5

THE MUSLIM CAUCASUS

The role of *'adat*s and *shari'ah*

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Introduction

Historically, the social and political organisation of the Caucasus was defined by the Caucasus mountains and the region's frontier location between Europe and Asia. The former was responsible for the major economic divide between the highlanders and plain-dwellers and the substantial territorial, ethnic, cultural and legal isolation and self-sufficiency of various local communities and polities, while the latter further intensified the Caucasus' ethno-linguistic and cultural diversity as a result of its either complete or partial domination by a succession of major Middle Eastern and Eurasian empires. These included the Sasanian (Sassanid) Empire, the Khazar Khaganate, Byzantium, the Arab Caliphate, the Seljuk Empire, the Mongol (Genghizid) Empire, the Ottoman Empire, the Safavid Empire and the Russian Empire (see Chapter 6).

The lengthy interaction between indigenous and imported cultural and social norms and traditions accounts for the emergence of a distinctive regional social order. In the northern part of the Caucasus, this order was rooted in *'adat*s ('customs', in Arabic),[1] which ensured social cohesion in an otherwise politically and ethnically fragmented region. *'Adat*s presented unwritten norms of inter-personal and collective behaviour which were specific to each community and were not transferable. Throughout history *'adat*s continued to evolve under the impact of changing political and economic conditions, as well as imported legal and social norms, some of which they internalised while others were rejected. In particular, the advance of Islam in the region was conducive to the development of a distinctive *'adat-shari'ah* legal dualism when some *shari'ah* norms turned into *'adat*s while others were juxtaposed with them.

The correlation between *'adat*s and *shari'ah* varied substantially between different peoples. Initially, *shari'ah* was stronger in southern Dagestan due to its early Islamisation and substantial Arabisation. Up to the nineteenth century, *'adat*s were broadly on a par with *shari'ah* or even prevailed among most highlanders of inner Dagestan and the north-western Caucasus, as well as the Kumyks (Guseinov 2012: 24). Between the thirteenth and fifteenth centuries, when the region was partially included within the vast Mongol Empire, the social order of the region's plain-dwellers, especially Turkic Qipchaqs (Kipchaks), was significantly influenced by Genghizid legal code. In the nineteenth century, the *'adat*s-*shari'ah* legal dualism was affected by Russian legal norms and practices.

The centrality of *'adat*s in the social order of various peoples of the northern Caucasus was recognised by Russian imperial military commanders and Russian and Caucasian scholars, who from the 1830s started to record and analyse them.[2] By comparison, in the West *'adat*s of the Caucasus remain under-researched.[3] Among the reasons for this are the considerable linguistic, logistical, political and security constraints on conducting fieldwork in the region. This chapter therefore hopes to contribute to a better understanding in the West of the Caucasus *'adat*s and their interrelationship with both *shari'ah* and imperial Russian legal norms. It draws on the authors' fieldwork findings, which include *'adat* collections, *shari'ah*-based documents in Arabic, non-annotated translations from Arabic into Russian and other relevant sources in Arabic and Russian from central archives in Dagestan and Moscow, as well as other significant primary and secondary sources in Russian and English.[4]

The arrival of Islam and Islamisation

Darband (Derbent) as the caliphal Bab al-Abwab

Islam arrived in the region in the seventh century CE at the peak of the Muslim Arabs' territorial conquests. In 636 CE the Arabs decisively defeated the Sasanians (Sassanids) in battle at al-Qadisiyya (in present-day Iraq) and continued their expansion northwards where their advance was countered by Byzantium and the Khazar Khaganate, or their proxies (see Chapter 6). In 643/4 Arab troops under the command of Salman ibn Rabi'ah al-Bahili and Habib ibn Muslim established control over Darband, and then in 645 over Barda/Partav (in present-day Azerbaijan) and Tiflis/Tbilisi.[5] The Arabs named Ḍarband *Bab al-Abwab* ('Gate of all Gates'), referring to its status as gateway to their northern provinces. Barda was turned into the caliphal administrative centre and the base of military operations against the Khazars (Vacca 2017: 31). In 685/6 southern Dagestan was turned into a *wilayah* (province) of the Umayyad Caliphate (661–750). The first Arab governor of the Caliphate's northern territories was Mughira ibn Shu'ba al-Taqafi, Prophet Muhammad's companion (Vacca 2017: 25). Following the subjugation of Caucasian Albania by Arabs and other Arabised Muslims in 705, Darband and adjacent territories, including most of present-day Azerbaijan and eastern Georgia, formed the newly established province of Arran (Caucasian Albania).[6] In 736, in the east of present-day Georgia (known as Jurzan in Arabic sources), caliphal chieftains established the Emirate of Tiflis which existed till 1122 when it was finally defeated by the Georgian king, David IV.

During the Abbasid period (750–1258) Arran was supplemented by the *wilayah*s of Arminiyya and Azerbaijan. Arminiyya referred to the present-day Republic of Armenia and parts of eastern Turkey, and Azerbaijan to the present-day homonymous province in north-western Iran, albeit the borders between Arran, Arminiyya and Azerbaijan fluctuated (Vacca 2017: 1, 44). In southern Dagestan the Arabs and Arabised Muslims built a chain of fortresses – Bil'dad, Kala-Suwa, Marag, Mitag and Mugart – from which they conducted raids on nearby lands where they looted, imprisoned and forcibly Islamised the local populations. Alongside the military raids, the caliphal chieftains forged alliances with some local dignitaries and encouraged Arab settlements in the region. In total, over 24,000 Arab warriors from Greater Syria migrated to southern Dagestan. A corollary of this was the substantial ethno-linguistic and cultural Arabisation of the region (Baladhuri 1927: 20). In the centre of Darband the Arabs erected the Grand Mosque as the marker of this ancient city's transition from Caucasian Albania's eastern outpost of Christianity to the Caliphate's northern centre of Islam and Islamic scholarship (see Chapter 4). The region was included in the Caliphate's tax system which consisted of *'ushr* ('tithe'), and

zakat ('alms') for its Muslim population and *jizyah* ('individual tax') and *kharaj* ('land tax') for non-Muslims. Many locals converted to Islam to escape *jizyah* and *kharaj*, which were much heavier than the taxes levied on Muslims (Osmanov 2004: 185–186). The majority of eastern Georgians and Armenians, who preserved their Christian beliefs, were subjected to *jizyah*.[7] From the 870s *Bab al-Abwab* and adjacent areas of southern Dagestan and present-day northern Azerbaijan gained de facto independence from the Abbasid caliphs. The former came under the control of local Muslim *amirs* ('rulers'), while the latter became the centre of the Muslim state of Shirvanshahs (Shirwan), descendants of the Persianised Arab Shaybani tribe which persisted till the sixteenth century (Vacca 2017: 7) (see Chapter 6).

