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Islam and Dispute Resolution in Central Asia: The Case of Women Muslim Leaders

DAVID E. MERRELL*

This quick study highlights the need for future research among Muslim leaders, especially women leaders (otinoyi singular; otinoyilar plural), on the neglected topic of how Islam influences dispute resolution in Central Asia. The post-Soviet countries of Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan) have Muslim-majority populations and secular governments. As such, Islamic jurisprudence is not a source of state law and official Islamic courts do not exist there as in many other Muslim-majority countries.1 Islamic courts and jurisprudence did prevail in Central Asia but they were abolished by the Soviet Union and replaced with secular Soviet laws and courts.2 Therefore, it is easy to assume that Islamic legal authorities no longer influence the resolution of interpersonal disputes in Central Asia. Before accepting this assumption, it is necessary to explore the role of Islam in non-state dispute resolution processes in Central Asia.

In a study of customary law, Beyer found that aksakals (literally ‘white beard’ or respected male elders) in northern Kyrgyzstan sometimes process disputes in mosques and sometimes invoke the term ‘shariat’ when processing disputes.3 In 2006 in a village in southern Kyrgyzstan a respected mulla mediated the terms of the sale of a piece of land and witnessed the sale in writing.4 Also in southern Kyrgyzstan Giovarelli and Akhmatova found that Muslim laws are important to Uzbeks and that male Muslim leaders sometimes sit on aksakal dispute resolution councils and sometimes help women regarding family problems.5

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1 See, for example, Clark B. Lombardi, State Law as Islamic Law in Modern Egypt: The Incorporation of the Shari'a into Egyptian Constitutional Law, ed. Ruud Peters and Bernard Weiss, vol. 19, Studies in Islamic Law and Society (Boston: Brill, 2006).
4 14 February 2011 personal communication with an eye-witness to the transaction.
At least one anecdotal news report found that male Muslim leaders in Tajikistan also process disputes over family issues like alimony, divorce, and inheritance. As for women Muslim leaders, *otinoyilar* have taught Islamic principles, led Muslim ceremonies, and exerted influence among women in Central Asia since at least the 19th century. The *Islom Intsiklopediya* published by the state in Uzbekistan defines *otinoyi* as follows:

> *Otin, Otinoyi* – teacher of girls in Central Asian religious schools (maktabs). *Otinoiylar* acted as leaders in holding religious ceremonies among women (for example, Muhammad’s birthday feast (mavlud), commanding the good, forbidding the sinful, etc.) and were also engaged in giving them religious instruction.

*Otinoiylar* generally derive their authority and respect from belonging to sacred lineages and/or their religious education and knowledge. During the Soviet repression of religion they helped preserve Islam in Soviet Central Asia. A Soviet ethnographer even listed the *Bibiotun* (synonym for *otinoyi*) as a ‘Religious Institution’ for young boys and girls alongside the Mosque, Maktab (Islamic Primary School), and Mazar (Muslim saint’s tomb; cemetery). In post-Soviet Uzbekistan Islamist *otinoiylar* have emerged who promote Islamic reform and exert authority based on their greater Islamic learning rather than sacred lineages. According to Kramer, the Islamist *otinoiylar* preach a “pure” Islam, pretending to follow only Qur’an and Hadis, refusing and opposing most of the traditional Uzbek rituals, the cult of saints and heterodox healing methods.

With regard to their role in processing disputes, Keller states that male and female Muslim leaders acted as counselors and mediators in pre-Soviet Central Asia. In contemporary times, Giovarelli and Akhmatova found that *mahalla* (neighborhood) women’s councils help process disputes in southern Kyrgyzstan and that the chair of all women’s councils in one region of southern Kyrgyzstan was a *hajji* (one who has performed the pilgrimage to Mecca) who gives religious and customary advice to women and speaks with

