same as the country’s long-

¹² <http://shuroiulamoo.tj/en/members/ids/3>

standing president, Emomali Rahmon. Given the importance of regions in Tajikistani politics, the shared origin is perhaps instructive. Abduqodirzoda graduated at Islamic University of Islamabad Pakistan (1995-2000) and studied further 3 years in a postgraduate program at same university. After returning to Tajikistan in 2003, he worked one year as a professor at the Islamic University of Tajikistan in the name of Imām al-Tirmidhī (now known as the Islamic Institute of Tajikistan in the name of the Imām A'zam). After 2004 and till 2010 when selected as the head of the 'Ulamā Council, he worked with the university and later starting from 2008 joined the Department of Religious Affairs in administrative positions. Beside his religious responsibilities all these years, he attended MA program in Tajikistan National University and recently working on his PhD. He had presented TV programs on religious knowledge in the years 2004-2008 at Tajikistan official channel, and wrote dozens of articles. Abduqodirzoda also represents Tajikistan in the International Islamic Fiqh Academy.¹³

Hoji Hussein Mousavi (b. 1955)¹⁴ is the deputy chairman of the 'Ulamā Council, and considered one of the prominent religious scholars in Tajikistan. He completed his religious studies at Mir Arab School at Bukhara (1973-1978), and also attended a two years program at Islamic University in Libya from 1990 till 1992. He unlike Abduqodirzoda, spent a longer time working as main Khaṭīb of Friday mosques, and also wrote more than 8 titles of books in Islamic knowledge. He serves as the deputy of the 'Ulamā Council since 1997.

¹³ <http://www.iifa-aifi.org/%D8%A7%D9%84%D8%A3%D8%B9%D8%B6%D8%A7%D8%A1-%D8%A7%D9%84%D9%85%D9%86%D8%AA%D8%AF%D8%A8%D9%88%D9%86>

¹⁴ <http://shuroiulamo.tj/tj/members/ids/4>

Abdulbasir Saidzoda (b. 1963)¹⁵ serves as first deputy of the ‘Ulamā Council and comes from a Ṣūfī background as his father was a prominent Naqshbandi sheikh in Tajikistan. His Islamic education is mostly traditional by local religious scholars. He started working with the ‘Ulamā Council since 2000, and selected as deputy chairman of the Council in 2010. He is a main Khaṭīb in one of Dushanbe’s mosques since 2006 and the author of a book on Islamic knowledge.

Jamaluddin Khamoshov (b. 1960)¹⁶ a graduate of Imām al-Tirmidhī University (1994-1997) and since then teaches Islamic studies at the same university till now. Since 2010 he works as the admin of fatwā section at the Islamic Center of Tajikistan.

Hikmatullah Shejatzoda (b. 1967)¹⁷ is also a graduate of Imām al-Tirmidhī University 1993-1997 and worked as Friday Khaṭīb.

Isroil Saidov (b. 1956)¹⁸ has a traditional Islamic education under local religious scholars and worked as main Khaṭīb in various mosques.

Mirzoolim Azimov (b. 1963)¹⁹ has a local religious education and worked as Khaṭīb in different mosques.

Rahim Karimov (b. 1951)²⁰ has a local religious education and during Tajik civil war he migrates to Afghanistan and complete BA program in Islamic studies there. He worked as Friday Khaṭīb.

¹⁵ <http://shuroiulamo.tj/tj/members/ids/6>

¹⁶ <http://shuroiulamo.tj/en/members/ids/7>

¹⁷ <http://shuroiulamo.tj/en/members/ids/8>

¹⁸ <http://shuroiulamo.tj/en/members/ids/11>

¹⁹ <http://shuroiulamo.tj/tj/members/ids/10>

²⁰ <http://shuroiulamo.tj/tj/members/ids/9>

Azalshoh Sharifzoda (b1975)²¹ is a graduate of Imām al-Tirmidhī University 1993-1998 and wrote couple of Islamic books.

Several insights can be gained from this brief presentation. The members of the ‘Ulamā Council come from different regions of the country; several originate from the southern region of Khatlon in the south, which dominates the power structures of the country. Some of them studied with local scholars; others graduated from Islamic universities abroad (International Islamic University of Islamabad). Remarkably, no members have been trained in Egypt, Syria or Saudi Arabia, the most common destinations for modern seekers of religious knowledge. A noticeable number of Tajik students attended Al Azhar University in Egypt and other Egyptian religious institutes, as long as Tajiks studied Islamic studies in Saudi Arabian universities as Abramson shows in his study on Foreign Religious Education and the Central Asian Islamic Revival (Abramson 2010, 38), but none of the ‘Ulamā Council members are from those graduates. Only one scholar has some experience of studying in the Arab world. Most of members got their religious education inside Tajikistan either from independent scholars in underground teaching circles during Soviet time, or attended Islamic educational institutes in post-Soviet Tajikistan. Abramson refers that “religion instructors with a deep knowledge of Islam are few and even some of the best educated admit that what they can offer in Tajikistan cannot compare with an education at Al- Azhar or Medina universities” (Abramson 2010, 37).

In Tajikistan relationships to the individuals and families that historically constitute the roots of the Central Asia’s Islamic scholarship is an important value, and may be this is

²¹ <http://shuroiulamo.tj/tj/members/ids/13>

what makes the ex-grand muftī Akbar Turajonzoda and his brothers Eshon Nuriddin and Muhammadjon the main religious reference in fatwā and guidance apart from the ‘Ulamā Council (Abramson 2010, 37, 42). However, one of the ‘Ulamā Council members is affiliated to a Naqshbandi Ṣūfī order.

1.7 The Council’s Mode of Argumentation

For the sake of a better understanding the mode and the methods of fatwā issuing by the ‘Ulamā Council of Tajikistan, I did compare some of their fatwās with fatwās issued by the Egyptian Dar al- iftā’ (non- Ḥanafī) or the Indian Darul ‘Uloom Deoband (Ḥanafī). This comparison will allow underlining the features of official Tajik fatwās.

Fatwās issued by the ‘Ulamā Council are varying in size. Some are very short (one sentence), others quite long. The fatwās of the ‘Ulamā Council of Tajikistan tend to be shorter than some of the fatwās issued by the Egyptian Dar al- iftā’ or the Indian Deoband muftīs. Some of the fatwās give a ruling without providing any justification or referring to any source. Others include extensive references to the revealed texts (Quran and Hadith) and Ḥanafī legal sources. Occasionally one finds references to non- Ḥanafī scholars such as Abu Hamid al-Ghazali,²² or contemporary comparative fiqh books such as “al fiqh al Islami wa addelatehi” by Wahba al Zuhaily.²³ These references to non- Ḥanafī scholars tend to be included in theological issues (kalām) and spiritual discussions (tazkiyat al-nafs); and in some limited occasions in fiqhi matters. Occasionally, the muftīs

²² <http://shuroiulamo.tj/tj/faq/ids/776>

²³ <http://shuroiulamo.tj/tj/faq/ids/444>

also invoke Tajiki culture and customs as we find in fatwās related to marriage, divorce, naming babies, dress code and popular Islam.

1.8 Thesis Outline

In the following chapters I present my findings based on a review of 1,000 fatwās published on the website of the ‘Ulamā Council of Tajikistan (UCT). These findings help understanding state-religion relations in post-Soviet Tajikistan. My guiding questions are the following: What role does the UCT play in shaping the official narrative about Islam and building a nationalized version of Sunni Ḥanafī Islam in post-Soviet Tajikistan?

The following three chapters also offer an opportunity to observe the functionality of a religious institution which acts as the main reference of Tajik Sunni Muslims under a secular state. They help to recognize the extent of freedom Tajik muftīs enjoy in issuing fatwās under the auspices of the UCT. The formation of questions and the issues they raise also reflect how fatwā as a religious decree plays important role in the daily life of practicing Tajik Muslims? These fatwās outline the boundaries of Islamic commitment for a Tajik practicing Sunni Muslim who has to obey at the same times the secular laws and regulations of the state.

Chapter 2: Fatwās on Rituals

Ritual fatwās comprise 56% of fatwās reviewed here, under categories: ‘Aqīda (Belief), Tahorat (Purity), Namoz (Prayer), Zakot (Alms-giving), Ruza (Fasting), Hajj (Pilgrimage). These fatwās deal with a variety of issues that touch both personal and public interests, and offer a clear account on the interests and concerns of both fatwā seekers (petitioners) and fatwā issuers (‘Ulamā Council of Tajikistan).

Despite the questions which may arise about the accuracy of the identity of petitioners in an online fatwā process, and “possibility of muftī forging questions” (Skovgaard-Petersen 1997, 11), what is particularly important in this chapter is fatwās. While questions offer a general indication about the public concerns and issues they deal with while living in a secular state, the answers (fatwās) reflect not only the solutions muftīs offer, they also indicate to what extent UCT muftīs abide by Ḥanafī madhhab as they claim, and to what extent they provide the base for a solid state narrative of a Tajiki Islam. They also illustrate if muftīs acted selectively and avoided other choices they had within their own madhhab, or even in other madhhabs. The extent of selectivity in fatwās and ignoring other choices will offer the opportunity to analyze the role of the ‘Ulamā Council in facilitating the official narrative of Islam in Tajikistan.

2.1 Faith and Beliefs

Belief (‘Aqīda) is the first category in the fatwā section on the site of the ‘Ulamā Council of Tajikistan (UCT)²⁴, and this indicates the importance the UCT gives to this topic. The importance of fatwās related to faith and beliefs in our case study lies in the complexity

²⁴ <http://shuroiulamo.tj>

of the theological debates in a secular state, which by its nature must treat all beliefs equally and therefore safeguard the rights of all Muslims and non-Muslims, including atheists, in Tajikistan.

The main indicator in understanding ‘Aqīda related fatwās is the ‘Ulamā Council’s continuous emphasis on the teachings of Ḥanafī madhhab both in Fiqh (jurisprudence) and ‘Aqīda (belief). This pattern can be easily traced in most of 103 Fatwās under ‘Aqīda category, through references to the books of Imām Abū Ḥanīfa and repeating the commitment of the Council to his madhhab teachings and foundations. Muftīs of UCT are endorsing the fact that being Hanfi is part of Tajik Muslim identity and it fits the approach and nature of Tajiks, both historically and culturally²⁵. However, while UCT shows a certain degree of flexibility to the other three madhhabs of ahl al- Sunnah, it takes a uncompromising stand when it comes to Shi’a and Salafism.

The level of flexibility shown by the UCT towards other madhhabs suggests that following only Ḥanafī Doctrine is not always necessary. Some fatwās refer to other madhhabs of ahl al- Sunnah, and muftīs are leaning to other views rather than what Imām Abū Ḥanīfa adopts, as in fatwā number 345 regarding the fate of Jinn.²⁶ In this fatwā, the muftī answers a question about the fate of Jinn in the day of Hereafter. The muftī explains the issue based on his source, the book of “ākaam ul- marjān”²⁷, and offers a variety of views to the petitioner. While he suffices with a brief summary of the view of Imām Abū Ḥanīfa, he gives a detailed explanation of the view adopted by most of Imāms and scholars. On some occasions the muftī depends totally on non- Ḥanafī references, as

²⁵ <http://shuroiulamo.tj/en/faq/ids/286>

²⁶ <http://shuroiulamo.tj/en/faq/ids/345>

²⁷ al Shibly, Badruddin *ākaam ul Marjān fī Ghara’eb al Akhbar wa Ahkaam el- Jaan*.

in fatwā number 356²⁸, where he asks the questioner if he has sufficient Islamic education to read the book *al Kabaayer* of al Dhahabi, a Shāfi'ī Imām, for more details on the types of major sins in Islam.

Generally, the review of the Council's fatwās on 'Aqīda suggests that what is important in the Madhhab question is the following of an accurate Madhhab of four schools of ahl al- Sunnah. For example, the muftī in fatwā number 369 refutes the claims that it is not allowed to pray after imāms of Makkah and Medina as they do not follow Ḥanafī Madhhab. He says those Imāms are Ḥanbalīes, and are part of ahl al- Sunnah, and their Madhhab is accurate.²⁹ However, this particular point is questionable, if really imāms of Makkah and Madian are purely Ḥanbalīes or they consider themselves Salafīs or Wahhābīs who prefer Ḥanbalī madhhab in some issues. Al-Atawneh in "Dār al-Iftā in the Modern Saudi State" suggests that most contemporary Saudi 'Ulamā are not following Ḥanbalī madhhab. Al-Atawneh writes: "For contemporary Wahhābīs, abandoning the opinion of a certain school is allowed when a scholar finds a preponderant opinion in another madhhab. This means that a person with the ability to deduce the rule from its proof is not allowed to restrict himself to a certain madhhab, but rather is expected to take on this responsibility personally" (Al-Atawneh 2010, 81).

This flexibility shows that the 'Ulamā Council of Tajikistan is open to other views rather than being limited only to Ḥanafī madhhab, and Imām Abū Ḥanīfa's views. This openness to other theological and juristic opinions raises the following question: To what extent is the 'Ulamā Council of Tajikistan flexible in dealing with non- Ḥanafī views, and

²⁸ <http://shuroiulamo.tj/en/faq/ids/356>

²⁹ <http://shuroiulamo.tj/en/faq/ids/369>

do they act selectively, or is it a common pattern, that allows them to act in a trans-madhab method when it is needed?

As a secular state, Tajikistan has to promote religious tolerance, and save the rights of all citizens including atheists and those who do not believe in God. Tajik society, after seven decades of atheistic education and literature in the Soviet era, has a huge heritage of atheism and secularism (Shahrani 1994, 143). Among fatwās reviewed in this chapter, there is no direct fatwā dealing with the issues of atheism and secularism, but indirectly, fatwās on Iman and Kufr touch on this issue.³⁰ However, fatwās under the category of ‘Aqīda tackled a range of familiar issues in this subject like Tawhid, Shirk, Kufr, Iman, Bid’a, taqlīd, Shī’a, Salafī, Şūfī, and other related topics. This chapter examines some related topics which will serve the goal of the thesis in finding answers to the main questions, as to what extent the UCT is abiding by Ḥanafī madhab and how it helps in building a Tajik Islam?

2.1.1 Popular Islamic Practices:

The term “popular Islam,” as discussed by Patrick D. Gaffney, has different meanings across different fields of discourse. The term “popular Islam” in the Council’s fatwās is generally “referring to beliefs and practices as popular usually denotes complexes held to be aberrant, such as the veneration of saints; the use of amulets, charms and oracles; or the often spectacular performances of certain Şūfī brotherhoods” (Gaffney 1992, 39).

³⁰ <http://shuroiulamo.tj/en/faq/ids/154>

The concept of popular Islam against official Islam has deep roots in the Central Asian context, especially in Tajikistan, where the family was the only cell preserving Islamic teachings and passing them through generations. The popular Islam in this concept was the target of official Soviet Islam, which wanted to contain any sort of Islamic activities beyond the reach of official Islam represented in SADUM.

Fatwās related to the topic of “popular Islam” can be traced under the category of ‘Aqīda, both on personal and common beliefs and deeds. Most fatwās deal with issues such as visiting great saints’ shrines and tombs, and slaughtering cattle there, besides believing in amulets for tackling life problems and hardships and realizing wishes. Visiting the graves of relatives and the graves of saints and great Ṣūfī sheikhs and scholars is part of public practice of Tajiks, especially in rural areas during soviet rule (Khalid 2007, 98–104). These practices became part of religious debates when Salafī approaches started becoming more popular in Tajik society from 2005 onwards (Schmitz 2015, 22).

The basic position of the ‘Ulamā Council regarding visiting graveyards is that it is “mustahab” (recommended) in Ḥanafī madhhab³¹. However, the muftī also clearly closes the door for any non-Islamic deeds while visiting graveyards or tombs, and underlines the importance of asking all needs only from Allah. The council did not take any sort of negative stand against the very idea of tombs “mazar” or visiting them as it is common in Tajikistan, and sufficed to legalize the whole idea through some instructions. This stand is not what a prominent Ḥanafī institute in the region such as Dār al-‘ulūm Deoband of India adopts. Fatwās on Deoband’s website do not recommend visiting tombs of saints

³¹ <http://shuroiulamo.tj/en/faq/ids/5>

where people perform non- Islamic deeds and acts of Bida'a and Shirk.³² Tajikistan's 'Ulamā council seem more aligned to the fatwās of Dār al-Iftā' of Egypt, where Egyptian muftīs even encourage visiting graves and tombs of saints, scholars and pious persons.³³ Egypt's Dār al-Iftā' even goes further and in a fatwā which carries the signature of Ali Juma'a, the ex-muftī of Egypt, states that "istighasa," calling for help from dead or absent prophets and pious people, is permissible.³⁴ Juma'a's fatwā stands directly against the fatwā of Ibn Bāz who considers visiting tombs and graves of pious persons and asking help from them as Shirk.³⁵

Unlike Deoband, Egyptian or Saudi muftīs, Tajik muftīs seem to take a cautious stand towards some phenomenon popular among Tajik Muslims, in particular taking cattle to the tombs of famous saints and slaughtering them there. The muftī explains that if cattle are slaughtered there in the name of Allah, the meat will be ḥalāl; however, he adds that it is not good practice to take cattle to the tombs and slaughter them there. It can be done at homes and one can distribute the meat to the poor and send the reward to the dead ones.³⁶ This conciliatory tone from Tajikistan's official muftīs departs from the tougher stand in Soviet times by official muftīs, who advised against such pilgrimages (Bennigsen 1978, 155). Ziyauddin Khan ibn Ishan Babakhan, the longest serving muftī of SADUM (1957-1982), published several fatwās against local Ṣūfī traditions, and he criticized the cult of Ṣūfī saint worship at shrines, as the Communist Party Central Committee had passed dozens of special resolutions against such "unapproved gatherings" of "ignorant believers" (O'Dell 2011, 12). During the Soviet era, pilgrimages to shrine were part of

³² <http://www.darulifta-deoband.com/home/en/Innovations--Customs/50081>

³³ <http://www.dar-alifta.org/ar/ViewResearch.aspx?sec=fatwā&ID=2382>

³⁴ <http://www.dar-alifta.org/ar/ViewFatwa.aspx?sec=fatwa&ID=13955>

³⁵ <https://www.binbaz.org.sa/fatawa/1798>

³⁶ <http://shuroiulamo.tj/en/faq/ids/643>

parallel Islamic activities, meant in some ways to preserve Islam as an identity, under the observation of Ṣūfī sheikhs, and that was enough of an excuse to be considered hostile to Soviet agendas. However, in post-Soviet Tajikistan, such activities are no more casting any danger in any ways to the state authority, but on the contrary this kind of popular Islam can be welcomed to counter the political Islam in post-Soviet Tajikistan.