The early Islamisation of southern Dagestan by the Arabs and Arabised Muslims and Dagestan's inclusion into the Arab Caliphate determined the local prevalence of the stricter Shafi'i *madhhab* (school of Sunni jurisprudence), which is dominant in eastern Egypt, Jordan and Palestine. It also contributed to the proliferation in Dagestan of Arabic-language culture and scholarship.[8] Until the sixteenth century several important Islamic scholarly centres were located in Dagestan, including Darband, Akhty, Tsakhur, Kumukh, Akusha, Sogratl', Hunzakh, Enderi, Yarag and Bashly, while Arabic was the main language of literature and education, as well as the lingua franca up till the nineteenth century (Gadzhiev 1981: 221; Khanbabaev 2010: 85). Even now, despite 70 years of Sovietisation, most Dagestani Islamic clerics and many representatives of its intelligentsia retain fluency in Arabic. By comparison, most Eurasian Muslims adopted the more flexible Hanafi *madhhab*, which is also dominant in Turkey, and used either Azeri or Farsi as their lingua franca (see Chapters 3 and 22).

Stages of Islamisation

The full Islamisation of Dagestan, in conjunction with northern Azerbaijan[9] as well as central and western parts of the northern Caucasus, took over nine centuries. The trajectory of Islam's proliferation was from Darband towards the north and west. Such a slow pace of Islamisation was due to the region's difficult mountainous terrain, the spatial and ethno-linguistic fragmentation of its various peoples, the persistence among them of Eastern Christian, Judaist, Zoroastrian and pagan beliefs and, above all, the resilience of their *'adats* (Shikhsaidov 1969: 216). This was especially true in the case of the northern Caucasus, which was populated by dozens of different peoples who belonged to Caucasian, Turkic and Indo-European language families and spoke mutually incomprehensible tongues.[10]

By the middle of the tenth century the majority of Lezgins, Tabasarans, Rutuls and Tsakhurs of southern Dagestan had been forcibly converted to Islam by the Arabs and Arabised Muslims. They were followed by some Laks (Kazi-Kumukhs) and Aguls who voluntarily adopted Sunni Islam of Shafi'i *madhhab* by the twelfth century. From this period, Islam of the Shafi'i *madhhab* began to spread among the Avars, Archis, Kubachis, Kaitags and Dargins of central Dagestan (Khanbabaev 2010: 85). In the eleventh-twelfth centuries, the conversions to Sufi Islam among both plain- and mountain dwellers were increased through their lengthy domination by Muslim Seljuks, who also strengthened the presence in the region of Islamised Turkic peoples (Barthold 1918: 49). In a similar way, the inclusion in the thirteenth century of most of the northern Caucasus into the Genghizid Golden Horde, which became Islamised from the fourteenth century onwards, was conducive to the spread of Sunni Islam of Hanafi *madhhab* among the rest of the Lezgins and Laks, as well as the Turkic Nogais and Kumyks. By the sixteenth century, through the channels of Islamic missionaries and Sufi sheikhs, Shafi'i Islam was established among most Dagestani Akhvakhs, Bagulals, Bedzhits, Botlikhs, Ginuz, Godobers, Gunzibs, Didois, Karatins, Tindals, Khvarsh and Chamals (Khanbabaev 2010: 85).

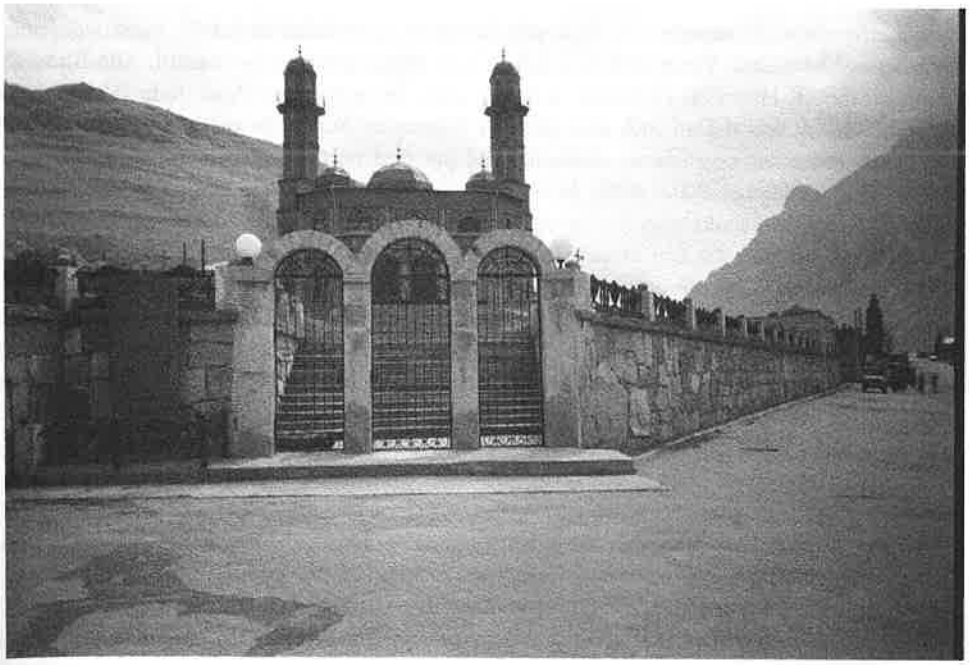

Figure 5.1 The mosque of Upper Balkaria. Courtesy of Akhat Baisiev

In the same period, in the north-west, Kabardians and other Circassians began to adopt Sunni Islam of the Hanafi *madhhab*. There, Islam spread from the Black Sea (Sukhum, Gagra, Anapa and Crimea) through Ottoman missionary activities and raids by Crimean Tatar *ghazis* ('fighters for Islam'). However, despite most Circassians' formal conversion to Islam their belief system remained syncretic and also retained Christian, Judaist and especially pagan components. Thus, up to the present day Circassians venerate the *Pse Zhug* ('Tree of Life') (Richmond 2008: 28). In the seventeenth and eighteenth centuries a notable number of Karachai-Balkars embraced Hanafi Islam and by the early nineteenth century most of them, except some mountain villagers, were Islamised (Richmond 2008: 30; *Severnyi Kavkaz* 2010: 290).

Finally, from the late eighteenth century and especially during the nineteenth century, over the course of the Caucasian War, the Vainakhs (the Chechens and Ingush) who had begun to convert to Shafi'i Islam from the second half of the sixteenth century became fully Islamised (Khanbabaev 2010: 85; Sagramoso and Yemelianova 2010: 113–114; Zelkina 2000: 33–34). From the sixteenth to the eighteenth centuries southern Dagestan, together with neighbouring northern Azerbaijan, was subjected to the Safavid shahs' policy of coercive Shi'isation.[11] Under this policy, many Lezgins and some others were forced to switch from Sunni to Shi'a Islam and a substantial number of Shi'a Azeris were resettled in Darband from Iran (*Severnyi Kavkaz* 2007: 39).