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13 Kramer, 'The Uzbek Example of the 'Otin' and 'Xalfa'', p. 375.
husbands who abuse and neglect their wives.\textsuperscript{15} Peshkova found that \textit{otinoyilar} in the Ferghana Valley of Uzbekistan interpret Islamic law and give advice based on their interpretations.\textsuperscript{16} She also states in passing that \textit{otinoyilar} mediate conflicts within families.\textsuperscript{17}

Based on these limited initial findings it is uncertain how and to what extent Muslim leaders, especially women leaders, use Islam to influence the resolution of interpersonal disputes in Central Asia. As women in Central Asia have restricted access to mosques, it is unclear whether \textit{otinoyilar} use Islamic institutions like the mosque as a venue to process disputes.\textsuperscript{18} Furthermore, while scholars have documented that \textit{otinoyilar} interpret and use textual Islamic sources like the Qur’an and Hadith to give advice, scholars do not know whether they use such sources to encourage parties to settle disputes. In order to gain a better understanding of this process scholars should analyse how and to what extent \textit{otinoyilar} help process disputes. In addition to providing information on how disputes are processed in post-Soviet Central Asia, this will contribute to the literature on Islam in Central Asia and provide important comparisons to Islamic and gender studies in Muslim-majority regions worldwide.

Because women conduct most of the research on \textit{otinoyilar} in Central Asia\textsuperscript{19} and gender studies in Muslim contexts worldwide,\textsuperscript{20} a male researcher might add new insights. While a male researcher must rely on previously published field research of women-led religious ceremonies, a male researcher can interview men that surround \textit{otinoyilar}, especially male Muslim leaders and men who process disputes.\textsuperscript{21} Asking men how they are affected by women Muslim leaders might provide an interesting contrast to the typical report of how Muslim men affect the lives of women. Usmanova, for example, with regard to \textit{otinoyilar} in Tajikistan, states, ‘sometimes cultural identity and traditional values represented by female clergies are stronger and more influential than orthodox Islamic ideas and economics [promoted by male government and religious leaders]’.\textsuperscript{22}

\textsuperscript{15} Giovarelli and Akmatova, 'Local Institutions That Enforce Customary Law', pp. vii, 8; Frank and Mamatov, Dictionary of Central Asian Islamic Terms.
\textsuperscript{17} Peshkova, 'Otinchalar in the Ferghana Valley', 130n137 ('I agree with Gorshunova’s assessment of \textit{otinchalar} as a mechanism of conflict mediation. The discussion of this issue, however, is beyond the scope of my dissertation.’ (citing Gorshunova, O. V. 2001 Otyncha. Etnograficheskoe Obozrenie)).
\textsuperscript{18} Svetlana Peshkova, 'Bringing the Mosque Home and Talking Politics: Women, Domestic Space, and the State in the Ferghana Valley (Uzbekistan)', Contemporary Islam 3, no. 3 (2009).
\textsuperscript{21} For an example of women-led ceremonies, see Marfua Tokhtakhojaeva, The Re-Islamization of Society and the Position of Women in Post-Soviet Uzbekistan, Inner Asia Series (Folkestone, UK: Global Oriental, 2008), pp. 48-51; Peshkova, ‘Otinchalar in the Ferghana Valley’, 373.('men that surround women leaders should also be considered in the research')
Finally, more information on how and to what extent *otinoyilar* help process disputes can contribute to the scholarship on Islam in Central Asia. Despite the Soviet repression of Islam, many scholars note the survival or ‘revival’ of Islam in post-Soviet Central Asia. In addition to political Islam, scholarship on this revival has focused on the diversity of Muslim practices in Central Asia and the debate over whether they are allowed or proscribed by Islamic jurisprudence. Islamic jurisprudence, however, addresses more than just individual religious practices. It also addresses interpersonal relations, an aspect of the literature on Islam in Central Asia that has been neglected. A future study on Muslim leaders in Central Asia can confirm that the post-Soviet Islamic revival in the region extends to interpersonal relations and explore the diverse ways in which Central Asians invoke Islam to process disputes.

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