The same approach can be detected when it comes to a most popular practice illustrated in the celebration of al-Mawlid al-Nabawī (Birthday of the Prophet Mohammad). While addressing a question about the validity of celebrating the birthday of the Prophet Mohammad, the muftī of the ‘Ulamā council endorses the practice, regardless the differences between Muslim scholars on this issue, which he also mentions in fatwā number 801.³⁷ The muftī underlines that celebrating al-Mawlid al-Nabawī is a good act because most Muslims do not know so much about the Prophet and this is an opportunity to introduce him to the public.

The approach conducted by the ‘Ulamā Council is based on maslaha; educating Muslims about their Prophet, especially in a secular state where little attention is paid to the personality of the Prophet Muhammad in educational curriculums and in mass media. This maslaha based approach cannot be found in fatwās of Dār al-‘ulūm Deoband, a prominent Ḥanafī institution in South Asia. The Deobandi Dār al-Iftā’ clearly asks to avoid celebrating al-Mawlid al-Nabawī.³⁸ The Indian Ḥanafī muftī sees no importance of Mawlid, simply because there is nothing under this title in the era of Sahaba (companions) and Tabe’een (followers), and if this event was so important they would

³⁷ <http://shuroiulamo.tj/en/faq/ids/801>

³⁸ <http://www.darulifta-deoband.com/home/en/Hadith--Sunnah/37359>

have celebrated it. The Deobandi muftī finds also that such types of programs resemble the X-Mas Day of the Christians, hence it should be avoided.

The ‘Ulamā Council of Tajikistan in its inference seems more aligned with fatwā of Sheikh Yousef al Qardawi³⁹, who considers the celebration valid and recommended with condition to avoid all non-Islamic and prohibited deeds while celebrating the Mawlid. Qardawi’s fatwā falls against fatwās of Saudi scholars like Sheikh Abdullah Bin Baz⁴⁰ and Sheikh Muhammad bin Saleh al Uthaimen⁴¹ and other Salafī scholars considering celebration of Mawlid an act of “bid’a” and non-Islamic.

One can find the same reasoning between Sheikh Qardawi’s fatwā and the ‘Ulamā Council of Tajikistan regarding celebrating Mawlid. This modern approach within Council muftīs can be traced in other fatwās too, which reflects the flexibility Tajik official muftīs enjoy and shows also that they depart from Ḥanafī approaches from time to times. This flexibility is what made Tajik muftīs aligned with fatwās of Egyptian Dār al-Iftā’, where the Egyptian muftī considers the celebration of Mawlid as (mustaḥab) desirable and recommended, based on references from various scholars.⁴²

2.1.2 Issue of Takfīr:

The issue of takfīr (pronouncement that someone is an unbeliever and no longer Muslim)⁴³ is deep rooted in the history of Islam, goes back to the time of khawarej, and

³⁹ <https://www.al-qaradawi.net/node/3949>

⁴⁰ <https://www.binbaz.org.sa/fatawa/84>

⁴¹ <http://binothaimen.net/content/13353>

⁴² <http://www.dar-alifta.org/ar/ViewFatwa.aspx?sec=fatwa&ID=13504>

⁴³ <http://www.oxfordislamicstudies.com/article/opr/t125/e2319>

the phenomenon of calling a Muslim kāfir and its consequences has triggered a lot of theological debates between Muslim scholars historically and most contemporary.

In the Central Asia, and in particular after the disintegration of the Soviet Union in early 1990s, a trend of what Shirin Akiner calls it “ Radical Islam”, “embraces a loose grouping of activists who want to purge Islam of the distortions that have been introduced over time. They are collectively referred to as “ Wahhābīs” , a term that today, as during the Soviet era, is a generic expression of abuse rather than a literal description of religious affiliation” (Akiner 2003, 104). In the year 2003 when Akiner was writing on the radicalization of Islam in the Central Asia, the trend was representing more by Hizb al- Taḥrīr and the Islamic Movement of Uzbekistan. But lately and after Islamic State emergence in 2014, the group attracted some affiliation in the region. In general these radicals “characterized by the rejection of a society that they regard as decadent and ignorant of Islam (jahiliyya), and by the waging of a 'righteous struggle' (jihād) against those whom they regard as 'religious hypocrites' (munafiqun) and 'unbelievers' (kāfirun), identified collectively as the present ruling elites” (Akiner 2003, 111).

The issue of takfīr, is raised in fatwās I reviewed, and they suggest that the ‘Ulamā Council of Tajikistan tackled the issue in a limited scale as there are just five fatwās out of one thousand fatwās dealing with takfīr question. There are three petitions about calling someone kāfir if he/she does not pray. The muftī talks in some details in fatwā number 24⁴⁴, and answers in short words in fatwās number 320⁴⁵, and 1005⁴⁶, and underlines clearly that by not praying a Muslim does not become kāfir and we don’t call

⁴⁴ <http://shuroiulamo.tj/en/faq/ids/24>

⁴⁵ <http://shuroiulamo.tj/en/faq/ids/320>

⁴⁶ <http://shuroiulamo.tj/en/faq/ids/1005>

him/her kāfir. The muftī's answers are based on Imām Abū Ḥanīfa's words in his book al fiqh al Akbar where he says: "we do not call kāfir any Muslim who does commit sins until he considers that sin ḥalāl" (Abū Ḥanīfa, 1907, 63)

The muftī does not refer in details to those who do not believe in the prayer at all, nor does he address the categories and situations of those who abandon prayers. The issue of a Muslim abandons prayers is a complicated issue inside ahl al Sunnah, and even within Ḥanafī madhhab itself, and the muftī avoids all those details and just suffices this issue to not being a kāfir if a Muslim does not pray. The muftī considers not praying becomes a matter between the person and his God (Allah) in the Day of Judgment based on a hadith in Sahih abu Dawood, which the muftī refers to it. However, in the fatwā number 940,⁴⁷ the muftī considers the person who does not pray five times and just pray Friday prayers, as fasiq, (sinful).

The council's fatwā is in line with fatwās issued by Dār al-Iftā' Deoband⁴⁸, and Dār al-Iftā' of Egypt⁴⁹, as both issued fatwās on not considering kāfir any Muslim abandons prayer, under any reason except its total denial. The fatwā of Egyptian Dār al-Iftā' unlike the Tajik and Indian fatwās offers a very detailed explanation of the issue, along the view of those who consider the one who does not pray as kāfir. However, despite the short answers, the 'Ulamā Council of Tajikistan underlines two main points in this issue: first, they reassure that the Council is following Imām Abū Ḥanīfa's theological school which is the path of ahl al- Sunnah, and secondly, that they are not considering any Muslim as

⁴⁷ <http://shuroiulamo.tj/en/faq/ids/940>

⁴⁸ <http://www.darulifta-deoband.com/home/en/Islamic-Beliefs/15834>

⁴⁹ <http://www.dar-alifta.org/ar/ViewResearch.aspx?sec=fatwā&ID=143>

kāfir by committing big sins, and not praying is just a big sin. This last point is the core in takfir debate amongst the Islamic theological schools.

To move from takfir on a personal level, to a broader scope, namely to the level of states, regimes and governments, we have to deal with the verse 44 of chapter al Maayeda in Quran which reads: “Those who do not judge by what Allah has sent down —it is they who are the faithless.” This verse is one of core points in the contemporary debate about the takfir of states and governments in the Muslim world. As the writer of Al- takfir ‘inda jama‘at al-‘unf al-mu‘asira “*Takfir in Contemporary Violence Groups*” mentions, the contemporary takfiri groups, mainly refer to this verse while considering all Muslim states and governments which adopt the democracy and modern nation-state as their political regimes and legislate modern laws in their courts and legal systems, as kāfir and non-Muslims (Al-‘A’id 2014, 179-187). The argument of contemporary takfir is generally same, and the Central Asia cannot be an exception, as governments there face the same reasoning within what they call extremist groups.

There is only one fatwā within the fatwās reviewed in this thesis, where the UCT deals directly with the verse 44 of al Maayeda, in fatwā number 709⁵⁰. While the petitioner asks the meaning of the verse, the muftī tries to remain within a limited circle by translating the verse in Tajiki language, and talking about the background and the reason of revelation of the verse. The ‘Ulamā Council without referring to the huge differences between the interpreters and scholars about what exactly this verse means and who are targeted by its verdict offers its own selection and says that this verse is about Jewish. The Council’s answer cuts any further discussion about the concept of haakemeya

⁵⁰ <http://shuroiulamo.tj/en/faq/ids/709>

(Islamic governance), and calling non-believer any Muslim ruler who avoids implementing Islamic laws. The Council's muftī depends on Tajiki translation of the Quran, and Tafseer Ma'arif al Quran⁵¹ by Mawlana Mohammad Shafi' Usmani, the famous Pakistani scholar. In general the Tajik muftī acts within the corpus of main interpreters of Quran who see that the three verses of al Maayeda has been revealed about non-believers particularly Jewish as al Khazen reports in his book from various popular Sahaba (companion) and Taabe'in (followers) (Al a'ied 2014, 151).

Tajik fatwā council had choices within its Ḥanafī theology and also within the broader scope of ahl al- Sunnah to engage more detailed with the issue of takfīr of rulers as per different interpretation of the verse 44 of al Maayeda. By not referring to the main debate triggered by this verse especially in its modern context, the UCT muftī takes the quest of state-religion relation out of the argument. The main argument of this verse was to examine if not implementing shari'a and Allah's laws lead to the takfīr of rulers and the state apparatuses or not? This argument became more appealing when it comes to its post-Soviet Tajikistan as a secular state.

2.1.3 Issue of Taqlīd:

As mentioned in chapter one, the Ḥanafī madhhab has a semi-official status in Tajikistan, and the 'Ulamā Council as in fatwā number 286⁵², clearly indicates the reasons behind adopting Ḥanafī madhhab as the sole and only Islamic school of jurisprudence in the country. In this fatwā, the muftī refers to two main reasons: First, because Ḥanafī

⁵¹ https://www.aqeedeh.com/book_files/pdf/fa/tafsir-maaref-qoran-4-PDF.pdf

⁵² <http://shuroiulamo.tj/en/faq/ids/286>

madhhab derives its fiqh from Quran and Sunnat. Secondly, Ḥanafī madhhab is very tolerant and helps the national unity, peace and stability. The muftī insists that while Muslim world has fallen to wars based on ideological and sectarian differences, adopting the policy of one madhhab is considered the most basic and important factor of stability, unity and peace. The concept of one madhhab policy definitely opens the debate on the issue of imitation “taqlīd”, and is it compulsory or not to follow one madhhab. There are two petitions deal with the topic of taqlīd within fatwās of the ‘Ulamā Council, one is about adopting a fatwā of other madhhab if necessary, and the second is about the taqlīd being not compulsory on scholars and students of Shari‘a.

Regarding the issue of adopting fatwā of other madhhabs if necessary, the muftī asserts in fatwā number 139⁵³, that taqlīd of one of four madhhabs is compulsory “wajib” on every ordinary Muslim “awam”, and if there is a necessity of issuing a fatwā based on other madhhab of ahl al- Sunnah, so this should be done by fatwā councils only. The kind of reasoning offered by the UCT muftīs in refusing that madhhab is Bid’a, illustrates that the need for following one of four madhhabs is what both naql (Islamic texts) and aql (Human reason) support, and not following a particular madhhab leads to sectarian disputes and wars and chaos.⁵⁴

Regarding the taqlīd not being compulsory on shari‘a scholars and students, the muftī in fatwā number 203⁵⁵, goes further and asserts that following the madhhab of Imām Abū Ḥanīfa is compulsory, not only for ordinary Muslims, but also for religious scholars and students, especially for Muslims of Tajikistan. The muftī insists that applying one

⁵³ <http://shuroiulamo.tj/en/faq/ids/139>

⁵⁴ <http://shuroiulamo.tj/en/faq/ids/305>

⁵⁵ <http://shuroiulamo.tj/en/faq/ids/203>

madhhab policy will assure Tajikistan's stability. The muftī clearly rejects the claim that taqlīd is not obligatory on Shari'a scholars and students, and insists that those who follow four madhhabs at same time, they follow only their desires.

The 'Ulamā Council of Tajikistan's position regarding taqlīd is close to what Deobandi Dār al-Iftā' adopted in its fatwā⁵⁶ by making it compulsory to follow one of four madhhabs, and not allowing to move between them by selecting what fits ones conditions and circumstances. The Deobandi muftī reconfirms the prevention of following more than one madhhab at same time.

Unlike the 'Ulamā Council and Deobandi Dār al-Iftā', Egyptian Dār al-Iftā' addressed the topic of taqlīd in a more detailed way. These three fatwā councils agree on the compulsoriness of taqlīd on ordinary Muslims, unlike fatwās of contemporary Salafī 'Ulamās like Ibn Bāz who consider it a corrupt position⁵⁷. However, the Egyptian fatwās are not limiting taqlīd only to one madhhab⁵⁸, and allow for a Muslim to follow a fatwā in other madhhab.⁵⁹ What Egyptian Dār al-Iftā' does not allow is Talfiq or combining more than one madhhab in the same issue at same time, as following Ḥanafī and Shāfi'ī while making woodu "ablution".⁶⁰

One explanation for the strict position adopted by the Tajik 'Ulamā Council regarding taqlīd could be that it acted selectively and ignored other views within Ḥanafī scholarship and also within the broader scope of other madhhabs, to block efforts for creating any sort of reference behind the Ḥanafī doctrine in Tajikistan. The limiting of authority of

⁵⁶ <http://www.darulifta-deoband.com/home/en/Salah-Prayer/59799>

⁵⁷ <https://www.binbaz.org.sa/noor/1726>

⁵⁸ <http://www.dar-alifta.org/AR/ViewFatawaConcept.aspx?ID=%20141>

⁵⁹ <http://www.dar-alifta.org/AR/ViewFatawaConcept.aspx?ID=%20187>

⁶⁰ <http://www.dar-alifta.org/AR/ViewFatawaConcept.aspx?ID=%20182>

issuing fatwās on other madhhabs only to the ‘Ulamā Council can be read as a strong and clear step for solidification of the Council's status as the last and only reference for Sunni Muslims in Tajikistan. The topic of taqlīd remains incomplete without knowing how the ‘Ulamā Council of Tajikistan dealt with the phenomenon of Salafism, as this trend and its followers are part of a bigger picture of Islamic awakening in the post-Soviet Tajikistan.

Historically, the phenomenon of non-madhhabi trend in the contemporary Central Asia goes back to the arrival of Shami-Damulla to Tashkent in 1919.⁶¹ As Muminov observes, “Shami-Damulla knowledgably criticized the teachings of the Ḥanafī madhhab and Ṣūfīsm, as well as different local manifestations of popular Islam. His positions in relation to local Islam impressed the Soviet government for a long time and were successfully utilized in the struggle against religion and local religious figures” (Muminov 2007, 253–54).

The efforts to realign local religious practice on the primary sources, Quran and Sunnah, continued even after Shami Damulla arrested and sent to exile in 1932. His students particularly Ziauddin Babakhanov, who succeeded his father as muftī in 1957 till 1982, influenced the official Soviet Islam. “Saudi contacts cultivated by the Babakhan dynasty, imported writings by Ḥanbalī scholars, and study visits by SADUM staff at Middle Eastern universities expanded the influence of Arab ritual purism among the Central Asian scholars. Thus the ‘ulamā of the SADUM, in their striving to carry out the instructions of the (Communist) Party ideologists while at the same time remaining true

⁶¹ Sa‘id ibn Muhammad ibn ‘Abd al-Wahid ibn ‘Ali al-‘Asali al-Tarablusi al-Shami al-Dimashqi, was born between 1867 and 1870 in the Lebanese city of Tarabulus, died around the age of 65 in Khorezm in 1932 in Uzbekistan. See for details: (Muminov 2007, 249–61)

to their religion, in fact paved the way for the reformist and modernist currents that later became known as “Wahhābī” and “Salafist” (Schmitz 2015, 9).

One interpretation of the Soviet Islam allowing for anti-madhhab efforts to be supported against popular Islam and unofficial Islam, can be the later became a hub for anti-Soviet discourses and activities and that is why the Soviets wanted to contain it and fight it.

The State- Salafī bond again surfaced in post-Soviet Tajikistan in early 2000s when the government found the newly mobilized Salafīs to be a willing instrument in its efforts to diminish the authority of Turajonzoda family who has a remarkable degree of autonomy and a large and loyal following, and the opposition Islamic Renaissance Party of Tajikistan.

While the government stood quietly by, Salafīs launched a media campaign to discredit the IRPT and leading cleric Eshon Nuriddin Turajonzoda on theological grounds. The Salafīs’ power play and the government’s divide and conquer strategy backfired when Eshon Nuriddin accused the government of fostering Salafīsm, which in the local political context is equivalent to calling it Wahhābīst or extremist. After a series of public recriminations and counter recriminations, the government backed off and, on January 8, 2009, Tajikistan’s Supreme Court banned “the Salafī religious movement’s activities” (Abramson 2010, 42).

The ‘Ulamā Council also adopted a harsh position against Salafīs, which may reflect some level of state approach to get distance from any charge of supporting Wahhābīsm which is connected also to extremism. In fatwā number 358⁶², a Tajik girl who claims of

⁶² <http://shuroiulamo.tj/en/faq/ids/358>

being a strict practicing Ḥanafī Muslim, asks if she say yes to a marriage proposal by a Salafī Tajik boy.

The muftī utterly takes a very sharp stand against Salafīs, and counts points that make them unacceptable in the Tajik society. The muftī refers to some claims without offering references. He even refers to one incident when Omar the Third Caliph abandon marriage with Ahl e Kitab women despite that being ḥalāl in Islam, because of Ftina “disorder”. The muftī tries to say that it is up to the government authorities if they find that marriage with a Salafī creates disorder in the society to abandon it. The muftī says marrying a Salafī will create many social tussles.

In fatwā number 878,⁶³ the muftī takes harsher stand against Salafīs, while answering a petition about the way they pray. He instructs the petitioner that he has to inform the authorities about those Salafīs rather than discussing them about the accurate way of praying. The muftī considers what Salafīs say is nothing but creating chaos and disorder within the society.