Sufism

A characteristic feature of the Caucasus' Islamisation was the prominence in its north-eastern part of both theological and popular Sufism.[12] The first Sufis appeared in southern Dagestan;

thus, in the eleventh century Darband was home to such influential Sufi *'ulama'* ('Islamic scholars') as Abu Yakub Yusuf al-Babi al-Lakzi, Abu Iskhaq Ibrahim al-Ghadairi, Abu Abdallah Mammus ibn al-Hasan al-Darbandi al-Lakzi and, in particular, Abu Bakr al-Darbandi (1027–1110).[13] It was al-Darbandi who codified 'Caucasian' Sufism by synthesising elements of local *'adat*s and other non-Islamic ideational and practical norms with Islamic orthodoxy and Sufi teaching (Alikberov 2003: 699). As noted earlier, the proliferation of popular Sufism was strengthened by the Seljuks who dominated the region in the eleventh and early twelfth centuries. During this period the first *tariqah*s (*tariqat*s, Sufi brotherhoods) took root in the Dagestani highlands. Until the fifteenth century the most influential among them was the Suhrawardiyya, which was backed by Iranian rulers who perceived it as a channel for their own religious and political influence. From the sixteenth century, the Ottoman sultans, who contested Iranian Safavid hegemony over the Caucasus, encouraged the proliferation of those *tariqah*s which had strongholds in the Ottoman Empire – a policy that contributed to the strengthening in Dagestan of the Naqshbandi *tariqah*,[14] which gradually superseded the Suhrawardiyya.

In the late eighteenth century the Naqshbandi branch of Mujaddidiyya-Khalidiyya acquired quantitative and political prominence among the *tariqah*s in Dagestan and Chechnya. Khalidiyya was initiated by the Ottoman Naqshbandi sheikh, Diya al-Din Khalid al-Kurdamiri (1779–1827). Sheikh Khalid deviated from the teaching of his spiritual predecessor, sheikh Ahmad Sirhindi al-Faruqi (1564–1624) who upheld the traditional Sufi triad of *shari'ah-tariqah-haqiqah* ('truth'), by prioritising *shari'ah*, which he perceived as the Muslims' sole defence against the rule of foreign *kafir*s ('infidels'). He also regarded the Ottoman sultan as guarantor of the vitality of the *ummah* ('Muslim community') (Zelkina 2000: 84, 93). Orthodox Christian Russia's incursions into the Muslim Caucasus, which intensified from the late eighteenth century, had a galvanising effect on the Naqshbandiyya-Khalidiyya, which provided a mobilising network for the anti-Russian resistance. Dagestani Naqshbandi sheikhs Muhammad-efendi al-Yaragi, Jamalutdin al-Gumuki, Abdurahman al-Sughuri and Il'as Tsudakhari played central roles in the transformation of sheikh Khalid's teaching into the ideology of Islamised *ghazawat* ('holy war'), which culminated in the establishment in 1828 of a *shari'ah*-based imamate, on the territory of Dagestan and Chechnya (Khanbabaev 2010: 87). As will be shown later, the promotion of *shari'ah* was broadly opposed by *'adat*s-minded local communities – a factor which significantly contributed to the eventual collapse of the imamate.

In the second half of the nineteenth century, in the context of the declining *ghazawat* under the Naqshbandi-Khalidi leadership, many Chechens, Ingush and some Dagestanis embraced the Qadiri *tariqah*.[15] The Qadiri *wird* (branch) of sheikh Kunta-*hajjee* Kishiev (d.1867) became particularly influential. The Qadiris, unlike the Naqshbandis, opposed armed resistance to the Russian invaders and advocated peaceful co-existence with them within the Russian state (Akaev 2010: 66). Subsequently, Chechen and Ingush followers of Kunta-*hajjee* became known as *dhikrist*s (those who conduct *dhikr*, 'a recollection of Allah', in Arabic).[16] In the early twentieth century Dagestan witnessed the proliferation of the Shadhili *tariqah*, which was close to the Naqshbandiyya in terms of its teaching and practices. In fact, some Dagestani sheikhs taught along both Naqhsbandi and Shadhili lines (Abdullayev 1993:180).

It could be argued that the lengthy Islamic history of the north-eastern Caucasus, dating back to the Arab Caliphate, which had successfully absorbed local *'adat*s, was one of the main reasons for its embrace of Sufism. Sufi Islam, unlike its 'normative' Salafi counterpart, is characterised by a more inward-looking spirituality as well as a greater doctrinal elasticity and fluidity, thus allowing for the co-existence or even merger of Islamic and *'adat* norms and practices resulting in the evolution of a distinctive regional Islam.[17] By comparison, the

non-proliferation of Sufism in the north-western Caucasus, which historically was not part of the caliphal domain, reflected the continuing prevalence there of *'adat*s over specifically Islamic norms.

*'Adat*s

Rationale, sources and geography

*'Adat*s long predated the arrival of Islam in the region. In the pre-Islamic period they were known under different names: for example, *Namus* among some Dagestanis, *K'onakhalla* or *Ezdel* among Vainakhs, *Adyghe Khabze* among Circassians, and *Apsuara* among Abkhaz. *'Adat*s developed as the people's survival mechanism in their precarious physical, social and political habitats. They acted as key social regulators ensuring order, peace and social justice in the absence, or at least weakness, of state-endorsed legal norms and institutions. *'Adat*s helped to diffuse inter-communal and interpersonal tensions. They also served as an abiding moral and ethical code and were compulsory for all community members irrespective of their religion. To live according to *'adat*s meant to be part of the community and to live by a shared understanding of justice. They were specific to particular ethno-territorial communities and thus accounted for considerable fragmentation and syncretism of social and legal norms in the region.

*'Adat*s continued to evolve and modify in response to the changing religious, political and socio-economic environment. With the region's Islamisation *'adat*s fused with some *shari'ah* norms to such an extent that some *'adat*s became Islamised, while some *shari'ah* prescriptions turned into *'adat*s (Gardanov 2004: 205). However, on balance, it was *'adat*s which defined the level of shari'atisation. Historically, *'adat*s were relatively stronger among the mountain Dagestanis, Vainakhs, Ossetians (Alans) and other highlanders, as well as the descendants of highlanders – for example, the Kabardians, Cherkess, and Karachai-Balkars – who in the eighteenth and nineteenth centuries had been forcibly resettled on the plains (Bobrovnikov 2002: 5). Hence the role of *shari'ah* law was initially greater among the indigenous dwellers of the plains and in southern Dagestan. In the later period, and especially during the Caucasus War, which will be discussed later, *shari'ah* strengthened among the Dagestani and Chechen highlanders.