The tough stand against Salafīs can be noticed when the muftī insists that praying Ṣalāt al-tarāwīḥ 20 ruka’a is the position of ahl al- Sunnah wal jamm’at, he means the four accurate madhhabs, and those who pray 8 ruka’a in fact they pray tahajud and not Ṣalāt al-tarāwīḥ. Here the muftī, indirectly, did not consider those who pray Ṣalāt al-tarāwīḥ 8 ruka’a as ahle sunnat wal jamma’at as we read in fatwās number 440⁶⁴ and 451.⁶⁵

⁶³ <http://shuroiulamo.tj/en/faq/ids/878>

⁶⁴ <http://shuroiulamo.tj/en/faq/ids/440>

⁶⁵ <http://shuroiulamo.tj/en/faq/ids/451>

2.1.4 Shī‘a - Sunni relation:

One of important topics raised within the section of ‘Aqīda, is the issue of Sunni- Shī‘a relation. It is worth mentioning that Tajikistan has a minority of Ismailia Shī‘a mainly inhabit in Badakhshan autonomous region; and Tajik government maintains a good relation with Agha Khan the Imām of Ismailia, despite a bloody past regarding Ismailia minority during civil war 1992-1997. And in a secular state which promotes tolerance and social order, keeping the sectarian differences away and managing the good relation among them is a priority. Despite all this, it seems that ‘Ulamā Council of Tajikistan adopts an opposing stand against Shī‘a, both in their published fatwās and articles on their website.

However, what raises the question is the absence of any mention to Ismaili sect within fatwās I reviewed. The ‘Ulamā Council addressed Shī‘a -Sunni relation in two fatwās and in both cases never named Ismailia directly, which represent the level of cautious in dealing with a sensitive social and political issue when it come to the national interests.

The primary stand of the ‘Ulamā Council regarding Shī‘a is that they are different groups, as in fatwā number 342⁶⁶, when a Tajik woman asks what to do with her Shī‘a husband who asks her to convert to Shī‘a madhhab. The Council’s muftī differentiates between Shī‘a, which initially means he is not intending to label them all as kāfirs. The muftī says fanatic Shī‘as who believe that Ali is the God, or that Gabriel mistakenly put revelation to the Prophet Muhammad instead of Ali, are kāfirs. The muftī also considers

⁶⁶ <http://shuroiulamo.tj/en/faq/ids/342>

kāfir anyone who accuses Aysha, the wife of the Prophet, of adultery and not considering Abu Bakr a companion.

The same approach adopted by Deoband Dār al-Iftā' also, when it says, not all Shī'as are kāfir, and refers to nearly same above points for those Shī'as who must be considered kāfirs.⁶⁷ The same position and in more details can be read in fatwā of Egyptian Dār al-Iftā' ⁶⁸ which considers Imāmīa Shī'as as Muslims along Zaidias, with noting that they are not from ahl al- Sunnah, but misguided people. The fatwā of the 'Ulamā Council does not mention to Imāmīa and Zaidia sects of Shī'a, it even goes further strict against Shī'as saying: "other not so fanatic Shī'as also has some Kufri believes which lay against ahl al- Sunnah". Muftī refers to some Ḥanafī references in his fatwā.⁶⁹ One additional point which the Tajik muftī mentions is that not so fanatic Shī'as (maybe he means Imāmīa as mentioned clearly in fatwā number 613⁷⁰) are also not far from the path of misguidance and deception as they are practicing taqiyya (a precautionary dissimulation or denial of religious belief and practice in the face of persecution) and it becomes very hard to recognize them which sect of Shī'a they follow.

The Tajik muftī in above fatwā number 342 and also in fatwā number 645⁷¹ indirectly blames any Sunni Tajik who falls in love with a Shī'a and marry him/her. The muftī puts though conditions for marrying a Shī'a, which seems near impossible to find in Tajik

⁶⁷ <http://www.darulifta-deoband.com/home/en/False-Sects/127>

⁶⁸ <http://www.dar-alifta.org/AR/ViewFatwa.aspx?ID=12580&LangID=1&MuftiType=0>

⁶⁹ In fatwā 342, Tajik muftī refers to "Raddul-muhtor", V 3, P: 406; "Aalamgiri fatwās", V 2, P: 264"

⁷⁰ <http://shuroiulamo.tj/en/faq/ids/613>

⁷¹ <http://shuroiulamo.tj/en/faq/ids/645>

Shī‘as who are mostly Ismailia. Anyhow fatwās of the ‘Ulamā Council especially regarding marrying a Shī‘a is similar to fatwās of Dār al-Iftā’ of Deoband⁷².

We discuss the political aspects of such a tough stand against Shī‘a Imāmia, and not mentioning Ismailia in next chapters, but what overall the Council’s position on the Sunni- Shī‘a relation reflects is the main concern of limiting the Tajik religiosity within Ḥanafī madhhab by banishing non-Sunni and non- Ḥanafī approaches or restricting their maneuver scope within the society.

2.2 Tahāra

The first impression on fatwās issued under the section ṭahāra (Purity and Cleanness) is that they are not restricted to the traditional topics as wuḍū’ (ablution) and Ghusul (bath). The presence of fatwās discuss the environmental issues illustrate the modern approach of the UCT to engage with contemporary needs of a metropolitan life.

In fatwā number 9⁷³, the muftī encourages his fellow Tajiks to keep their cities clean and organized, as this is part of Muslims personalities. He mentions to texts from Quran and Hadith as part of promoting Islamic teachings regarding environmental cleanness and personal hygiene. Furthermore, the UCT muftī talks about the philosophy of ṭahāra in a mode of defending the Islamic approach of cleanness that is ahead of Western values and standards. In fatwā number 556⁷⁴, muftī tries to argue that Islam has come with the concept of cleanness and personal hygiene before 1400 years, and this is what modern

⁷² <http://www.darulifta-deoband.com/home/en/Nikah-Marriage/5961>

⁷³ <http://shuroiulamo.tj/en/faq/ids/09>

⁷⁴ <http://shuroiulamo.tj/en/faq/ids/556>

medics say now. This connection between fatwā and modernity indicates that UCT is aware of challenges raised by modernity and the stereotyping of Islam as a cause of backwardness. The muftī tries not only to convince Tajik Muslims to the importance of cleanness both in appearance and sole, he tries to underline the superiority of Islam in the field of public health hygiene.

The ritual side of ṭahāra fatwās reflects two major points: one, the sense of religiosity amongst Tajiks who wants to act upon Shari‘ah in their daily life, and perform daily prayers even in their work place regardless the limitations put by their secular state. Second observation can be the strong adherence of the UCT to the Ḥanafī madhhab, especially while dealing with a common concern such as masah (wiping over) socks.

The petitioners in most of fatwās regarding ṭahāra, are facing some new circumstances needs fatwās to reconsider their modern needs as in fatwās number 99⁷⁵, 695⁷⁶, and 722⁷⁷, where the muftī based on Ḥanafī sources does not allow to do masah on socks as long as they are not up to the conditions fixed by Ḥanafī scholars, as the socks to be thick enough, strong enough and fit to the feet. The muftī does not pay any attention to the circumstances which push these petitioners to seek fatwā on doing masah on socks like working in places where praying is prohibited and people pray secretly, or working in some hard situations as for Tajik migrant workers in Russia. The muftī rather asks to delay the prayer as in the case of a woman asks if it is allowed to do masah on her long socks while being at work in the factory where praying at work time and place is banned.

⁷⁵ <http://shuroiulamo.tj/en/faq/ids/99>

⁷⁶ <http://shuroiulamo.tj/en/faq/ids/695>

⁷⁷ <http://shuroiulamo.tj/en/faq/ids/722>

2.3 Prayer

Prayer is the most popular topic within fatwās published by the ‘Ulamā Council of Tajikistan as it consists nearly 25% of all fatwās I reviewed. This reflects the importance of prayer as a main ritual performed by the Tajik Muslims on daily bases. It also reflects the growing number of issues related to prayer such as lack of religious knowledge, new questions and challenges raised by the secular state and its policies, other Islamic sects and the complexities of modern life.

Tajikistan is considered the “most religious country in the Central Asia, based on results of three WIN/Gallup International polls, taken in 2008, 2009 and 2015”⁷⁸. These findings won’t be a surprise if we read about rising numbers of mosque buildings across Tajikistan in the post-Soviet era. As Schmitz refers, “in 1990 only 17 mosques were officially registered in the whole country, the number rose to almost 4000 by summer 2013 (Schmitz 2015, 15).

However, this rise of religiosity, especially in the case of mosques, does not went unchecked, as the authorities “passed laws in 2009 on religion included the requirement that only purpose-built premises can qualify as places of worship, and set specific criteria for whether a community is entitled to build one”.⁷⁹

Law in Tajikistan restricts Islamic prayer to four locations: mosques, cemeteries, homes, and shrines. The law regulates registration, size, and location of mosques, limiting the number of mosques which may be registered within a given population area. “Friday”

⁷⁸ <http://www.telegraph.co.uk/travel/maps-and-graphics/most-religious-countries-in-the-world/>

⁷⁹ <https://iwpr.net/global-voices/tajik-government-targets-illegal-mosques>

mosques, which conduct larger Friday prayers as well as prayers five times per day, are allowed in districts with populations of 10,000 to 20,000 persons; “five-time” mosques, which conduct only daily prayers five times per day, are allowed in areas with populations of 100 to 10,000. In Dushanbe, Friday mosques are allowed in areas with 30,000 to 50,000 persons, and five-time mosques are allowed in areas with populations of 1,000 to 5,000. The law allows one “central Friday mosque” per district or city, and makes other mosques subordinate to it, as “International Religious Freedom Report for 2016” indicates.⁸⁰ The role of the UCT both as part of a regulating system of religious life and also as the highest religious authority which issue fatwās seems crucial in accommodating state-religion relation.

2.3.1 Mosques and Qibla Direction:

Post-Soviet Tajikistan as mentioned, witnessed a boom in mosques building starting from the late 80s that last for nearly two decades, and then came the state regulations in 2009, to control this track. The ‘Ulamā Council as Schmitz mentions has “no authority to issue directives, because in the final instance the decisions of the Committee for Religious Affairs are binding on religious institutions at all levels” (Schmitz 2015, 16). This approach is what clearly stated in fatwā number 827⁸¹, where a petitioner asks the Council permission for holding Friday prayer in their village mosque. The muftī tells him that the permit for holding Friday prayer in their mosque is related to the executive body

⁸⁰ <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

⁸¹ <http://shuroiulamo.tj/en/faq/ids/827>

of the district they belong, and the permission from the Committee on Religious Affairs, Traditions and Ceremonies under the Government of Tajikistan.

There are two fiqhi issues related to this fatwā, seems muftī did not want to raise them, first: the number of people by which a Friday prayer considered valid, and which is just three people rather than imām, according Ḥanafī madhhab. The second issue is the permission of wali el amr, (the Khalifa or King or Authorities) in īqāma of Friday prayer, a permission which is considered by Ḥanafī madhhab (Al Tahawi 1950, 35 and al-Marghīnānī 1996, (1) 59).

Along the building of new mosques, the issue of Qibla direction raised as a public debates, and the Council acknowledges the existence of what it called misunderstanding regarding the direction of the Qibla in parts of the country, as it read in fatwā number 10⁸². The muftī refers that based on this issue; the “Islamic Center” has created a competent commission consisting of experts of the ‘Ulamā Council, and Astrophysics Institute of the Academy of Sciences to solve any issues regarding accurate direction of Qibla.

In this fatwā and in fatwā number 416⁸³, where muftī asks a Tajik migrant in Russia to find Qibla direction on his mobile Qibla finder application, the Council reflects its openness to the science and scientific findings and tools in solving religious issues. This openness to the modern science and asking people to abide by the regulations of religious and state institutions, take away any authority the popular Islam or parallel Islam may play in the society.

⁸² <http://shuroiulamo.tj/en/faq/ids/10>

⁸³ <http://shuroiulamo.tj/en/faq/ids/416>

One last issue can be raised regarding mosques in post-Soviet Tajikistan is the official ban on women and youth under 18 years old attending mosques. This issue will be discussed in details in chapter four, but initially I did not find any mention on such banning or any comment on the state regulations regarding this particular issue. However, there are some fatwās dealing with women prayer at mosque, as fatwā number 467⁸⁴, where the muftī confirms that praying Ṣalāt al-tarāwīḥ is Sunnat for women as it is for men, and it is better for women to pray it at their homes. A detailed fatwā by Egyptian Dār al-Iftā' on the a question regarding women attending mosques in Ḥanafī madhhab, finds that latest Ḥanafī scholars are endorsing women attending mosques in contemporary times and with the deep changes both socially and economically.⁸⁵

However a fatwā on Dār al-Iftā' Deoband considers women attending mosques for Friday and Ṣalāt al-tarāwīḥ prayers as makrūh (dislike) and says it is better for them to perform prayers at home.⁸⁶ The Deobandi fatwā is supporting the UCT stand on women attending mosques for prayer according Ḥanafī teachings.

2.3.2 Prayer at work place and during work time:

One of problems discussed in some fatwās by the 'Ulamā Council is the restrictions Tajik Muslims face regarding performing prayer at work places. This problem is common both within Tajikistan and within Tajik migrants in Russia. Noticeably, that 'Ulamā Council avoids questioning the state policies regarding banning praying during work time or at

⁸⁴ <http://shuroiulamo.tj/en/faq/ids/467>

⁸⁵ <http://www.dar-alifta.org/AR/ViewFatwa.aspx?sec=fatwa&ID=11630>

⁸⁶ <http://www.darulifta-deoband.com/home/en/Salah-Prayer/60873>

work places as laws limited just four places of prayer as we mentioned before. The muftī even considers this situation as an illegible 'Uzr "excuse". In this case, if you are not able to pray freely, it is better to delay it until you find the time and place to pray as the muftī clearly indicates in fatwā number 498.⁸⁷ In this fatwā the petitioner asks if employees of government and business who miss Friday prayer due to official ban, became sinful. The muftī does not refer to the ban itself and considers it as an excuse which allows people to pray Zohr prayer instead Friday prayer.

A similar reply can be read in fatwā number 881,⁸⁸ where a teacher tells that he is not able to attend Friday prayer due to banning of prayer during work time and at work place, is he committing a sin? The muftī considers the lack of permission valid enough not to attend Friday prayer. And in fatwā number 681,⁸⁹ a student who says that he escapes his school in order to attend Friday prayer, the muftī asks him to attend his school and just pray Zuhr after school as education is also necessary for us.

While muftī does not comment on the official banning of performing prayer at work places in Tajikistan as in fatwās number 546,⁹⁰ 646⁹¹ and 695,⁹² he advices a Tajik migrant in Russia to find another job while his current job which is at night shift prevents him from praying Maghrib and 'Isha prayers.⁹³ Not discussing the state law on banning prayers at work places and working time in these fatwās, reflects the scope and limitation

⁸⁷ <http://shuroiulamo.tj/en/faq/ids/498>

⁸⁸ <http://shuroiulamo.tj/en/faq/ids/881>

⁸⁹ <http://shuroiulamo.tj/en/faq/ids/681>

⁹⁰ <http://shuroiulamo.tj/en/faq/ids/546>

⁹¹ <http://shuroiulamo.tj/en/faq/ids/646>

⁹² <http://shuroiulamo.tj/en/faq/ids/695>

⁹³ <http://shuroiulamo.tj/en/faq/ids/453>

of the ‘Ulamā Council as the only official reference of Sunni Islam in the post- Soviet Tajikistan.

However, there are moments when the muftī of ‘Ulamā Council departs from main discourse of not discussing the ban on performing prayers at work places, and partially refers to Islamic texts which oppose the state law as in fatwā number 456.⁹⁴ In this fatwā muftī encourages the petitioner to pray Ṣalāt al-tarāwīḥ at mosque, and if there is Ṣalāt al-tarāwīḥ near his house, he can pray there, as the whole earth considered mosque for Muslims based on hadith of the Prophet. Last part of this fatwā opposes state laws of banning holding prayers in prayer rooms rather than mosques.

⁹⁴ <http://shuroiulamo.tj/en/faq/ids/456>

2.4 Zakāt

Zakāt as a ritual beside endowments and philanthropy form what one call it Islamic social finance which represents an important opportunity to leverage the resources needed to leave no one behind. The Islamic Development Bank estimates that zakāt contributions may exceed US\$500 billion per year.⁹⁵ This importance can explain the call of Tajikistan president Emomali Rahmon, in his message on ʿĪd al-Fitr 2017, as he referred to the importance of paying Sadaqa and zakāt al-Fitr to the poor people and those who need it. In the same message, he endorsed the importance of Ḥanafī madhhab for the Muslims of Tajikistan and asked them further to follow orders and regulations of Directorate of Religious affairs in all their religious activities.⁹⁶

What also makes the call of president Rahmon more applicable in this context is the rate of poverty in Tajikistan where 32% of the population lives below the national poverty line in 2015.⁹⁷ The government of Tajikistan has set goals to be reached by 2020: to double GDP, expand the middle class, and reduce poverty to 20%.⁹⁸ Zakāt and other Islamic social finance sources can help the government to contain the poverty.

There are 111 fatwā under the section of zakāt, and the types of petitions reflect the level of Islamic awareness amongst wealthy Tajiks who want to abide by this important ritual. On the muftī side, petitions on zakāt mostly are been answered in very short words, and without referring to any source. Unlike other rituals, the muftī does not talk in details

⁹⁵ <http://www.undp.org/content/undp/en/home/news-centre/speeches/2017/financing-for-development-and-2030-agenda.html>

⁹⁶ <http://shuroiulamo.tj/en/news/ids/220>

⁹⁷ <https://www.adb.org/countries/tajikistan/poverty>

⁹⁸ <http://www.worldbank.org/en/news/infographic/2017/10/17/ending-poverty-in-tajikistan>

about the *raison d'être* of zakāt within Islamic system of life. Only in fatwā number 120,⁹⁹ while answering a petition about why one should pay zakāt, the muftī says a few words about the rewards Allah grants to zakāt payer both in this world and in the day after. In the same context, the muftī does not say more about the punishment of those who do not pay their zakāt, as in fatwā number 121,¹⁰⁰ the muftī just refers to the verses 34-35 of chapter Tawba in the Quran about the retribution for those who do not pay zakāt.

The eligibility of zakāt payer and zakāt taker is one of concerns among the petitions raised in this section, a concern which can touch some social issues rather than poverty. In fatwās number 22,¹⁰¹ and 170,¹⁰² the muftī clearly announces that there is no zakāt from bribery money. Here the muftī takes the advantage of the petition to indicate that the whole process of bribing is Haram in Islam. By doing this, he tackles a deep social problem Tajiks are suffering; the widespread corruption. Tajikistan possesses rank 152 /175 in Transparency International Index for 2014.¹⁰³

One of the most important concerns in most zakāt petitions here is to whom zakāt should be paid. Regardless the eight known categories have been fixed in Quran and muftī refers to them very shortly in fatwā number 503,¹⁰⁴ zakāt fatwās tackle a range of detailed situations asked by Tajik petitioners. The range of issues raised by petitioners reflects the level of modern awareness of zakāt ritual, and its social aspects, and in general it provides a closer picture of religiosity in post-Soviet Tajik society.