*'Adat*s developed out of agreements between peoples, clans and neighbourhoods which with the passing of time turned into customs. Initially, they were religion-neutral and did not discriminate on the grounds of a person's beliefs. They were made up of customary norms of 'proper' behaviour in peace and wartime, modes of reconciliation and mediation, and prohibitions (taboos) and punishments. Their main source lay in precedents which were then applied by *'adat* courts, headed by judges, in cases of arbitration. Unlike generic *shari'ah* norms, *'adat*s were restricted to a particular community and could not be enforced outside of it. Each community had its own distinctive *'adat*s which were initially transmitted verbally, and every community member had to know them by heart. From the eleventh century onwards, some Dagestani communities began to record their *'adat*s. Among the first such to be recorded was the *'adat* collection of the Avar ruler, Omar-Khan (d.1082), which retained its validity until the nineteenth century. Among other early registered *'adat* collections were two Kaitag[18] collections, one by *usmi* ('ruler') Rustem-Khan and the other by *usmi* Akhmet, as well as the collection of *'adat*s of the Bezhi *okrug* ('district'). All these, as well as later collections, were written in Arabic and began with the phrase 'Who guards his/her clan will retain his/her head intact' (Leontovich 1882: 24–25).

*'Adat*s ensured a person's indivisibility from his or her particular community. In Dagestan, a dominant form of communal organisation was the patrilineal *tukhum* ('stock', in Turkic languages). Several *tukhum*s made a larger neighbourhood community – a *jama'ah* ('community', in Arabic), or a 'free society',[19] which functioned as a semi-autonomous economic and socio-political entity (Aglarov 1988: 6). Among Chechens, a basic community unit was the *taip* ('tribe', in Vainakh languages) which was formed either along kinship or neighbourhood lines.[20] Several *taip*s united into large territorial communities – *tukhum*s. Throughout history influential Chechen *tukhum*s were the Nokhchakhkhoy, the Akkhiy, the Tierloy, the Chebarloy, the Sharoy, the Ma'lkhiy, the Shuotoy, the Chiantiy and the Ershtkhoy (Nataev 2015). In Dagestan, as well as in the north-western Caucasus, such communities co-existed with socially stratified polities which began to form in medieval times. Among these, in Dagestan, were, for example, the Avar *Nutsiyat*, the Kaitag *Usmiyat*, the Tarki *Shamkhalat*, while in the north-western Caucasus there were the principality of Alania and, in the later period, the Kabarda and Digoria principalities (see Chapter 6). Subsequently, *'adat*s in these polities and their likes differentiated between the representatives of different estates on the basis of social status. For example, in the Tarki *Shamkhalat*, *'adat*s permitted a *shamkhal* ('prince') to kill an *uzden* ('an ordinary man'), while the latter had no such right. From the eighteenth century Kabardians had separate *'adat* courts for the nobility and ordinary people (Babich 1999: 66; Gutnov 2015: 110–112).

In peacetime leading administrative positions in *jama'at*s and other neighbourhood communities belonged to democratically elected foremen[21] aided by several assistants. Smaller communities had one foreman, while larger ones might have had over ten. As mentioned earlier, the implementation of *'adat*s was safeguarded by a communal court of arbitration consisting of respected elders and headed by a judge. Such courts were known by different names, including *maslahat* or *masliiat* among some Dagestanis, *tëre turg'an* among the Karachai-Balkars, *mekhk-khel* among the Ingush, and *kheisha* among the Circassians (Khashaev 1965: 54; Musaeva 2014: 244). Women were not involved in the *'adat*-based decision-making, although they had the right to propose a court case (Kharsiev 2009: 55; Loginov 2018: 231; Malkonduev 2001: 16). During wartime, several neighbourhood communities consolidated around the most powerful among them which in different historical periods included the Akusha-Dargo Federation, the Mountainous Tabasaran and the Lezgin Unions in Dagestan and the Nakhch-Mokh and Shibut 'free societies' in Chechnya (Bronevsky 1823: 146; Komarov 1869: 105–106). Individual and inter-communal relationships during war were regulated by the *'adat*s of the communities involved, since each community had its distinctive customary norms of 'proper' wartime behaviour, including relations with adversaries and reconciliation.[22]

The relationship between *'adat* and *shari'ah* norms varied significantly in different historical periods and between different communities. The main areas that were largely regulated by *'adat*s were various forms of violence, especially blood revenge (*kanly*), 'blood price' (*diiat*, or *alym*), military raids and responses to them, as well as ownership rights, and inter-family and inter-communal relations. *Shari'ah* tended to regulate life-cycle practices such as marriage, circumcision and burial, as well as inheritance matters. But there were no fixed boundaries between the spheres of *'adat*s and *shari'ah*, and in some instances they could be used interchangeably or simultaneously (Bobrovnikov 2002: 132). As noted earlier, there also emerged *'adat*s which enforced the observance of some Islamic norms. For example, according to the Didoy's *'adat*s a man who missed a mosque prayer was penalised by having to give five sheep to his community (BA (Bezhidskie Adaty) 1968: 58). The same *'adat*s required from a person who violated the holy month of Ramadan by having sexual intercourse the provision of food for 60 needy people (BA 1968: 59). The Keleb *'adat*s penalised the breaking of the fast during

Ramadan by the giving of one sheep for each day of non-fasting (AKS (Adaty Kelebskikh Selenii) 1965: 76). In a similar fashion, Andis' *'adat*s penalised non-attendance of mosque prayers and non-payment of *zakat*. They also recognised the supreme military authority of the *qadi* ('Islamic judge') during a time of war (BA 1968: 59).

In the thirteenth and fourteenth centuries, during Genghizid rule, local *'adat*s, especially on the plains, were significantly affected by Genghizid customary law – the Great *Yasa*[23] – which was prevalent across the vast *Dasht-i-Qipchaq* ('Qipchaq Steppe'). While most of the northern Caucasus was included in the Genghizid Golden Horde, southern Dagestan, along with northern Azerbaijan, became part of the Genghizid Ilkhanid Empire. The Great *Yasa*, like local *'adat*s, did not discriminate on religious grounds and prohibited taxation of clergy of different faiths (Kramarovsky 2003: 62). The Great *Yasa* particularly appealed to local Turkic peoples who became exempted from paying *yasak* ('tribute'). The lengthy presence of the Genghizids also altered the region's ethnic make-up by strengthening its Turkic component. On the plains of the northern Caucasus, in particular, it led to the numerical supremacy of Qipchaqs (ancestors of present-day Nogais, Kumyks, Karachai-Balkars) and their assimilation of Mongolic as well as other Turkic peoples. It also contributed to the formation of the distinctive northern Caucasian Golden Horde ethno-political entity, whose members shared a wider Eurasian 'state' affinity and mentality.[24] Following the proclamation of Islam as the religion of the Golden Horde by Khan Özbeg/Uzbek in 1314 the Great *Yasa*'s crime-related norms were largely superseded by *shari'ah*, while its administrative, civil, family and, to some extent, religious rulings were absorbed by local *'adat*s. The case in point are the Balkars who integrated many *Yasa* rulings into their *tëre*. From the late fourteenth century, the positions of *shari'ah* in the religious sphere among Turkic and other plain-dwellers were further strengthened under the influence of the Timurids (Egorov 1985: 155).