⁹⁹ <http://shuroiulamo.tj/en/faq/ids/120>

¹⁰⁰ <http://shuroiulamo.tj/en/faq/ids/121>

¹⁰¹ <http://shuroiulamo.tj/en/faq/ids/22>

¹⁰² <http://shuroiulamo.tj/en/faq/ids/170>

¹⁰³ <https://www.business-anti-corruption.com/country-profiles/tajikistan>

¹⁰⁴ <http://shuroiulamo.tj/en/faq/ids/503>

To have a better idea of petitioners concerns regarding zakāt, we find in fatwā number 19,¹⁰⁵ it was asked if zakāt can be paid to someone who does not pray, and the muftī says it is allowed to pay zakāt to him, but it is better to pay it to someone who prays. The fatwā here clearly boosts the religiosity within a society lives under a secular state. In same context, fatwā numbers 62,¹⁰⁶ 114,¹⁰⁷ and 145¹⁰⁸ do not allow payment of zakāt to robbers, buglers or thieves, except in cases where zakāt payer hopes his money will help thieves to abandon robbery. The muftī refuses the payment of zakāt to the sinful people who will expense zakāt money in obscenity and immoralities, or those poor drug addicted people who diffidently spend zakāt money in drugs.

The question of paying zakāt to non-Muslim is also one of important issues in Tajikistan which has non-Muslim communities mainly Christians. In fatwā number 221,¹⁰⁹ muftī says that zakāt should not be paid to non-Muslim, without further discussion.

As we mentioned, “in Tajikistan four in ten working-age adults have sought jobs abroad; in 2014 they sent home remittances equivalent to 42% of GDP, proportionally more than any other country in the world received.”¹¹⁰ Based on international labor organization, “the amount of remittances sent home by migrants from Tajikistan was estimated to be about US\$ 2.67 billion or 49% of GDP in 2008. The remittances sent to Tajikistan to help

¹⁰⁵ <http://shuroiulamo.tj/en/faq/ids/19>

¹⁰⁶ <http://shuroiulamo.tj/en/faq/ids/62>

¹⁰⁷ <http://shuroiulamo.tj/en/faq/ids/114>

¹⁰⁸ <http://shuroiulamo.tj/en/faq/ids/145>

¹⁰⁹ <http://shuroiulamo.tj/en/faq/ids/221>

¹¹⁰ <https://www.economist.com/news/finance-and-economics/21688441-remittances-are-good-thing-except-when-they-stop-russia-love>

the migrants' families to solve some of their financial problems, and a large amount of these resources are used to cover their immediate needs”.¹¹¹

This importance of Tajik migrants both in maintaining economic prosperity and social order is also reflected by fatwās of the ‘Ulamā Council of Tajikistan. We read in fatwā number 60,¹¹² the muftī allows for petitioner to buy air tickets for poor migrants from zakāt his money, even if the migrant could not use the ticket due to any reason. In the same context, and in fatwā number 228,¹¹³ the muftī allows sending zakāt money from Russia to Tajikistan in a clear approach of helping Tajik economy.

Seems there is a popular belief in Tajikistan regarding zakāt, and to be paid to the imāms of the mosques or the moazens “azan callers” as in fatwā number 58¹¹⁴ and 73.¹¹⁵ The muftī says it is allowed to pay zakāt to the imām or moazen only if they are poor and deserve zakāt. However, the muftī also refers to an important point regarding the financial independence of imāms, and that they should be well built financially, so they can do their Islamic preaching in a better way, and zakāt can help in this regard. The issue of independency and loyalty of imāms in Tajikistan can be traced in government attempt to pay monthly salaries to the Khaṭībs of the Friday mosques. This decision “introduced in spring 2014, which makes them de facto state employees, is of special significance for ensuring the loyalty of the religious elite” (Schmitz 2015, 16).

¹¹¹ http://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-moscow/documents/publication/wcms_308938.pdf

¹¹² <http://shuroiulamo.tj/en/faq/ids/60>

¹¹³ <http://shuroiulamo.tj/en/faq/ids/228>

¹¹⁴ <http://shuroiulamo.tj/en/faq/ids/58>

¹¹⁵ <http://shuroiulamo.tj/en/faq/ids/73>

2.5 Fasting

There are 53 fatwās on Fasting among what this study reviewed and the issues they raise indicate that this ritual became a common practice among Tajiks, and this is what Pew Research Center's poll on religious commitment around the Muslim world in 2012 found that 88% of Tajiks are fasting during Ramadan.¹¹⁶

The importance of this religious occasion in post-Soviet Tajikistan can be observed in the Tajik President speeches delivered at the beginning of the month of Ramadan each year, where he not only congratulate the Tajik Muslims but also direct the 'Ulamā Council to issue certain fatwās. For instance President Rahmon on the eve of Ramadan month 2015 and in his televised message, called on his fellow Tajiks to support orphans, people with disabilities and vulnerable people who do not have relatives to support. He said that this year, Ramadan falls in midsummer and fasting may become hard for elderly people, sick people and those engaged in hard labor. President Rahmon stressed that, taking this into consideration and on the basis of requirements of the Ḥanafī School of jurisprudence, the 'Ulamā Council may issue fatwās to ease the situation of sick people, wayfarers, farmers, and other people doing hard work in hot weather.¹¹⁷ The speech of Tajik President raises questions both on the nature of secularism adopted by Tajik state, and the relation between the 'Ulamā Council and Tajik state.

As mentioned before, 'Ulamā Council is the official body which declares the beginning and the end of Ramadan month, and approves the exact time of 'Īd al-Fitr and 'Īd al-Adḥā. What raises the question in this regard is that UCT solely depends on astronomical

¹¹⁶ <http://www.pewforum.org/2012/08/09/the-worlds-muslims-unity-and-diversity-2-religious-commitment/>

¹¹⁷ <http://www.avesta.tj/eng/5658-tajik-president-congratulates-tajiks-on-holy-month-of-ramadan.html>

and scientific calculations,¹¹⁸ in declaring the official date of Ramadan month, a practice not adopted by other Ḥanafī countries in the region mainly Afghanistan which follows the announcement of Saudi Arabia and Pakistan which depend on moon sighting by its own committees.

In this case, the ‘Ulamā Council of Tajikistan clearly departs from Ḥanafī corpus of scholars who do not approve the astronomical calculations as sole source of moon sighting, as famous Ḥanafī scholar Ibn ‘Abidīn writes in his book *Radd al Muhatar*, that “there is no consideration of what the time keepers (*muwaqqiteen*) say in declaring the fasting” (Ibn ‘Abidīn 2003, (3) 354).

There are 53 *fatwās* under the section “Fasting”, and most of them reflect the concerns of different casts of the Tajik society regarding fasting in Ramadan month. Women questions mainly concentrated on issues such as monthly period, and how to compensate the days women do not fast. Issues like the validity of fasting while using lipstick, fashion cosmetics and skin oil and gel or brushing teeth on Ramadan days are also reflected in petitions. Questions on issues like talking to a girlfriend while fasting, as in *fatwā* number 438,¹¹⁹ indicate the popularity of this ritual amongst different layer of post-Soviet Tajikistan.

While the UCT departs from Ḥanafī tradition in moon sighting and depends on astronomical calculations, it remains stuck to Ḥanafī madhhab in other Fasting related *fatwās* as in *fatwā* number 468,¹²⁰ when a Tajik migrant in Russia complains about long days of fasting in Ramadan which reaches nearly 20 hours, and sometimes they cannot

¹¹⁸ <http://shuroiulamo.tj/en/news/ids/208> (The official announcement of Ramadan 2017 in Tajikistan)

¹¹⁹ <http://shuroiulamo.tj/en/faq/ids/438>

¹²⁰ <http://shuroiulamo.tj/en/faq/ids/468>

take their sahari (before dawn) food, do they have to fast that day?, the muftī asks them to follow Ḥanafī madhhab and fast the day they do not take sahari food, regardless the length of the day.

2.6 Hajj

Hajj is one of those Islamic rituals witness Tajik state interferes through sets of regulations changing from time to time. Department for Religious Affairs (DRA), controls the whole process of Hajj and imposes restrictions on Tajik pilgrims. The most recent restriction was the decision announced in June 2017 by authorities, Tajik citizens under the age of 40 has been barred from performing annual hajj pilgrimage to Mecca.¹²¹

Tajik authorities justify their decision by saying that it will give older Tajik Muslims more of a chance to undertake the pilgrimage, as Saudi authorities are putting in place stricter quotas. However, many in Tajikistan believe the ban is an attempt to prevent instances of radicalization among younger generations. In the past years, the Tajik government has routinely imposed age restrictions for devout Muslims to perform hajj. In 2015, the minimum age was 35.

The UCT is also assuring in its fatwās that it has nothing to do with registration process of Hajj as in fatwā number 994,¹²² where muftī directs the petitioner to the nearest branch of Department for Religious Affairs. The UCT had the option to urge the government to make Hajj candidates go through a process of Hajj Qur'a "Lottery", a process adopted by

¹²¹ <https://www.rferl.org/a/tajikistan-bans-hajj-for-under-40s/28570529.html>

¹²² <http://shuroiulamo.tj/en/faq/ids/994>

most countries to fulfill the quotas dedicated to them by Saudi Hajj authorities and giving chance to candidates from all ages.

There are just 17 fatwās related to Hajj from 1000 fatwās I have reviewed, the most little among all categories. This is mainly because Hajj as a ritual performed at least once in their lifetime by all adult Muslims who are physically and financially capable of undertaking the journey, and can support their family during their absence.

Hajj related fatwās do not refer to state policies regarding age restriction; neither does justify the decision nor criticize it. However, there are fatwās contradict this state decision in some way, as we find in fatwā number 207,¹²³ when muftī counts the puberty as first condition of hajj. This means that the only age limitation for Hajj based on the UCT fatwā is to reach puberty and not to be a child.

In this section, muftī also tries to refute some popular believes related to hajj. In fatwā number 870,¹²⁴ a petitioner asks if it is true that anyone who carries the name Abdul Aziz can perform Hajj and ‘Umra free at the expense of the government of Saudi Arabia. The muftī clearly refutes this claim, and assures that this is not true. He mentions that the popular belief in Tajikistan which says the same name holders intercedes to each other, and says that this belief is limited to Tajik people and no one buys it in the Arab world. In the same context, and in fatwā number 655,¹²⁵ the muftī confirms that al Hajj al Akbar is the usual annual hajj ritual and al Hajj al Asghar is the ‘Umra. Muftī does not acknowledge the popular belief that al Hajj al- Akbar is when Hajj falls on Friday.

¹²³ <http://shuroiulamo.tj/en/faq/ids/207>

¹²⁴ <http://shuroiulamo.tj/en/faq/ids/870>

¹²⁵ <http://shuroiulamo.tj/en/faq/ids/655>

Conclusion

The fatwās on Rituals show that the ‘Ulamā Council of Tajikistan systematically seeks to find arrangements between existing secular laws and Muslim practices and refrains from criticizing the government, as in issues like absence of prayer room in the workplace; difficulties attending Friday prayer.

This chapter suggests that the autonomy of the Council in issuing fatwās related to creed and ritual is rather limited. It is also worth noting the silences of the ‘Ulamā Council in issues where the state position differs from standard Islamic norms as in limiting the age for Hajj to 40 years, or preventing youth under 18 from attending mosques and congressional prayers.

Despite insisting on following only Ḥanafī madhhab, the ‘Ulamā Council of Tajikistan shows openness to other madhhabs, but this openness does not mean adoption of other madhhab’s view as an option possible to act upon. The UCT strictly insists that moving to a fatwā from another madhhab rather than Ḥanafī should be done only by a fatwā council permission. However, ritual fatwās show that the UCT is also act selectively by offering very short answers and ignoring other views within Ḥanafī madhhab, and in some cases as moon sighting, the UCT totally goes against Ḥanafī teachings.

The political contexts influence the positions adopted by the UCT as fatwās related to the Salafī phenomenon in the Tajik society and Sunni- Shī‘a relation. The Council clearly adopts the state’s positions regarding Salafīs – who are considered a security threat as in fatwā number 878. The current tensions between Iran and Tajikistan seem to have a clear

impact on the way the Council deals with Shi'a –Sunni relation especially with the presence of a Shī'a Isma'ili minority in the country. The Council's critiques of Shi'a groups do not extend to the Isma'ili community, which is on good terms with the regime, and the UCT never mention to them by name. However the general critics of Shi'a can be extended to them too.

Chapter 3: Fatwās on Society

The importance of fatwā becomes tangible when it deals with social problems, especially in modern societies, in which unprecedented issues are affecting different aspects of Muslim life. With the public sphere tightly controlled in post-Soviet Tajikistan, fatwā becomes more disconnected from state laws and governing bodies, transforming into an issue of personal choice and source of knowledge, especially for the religious masses.

Unlike Saudi Arabia where fatwā is part of the legal system, and where “iftā’ and qaḍā’ often play a complementary role” (Al-Atawneh, 2010. p. 76), in Tajikistan the fatwā has no legal effect because the Tajik constitution and legal system are secular and do not recognize Shari’a as a source of law and legitimacy.

Nevertheless, these non-binding fatwās illustrate the level of religiosity within Tajiki society, and help in constructing layers of Islamic education and knowledge among Tajik Sunnis, who make up nearly 94% of the country’s population.

There are 97 fatwās under the category of “Family”. Drawing on my own typology, I have categorized around 400 fatwās under the topic of “Society”. These fatwās deal with topics such as marriage, divorce, ḥalāl food, ḥalāl jobs, dress code, personal appearance, child names, inter-religion relations and other topics. We will examine social fatwās issued by the ‘Ulamā Council of Tajikistan to find where the UCT follows Ḥanafī madhhab only in tackling social issues, or where it shows a level of flexibility in adopting other views. We will also discuss whether or not muftīs of UCT are selecting the most proper views within Ḥanafī opinion in dealing with social petitions, and to what extent the Council’s fatwās will narrow the distance between the secular laws and requirements

of an Islamic life. Finally, the UCT's actions in contradictory situations where fatwās and state laws clash will be analysed, as will UCT muftīs talk and where they keep silent and ignore some vital social issues.

The social fatwās will offer also an opportunity to examine the level of religious awareness and religiosity in general within post-Soviet Tajikistan. The issues raised by fatwā seekers, and the concerns showed by them offer potent evidences and valuable data in understanding the relationship between the state and religion in the Tajik context.

3.1 Marriage:

Fatwās under the category of Family mainly discuss maternal issues such as marriage, divorce, polygamy and managing relations with parents and in-laws.

UCT fatwās rarely mention the Tajik family law that regularizes all family related issues without any interference of religion or social norms. There is only one occasion when the muftī very shortly mentions that polygamy is prohibited in the Tajik law, but it is allowed in Shari‘a under certain conditions.¹²⁶

The Tajik constitution, in article 33, states clearly that “the family is under the protection of the government. Each person has the right to start a family. Men and women who have reached the age of marriage have the right to enter freely into marriage. In familial

¹²⁶ <http://shuroiulamo.tj/en/faq/ids/946>

relations, and in the event of abrogation of a marriage, spouses have equal rights. Polygamy is forbidden”.¹²⁷

The family law of Tajikistan further mentions that “a marriage, concluded only in state bodies of civil registration is recognized. Marriages concluded through religious rites, have no legal significance.”¹²⁸ Tajik family law clearly indicates the equal rights of both men and women in getting married voluntarily, and any restriction of their right on grounds of social, racial, national, linguistic or religious affiliation is prohibited.

UCT fatwās, without referring to the Tajik constitution and Family Law, deal with petitions from its Ḥanafī jurisprudence point of view, and in some occasions muftīs turn to the role of psychologist and social consultant who tries to contain the problem, give advice and teach ethics and provide examples of an ideal Islamic marital life.

The gulf between the Tajik constitution and the UCT on marriage laws means a Tajik couple needs to go through two procedures for their marriage validity: the official registration and the Islamic rites.

Marriage fatwās on the UCT site suggest that muftīs do not consider official regulations on marriage while issuing fatwās, which in most cases contravene state laws. This lack of consideration can be interpreted in two ways: First, both UCT and petitioners are aware of the official status of Shari‘a and its efficiency in post-Soviet Tajikistan; therefore, they deal with fatwā as a total different space of authority, which is not officially binding and considered just as a personal option. The second interpretation could be that the UCT is

¹²⁷ <http://www.president.tj/en/taxonomy/term/5/28>

¹²⁸ <http://ilo.org/dyn/natlex/docs/ELECTRONIC/90339/104080/F1297490250/TJK90339%20Rus.pdf>

demonstrating some level of independence from state authority in issuing fatwās, and this certain topic is one of those moments when the ‘Ulamā Council resists official laws.

UCT fatwās on marriage mainly confront Tajik laws on three main points, namely, the equality of husband and wife in the marital life, the extent of parents’ interference, and religious barriers in the marriage process.

In general, the UCT looks at the concept and process of the marriage as a Sunna of the Prophet Muhammad (PBUH) and a desirable act in Islam. The UCT encourages Tajiks to get married based on Islamic norms, and follow Islamic teachings in this regard, as in fatwā number 428,¹²⁹ when the muftī explains the norms, goals and status of marriage in Islam. In fatwā number 6,¹³⁰ the muftī describes the conditions of an ideal bride, and underlines that the best bride is the most religious who fears Allah, has Islamic beliefs, and carries out Islamic deeds.

The muftī goes further in fatwā number 806,¹³¹ and underlines that the husband is the leader and the responsible in the marital life. This last statement is totally against the equal responsibility that the Tajik constitution gives to both husband and wife within their marital life.

Regarding the interference of parents in the selection of a life partner, the muftī seems to support such interference. In fatwā number 405,¹³² the muftī endorses that parents have the right to object to the marriage of their son/daughter if the other party is not equal, socially or morally (kūfū); otherwise, the marriage is valid without their approval.

¹²⁹ <http://shuroiulamo.tj/en/faq/ids/428>

¹³⁰ <http://shuroiulamo.tj/en/faq/ids/6>

¹³¹ <http://shuroiulamo.tj/en/faq/ids/806>

¹³² <http://shuroiulamo.tj/en/faq/ids/405>

However, the muftī advises the petitioner to submit to the will of his parents as this is how tradition ‘Urf goes in Tajikistan, where parents are considered the best people to select the best partner for their children. The same position can be found in fatwā number 595,¹³³ when a 42 year-old unmarried woman blames her parents for the delay of her marriage. She says that her father believes that he had no responsibility for her after she reached 18 years old. The muftī says that in general it is the parents’ duty to find a proper groom for their daughter, and refers to a hadith, which says that any father who ensures his daughters get married will enter the heaven.

By endorsing the role of parents in selecting the life partner and marriage process, the UCT not only puts in direct opposition with the country’s constitution and family law, it also somehow departs slowly from main Ḥanafī fatwā on the right of an adult and free girl to marry by her own choice. While the dominant opinion within Ḥanafī madhhab is, as the muftī stated, that parents can object if the groom is not kūfū (socially equal), the UCT muftī is still pushing for the parents interference under the name of Tajik tradition “urf”. There are other opinions within Ḥanafī madhhab which allow an adult girl or a widow to marry on her own choice with no condition at all. The muftī ignores this last opinion as it is not the famous one within Ḥanafī jurisprudence, but depends on “urf” to reduce the space of freedom for a girl to marry her own choice. The consideration of “urf” within Ḥanafī madhhab is widespread (Zuhayli 2008, (2) 831), but raises the following question: Given that there are opinions within Ḥanafī scholars which give women absolute freedom in selecting their life partners, why do the UCT muftīs try to

¹³³ <http://shuroiulamo.tj/en/faq/ids/595>

use the concept of ‘Urf to reduce this level of freedom, which no other Sunni madhhab provides for Muslim girls.

While the Tajik constitution and Tajik Family law do not accept any racial, religious and social restrictions on marriage, the muftī in fatwās number 342,¹³⁴ and number 645,¹³⁵ clearly tries to put restrictions on marrying Shiites in a country where Ismaili Shiites make up 4% of the population. The muftī blames Sunni Tajiks who fall in love with Shiites and get married. By putting some strict conditions for marrying a Shī‘a girl or boy, the muftī makes the whole marriage process near to impossible in Tajik society. The religious restrictions can also be seen when it comes to marrying a Salafī, when the muftī in fatwā number 358¹³⁶ advises against a Tajik girl who is committed to the Ḥanafī madhhab marrying a Salafī man.

While being strict in the case of Sunni- Shī‘a and Ḥanafī - Salafī marriages, the muftī seems somehow open to the Muslim-Christian marriage. In fatwā number 845,¹³⁷ the muftī says it is allowed to marry a Christian woman, but the husband has the responsibility to teach her Islam.

Besides religious and ideological restrictions in the marriage process, there are some social issues raised too within UCT fatwās. In fatwā number 371,¹³⁸ a Tajik woman complains that her fiancé is a homosexual, and asks if it is ḥalāl to marry him. The muftī says it is makrūh (dislike) in Islam, and he indirectly advises her not to go on with this

¹³⁴ <http://shuroiulamo.tj/en/faq/ids/342>

¹³⁵ <http://shuroiulamo.tj/en/faq/ids/645>

¹³⁶ <http://shuroiulamo.tj/en/faq/ids/358>

¹³⁷ <http://shuroiulamo.tj/en/faq/ids/845>

¹³⁸ <http://shuroiulamo.tj/en/faq/ids/371>

proposal. The muftī says that Islam encourages to select life partner from among pious and pure people.

Socially, the muftī in fatwā number 687,¹³⁹ seems reluctant to endorse for a Tajik man to marry a dancer woman. The muftī clearly does not say no, but raises some important points related to the marriage process and its philosophy in Islam and responsibilities of the wife. The muftī says the women after getting married do not have to work and have to set at home and raise children. Wife works only when husband is not able to earn enough money for their life expenses, and as long as marriage is a very sensitive issue one should very carefully select a veracious and chaste mother for his children.

The points raised by the UCT muftī in previous fatwās indirectly oppose the soul of Tajik secular constitution and Tajik family law that maintain the free will of both parties without any religious and social restrictions and interference, and put equal responsibility on both husband and wife in their marital life.

3.2 Divorce

The divorce is not only a deep social problem in Tajikistan, but also a growing social issue triggered by economic migration, creating further legal complications especially for divorced women whose marriages are not registered officially.

Data suggests that “the crude divorce rate in Tajikistan rose in 2008 during the financial crisis, from 0.4 divorces per 1,000 people to 0.7. Although the urban divorce rate is three

¹³⁹ <http://shuroiulamo.tj/en/faq/ids/687>

times higher than the rural divorce rate, the rural rate has been steadily increasing, and at a much greater speed than the urban rate” (Emery 2013, 1183).

As mentioned previously in the marriage fatwās, Tajik laws give both man and woman the equal right to tie a marriage bond or to terminate it without any social or religious interference. The law does not recognize any divorce for marriages not registered with the designated government offices, as well as it does not accept the way divorce is done by saying *ṭalāq* three times as it is common within Tajik society.

One of the serious side effects of this law is the enormous cases of divorced women whose marriages are not registered, and they find themselves deprived of their rights. This problem got worst in recent years with a “high rate of divorce within Tajik migrants who just divorce their wives by sending divorce words in a SMS text”¹⁴⁰.

A large-scale survey study carried out by the Tajik State Agency on Social Protection, Employment and Migration, in partnership with local research center Sozservis, in 2009, found “that 40.5 per cent of migrants divorced after leaving the country, and only 10.4 said that migration had no negative impact on their family.”¹⁴¹

The secular legal system of Tajikistan gives women equal rights, so they can claim half the assets acquired by a couple after the divorce. However, these rights are often denied to them, especially for “majority in rural areas, who do not go through the state marriage registration procedure, confining themselves to the Muslim wedding rite”¹⁴². The

¹⁴⁰ https://www.rferl.org/a/SMS_Divorces_Cut_Tajik/1896511.html

¹⁴¹ <https://iwpr.net/global-voices/tajikistan%E2%80%99s-abandoned-wives>

¹⁴² <https://iwpr.net/global-voices/marriage-vows-not-always-enough-tajikistan>

prevalence of this problem can be understood from “official statistics that show the number of weddings registered with the state has fallen by 60 per cent since 1991”.

In this way, the UCT issues fatwās on divorce issues in an environment where marriages based only on a religious ceremony are not officially recognized under Tajik law, and at same time it does not recognize the word “ṭalāq” as a legal divorce.

There are three main observations with divorce fatwās issued by the UCT: The first one is that the UCT muftīs in more than fatwā suggest that divorce right is only in the hand of husband, as in fatwās numbers 614¹⁴³, 698¹⁴⁴ and 862¹⁴⁵, in a direct contradiction with the constitution and family law of Tajikistan. The muftīs go further and blame women who ask for divorce as in fatwā number 910,¹⁴⁶ where the muftī says that the angels curse any woman who asks for divorce without any legal (shr’ai) reason. There is no mention of the Tajik family law or state constitution within the fatwās, where muftīs answer questions based on the Ḥanafī madhhab references.

Second observation is that muftīs in most cases ask the petitioner or the both parties in a divorce case to attend the ‘Ulamā Council offices for more detailed talks about their divorce situation, as in fatwā number 565.¹⁴⁷ In this fatwā, the muftī does not answer the question at all, but underlines that divorce cases are complicated and the muftī has to hear from both sides and know all details before issuing his final fatwā. This referral for further direct consultations may represent the muftī’s keenness to address the

¹⁴³ <http://shuroiulamo.tj/en/faq/ids/614>

¹⁴⁴ <http://shuroiulamo.tj/en/faq/ids/698>

¹⁴⁵ <http://shuroiulamo.tj/en/faq/ids/826>

¹⁴⁶ <http://shuroiulamo.tj/en/faq/ids/910>

¹⁴⁷ <http://shuroiulamo.tj/en/faq/ids/565>

complexities created by dichotomy of state laws and Shari‘a requirements regarding divorce process.

The third observation is that the UCT muftīs play the role of family councilors sometimes, trying to solve divorce cases by offering religious and moral advices to both parties. This beyond fatwā role takes the UCT to a new sphere where modern human sciences like sociology and psychology act, and transform fatwā from a legal opinion to a social science method.

Generally, the UCT muftīs seem abide by Ḥanafī madhhab in dealing divorce fatwās, but in some cases they are avoiding or ignoring fatwās within madhhab or outside Ḥanafī jurisprudence which may be helpful in solving some divorce complexities, and fit modern needs too, beside they are in line with the Council's orientation to contain the problem of divorce.

To contain a divorce issue, muftī in fatwā number 376,¹⁴⁸ tries to find a solution for a man who swore if he did not sleep with his wife on a Ramadan day, she will be divorced. The man asks what he has to do to avoid the divorce. The muftī asks him to travel with his wife on a Ramadan day and sleep with her, and this way he will fulfill his swearing without losing his wife.

In the same line, and in fatwā number 406,¹⁴⁹ a man wants to go to Russia for work, and his wife says if he travels to Russia, she will ask for divorce. The muftī tries to convince his wife by saying that labor migration is all country's problem, as many people do not have any other option. The muftī at same time put some conditions for labor migrants not

¹⁴⁸ <http://shuroiulamo.tj/en/faq/ids/376>

¹⁴⁹ <http://shuroiulamo.tj/en/faq/ids/406>

to forget about their wives as some of these labors do. The muftī further becomes a social councilor and advises both of them to reconcile and never think about divorce.

This fatwā is more like a social council and personal advice, and illustrates the consultancy role played by the muftī to tackle a social problem Tajik suffer in the face of wide spread poverty and unemployment in the country. Participation of the UCT in easing social problem and acting in the line with state policies also explains the social and to some extent the political role of fatwā in the post-Soviet Tajikistan.

In contrary with their approach to contain the phenomenon of divorce in Tajik society, the UCT in some fatwās ignore fatwās within Ḥanafī madhhab regarding divorce at a moment of anger. While great Ḥanafī scholar Ibn e Aabedin does not endorse divorce at a moment of anger, (Ibn ‘Abidīn 2003, (3) 268), the UCT muftīs consider it a divorce, as in fatwās number 413,¹⁵⁰ 541¹⁵¹ and 665¹⁵². In all these three fatwās petitioners acknowledge that they divorced their wives at the moment of anger and while being in argument, but the muftī is not mentioning to the issue of anger at all, and ignores the different views within Sunni madhhabs and scholars. In same line comes the conditional divorce, when a man after an argument with his wife tell her if she gets out the door to go to her mother’s home, she will divorced three time, as in fatwā number 879.¹⁵³ The muftī says if she got out, and did not went to her mother’s home, so no divorce, and if she went to her mother’s home, she will be divorced. The muftī never talks about conditional divorce and divorce at a moment of anger, and ask them for more consultation to attend the UCT headquarter.

¹⁵⁰ <http://shuroiulamo.tj/en/faq/ids/413>

¹⁵¹ <http://shuroiulamo.tj/en/faq/ids/541>

¹⁵² <http://shuroiulamo.tj/en/faq/ids/665>

¹⁵³ <http://shuroiulamo.tj/en/faq/ids/879>

The view of Ibn A'bīdīn from Ḥanafī School comes in line with the views of Ibn e Taimeya and Ibn alQaiyem from Ḥanbalī School, and also Egyptian Dār al-Iftā' also support same opinion¹⁵⁴. This opinion seems more helpful in solving modern divorce issues, and seems more acceptable with approach of the 'Ulamā Council itself to contain the growing phenomenon of divorce in Tajikistan.

While the UCT fatwās on divorce at a moment of anger is clear, they avoid to issue their final word on the divorce under the influence of alcohol, as in fatwā number 566,¹⁵⁵ when a Tajik woman asks if her marriage is still intact after receiving a three time divorce from her husband who admitted later that he divorced her while being under the influence of alcohol. Why muftī's escapes from final fatwā on divorce under the influence of alcohol, while there are complete details on different opinions with Ḥanafī madhhab and other madhhabs on this issue? One explanation could be that muftī wants a direct conversation with both parties to understand the circumstances of divorce so he can give a final fatwā. The muftī had the choice to explain more about the divorce under the influence of alcohol and offer different opinions. While Deoband Dār al-Iftā'¹⁵⁶ considers divorce under influence of alcohol a valid divorce, neither the Egyptian Dār al-Iftā'¹⁵⁷ nor Sheikh Ibn Bāz¹⁵⁸ consider it a valid divorce.

Same as divorce under the influence of alcohol, the muftī does not talk about forced divorce in fatwā number 925,¹⁵⁹ when a man asks that he divorced his wife under the tremendous pressure of his parents, and his wife was pregnant at the time of divorce. The

¹⁵⁴ <http://www.dar-alifta.org/ar/ViewFatwa.aspx?ID=14098&LangID=1&MuftiType=0>

¹⁵⁵ <http://shuroiulamo.tj/en/faq/ids/566>

¹⁵⁶ <http://www.darulifta-deoband.com/home/en/Talaq-Divorce/49714>

¹⁵⁷ <http://www.dar-alifta.org/ar/ViewFatwa.aspx?sec=fatwa&ID=12728>

¹⁵⁸ <https://www.binbaz.org.sa/noor/3782>

¹⁵⁹ <http://shuroiulamo.tj/en/faq/ids/925>

mufṭī does not talk at all about the issue of forced divorce, and suffices to talk about the graveness of divorce in Islamic discourse and advice parent not to interfere in the marital life of their son, and ask the husband to attend UCT headquarter for further details about the issue. The reason again could be to understand the detailed circumstances of such divorce. The UCT also issues divorce letter for women whose husbands are absents from home for 4 years. This procedure needs official documents of marriage and other paperwork from the woman side to obtain the letter.¹⁶⁰

3.3 Halāl food

Halāl food is one of concerns raised in petitions both by Tajiks inside Tajikistan and Tajik workers in Russia, which indicate the importance of this topic. The importance of ḥalāl food also could be seen in Tajik authorities' approach to guaranty the availability of ḥalāl food in the markets since July 2013. Since then the number of enterprises, meeting ḥalāl food standards is increasing in Tajikistan.

What is important for this thesis is the role played by the 'Ulamā Council of Tajikistan in developing the ḥalāl standards, a procedure started since 2011 by Tajik government and its related ministries and agencies. The requirements of ḥalāl apply across food categories, including meat, bread, baked goods, dairy products and non-alcoholic drinks. Permission to use the ḥalāl label for one year is granted by a special "Tojikstandart"

¹⁶⁰ <http://shuroiulamo.tj/en/faq/ids/990>

committee, which includes specialists from Tojikstandart and from the ‘Ulamā Council of Tajikistan.¹⁶¹

In this way, the ‘Ulamā Council plays an important role in standardizing the ḥalāl food industry within Tajikistan both by regularizing the process and also by issuing related fatwās. The UCT’s muftī in fatwā number 978,¹⁶² directs the petitioner to ask “Tojikstandart” for the list of ḥalāl and haram ingredients in the food supplied in the markets. This field is one of important field UCT cooperate directly with state agencies, and definitely their presence in the ḥalāl food standardization attracts customer confidence.

Fatwās related to ḥalāl food mostly tackle issues like ḥalāl slaughtering, meat, drinks, medicine and food of non-Muslims. It also raises the issue of food being ḥalāl, as it should come from a ḥalāl income, and eating and drinking in golden and silver pots, which offer the concerns of ordinary Tajiks regarding ḥalāl food.

As for use of medicine containing non- ḥalāl ingredients, the UCT muftī’s approach is based on three categories of human needs: Necessities, needs and luxuries. The muftī allows use of medicine containing haram like pork fat only in the absence of any other medicine and should be prescribed by a professional Muslim doctor.¹⁶³

The muftī sometimes takes harder position against using meat and fat of haram animals for curing saying it is not allowed, and underlines that one can get cured by Quran verses

¹⁶¹ <http://news.tj/en/news/tajik-producers-reportedly-make-shift-halal-standards>

¹⁶² <http://shuroiulamo.tj/en/faq/ids/978>

¹⁶³ <http://shuroiulamo.tj/en/faq/ids/606> and <http://shuroiulamo.tj/en/faq/ids/351>

and ḥalāl medics.¹⁶⁴ This last fatwā rose the topic of curing by Quran, an issue seems crucial in secular state where the religion has no presence in the public sphere at least by constitution. This also reflects the role the UCT plays in flourishing the religiosity in the Tajik society.

The food of ahl al- Kītab (Christians and Jews) is another important topic raised by Tajik petitioner, especially by Tajik workers in Russia. In fatwā number 88,¹⁶⁵ replying to a petition of Tajik workers in Russia, the muftī says that it is ḥalāl to eat from their food if papered and slaughtered upon their religious standards. The muftī asked the petitioners to make sure that there is no use of pork in any way in that food. However, the muftī does not refer to the complexities of modern slaughtering systems and if still in a country like Russia people slaughter cattle based upon Christian and Jews standards. Later, in fatwā number 537,¹⁶⁶ the muftī takes more clear position and says that real Christians should do the slaughtering. This refers that cautious should be taken by Tajik Muslims live in Russia while buying meat from Russian groceries. The muftī further asks that in the case of any doubt, one should not use those meats and avoid buying meat from Russian groceries.

The UCT depends on the initial fatwā on the food of ahl al- kitab, based on Ḥanafī madhhab, but at same time does not want to take a deeper discussion on contemporary procedures of modern food industries, and that is why the muftī asks Tajik migrants to avoid Russian groceries as long as they have any doubt.

¹⁶⁴ <http://shuroiulamo.tj/en/faq/ids/684>

¹⁶⁵ <http://shuroiulamo.tj/en/faq/ids/88>

¹⁶⁶ <http://shuroiulamo.tj/en/faq/ids/537>

The UCT muftīs take the discussion to a deeper level when they talk about the philosophy of pork being haram in Islam. In fatwā number 580,¹⁶⁷ the muftī without any reference says that it been scientifically proven that the pork causes many diseases. He also says that eating pork makes someone cuckold (dayyuth). There are some fatwās regarding ḥalāl food which do not relate directly to the food itself, like eating and drinking in golden and silver pots, as the muftī says it is haram (forbidden) to eat or drink in them.¹⁶⁸ The muftī also talks about the impact of haram food on one’s body and his children rose with haram feeding. The muftī did not refer how and what bad impacts exactly.¹⁶⁹

Generally, the UCT seems strict regarding ḥalāl food, and it is very obvious from its involvement in official efforts to regulate ḥalāl food industry in the country, and its effort to create a larger awareness about the ḥalāl food urging Tajiks to make sure of ingredients of products they use to avoid haram, and in case they had any doubt, they should buy them.¹⁷⁰

3.4 Halāl jobs

While ḥalāl food forms one main concern for a large number of Tajiks both inside and outside the country, some Tajiks seem concerned about ḥalāl source of income or ḥalāl job too. This concern is reflected in some fatwās published by the ‘Ulamā Council of Tajikistan.

¹⁶⁷ <http://shuroiulamo.tj/en/faq/ids/580>

¹⁶⁸ <http://shuroiulamo.tj/en/faq/ids/04>

¹⁶⁹ <http://shuroiulamo.tj/en/faq/ids/772>

¹⁷⁰ <http://shuroiulamo.tj/en/faq/ids/829>

Again the concept of ḥalāl, is in line with the level of religiosity in Tajik society in the post-Soviet era, and it is well connected to the general Islamic awareness triggered by the flourish of Islamic education, both formal and informal, and propagation of Islamic books, CDs and social media.