Treatment of violence in *'adat*s

Before the region's inclusion in the Russian Empire, most forms of violence and its containment and prevention were dealt with on the basis of *'adat*s. These prioritised reconciliation to the extent that an injured party had community-imposed responsibility to reach an agreed settlement. At the same time, *'adat*s legitimised the use of force in some particular circumstances. Among these were *kanly, ishkil'* or *baranta* (seizure of property of a debtor's relatives with the aim of forcing payment of the debt), and *jaish* ('army') and *abrek* ('outlaw') raids. Blood vendetta was regarded as an effective method of reducing killings through the threat of inevitable retaliation against the killer's entire family. It was mainly applied in those murder cases where reconciliation was not possible. The duty to carry out blood revenge fell on brothers or other male relatives of the victim. There were cases where vendetta feuds between affected communities lasted for several generations. In some 'free societies', especially in the north-west, *'adat*s permitted the replacement of vendetta by 'blood payment' to the victim's family. Among Circassians, the 'blood price' depended on the social status of the victim, amounting to 6,000–8,000 oxen in the case of a prince and to just 160 oxen in the case of an ordinary man. In Dagestan, some *tukhum*s were used to evict a murderer in order to protect the whole community, while some others prioritised reconciliation with the mediatory involvement of a neutral family or community. In some communities, blood revenge could have been triggered by the seizure of private land or horses, a woman's humiliation, or even a gross verbal insult (Bobrovnikov 2002: 55–58; Gardanov 1967: 233).

Most *'adat*s regarded a killing as legitimate if it was carried out by a father against members of his immediate family. Another 'legitimate' killing was of a person who had murdered

one or both of their parents. Such killing was usually conducted by close relatives of the murderer. According to *'adat*s among Tabasarans, the brothers of the person who killed their father were required to kill him and to burn his house. Most Avar *'adat*s justified the killing on the spot of a man and a woman caught in the act of adultery.[25] Another legitimised form of violence related to seasonal raids by young men – *jigit*s – organised in militarised groupings (*jaish*, *askar*, *rijal*) against neighbours whom they considered to be within the sphere of control of their 'free society' or *tukhum*. During such raids *jigit*s burnt whole villages and seized horses and cattle and took hostages (*amanat*s) from raided communities to ensure their loyalty in the future. Despite the *jigit*s' acts of banditry, violence and robbery, they enjoyed cult status and boys were brought up to emulate their bravery and daring. Among the raiders' most lucrative destinations were Georgia and Tsior (Zakataly). It is worth noting that *jaish*s also provided military protection to the raided territories in case of outside invasion often associated with Iran (Bobrovnikov 2002: 39). The size of a *jaish* varied between several thousand and hundreds of thousands. For example, in the fifteenth century, a *jaish* of an Avar *nutsal* ('prince') might include over 200,000 young men. In the later period, particularly during the Caucasus War, there emerged groups of 'professional' raiders – *abrek*s, or *kachak*s – who retreated into the mountains after being expelled from their communities, from which they carried out sudden raids against merchants, travellers and the communities of their vendetta enemies.

Private and collective ownership in *'adats*

*'Adat*s were central in regulating ownership rights in the conditions of co-existence of common, communal and individual property. Thus, most arable lands were privately owned (*mul'k*), while pastures and forests were in communal ownership which periodically rotated between different communities. Some communities had special *'adat*s which defined the ownership rights of particular categories of people. For example, Rustem-Khan's *'adat*s specified the ownership rights of *chank*s – children from marriages of *beg*s ('chieftains') and wealthy land owners with representatives of lower social groups. Even an individual's *mul'k* ownership of land was significantly restricted by his or her community, which had the final say in buying and selling transactions (Aglarov 1988: 83). Most *'adat*s did not permit such transactions with members of other communities. *'Adat*s also proscribed community members dealing by themselves with offenders against their property – for example, in the case of their land being grazed by somebody else's cattle – and made them seek the assistance of the council of elders (Miller 1898: 67). *'Adat*s protected both collective and private property and punished thieves. For example, according to the *'adats* of the Tsekub 'free society', a person who committed a theft had to pay back to the victim an amount six times greater than the actual theft (TO (Tsekubskie Obychai) 1965: 99). *'Adat*s were especially harsh towards those who stole from mosques; for instance the *'adat*s of the Tsudakhar 'free society' treated a theft from a mosque as being on a par with a murder, the punishment for which was the eviction of the thief from his community (ADO (Adaty Darginskogo Obshchestva) 1873: 121). Evicted individuals were likely to become destitute and often moved to the highlands where they joined *abrek* groupings.

*'Adat*s meticulously regimented every aspect of an individual's life and ensured that the latter was integral to the needs and interests of his or her community as a whole. Consequently, any freedom of action of a person not endorsed by the community was inconceivable. Men could not freely leave their communities and were required to obey its rules as well as to defend it by arms and words. If somebody in exceptional

circumstances dared to leave his or her community they faced ostracism and a high penalty (for example, 500 rams among the Andalals) (AS (Adal'skii Svod) 1965: 64). Similarly, if a person sought assistance from another community he or she would be penalised. According to the Bezhi *'adat*s such a penalty amounted to one ox or ram or, in a later period, silver coins (BA 1968: 59). People's actions and deeds were defined and judged by the community, which had the exclusive prerogative to reward or to punish. For example, according to the Andalal *'adat*s, if a person killed an armed invader from another community and thus prevented a communal loss, he or she would be rewarded by 10 rams and 100 measures of grain. On the other hand, if somebody was known to slander his or her community in front of representatives of another community, they would be fined seven oxen (AS 1965: 62, 65).

*'Adat*s also defined the timing for collective sowing, harvesting and other communal activities and determined the nature and size of punishment for those who violated the established order. Most common penalties were in the form of grain, cows, rams, sheep and later, silver coins.[26] *'Adat*s were used when several 'free societies' negotiated the sequence and the length of use of publicly available pastures and forests. The absence of personal freedom was, however, balanced by personal and economic security. If a person or a whole family found themselves in difficult circumstances, such as the loss of their land, cattle or other means of subsistence, they would be rescued by the community which would provide for them. Moreover, the community as a whole penalised anyone who refrained from helping those in need. By the Andalal *'adat*s, a person who withheld his or her help from those in trouble was penalised by a fine of one ox (AS 1965: 65). In general, unlike in *shari'ah,* which focused on the criminal act against somebody's property, *'adat*s were primarily concerned with a person or a community's material loss.