However, the number of fatwās raise this concern are not high, but sufficient to explain the existence of this problem within Tajik society. Mainly, this concern is related to positions like working in interest “riba” based banks, or doing abortion operation as doctors, or working in firms, restaurants or groceries serving haram food and products. In a secular state like Tajikistan with a high rate of unemployment, the chances for securing a ḥalāl job get narrow. In the wake of high rate of unemployment in Tajikistan, nearly 2 million Tajik are working abroad, most of them in Russia where Tajik migrants ask for fatwās related to ḥalāl jobs.

Working in interest based banks is a main concern raised by petitioners, and UCT muftīs allowed working in banks dealing with interest as in fatwās number 430,¹⁷¹ and 478¹⁷². The muftī in both fatwās says if someone works in those banks as employee or contractor, there is no objection on it. The muftī sees that working in these banks for a monthly wage does not mean dealing with interest; the employee or contractor work for them based on a clear contract and conditions regardless the nature of the bank.

The muftī ignores the very nature of interest banks and differentiates between haram business of the bank “riba” and employees who work for that bank for a fixed amount salary. This differentiation between the nature of business and employees is not applied

¹⁷¹ <http://shuroiulamo.tj/en/faq/ids/430>

¹⁷² <http://shuroiulamo.tj/en/faq/ids/478>

by muftī when it comes to other field of jobs as working in a restaurant serves non-Islamic food, such as pork and wine. The muftī says working in such restaurants is makrūh (dislike), and urges the petitioner to find another job if he can, other ways he may continue in the same restaurant.¹⁷³

3.5 Relation with non-Muslims

The relation with non-Muslims remains one of social debates in Tajikistan, due to presence of non-Muslim minorities who consists near 2% of countries population. Religious minorities include “Christians and small numbers of Baha’is, members of the International Society of Krishna Consciousness, Jehovah’s Witnesses, and Jews. The largest Christian group is Russian Orthodox; there are also Baptists, Roman Catholics, Seventh-day Adventists, Lutherans, and Korean Protestants”¹⁷⁴.

This debate becomes more intense with the presence of more than one million Tajik migrants in Russia. Fatwās in this regard mainly revolve around four topics, eating the food of non-Muslims, marrying non-Muslims, giving zakāt money to non-Muslims, and celebrate their religious and social days.

I have already discussed fatwās on ahl al- Kitab food, while talking on ḥalāl food, and realized that the UCT generally endorses eating food of Christians and Jews after making sure that the food is pork free and the slaughtering has been done based on their religious

¹⁷³ <http://shuroiulamo.tj/en/faq/ids/526>

¹⁷⁴ <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

standards. However, the muftī also keep the door of doubt open and urges not to eat their food if there is any doubt on being ḥalāl.

Marrying Christian girls is also raised in the UCT fatwās, and the muftī based on Ḥanafī madhhab allows such bond, but asks that it is Muslim husband’s duty to raise their children according Islam’s teachings¹⁷⁵.

Regarding paying zakāt to non-Muslims and in fatwā number 221¹⁷⁶, the muftī says that zakāt should not be paid to non-Muslims. Here the muftī build his fatwā on the initial Islamic stand regarding those deserve zakāt money, and non-Muslims are not one of them. The muftī did not refer to two important issues here, first, that zakāt money can be paid to non-Muslims who are expected to enter Islam “mowalafat al qulub”, and second, that it is allowed to pay other charities rather than zakāt to non-Muslims.

The last issue regarding relations with non-Muslims is participation in their festivals and religious and social days, such as Christmas, New Year, Halloween and Valentine’s Day. Fatwās in this regard become more understandable in the light of state tightened restrictions on festive season celebrations, banning Christmas trees and gift-giving in schools and universities in December 2015.¹⁷⁷

The UCT seems also not welcoming these festivals, as in fatwā number 856,¹⁷⁸ the muftī considering Valentine Day has no relation to Islam, as there is only two festivals (‘Īd) in Islam. The muftī further is reasoning his stand by saying that Islam does not recognize and never endorses relationship between a boy and girl beyond without marrying.

¹⁷⁵ <http://shuroiulamo.tj/en/faq/ids/845>

¹⁷⁶ <http://shuroiulamo.tj/en/faq/ids/221>

¹⁷⁷ <https://www.theguardian.com/world/2015/dec/23/tajikistan-bans-christmas-and-new-year>

¹⁷⁸ <http://shuroiulamo.tj/en/faq/ids/856>

3.6 Personal appearance (ḥijāb and beard)

Hijāb and beard have become hot topics in the public debates, especially when Tajik authorities started banning hi ḥijāb jab in state buildings and educational premises.¹⁷⁹

For Tajik authorities banning ḥijāb and putting restriction on wearing it, has two main goals: first to combat extremism and alien cultures, and second, to promote what they call it “national dress”. However, to relate the fight against ḥijāb to the fight against so called extremism in Tajikistan can be heard time to time from Tajik authorities, but the adoption of Tajik national dress is an official regulation passed by parliament¹⁸⁰ and Tajik President himself insisted on it repeatedly, last time in July 11, 2017 when he praised a 10 years old legislation governing rituals and traditions in the country. President Emomali Rahmon urged his people in the not to wear beards or ḥijābs, saying that ḥijābs and black dresses for women are not in line with Tajikistan's traditions, and that beards are not necessarily a reflection of religiosity. He also called on Tajiks to "love God with their hearts" and not seek to show their "righteousness" through external attributes. He insisted Tajik should preserve what he called the "true culture of Tajiks" and resist "alien cultures and traditions" which were being propagated on the Internet.¹⁸¹

In the line of Tajik President’s approach, Tajikistan has set up a commission to promote clothing the government deems appropriate for citizens, an initiative it says is aimed at

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<https://www.state.gov/j/drl/rls/irf/2013religiousfreedom/index.htm?year=2013&dliid=222343#wrapper>

¹⁸⁰ <https://www.rferl.org/a/tajikistan-law-pushes-traditional-clothes-not-islamic-hijab/28692417.html>

¹⁸¹ <https://www.rferl.org/a/tajikistan-rahmon-hijabs-beards/28610312.html>

combating “alien” culture. The commission will help design clothes for men and women “taking into consideration Tajik traditions” and “modern” life.¹⁸²

Practically, Tajik authorities in 2016 stopped more than 8000 women across the country because they were wearing an ḥijāb,¹⁸³ and in 2015 authorities had shut down 162 shops selling women’s religious clothing which did not meet national traditions.¹⁸⁴

The ‘Ulamā Council of Tajikistan deals cautiously with this sensitive issue, while insisting on the ḥijāb being compulsory in Islam, they endorse Tajik dress code too and say that ḥijāb is not necessarily what is common in the Arab world. In fatwā number 678¹⁸⁵, the muftī while asserting on ḥijāb being farḍ (compulsory) in Islam, refers that it is not necessary that ḥijāb should be black as it is in Arab states. He asks Tajiks to follow their ancestors who for centuries had their own way of wearing ḥijāb, a vast and colorful cloth that cover them. The talk about national dress is something new in ḥijāb debate while talking about it from Shari‘a angle. Here the muftī clearly tries to accommodate fatwā with state policies regarding ḥijāb and women dressing.

The missing point in ḥijāb fatwās is the definition of ḥijāb in Islam or based on Ḥanafī madhhab. The UCT muftīs talk about ḥijāb being compulsory on women starting from the age of puberty, but they do not describe what part of women’s body should be covered and what parts do not need to be covered.¹⁸⁶ In the same line, the muftīs are repeatedly insisting on the issue of pureness and virtue for women, and at same time they

¹⁸² <https://www.rferl.org/a/tajikistan-to-promote-clothing-to-counter-alien-traditions/28631026.html>

¹⁸³ https://www.washingtonpost.com/news/worldviews/wp/2017/09/09/tajikistan-officials-are-texting-women-to-tell-them-what-to-wear/?utm_term=.69febd8f99aa

¹⁸⁴ <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dclid=268944#wrapper>

¹⁸⁵ <http://shuroiulamo.tj/en/faq/ids/678>

¹⁸⁶ <http://shuroiulamo.tj/en/faq/ids/662>

remind petitioners that the “leader of the nation (President Rahmon) repeatedly asserted that the Tajik nation has its own national dress, so it would be nice to imitate our ancestors”¹⁸⁷.

The UCT assertion on the national dress for women¹⁸⁸, comes together with fatwā on ḥijāb being compulsory, which raise the following question: Is Tajik national dress for women fulfills the condition of Islamic ḥijāb? Knowing that Tajik dress code for women does not allow covering the whole head and the face and neck, the UCT muftī through ignoring this issue tries to accommodate with state policies.

3.7 Names and Tajik Identity

As part of nationalization of Islam in Tajikistan, Tajik authorities passed a law to fight foreign names and those names, which seems too Arabic¹⁸⁹. The law urges Tajiks to pick Tajiki names for their children, among nearly 4000 names prepared by authorities for this purpose. Tajik authorities describe the move to safeguard the Tajik identity from foreign and alien cultural invasion. This move comes when the spread of Islamic names among newborn Tajiks became a common practice. Names like Aysha and Asia for girls, Muhammed Yousef, and Abubakr for boys on the top of the a long list of Islamic names with Arabic roots in last decade in the country, which can explain to an extent why Tajik authorities try to regulate naming policy.

¹⁸⁷ <http://shuroiulamo.tj/en/faq/ids/583>

¹⁸⁸ <http://shuroiulamo.tj/en/faq/ids/660>

¹⁸⁹ <https://www.rferl.org/a/tajikistan-ban-arabic-names-marriage-between-cousins/27486012.html>

Despite official policy regarding naming new born Tajiks, the ‘Ulamā Council of Tajikistan in his published fatwās does not refer to this policy and even goes further to urge for more Islamic names, which can be considered sort of resistance against state laws. Petitions about name’s meanings and their accuracy upon Islamic standards are part of concerns raised in the fatwās issued by the UCT.

The UCT fatwās on names revolve on three issues, meaning and accuracy of Arabic names, meaning and accuracy of Tajiki names, and the right spelling and writing of some names. The most important point in these fatwās is that the muftī explains the basic norms of naming kids in Islam, as we read in fatwā number 428¹⁹⁰. In this fatwā a petitioner asks about the meaning of his name “Samir”, and the muftī before going to the direct answer says that names related to Allah’s name and his attributes, and also names of prophets are most loved and good. The muftī indorses the name Samir which is a pure Arabic name as an accepted name. In fatwā number 294¹⁹¹, the muftī refutes some claims that it is not proper to name a child Muhammad, as it seems too much for a child. While emphasizing on the naming a new born child Muhammad, the muftī refers to Hadiths calling for this and refer that most appreciated names are Abdullah and Abdulrahman.

The UCT muftīs endorse names like Benyamin¹⁹², Asia¹⁹³ and Imran¹⁹⁴ as Islamic and beautiful names, and offer further information about these names as Benyamin being a Prophet and Asia wife of Pharaoh referring to hadith of the Prophet Muhammad which

¹⁹⁰ <http://shuroiulamo.tj/en/faq/ids/482>

¹⁹¹ <http://shuroiulamo.tj/en/faq/ids/294>

¹⁹² <http://shuroiulamo.tj/en/faq/ids/290>

¹⁹³ <http://shuroiulamo.tj/en/faq/ids/214>

¹⁹⁴ <http://shuroiulamo.tj/en/faq/ids/1008>

says that Asia is one of the best women on the earth. The muftīs also endorse Arabic names like Amir, Madina and Ahmad¹⁹⁵.

Shifting to Tajiki/Persian names, we find petitions about the meaning of certain names and if it is allowed to name children with those names. In fatwā number 355¹⁹⁶, the muftī answers to a petitioner who asks about the meaning of Firouz. The muftī says it is an Arabic version of Persian name Pirouz that means victorious and successful. In same direction and in fatwā number 779¹⁹⁷, a person complains that he has been asked to change his name Parvaiz, but, the muftī says this is an old Tajiki name and does not carry any non-Islamic meaning.

The UCT muftīs are not just endorsing names, but also correcting the right spelling and writing of some names as in fatwā number 849¹⁹⁸, where the muftī corrects the name Salahudin which was written as Saiahatdin and Sailuddin. The muftī makes sure that adding words as Saiahat or Sail should not be added to the word “din” and it is not common scientifically and culturally.

The UCT muftīs in some of their fatwās refer to the term “National Culture” and tradition “Urf” which reflects their understanding of official policies and endorsing them even indirectly. In fatwā number 830¹⁹⁹, the muftī endorses the Arabic name Dhamira, and says it is an accepted name in our national culture as a girl name. The use of the term national culture refers to some sort of compromise the ‘Ulamā Council offers to the state

¹⁹⁵ <http://shuroiulamo.tj/en/faq/ids/547>

¹⁹⁶ <http://shuroiulamo.tj/en/faq/ids/355>

¹⁹⁷ <http://shuroiulamo.tj/en/faq/ids/779>

¹⁹⁸ <http://shuroiulamo.tj/en/faq/ids/849>

¹⁹⁹ <http://shuroiulamo.tj/en/faq/ids/830>

laws. National culture is the official term for the framework contains and regulates Islamic activities and attitude of Tajiks.

Beside the term “national culture” muftīs also talk about the tradition ‘Urf as another source of names is being accepted in society. The UCT muftī indorses in fatwā number 963²⁰⁰, the name Israel, a common name in Tajikistan. The muftī says Israel is the name of Prophet Jacob, and means the slave of God and his chosen one; therefore, selecting this name is perfectly accurate, as it is accepted in our people’s ‘Urf. The concept of ‘Urf again repeated in fatwā number 995²⁰¹, when muftī explain the meaning of name Ehram, and says this name has been accepted in our people’s ‘Urf, but there is not such name in the naming dictionary.

Fatwās on names clearly show that the UCT has adopted somehow an independent line rather than state laws and regulations which try to reduce the presence of Islamic and Arabic names in the society. This independent line however offers some compromise to state policies by endorsing terminologies as national culture and tradition ‘Urf.

3.8 Civil Liberties and Personal freedom

The constitution of Tajikistan guarantees freedom of faith and civil rights and liberties, besides it does not impose a particular faith or religion on its citizens. One of main question one may raise is the concept of promotion of virtue and prevention of vice in a society like Tajikistan where the state is secular and 98% of citizens are Muslims. To

²⁰⁰ <http://shuroiulamo.tj/en/faq/ids/963>

²⁰¹ <http://shuroiulamo.tj/en/faq/ids/995>

what extent the ‘Ulamā Council performs its role in promoting virtues and prevents vices based on Islamic standards and teachings? In addition, what guidance muftī offers for ordinary Tajiks who ask to promote virtue or to prevent vice?

In fatwā number 825²⁰², a petitioner asks what to do with his relatives who do commit sins, as he does advise them not to do so, but they keep doing sins. He wants to know if he is sinful if he stops advising them. The muftī raises two important points: first, if those who commit wrongdoings are relatives or fall under his responsibility, then he has obligation to prevent them from those sins. The muftī further suggests that if preventing from sins does not show any positive results, then one should not feel guilty as long as he performed his duty. The second point in this fatwā is adoption of a peaceful way and wise method of advising others in inviting to moralities and preventing from sins.

The muftī tries here to draw a fine line between the concept of promotion of virtue and prevention of vice as an Islamic duty, and the concept of personal freedom, which Tajik constitution guarantees. By doing so, the muftī shows the level of compromise he can reach in fulfilling his religious authority and the limitation created by the system and social and political realities.

In this answer the muftī; clearly promote the soft and gentle ways of forbidding from vices, which reflects Council’s approach in discouraging individuals to use force while dealing with personal and social wrongdoings. This pattern is repeated in more than one fatwā related to the personal freedom, where the muftī keeps encouraging people to adopt a soft way while promoting virtue and preventing of vice. For example, in fatwā number

²⁰² <http://shuroiulamo.tj/en/faq/ids/825>

265²⁰³, a woman complains about his husband who does not pray regularly, and says that she always arguing with him. The muftī asks the woman not to argue with her husband, and should give him advices in a very gentle way, and she should pray that Allah guide her husband. In same line, and in fatwā number 731²⁰⁴, the muftī asks the petitioner to obey his father who does not pray. The muftī never mentions if it is necessary for the petitioner to invite his father for prayer and give him advices. Instead, the muftī refers to the importance of parents performing prayers regularly so they can raise children who pray and know Islam.

However UCT takes tougher position against issues like women outgoing with fashion and style, talking to girlfriends and boyfriends and hanging out with them, putting tattoos and spending money in discotic. The muftī adopted same policy of explaining Shari‘a position regarding those issues, which in most cases are a strict opposing stand, and giving advices to avoid those deeds. As we mentioned in fatwā number 856²⁰⁵, the UCT takes a clear strict position against Valentine’s Day. The muftī strictly opposed this festival and said Islam does not endorse love relations between man and woman beyond the marital life. This fatwā can be considered under those situations where council does not compromise with the nature of a secular state where personal freedom is guaranteed by constitution. By opposing Valentine’s Day, Council is firming its position as an Islamic reference, but by keeping silent regarding how to deal with such un-Islamic phenomenon, the muftī endorses the policy of advice and passivity while engaging with social wrongdoings.

²⁰³ <http://shuroiulamo.tj/en/faq/ids/265>

²⁰⁴ <http://shuroiulamo.tj/en/faq/ids/731>

²⁰⁵ <http://shuroiulamo.tj/en/faq/ids/856>

In fatwā number 970²⁰⁶, a student asks if his spending money on discotic and other entertainments is squandering Israf especially that his parents are providing this money for him to study. The muftī firmly assures that this is totally waste of money and sin, and advices him to concentrate on his studies and attend library rather than discotic, and help needy students if he has extra money.

Conclusion

The social fatwās show that the ‘Ulamā Council of Tajikistan keeps on same policy of finding arrangements between existing secular laws and Muslim practices. This pattern can be traced more explicit in social fatwās as the nature of issues raised is more interactive with state laws on the different aspects of the daily life of Tajiks.

This chapter suggests that religious concerns of ordinary Tajiks are widespread when it comes to the daily life issues where state laws organizes the public sphere and define the relations and rules. Fatwās show that the Council tries not to confront state laws directly. In most cases, the muftī tries to explain the position of Islamic Jurisprudence based on Ḥanafī School, and keeping silent on the state laws that commonly fall against Islamic laws. Issues like polygamy, the right of divorce, the interference of parents in selecting life partner, naming the newborn babies, ḥijāb and beard, ḥalāl food and ḥalāl jobs and personal freedoms.

The Council’s fatwās show sort of resistance against state laws also. This resistance can be noticed in certain fatwās such as in divorce cases and the right of divorce being in the

²⁰⁶ <http://shuroiulamo.tj/en/faq/ids/970>

hand of the man. The muftī also seems resisting state policies regarding creating restrictions against Arabic names for new born babies. While there are signs of resistance against state policies, there are signs of compromise and arrangements also. The muftī very often talks about Tajik culture, Tajik dressing code and Tajik naming culture to create the harmony needed between religious needs and socio political realities.