*'Adat*s on family, honour and hospitality

*'Adat*s protected the family by setting distinctive patterns of behaviour for husbands, wives, fathers, mothers, the elderly and children and by prescribing specific punishments for violation of or deviation from *'adat*-endorsed notions of decency and propriety. The husband had to be the provider for the family and defender of the community while the wife, who was subordinate to her husband, looked after the house and family. The highest status belonged to the family elder. Violence between family members was penalised. For example, among the Ukhnadals, if a son hit his father or mother he had to pay his community a fine of 25 sheep (BA 1968: 65). As noted earlier, many *'adat*s penalised by death the killing of a parent; thus, the *'adat*s of some highlanders of southern Dagestan required the stoning to death of those committing patricide. Among the Balkars and Svans the punishment was the placing of a stone chain over the neck of the killer and his eviction from the community which in some cases led to his death.[27]

Most *'adat*s proscribed marriage among patrilineal relatives up till the seventh generation and protected a woman's interests in case of her separation or divorce. According to Keleb *'adat*s, if a husband left his wife he had to provide her with subsistence in the form of one ox and six sheep per year, or alternatively grant her a proper divorce enabling her to remarry (AKS 1965: 72). *'Adat*s endorsed the payment of high *kalym* ('bride money')[28] and disapproved of the widely practised custom of abducting a girl for marriage. For example, in some Dargin communities, if a girl and her family did not agree to marriage an abductor faced eviction for 40 days and a penalty of two oxen. In the case of marriage being

accepted, the abductor, in addition to the penalty noted above, was required to gift a piece of land to the abducted girl's family (ADO 1873: 116, 117).

Particular attention was paid to what was regarded as 'dishonourable' behaviour between women and men, as such behaviour was perceived as damaging the reputation of the whole community. According to some earlier Avar *'adat*s, a man who seduced a woman was penalised by a year-long eviction from his community and a fee of one ox to be paid to the woman's relatives (AA (Avarskie Adaty) 1968: 31). According to *'adat*s among some Dargins, if a girl or woman was found alone with a man in an empty building she had to pay her community a penalty of a cow, while the man's penalty was an ox. If a woman got pregnant outside wedlock both adulterers had to pay an ox each to the community (ADO 1873: 118). These punishments were relatively lenient compared to those by *shari'ah*, as well as *'adat*s of some other communities, which prescribed the stoning to death of the 'guilty' woman. For example, in southern Dagestan and in some plains areas *'adat*s required the killing of both adulterers on the spot by the adulterous wife's husband, brother or father (AYDO (Adaty Yuzhno-Dagestanskikh Obshchestv) 1875: 8). Shamil's shari'atisation, which will be discussed below, also had a toughening impact on *'adat*s among Avars, Andis and Chechens, especially those related to a woman's 'honour' and female adultery. Thus, if a man even brushed against a sleeve of a woman who was not related to him he risked an eviction from his community for a year and a penalty of one ox, or he could even be 'legitimately' killed by the woman's male relatives (AA 1968: 32–33). Among the Andis, *'adat*s required the husband of a 'disgraced' wife to either kill the offender, or to request from him a penalty of 30 cows (AAO 1965: 21).

All *'adat*s promoted hospitality, which was an integral part of the family and community honour code and which ensured people's safe travel through a land devoid of formal means of maintaining civil order. Accordingly, a guest held sacrosanct status and even if he was evicted by his community for murder, the host had a duty to provide protection without asking any questions. In some cases, host–guest relations evolved into a much stronger bond in the form of artificial brotherhood, or *kunak*-ness, sealed by mutual vows. *Kunak*s were obliged to know everything about each other and to be prepared to assist and defend each other if such a need arose.[29]

Shamil's imamate and *shari'ah*

From the late eighteenth century, the Russian Empire's concerted advance into the Caucasus triggered a lengthy and devastating Caucasian War centred on mountainous Dagestan and Chechnya. Unlike the khanates of Darband and northern Azerbaijan, as well as Dagestan's principalities of Kaitag, Tarki, Tabasaran and Kura – which accepted Russian suzerainty without much resistance in the first decade of the nineteenth century – Dagestani and Chechen highlanders turned to an Islamised *ghazawat* against the Russian *kafir*s. Its charismatic leaders were Sheikh Mansur (1760–1794) and Imams Ghazi Muhammad (1793–1832) and Shamil (1797–1871). They used the Sufi Naqshbandi network for the purposes of cross-communal and cross-ethnic popular mobilisation under the Islamic banner (see Chapter 7). In the context of *ghazawat* the originally quietist Naqshbandiyya morphed into *muridism* (lit. 'related to Sufi disciples'), an Islamised armed struggle where the function of the *murshid* ('Sufi teacher') was transformed into that of the *naib* ('deputy', a military commander). In 1828, the *ghazawat* culminated in the establishment of an imamate (1828–1859) on the territory of present-day Dagestan and Chechnya. In 1834, the leader of the imamate, Imam Shamil, who was inspired by the Salafi teaching of the late seventeenth century *'alim* ('Islamic scholar') Muhammad ibn Musa al-Kuduki, launched a campaign against local

'adats and Sufism, both of which he perceived as the underlying cause of potential disobedience and dissent and a major obstacle to the centralised attack on external invaders.[30] In doing so, Imam Shamil introduced *shari'ah* as the single legal foundation of the new state (Kurbanov 2006: 42). Arabic was made the official language of the imamate, while various Sufi manifestations were deemed as *shirk* ('polytheism') (Yandarov 1975: 127).

At the same time, Imam Shamil, like Ghazi Muhammad before him, continued to employ the traditional Sufi practice of dispatching his deputies into various communities in order to bring the remote areas of Dagestan and Chechnya under his control. These deputies were charged with introducing *shari'ah* and enforcing its legal supremacy, as well as recruiting new *ghazis* into the imam's army. However, unlike Ghazi Muhammad, who was primarily a religious leader, Imam Shamil aspired to both religious and political leadership, drawing on Ottoman and autocratic Russian political models to create an effective and highly centralised state. At the head of the state was the imam, who combined both temporal and religious authority and exercised his powers through an elaborate system of *naibs* who headed large military districts – *wilayahs*. The supreme legal authority in a *wilayah* rested with a mufti (supreme Muslim cleric) who reported directly to the imam. To gain the trust of local populations both muftis and *qadis* ('Islamic judges') were to be elected by the *wilayah*'s people (Zelkina 2000: 205).

The main media of Imam Shamil's campaign against *'adats* were special *nizams* ('rulings') which were intended as the sole regulators of the civil, criminal and religious spheres, thus making *'adats* effectively redundant. Shamil's *nizams* especially targeted such customs as *kanly* and *kalym* and obliged local mullahs to rely exclusively upon *shari'ah* in property-related disputes. A special group of *nizams* was designed to strengthen the Muslim way of life, obliging everybody to observe Ramadan, forcing women to cover their heads and faces and to dress modestly, and prohibiting music and dancing. Interestingly, in some cases, even Shamil had to accept the power of *'adats*. Thus, he persisted with the *'adat*-endorsed practice of burning villages and seizing the horses and cattle of his opponents who were now labelled as *kafirs* (Bobrovnikov 2002: 23). He also chose not to enforce the *shari'ah*-endorsed amputation of limbs for repeated stealing.[31]

The impact of the Russian conquest

On 25 August 1859, in the Dagestani village of Gunib, Imam Shamil surrendered to the Russian commander Prince Aleksandr Bariatinsky, who pronounced that 'muridism was finally defeated and ... the fate of the eastern Caucasus was irreversibly solved' [by becoming part of the Russian Empire – GMY] (cit. in Bobrovnikov 2002: 142). General Bariatinsky announced the establishment of Russian governance over all the newly annexed parts of the Caucasus (see Chapter 7). In 1860 Dagestan was administratively divided into two parts. One, which consisted of Darband and the adjacent Caspian Sea coastal area, was put under Russian civic political and legal governance. The other, named the Dagestani *oblast'*, included the rest of Dagestan and Zakataly district of Elisabethpol (Elizavetpol) *gubernia* ('province'), corresponding to present-day northern Azerbaijan. This was put under the mixed Russian-local administration which became known as *voenno-narodnoe upravlenie* ('military-popular governance').

The politico-administrative reorganisation of Dagestan was accompanied by the abolition of all existing polities – the Khanate of Kazi-Kumukh in 1859, the Avar Khanate in 1864, the Kaitag *Usmiyat* and Mountainous Tabasaran in 1866, and *Shamkhalat* Tarki in 1867 (Bobrovnikov 2002: 158). During the same period the north-western Caucasus was reorganised into the Kuban and Terek *oblasts*. The latter also included Chechnya and Ingushetia, as well as Kabarda

which was annexed to the Russian Empire in 1825. It is worth noting that Kabarda, as well as Ossetia which was annexed to the Russian Empire in the late eighteenth century, were subsequently placed under the Russian legal system, although some *'adat* norms – such as, for example, *kanly* and *diiat* – retained their de facto validity. In practice, Russian courts often simply endorsed the decisions of traditional courts, especially in murder cases.[32] Among the reasons for the non-inclusion of Kabarda and some other parts of the north-western Caucasus into the military-popular system were the substantial demographic changes in the region as a result of the mass expulsion from their ancestral habitat of local Circassians by the Russian authorities, and their forced emigration (*hijrah*) to the Ottoman Empire, with their lands being taken by Cossacks and other settlers from southern and central Russia. Also, the prevalence in the region of the *'adat*-based mediation courts rather than the combined *'adat-shari'ah* courts, which dominated in the north-eastern Caucasus, worked against the principles of military-popular governance (Babich 1999: 82).

In the north-eastern Caucasus, the system of 'military-popular governance' developed through a series of politico-administrative reforms implemented by the Russian authorities in the 1860s–1880s. At the heart of this system was the institutionalisation of the combined *'adat-shari'ah* norms through their integration into Russian governance. Its legal basis was 'The Statute on Caucasian Governance' (1865) and the 'Statute of Caucasian Military-Popular Governance' (1880) which were issued in both Russian and Arabic. Under this system, *jama'ahs*, 'free societies' and other semi-independent territorial communities lost most of their previous autonomy and were transformed into intermediaries between their members and the Russian state. In addition, St. Petersburg established new local administrations represented by rural councils (*skhods*) and rural courts which reported directly to the Russian provincial authorities. Councils consisted of influential locals under the leadership of chairmen (*raiss*), while rural courts included *qadis* and several elders knowledgeable about *'adats* (Bobrovnikov 2002: 154–156). Overall, the establishment of 'military popular governance' institutionalised the convergence of *'adats*, *shari'ah* and Russian civic and criminal legal norms, thus creating a distinctive regional legal order which has de facto preserved some of its specific features until the present.

Conclusion

Throughout history *'adats* and *shari'ah* law have played central roles in the social order of various peoples of the Muslim Caucasus. In the late nineteenth century St. Petersburg, recognising the centrality of *'adats* in local culture, used local adherence to them as a factor in out-manoeuvring Shamil and his exclusively *shari'ah*-based imamate. Subsequently, in the north-eastern Caucasus, the imperial Russian regional authorities integrated the existing inter-linked *'adat-shari'ah* norms into their system of 'military-popular governance'. In the 1920s, the Bolsheviks used this system as the blueprint for the region's ethno-territorial and legal re-organisation contributing to the formation of its present-day ethno-territorial federalism. Consequently, during the Soviet period, *'adats* and *shari'ah* to a considerable degree retained their validity, especially in the familial sphere, despite the region's major socio-economic, political and cultural transformation – evidenced, for example, by the persistence of *kanly* and the *'adat* taboo on marriages among patrilineal relatives up to the seventh generation.

The collapse of the Soviet system in the late 1980s, followed by the break-up in 1991 of the USSR, witnessed the notable resurgence in the region of both *shari'ah* and *'adats* (Shapsugov 1999: 250). In the conditions of post-Soviet political, economic and legal chaos, the mass impoverishment and dislocation of the bulk of the population, rampant corruption and spiralling crime, *shari'ah* and *'adats* reasserted themselves as key social regulators. The particular history of Dagestan's

Islamisation made it into the regional epicentre of an 'Islamic revival',[33] while Chechnya (Ichkeria, 1996–1999) yet again experienced a short-lived shari'atisation (see Chapter 13). In any case, it was *'adat* norms which arguably played the pivotal role in ensuring relative social cohesion in the region in the face of the two successive Chechen wars (of 1994–1996 and 1999–2009), ethnic conflict and Islamised terrorism (see Chapter 15).