Chapter 4: Fatwās on Politics

The whole process of nationalization of Islam in Tajikistan and the concept of “Tajiki Islam” itself is a political debate. However, the term “political fatwā” has its use in this study. By political fatwā, we mean those fatwās related in a way or other to the political concepts as state, constitution, bylaws, government, policies, power struggle, political parties, election, international relations and other related issues.

Theoretically, UCT should not engage in direct political debates or take part in political struggles, and act independently as a mere religious authority concentrated in issuing fatwās for Sunni Tajiks. Taking this in consideration, we find that UCT from time to time becomes part of political debates by issuing fatwās seen as political interference.

The most clear example of such political engagement was in 26th September 2014 when head of ‘Ulamā Council of Tajikistan, Saidmukkaram Abduqodirzoda, and in his Friday sermon issued fatwā against government critics. Chief muftī told reporters on September 27 that “criticism of the ruling powers will be judged a great sin. Criticism undermines trust in the authorities”.²⁰⁷

Chief muftī’s “main thrust was to make it a sin to fight against fellow-Muslims at home or abroad – a clear reference to Syria, where Tajiks nationals are known to be fighting with the Islamic State group”. The fatwā caused controversy because as well as forbidding Muslims from sowing division and undermining national stability, it also said “they must not cooperate with political parties and other groups – local or foreign – or the media to that end”. Muftī Abduqodirzoda in his defense against critics says his “fatwā

²⁰⁷ <https://www.rferl.org/a/tajikistan-fatwā-government-critics/26609272.html>

was meant as not a warning to any organization in Tajikistan; instead, it was simply an exhortation for people to avoid intrigues and acts of provocation”. He further explains: “Just look how acts of provocation led to the destruction of well-developed countries like Ukraine, Syria and Libya. Doesn’t the ‘Ulamā Council have a right to care for people and warn them through precautionary measures? It does have that right.”²⁰⁸

Regardless the debate this fatwā may triggers about the political approach of UCT and its instrumental role, fatwā itself reflected the main discourse obtained by official fatwā councils in the region regarding rebellion against governments and authorities. Similar fatwās has been issued in Egypt and Saudi Arabia criminalizing the rebellion against authorities especially in 2011 when the Arab world witnessed a widespread public unrest and demonstrations for change.

Chief Muftī in his fatwā of not criticizing authorities remains within Ḥanafī madhhab approach of obeying rulers even if they were usurpers, and even if they continues in their injustice and aggression (Al- Hanafi 1997, (2) 540-544). To justify his position Chief Muftī indicates in his fatwā the instability, insecurity and infighting witnessed by countries where people moved for change like Syria, Libya and Yemen.

This fatwā and the public controversy it triggered clearly shows that UCT can’t be apolitical, and this is what number of fatwās we reviewed indicate. While there is no dedicated section for political fatwās, however, ‘Ulamā Council has issued fatwās related directly to hot political issues such as: national unity, national identity, national dress, national culture, terrorism, extremism, stability.

²⁰⁸ <https://iwpr.net/global-voices/tajik-fatwā-misfires>

We will discuss fatwās with political dimensions to examine to what extent fatwā authority had been used or influenced by state? And what are main political issues muftīs did not raise and kept silent? And how religious discourse help state in strengthening its grasp on power?

4.1 Non-Official Islam

We mentioned before to the concept of popular Islam and its two main concepts raised by Patrick Gaffney on what exactly this term suggests. Popular Islam in its most “classical contexts, referring to beliefs and practices as popular usually denotes complexes held to be aberrant, such as the veneration of saints; the use of amulets, charms, and oracles; or the often spectacular performances of certain Ṣūfī brotherhoods”. Most recently “popular Islam has arisen as a concept of major significance in discussions of the ideological, social, political, and economic tensions that currently challenge many regimes and to some extent the entire international order of the contemporary Middle East”(Gaffney 1992, 39).

The term popular Islam used usually as a non-official Islam against an official Islam. In both classical and contemporary usage of term popular Islam, state has not full control on the religious sources which people trust. “These sources are uncontrollable by the state, capricious and to a large extent unpredictable as a whole. They also differ from one social class to another”. (Sasnal, the Struggle between Official and Popular Islam in Egypt, 2015)

Non-official Islam appears as a challenge to the efforts made by Tajik state to control religious believes and activities in post-Soviet Tajikistan. One of the main roles 'Ulamā Council plays is to create a sole reference for Tajik Sunni Muslims and reduce or prevent the role and the effect of any other competitive sources of spirituality and religiosity in the country.

It is worth mentioning that the term popular Islam is not a category within fatwā section on the Council's site, however, I categorized 163 out of 1000 fatwās, as related to what we may classify as popular Islam, most of them related to believes and practices popular among Tajik folks. The fatwās revised here do not raise issues against any particular names who act as alternatives of official Islam in Tajikistan. However, there are fatwās related to Ṣūfīsm and Salafīsm as trends in the society, beside a series of articles published on the Council' site targeting the only Islamist party in the country Islamic Renaissance Party, which has been declared outlawed in 2015, after being part of political arrangements since the Tajik peace agreement in 1997.

However, the secondary literatures suggest the presence of some other popular references of Islam within Sunni Tajiks, most importantly the family of Turajanzada, the previous great Muftī of Tajikistan. Lately a tag of war has been erupted between 'Ulamā Council and Torajanzada's which led to the closure of their activities and Friday sermons at their mosque.

Ṣūfī orders are well rooted in Tajikistan as part of a common practice in Central Asia region both historically and even in post-Soviet era. Benjamin Clark Gatling in his PhD dissertation, "Post-Soviet Ṣūfīsm: Texts and the Performance of Tradition in Tajikistan"

finds that the majority of the Şūfī groups affiliated themselves with the Naqshbandiyya, while a minority associate themselves with the Qodiriyya. (Gatling, 2012, p. 71) One important cleavage Gatling highlights, which runs across *tariqat* affiliations, is the approach of various Şūfī communities to “reformist Islam” and their attitudes to traditional Şūfī practices such as shrine visitation and belief in the miraculous powers of Şūfī *pirs*, with some Şūfī communities today criticizing such practices as akin to shirk, or the association of partners with God. (Gatling, 2012, p. 79)

What is important in Gatling account is the Şūfī-State relation in today’s Tajikistan where “Şūfī communities engage in a complex relationship with the state, with some outright shunning any political activity whatsoever, with others selectively engaging with the state with the hope of engendering a more positive relationship between the government and Şūfī authorities”. At the same time, Gatling argues that the “Tajik state actively appropriates many of the symbols and motifs of Şūfīsm for its own purposes, particularly those motifs emphasizing the necessity of submission to authority”. (Gatling, 2012, p. 61)

The term Şūfī is mentioned once in a fatwā number 291²⁰⁹, where a petitioner asks about the difference between a Şūfī and a Muslim. The muftī assertively says that both Muslim and Şūfī are same in their belief. The muftī further explain the source of the Şūfīsm and that it has been derived from Suf (Wool), based on a Hadith. The muftī refers to the book of “Khulasat al-tasauwuf” written by Muhammad Omar Sarbazi one of Sunni clerics of Iran who passed away in 2006²¹⁰.

²⁰⁹ <http://shuroiulamo.tj/en/faq/ids/291>

²¹⁰ <http://ahledell.blogfa.com/post-15.aspx>

This fatwā does not go deep in Ṣūfī orders and their related details. However this short answer seems enough to reflect the positive stand of ‘Ulamā Council towards Ṣūfism. The muftī’s endorsement of a Ṣūfī source clearly indicates that Council has no problem with Ṣūfism in general especially when it means preoccupying with inner purification and Ṣūfī rituals. Further, the muftī refers to al Ghazali’s (Kīmyā al- Sa’ada) in fatwā number 780²¹¹, while explaining the ways to tackle the satanic insinuations while praying.

What these fatwās suggest is a general endorsement of Ṣūfism by ‘Ulamā Council. Some other fatwās took a tougher stand against some popular practices among ordinary Tajiks, especially that believes and deeds related to the visiting shrines of great Saints. These social rituals seem inherited throughout the generations, where people visit these shrines, slaughter cattle, and ask for blessing and support to tackle the hardships of life and realizing of wishes.

This practice became part of religious debates when more Salafī approaches found their way to the Tajik society in post-Soviet Tajikistan, especially, when Salafī preaching’s found a limit margin of freedom after 2005. Issues like slaughtering cattle on the saint tombs and celebrating their festivals, and asking help from them, especially for healing and having kids and other needs, are raised in fatwās issued by UCT.

The issue of tawassul, (supplication) from dead ones, especially prophets and saints, is in the heart of religious debate among the Salafī and Ṣūfī trends. UCT seems more leaning towards a moderate stand, where it allows the visiting of graves but bans supplication from dead people. In fatwā number 5²¹², the muftī clearly confirms that visiting

²¹¹ <http://shuroiulamo.tj/en/faq/ids/780>

²¹² <http://shuroiulamo.tj/en/faq/ids/5>

graveyards is *mustahab* (desirable) in Ḥanafī madhhab, but it is not allowed to ask for help from dead people. Any request for easing the problems should only be asked from Allah. The muftī further asks people who go to visit graveyards to get educated from ‘Ulamā, the true and accurate way of visiting graves and praying for dead ones.

While Egyptian Dār al-Iftā’ allows supplication from prophets and saints and travelling to their shrines²¹³, the Deoband Dār al-Iftā’ adopts a tougher stand against supplication from Saints while visiting their shrines, or traveling to visit the shrines²¹⁴, a stand seems very much like UCT’ fatwā. Again, we find that UCT seems reluctant to allow slaughtering at the saints shrines, a common practice in Tajikistan. In fatwā number 643²¹⁵, the muftī answers a petition about taking cattle to shrines to slaughter them, and says if cattle slaughtered there in the name of Allah, the meat will be ḥalāl. But the muftī says it is not good practice to take cattle to the shrines and slaughter them there. The muftī suggests that it can be done at homes and one can distribute the meat to the poor and send the reward to the dead ones. In a similar fatwā, Egyptian Dār al-Iftā’ considers this practice permissible and recommendable act²¹⁶, while Sheikh Bin Baz’s fatwā takes the other end and considers slaughtering at shrines even if it is in the name of Allah, as a *bid’a* (innovation) and not allowed²¹⁷. UCT fatwās indicate that while endorsing Ṣūfīsm as a way of self-discipline and purification, it takes a tougher stand against practices that seem unacceptable within Ḥanafī theological teachings, even if these practices have some references within ahl al-Sunnah scholars as mentioned in Egyptian fatwā.

²¹³ <http://www.dar-alifta.org/ar/ViewFatwa.aspx?sec=fatwa&ID=13955>

²¹⁴ <http://www.darulifta-deoband.com/home/en/Islamic-Beliefs/48365>

²¹⁵ <http://shuroiulamo.tj/en/faq/ids/643>

²¹⁶ <http://www.dar-alifta.org/ar/ViewFatwa.aspx?ID=12541&LangID=1&MuftiType=0>

²¹⁷ <https://www.binbaz.org.sa/noor/8084>

Maulud (Birthday of the Prophet Mohammad) is also one of issues raises debate among religious masses in post-Soviet Tajikistan. Principally, UCT's muftī in fatwā number 801²¹⁸ accepts the differences between 'Ulamā about celebrating *Mawloud* event. However, he underlines that celebrating Maulud is a good act because most of Muslims do not know so much about the Prophet Muhammad (PBUH) and this is an opportunity to introduce him to the public. Unlike, Egyptian Dār al-Iftā', which issued a detailed fatwā on the favor of celebrating Mawloud, and referred to different sources²¹⁹, UCT's fatwā based its endorsement on a *maslaha*, which is educating Muslims about the life of Prophet Muhammad.

Politically, popular Islam embodied in Ṣūfī orders and practices, do not considered a threat to the authorities, unlike, Soviet era when Ṣūfism and Shrines where sort of preserving Islam away from strict communist surveillance. This may explain the soft corner Tajik authorities' show to Ṣūfism in general, while fighting all sort of popular Islam embodied in political and social activities outside state narrative and control. One main point UCT fatwās on popular Islam may suggest would be shifting the religious authority from Ṣūfī Sheikhs and local mullas (religious scholars) to the official religious authorities.

4.2 Shī' a Sunni Relations and Iran Factor:

We already mentioned Shī' a -Sunni relation in previous chapters, while discussing fatwās on rituals and society, and found out that 'Ulamā Council takes a strict position against Shī' as.

²¹⁸ <http://shuroiulamo.tj/en/faq/ids/801>

²¹⁹ <http://www.dar-alifta.org/ar/ViewFatwa.aspx?ID=11435&LangID=1&MuftiType=0>

Here, while discussing political fatwās, we will go deeper to find out to what extent ‘Ulamā Council’s fatwās regarding Shi’a, are related to the ongoing tensions in Iran-Tajikistan relations.

In an article²²⁰ published on 20th October 2017 in the site of “Center for Islamic Studies under the President of Tajikistan”, Tajik academic Nurulahaq Qamar - Candidate of Philosophy, PhD, widely wrote about the Shi’ism, and its activities in Tajikistan. The article, which published in two parts, reflects the official position of Tajik government as the Center of Islamic Studies lies under the office of Tajik President. The article accuses Iran for promoting Shi’ism among Tajik youth.

Qamar writes that the Islamic Revolution of Iran has "a great role" in politicizing the religion of Islam, and the basis of its ideology is the teaching of the Shiite sect and its extension to Islamic countries.

The author of this article names a number of interferences of the Islamic Republic of Iran's officials in Tajikistan's domestic politics, which he considers the main reasons for closing the doors of Tajikistan for Iran. Among the main reasons, the author counts Iran’s Support to the Islamic Renaissance Party of Tajikistan, which is an outlawed party by Tajik state. He also refers to the promotion of Shi’ism in Tajikistan under the banner of promotion of Persian language. The Tajik author asks Iranian authorities to stop Shi’ism promotion and halt support for IRP if they need to start a new beginning with Tajikistan far from any political-religious games.

220

<http://www.mit.tj/article/%D1%88%D0%B8%D0%B0%D0%B3%D0%B0%D1%80%D0%BE%D3%A3-%D0%B8%D0%B4%D0%B5%D0%BE%D0%BB%D0%BE%D0%B3%D0%B8%D1%8F-%D0%B2%D0%B0-%D0%B0%D0%BC%D0%B0%D0%BB%D0%B8%D1%8F%D0%B8-%D0%BE%D0%BD-%D2%9B%D0%B8%D1%81%D0%BC%D0%B8-i>

The relation between Tajikistan and Iran started to getting cold since December 2015 when IRP leader Moheidin Kabiri visited Tehran to attend an Islamic Conference, and his photo with Iranian leader Ali Khamenei appeared in media and created a shock in Dushanbe which considers Kabiri as terrorist and his party as outlaw and terrorist. The deterioration of relations between Tajikistan and Iran definitely is a political issue, can be seen between other countries too, but what make the issue a matter of interest for our thesis is its religious aspects and in particular its effect on nationalization of Islam in Tajikistan. Besides fatwās already mentioned regarding Shi'a believes, and marrying Shi'a in previous chapters, the fatwā number 613²²¹, reflects a strong motion against Shi'a and Shi'ism by 'Ulamā Council of Tajikistan. This fatwā is dated on 1/10/2016, which means in the middle of the ongoing tension between Iran and Tajikistan.

In this fatwā muftī talks about *Shī'a Imāmia Ja'fariyya*, offering a strong statement against it, with no sense of solidarity and commonness with Shī'a. The muftī indicates that *Shi'a Imāmia* stands against ahl al- Sunnah, and their agenda is to expand Shi'a ideology in the Muslim world.

The muftī underlines all those fault lines in the Shi'a school of thought, to an ordinary Sunni Tajik who wants to know what Shi'a is. The muftī says that *Shi'a Imāmia Isna Asharya* are not accepting first three caliph of Islam and cursing *Aysha* the wife of the Prophet and mother of believers, and consider *Imāmat* one the pillars of the religion and consider it above the *Nubuwwat*. The muftī also refers that Shi'a believe in *Mut'a* (timed marriage) and consider it worship, and same regarding *Tuqi'a* (secrecy).

²²¹ <http://shuroiulamo.tj/en/faq/ids/613>

In this fatwā the muftī does not mention to any source while talking about Shi’a, and not recommending also any source for further reading as the petitioner asks about, who are Shi’a. Anyhow, in fatwā number 342²²², the muftī refers to some references while like *Rad ul Muhtār*, and *Alamgiri Fatwās*, and ‘*Aqyāid Islam* while talking about Shi’a.

What makes this fatwā more political is what the muftī says at the last about Shi’ism agenda for expansion in the Muslim world. The concept of expansion is what Nurlhaqove also underlined in his article and considered Iranian efforts to promote Shi’ism among Tajiks.

While fatwās talking about Shi’a in an opposing mode, I did not find any mention to the Ismailia, a sect of Shi’a, who consist more than 90% of Tajikistan’s Shi’a community. While the relation with Iran witnesses tension, Tajik authorities maintain a special relation with Ismailia Shi’a who composes most of population in Kohistan Badakhshan Autonomous Region. Not naming Ismailia sect while talking about Shi’a is more like a political decision, where the muftī does not want to harm the social harmony. By underling the points which makes Shi’as unacceptable for a Sunni, the muftī indirectly is educating Sunni Tajiks about the threat of Shi’a including Ismailia.

The keyword in this dichotomy is “expansion”, or in another word the promotion of Shi’a madhhab. While Ismailia in Tajikistan does not pose any threat to the state, nor it tries to expand beyond its traditional communities, Shi’a Imāmiyya pushed by Iranian moral and material support could cause threats to Tajik state and government. One political aspect of the fatwās on Shi’a can be the religious classification of social relations within a

²²² <http://shuroiulamo.tj/en/faq/ids/342>

secular state, where constitution promote citizenship based on national identity, equality and human rights. Here fatwā acts against the constitution which considers all Tajiks equal without any religious or sectarian barriers.

4.3 Extremism and Terrorism

Since Tajikistan became independent in 1991, the authorities have become increasingly concerned with the intensification of religious practices among the population. State involvement in religious affairs has grown since the introduction of a restrictive new Law on Freedom of Conscience and Religious Associations in 2009, with the government restricting access to religious education, controlling the number of operational mosques, co-opting the clergy and censoring religious literature (Epkenhans 2009, 2011) the government has conflated societal Islamization with political radicalization. The spectre of ‘extremism’ has aided the regime in legitimating its rule and provided the discursive environment for state consolidation through the removal of opponents. For example, the government used accusations of ‘extremism’ to outlaw Central Asia’s only legal faith-based political party, the Islamic Revival Party of Tajikistan (IRPT), in September 2015. Paradoxically, while the government staunchly defends the secular state against Islamic practices that it deems ‘extremist’ it also promotes Islam as an essential part of Tajik heritage and national identity.