Notes

1 *'Adat*s is a generic term for unwritten customary norms which also play an important social role among various peoples of Central Asia.
2 For an overview of the state of *'adat*s studies in imperial Russia, the USSR and post-Soviet Russia see Gutnov (2015): 5–57.
3 On some Daghestani *'adat*s, see Kemper (2004, 2005, 2009). On *'adat*s in Georgia, see Voell (2016).
4 Among the primary sources used are materials from the Central State Archive of the Republic of Dagestan (TSGARD), the Russian State Military Historical Archive (RGVIA) and the *'adat*s collections from various communities (*seleniia*) of Dagestan, Chechnya, Ingushetia, North Ossetia-Alania and Kabardino-Balkaria.
5 In parallel, the Arabs expanded into Central Asia. In 644 they conquered Khorasan and in 655 Merv. On the Islamisation of Central Asia, see Yemelianova (2019): 13–17.
6 The region was referred to as 'Caucasian Albania' in Greco-Latin sources, as 'Ran' or 'Ardan' in Parthian and Sasanian (Sassanid) sources and as 'Arran' in Arabic sources. See the volume's Introduction.
7 On Georgia under Arab rule, see Berdzenishvili and Dondua (1958).
8 It is indicative that the Centre for Oriental Studies of the Dagestani branch of the Russian Academy of Sciences (RAN) in Makhachkala holds over 3,900 manuscripts written by renowned Middle Eastern and Dagestani Islamic scholars of the period under discussion (Khanbabaev 2010: 106).
9 Until the nineteenth century southern Dagestan and northern Azerbaijan existed within a single cultural, religious and, at some periods, political space.
10 The region's Caucasian peoples are divided into the north-eastern Caucasians and the north-western Caucasians. Among the former are, for example, Avars, Andis, Dargins, Lezgins, Tabasarans, Rutuls, Tsakhurs, Chechens and Ingush, while the latter include Abkhaz, Adygeis, Kabardians, Abazas, Ubykhs, Abadzakhs, Bzhedukhs, Temirgois, Natukhais, Vepsnes, Khegaks, Zhanes, Makhosh, Cherchenais and Khamish. Among the region's Turkic peoples are the Kumyks, Karachai-Balkars and Nogais, while among its Indo-European peoples are the Ossetians, Kurds and Slavs (Khanbabaev 2010: 85–86; Richmond 2008: 25). See also Chapter 3 of the volume.
11 The legacy of this policy is evidenced by the existence of over 45,000 Shi'ites in present-day Dagestan (Khanbabaev 2010: 106).
12 Theological Sufism, which requires a lengthy and sophisticated period of initiation, was restricted to a limited number of Dagestani *'alims* (*'ulama'*) while popular, largely ritualistic, Sufism had a wider following. Still, even popular Sufism did not turn into the dominant form of religious existence which was defined by non-Sufi Sunni Islam of the Shafi'i and Hanafi *madhhabs* (Khanbabaev 2010: 106).
13 Al-Darbandi was a follower of the leading Sufi rationalists, al-Junayd al-Baghdadi and Abu'l-Qasim al-Qushayri. For a detailed discussion of Abu Bakr al-Darbandi and his Sufi encyclopaedia *Raihan al-Haqaiq* ('Garden of Truths'), see Alikberov (2003).
14 The Naqshbandi *tariqah* is named after *Khwaja* (Sufi master) Baha al-Din Naqshband Bukhari (d.1389), a native of Bukhara in Central Asia. The core ideational principles of Naqshbandiyya are: 'reclusion in the community'; 'externally amongst people'; and 'internally with God'. At a practical level, Naqshbandiyya was characterised by flexibility in allowing its members to combine Sufi mysticism with engagement in various worldly activities and *dhikr-i khafi* ('quiet recollection of Allah') which contrasted with *dhikr-i zhahri* ('loud recollection of Allah') (Yemelianova 2019: 24–25).
15 The Qadiri *tariqah* is named after Abd al-Qadir al-Jilani (d.1166), a Persian native of Jilan and an adherent of the strictest Hanbali *madhhab*. Although his line of ascription did not extend before the fourteenth century, in the fifteenth-sixteenth centuries the Qadiri *tariqah* was introduced in Syria

and Egypt and, in the early seventeenth century, Ismail Rumi (d.1631) established it in Istanbul, from where it might have spread to the Caucasus (Trimingham 1998: 41, 44).

16 The *dhikr* ('recollection of Allah') is the central Sufi practice which constitutes the pivot of mysticism. It consists of the repeated recitation of litanies founded on the Qur'an and fixed phrases. As aforementioned, some *tariqahs*, including the Naqshbandiyya, practise a quiet, internal *dhikr* (*dhikr-i khafi*), while al-Qadiriyya and some other *tariqahs* conduct loud *dhikr* (*dhikr-i zhahri*) (Bennigsen and Wimbush 1985: 78–83).

17 Similar reasons accounted for the prevalence of Sufi Islam in Central Asia. See Yemelianova (2019: 15–18).

18 The Kaitag *Usmiyat* was one of the largest and most powerful of the polities in central Dagestan in the medieval period. It bordered the *Shamkhalat* Tarki and Akusha in the north, Kazi-Kumukh in the west and Tabasaran and Darband in the south (see Chapter 6).

19 The term 'free society' was introduced by Russian researchers in the nineteenth century. It was used in relation to several inter-linked semi-independent rural communities which were grouped around the largest of them. The term's accuracy has been questioned by some contemporary scholars of the northern Caucasus (Gadzhiev 1981: 25).

20 According to some other Chechen researchers the number of the Chechen *taips* exceeded 130 (Mamakaev 1973: 100).

21 In some communities the position of foreman was de facto hereditary (Saidov 1968: 200).

22 For discussion of *'adat* norms during the war, see Krikorova and Katakhia et al. (2002).

23 The Great *Yasa* consisted of two parts: the *Yasa* proper and the *Bilik* ('Wisdom'). The former included 58 customary administrative, criminal, civic and family rulings, while the latter contained 30 moral pronouncements based on Genghiz Khan's sayings.

24 On the socio-cultural and political implications of the Genghizid rule over most of Eurasia, see Yemelianova (2019: 33–34).

25 Svetlana Akkieva's field-work findings in Dagestan, 2007–15.

26 Kantseliariia voennogo gubernatora Dagestanskoi oblasti, gor. Temir-Khan-Shura, 1883–1917. TSGARD, f.2, o.3, d.140, p.5; Komisiia po razboru soslovno-pozemel'nykh prav tuzemnogo naseleniia Yuzhnogo Dagestana, gor.Derbent Dagestanskoi oblasti, 1869–1882 gg. TSGARD, f.150, o.1, d.1, p.6. -V; f.150, o.1, d.1, p.6.

27 Svetlana Akkieva's field-work findings, El'brus district of Kabardino-Balkaria, 2002–2005.

28 In the nineteenth century an average *kalym* varied from 80 to 100 silver roubles (Zelkina 2000: 220).

29 A similar practice, known as 'milk brotherhood', existed in Georgia.

30 Imam Shamil's campaign against *'adats* drew on anti-*'adat* perceptions of his predecessor Ghazi Muhammad. See Kemper (2004).

31 According to *shari'ah*, a caught thief had his, or her right hand amputated for the first time, the left for the second, right leg for the third, the left for the fourth and finally beheading for the fifth (Zelkina 2000: 221–222).

32 Voennoe upravlenie na Kavkazskoi linii i v Chernomorii. RGVIA, f.13454, o.2, d.595.

33 Here the term 'Islamic revival' is used to describe a dual process – the public resurfacing of regional Islam in the conditions of de-Sovietisation, and Caucasian Muslims' partial re-Islamisation along the lines of so-called 'normative' or Salafi Islam under the impact of globalisation.

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