Extremism and Terrorism in their loose definitions create both threat and opportunity to the Tajik government. The concept of counter extremism and terrorism gives the state an upper hand in curbing any critics and ability to act beyond constitution through bylaws.

Tajikistan in January 2017 launched the second phase of the country's National Strategy on Countering Terrorism and Extremism for 2016-2020, as media reported²²³.

Based on Mukhammadrizo Khalifazoda, head of the department for protection of rights at the Prosecutor General's Office, "The strategy is based on a thorough analysis of the factors and trends that concern extremism and the radicalization of society, which lead to terrorism within the country's borders". Authorities also plan to distribute brochures and set up a website in Tajik and Russian, dedicated to preventing and combating radicalization.

What is important for our argument is the use of fatwā as a tool in Tajik government strategy to confront terrorism and extremism. As Khalifazoda points the Tajik state develops "a free informational guide called 'Islam against Terror' that throws light on the humanitarian ideals in the Quran and the Sunnah, telling readers about the fatwās of authoritative religious institutions, as well as explaining the incompatibility of terrorism with true Islam".

Tajik citizens were in huge numbers fighting in the ranks of Islamic State in Iraq and Syria, which still considered as a source of concern both for Tajik government and for the rest of Central Asian states.

'Ulamā Council of Tajikistan with emergence of Islamic State in Iraq in July 2014 and the leaking of news about participation of Tajik fighters in its ranks issued a fatwā on September 25, 2014 against the participation of Tajik nationals in the armed conflicts in the Middle East, including the wars in Syria and Iraq. The fatwā reportedly notes that

²²³ http://central.asia-news.com/en_GB/articles/cnmi_ca/features/2017/01/10/feature-01

participation of citizens of the country in the armed conflicts in the Middle East, including the wars in Syria and Iraq is judged a great sin²²⁴.

In fatwās we reviewed on the site of ‘Ulamā Council, there are no fatwā deals explicitly with the issue of terrorism. However, fatwās related to issues of Salafī phenomenon in the society and confronting the concept of takfīr, can be read in the line of state policies to combat what it calls the “ideological platforms” of terrorists. Other than fatwās, there are articles published on the site of ‘Ulamā Council which deals in details with the phenomenon of terrorism and extremism. One main article in this regard is written by the chief muftī Sayyed Mukarram Abdolqadirzoda under the title of “The ideology of terrorism and religious extremism requires a united struggle”²²⁵, where he clearly indicates that joining to the Islamic State group and other extremist groups is haram and considered as a sin.

However, it seems that ‘Ulamā Council lately started to demonize the countries Islamic Party which has been declared as outlawed. There are a series of articles published by different religious scholars and imāms, targeting IRP illustrating its leaders and members as extremists, terrorists, and foreign agents. The impartiality raises question about the political role of ‘Ulamā Council within a secular state and to what extent fatwā and muftīs can be used as instruments of political agendas of the governing authorities.

²²⁴ <http://www.news.tj/en/news/tajikistan-s-council-ulamo-issues-fatwā-against-anti-government-agitation>

²²⁵ <http://shuroiulamo.tj/en/articles/ids/189>

4.4 State Authority and the concept of Obedience

The concept of obedience to authorities is part of an old debate from the very beginning of Muslim political thought. What makes this debate vital in its Tajiki context is the status of religion in a secular post-Soviet Tajikistan. While most Ḥanafī tradition urges for obedience of rulers even if they were usurpers, still their conditions hardly match modern secular states such as Tajikistan. Regardless, theoretical debate of the concept of obedience of rulers, we can find clear indications prove that UCT urges Tajiks directly or indirectly to obey the state and its rules and regulations.

We already mentioned before the famous sermon of Chief Muftī Saidmukarram Abduqodirzoda, in September 26, 2014 and his fatwā on anti-government agitation. Under that fatwā, cooperation with media aiming to destabilize society will be judge a great sin. Chief muftī also explained his position further that criticism of the ruling powers will be judged a great sin, and that the criticism undermines trust in the authorities.

In fatwās reviewed in this thesis, there is no direct mention to the concept of obedience to the state authority or the prevention of criticizing the state authorities. But, what reviewed fatwās suggest is the acceptance of state laws even those in direct clash with Islamic values and teachings, which reflects the sole of obedience of state authority as a religious concept. The compromises UCT's muftīs make between Shari 'a edicts and the state laws can be only read as an attempt to convince the ordinary Tajiks to accept the authority of the state and try to adjust themselves according to its laws.

In some of fatwās related to rituals and society, we mentioned how muftī manages the relation between Tajik Muslims and their secular state. We will briefly recall some of those fatwās just to illustrate to what extent muftī plays the role of a political pacifier.

In all fatwās on performing Friday prayer within working hours in state institutions, muftī tries to find solutions within Ḥanafī jurisprudence considering state laws an excuse, which indirectly concretizes the concept of obedience in Tajiks general consciousness.

In fatwās dealing with dress code in the Republic of Tajikistan, as we mentioned before, the muftī asks petitioners to abide by what he called it “national dress”. The muftī in fatwā number 583²²⁶ mentions to what Tajik President says about the necessity of wearing “National Dress” which reflects the need for obeying his orders.

State as a political agency emerges in most Council’s fatwās as a legitimate excuse. The muftī refers to state laws either directly or indirectly, and in most cases, he keeps silent. In all these situations state is strongly present even if it is invisible in the text of fatwā. This meaningful silence of the muftī regarding state laws opposing Islamic Shari’a is one sort of accepting its authority and inviting others to accept it and obey its laws and not to talk against it.

We can refer also to fatwā number 709²²⁷, when the muftī talks about the verse in the chapter of Maayeda, about the takfīr of those who do not implement the edicts of Allah. The muftī says this verse belongs to Jews. This explanation helps in saving the state from any attempt of labeling it as kāfir, and makes its laws acceptable.

²²⁶ <http://shuroiulamo.tj/en/faq/ids/583>

²²⁷ <http://shuroiulamo.tj/en/faq/ids/709>

4.5 National Interests and National Unity

National interests and national unity are part of nation-state's terminologies that are considered in fatwās and reflect to an extent the process of nationalization of Islam in Tajikistan, and the role of the fatwā authority used for this purpose.

The word “national interest” is a loose term and contains a set of concepts pre-defined by the state authorities. What happens in fatwā process is just customization of these concepts within Islamic teachings, may be sometimes by twisting the Shari'a texts exegesis. The most obvious attempt of considering national interest and national unity as an Islamic concept could be in adopting Ḥanafī Madhhab as the sole juristic school in Tajikistan.

UCT's muftīs in more than one occasion reaffirm that Ḥanafī School is the most appropriate juristic school for Tajik people as it serves their national unity. In fatwā number 286²²⁸ the muftī considers Ḥanafī School very tolerant that helps the national unity, peace and stability in Tajikistan.

A quick look to the term “national” in fatwās reviewed in this thesis will show to what extent UCT muftīs consider it in issuing fatwās fall in the middle of political debates.

The term “national” used by muftīs as “national dress” in fatwās related to the dress code in Islam. They used “national culture” in fatwās deal with names especially newborn babies, and “national days” while debating the accuracy of non-Islamic festivals and days like Christmas, New Year, Nowruz and Independence Day. The muftīs also used “national unity” in some fatwās to justify adaption of Ḥanafī School as official and sole

²²⁸ <http://shuroiulamo.tj/en/faq/ids/286>

source of Islamic jurisprudence in the state, and opposing non- Ḥanafī and non-Sunni sects.

In fatwā regarding *Nowruz*²²⁹ and if it is ḥalāl to celebrate it, muftī ignores all debates within Ḥanafī scholars and their clear opposition to *Nowruz* festival. What muftī wants to do is just rational reasoning in a clear effort to create sort of harmony between Islam and this historic cultural festival celebrated in the wider region of central Asia and beyond in 23rd of March each year.

The main reasoning appears in fatwās related to *Nowruz* and participating in other festivals and days as Christmas and New Year or Independence Day, is the *Neyyat* “intention” of person, besides not considering these festivals as religious festivals and ‘Īds. The muftī invites people to differentiate between religious ‘Īds and between national events. The muftī does not forget to remind the participants of national events not to commit sins and avoid all non-Islamic deeds.

By differentiating between what is religious and what is not, the muftī closes all debates about participating in national occasions even if they are opposing Islamic teachings, despites other views within Ḥanafī School itself against them as the case of *Nowruz*.

The term “national dress” also gets special status within fatwā structure when the muftī keeps reasoning to convince Tajiks to avoid any other type of ḥijābs especially Arabic, Turkish or Iranian styles and try to appear in their Tajiki ḥijāb. The muftī also ignores debating how compatible Tajiki ḥijāb is with Islamic standards.

²²⁹ <http://shuroiulamo.tj/en/faq/ids/967>

The muftī refers to national dress also against western dress, which seems sort of balance in the process of nationalization of Islam in Tajikistan. The muftī obviously is pushing for a compromise in an effort to balance between the state national secular policies and Islamic teachings. By refusing the western dress the muftī entrenches in his position as religious authority and defender of Islamic values, and by refusing non-Tajik ḥijāb styles, the muftī appears very appealing to the needs of modern secular Tajik state, and this is how nationalization of Islam in Tajikistan occurs.

The term “national culture” mentioned in fatwās related to the name debate. We mentioned in previous chapter that state in its approach to nationalize Islam tries to eliminate all non-Tajik names which are too Arabic. A law has been passed and a list of abandoned names has been issued, besides a list of allowed names for newborn babies.

In fatwās related to names, the muftī unlike dress debate seems acting freely, without mentioning to state policies or challenging them, reaffirms the validity, and gives the preference to Islamic names like Abdullah and Abdulrahman. This quiet resistance is what I noticed in some other fatwās and can be considered as a pattern within ‘Ulamā Council. This pattern maintains sort of freedom or the tiny margin of freedom muftīs enjoy in a state run institute.

The term “national unity” is used clearly in fatwās related to the necessity of Ḥanafī School of jurisprudence for Tajik people, or used implicitly in fatwās on non- Ḥanafī trends like Salafīsm or Shi’a. This term has more political proportion than other terms we discussed before. The concept of “national unity” is used by the muftī as a strong justification for adopting Ḥanafī School as official Islamic reference of Tajik Sunni

Muslims. It used also as a valid reason to combat non- Ḥanafī approaches especially Salafī trends in the country. Even in addressing Shi'a, the muftī refers to social harmony endangered by Shi'a expansions in the country.

Conclusion

The political fatwās show that 'Ulamā Council of Tajikistan is, to a large degree, engaged in state politics. This engagement is basically due to the authoritarian nature of the Tajik regime and the status of UCT as a governmental entity even if it claims independency.

UCT in its political fatwās keeps on same policy of finding arrangements between existing secular laws and governmental policies and Shari'a demands. These arrangements turn to be in some issues as one unified policy, as in fatwās related to the fight against terrorism and extremism, or the stand against Shi'a madhhab and what Tajik authorities see as Iranian expansionist ambitions.

The most important political aspect of UCT fatwās represented in their wide usage of term "national", which is the core term in the process of nationalization of Islam in Tajikistan. The usage of terms such as national interests, national unity, national dress, national identity, tradition of ancestors all help in digesting the very nature of nation state from an Islamic prospective. This also helps in adopting state policies and government's regulations through fatwā authority and religious auspices. What makes UCT fatwās political is not what they raise regarding direct political issues, it is also about what they ignore on political debates. The silence of UCT muftīs about secular laws and regulations also considered a political stand. We can refer to the laws banning prayers at work time

or at work places, or banning Arabic names and considering them as alien and foreign to Tajik culture.

While UCT avoid direct confrontation with state, it shows some resistance to some laws and regulations and issue fatwās opposing them. This can be seen in fatwās related ban on too Arabic names, where muftīs insists on naming new born babies with Islamic Arabic names, regardless to what extent these names fulfill government policies and laws on names. The dichotomy between adopting Ḥanafī School as sole madhhab for Sunni Tajiks, and ignoring its teachings and traditions is also appears due to political pressures and needs in some issues as in the case of *Nowruz* festival.

Conclusion

This study has examined the ways in which the post-Soviet Tajikistani state has sought to nationalize Islam through the institutionalization of a collective fatwā body and the production of fatwās based on Ḥanafī doctrine to address contemporary religious questions.

In order to understand how the post-Soviet Tajikistani state manages Islam an understanding of history is necessary. The seven decades of Soviet rule left deep impacts on the status of Islam in public and private life. While its public role diminished during this period, Islam remained relevant in personal life, especially in rural areas. In many parts of Central Asia Islam became associated with emerging national identities. Popular Islamic practices, both orthodox and unorthodox, flourished. After a long cut off from the rest of Muslim world during the Soviet rule, the disintegration of Soviet Union in 1991 gave Central Asians new opportunities to engage with other Muslims and the rest of the world. The media revolution offered new channels of communication in spite of the limits and restriction on freedoms in post-Soviet Central Asian states. Exposure to the wider world increased through media and migration, notably to Russia. In the context of an emerging Islamic revival, these post-Soviet transformations triggered important concerns among Tajiki fatwā seekers, leading to new questions about ḥalāl food, ḥalāl jobs, and relations with non-Muslims.

The fatwās issued by the Tajikistan's Council of 'Ulamā shed light on the social dynamics of contemporary Tajiki society. They highlight widespread deficits in religious knowledge together with a growing desire for Islamic instruction among various sectors

of the population. The Soviet era was characterized by an atheistic approach to the educational system, media and public life. The durable polarization that this approach created in Central Asian societies can be seen in the prevalence of contemporary fatwās about kufr and iman.

As I showed in chapter two, fatwās on rituals reflect the fact that a desire to adhere to Islam has spread among all ages and groups of society, male and female, in the post-Soviet Tajikistan. The petitions often avoid confronting state laws which act against religious freedom, but indirectly address challenges and obstacles faced by contemporary Tajiks in the performance of their daily religious practices. These include questions regarding Friday prayers, prayer times, and praying in official buildings. The type of questions raised by petitioners in these fatwās also suggests that religious debates are strongly present in society. Theological debates on *Tawhid*, *Shirk*, *Kufr* feature prominently, as do detailed juristic discussions on ṭahāra (purity), prayer, fasting, zakāt and hajj. The quest for spiritual advice seems to reflect an increasing level of religiosity in contemporary Tajikistan. The ritual fatwās also reveal the scope and limits of the independence enjoyed by the muftīs of the ‘Ulamā Council. As the chapter shows, the muftīs systematically seek to find arrangements between existing secular laws and Muslim practices, refraining from an open criticism of the government. They insist on the adherence to the Ḥanafī doctrine while using fatwās in order to enhance religiosity in society and promote the virtues of Islam.

The public dimensions of religiosity and the instrumental role of contemporary muftīs become even more explicit in fatwās addressing topical issues in the public sphere (chapter 3). In discussing societal issues, the ‘Ulamā Council of Tajikistan is more

explicit in its resistance against state laws. Fatwās dealing with divorce or Arabic names for newborn babies make clear how the muftīs are sometimes willing to privilege Islamic norms over state laws despite their affiliation to the government. These signs of resistance take place in the midst of many compromises and arrangements towards state policies, highlighting the complex nature of the ‘Ulamā Council’s level of freedom. In addition to referring to Islamic textual traditions, the muftīs often invoke Tajik culture to create a harmony between religious needs and socio-political realities.

The state cooptation of the ‘Ulamā Council is perhaps most prominent in the political fatwās discussed in chapter four. The willingness of the muftīs to serve the interests of the post-Soviet state is manifest in their open support for state policies against (what the government calls) terrorism, extremism, and Iranian expansionism. National unity justifies the Council’s emphasis on the Ḥanafī madhhab, serving as a key instrument in its efforts to promote a distinctive National or Tajik Islam and to counter other religious trends in society. The muftīs converge here with other state actors in contemporary Tajikistan in their promotion of national interests, national unity, and national identity. This religious legitimation in turn helps to normalize state discourses, policies and regulations.

The Tajiki state and the muftīs draw on the Ḥanafī madhhab to stabilize religious authority, control the religious field, and stifle political and religious dissent. As I showed in the thesis, the Ḥanafī tradition remains relevant in all three fields studied here: rituals, society, and politics. The ‘Ulamā Council’s muftīs draw on a wide range of Ḥanafī scholars, from the school’s eponym to classical authorities such as al-Marghīnānī to early modern references including the *Fatawa-e-Alamgiri* and Ibn ‘Abidīn. However, the

‘Ulamā Council seems to draw on the Ḥanafī tradition more as a resource than a constraint. While the muftīs privilege Ḥanafī texts in many instances, they also go beyond the Ḥanafī tradition when they deem such departures necessary. In practice, then, although the muftīs insist on the supremacy of Ḥanafī madhhab as the official juridical thought, they are often as eclectic in their fatwās as most other contemporary fatwā institutions.

I have highlighted throughout the thesis the various ways in which the ‘Ulamā Council relates to state policies and regulations. The contemporary relevance of the UCT muftīs may well depend on their ability to occasionally ignore state policies. The muftīs thus often feel free to ignore state policies in fatwās that have no direct political effects. However, they seem to draw a clear line when it comes to issues where the authority and sovereignty of the state are at stake. In order to understand the logic underlying these varied responses, one might recall how a distinction between public and private spheres shaped Islamic practice during the Soviet era (Nourzhanov and Bleuer 2013). The UCT muftīs do not oppose the state in issues that are considered public or political. However, they claim exclusive authority over the private sphere. They also extend the definition of the private sphere to include issues that may in other contexts come under the purview of the state, such as family law, gender roles, and relations with non-Muslims. The muftīs’ ability to draw this line between public and private can also be seen as a continuation of historical Soviet arrangements in contemporary Tajikistan. As the work of the ‘Ulamā Council shows, the Soviet legacy continues to shape Central Asian Islam in legal, institutional, and doctrinal terms.

The process of nationalization of Islam that has been described in the thesis is not, however, a one-way process. In the process of providing religious answers to contemporary questions, the ‘Ulamā Council also participates in the Islamization of the nation. The proliferation of religious advice is part of a larger religious renewal and preservation of Islam taking place in Tajikistan. This renewal is manifested among other things in the establishment of thousands of mosques and dozens of religious schools and universities throughout country. Despite the aggressive secularism of the state, the ‘Ulamā Council is occasionally able to advance its own religious agenda, promoting Islamic virtues in society and asserting the relevance of Islamic ethics in contemporary Tajikistan. As this thesis has shown, the fatwās issued by Tajikistani ‘Ulamā Council in the twenty-first century neatly illustrate the current and sometimes conflicting transformations occurring in today’s Central Asian states.

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