



# BRISMES

British Society for Middle Eastern Studies

## New Middle Eastern Studies

Publication details, including guidelines for submissions:

<http://www.brismes.ac.uk/nmes/>

---

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

Author(s): David E. Merrell

**To cite this article:** Merrell, David E., 'Islam and Dispute Resolution in Central Asia: The Case of Women Muslim Leaders', *New Middle Eastern Studies*, 1 (2011), <<http://www.brismes.ac.uk/nmes/>>.

**To link to this article:** <http://www.brismes.ac.uk/nmes/archive/237>

Online Publication Date: 15 June 2011

---

#### Disclaimer and Copyright

The NMES editors and the British Society for Middle Eastern Studies make every effort to ensure the accuracy of all the information contained in the e-journal. However, the editors and the British Society for Middle Eastern Studies make no representations or warranties whatsoever as to the accuracy, completeness or suitability for any purpose of the content and disclaim all such representations and warranties whether express or implied to the maximum extent permitted by law. Any views expressed in this publication are the views of the authors and not the views of the Editors or the British Society for Middle Eastern Studies.

Copyright New Middle Eastern Studies, 2011. All rights reserved. No part of this publication may be reproduced, stored, transmitted or disseminated, in any form, or by any means, without prior written permission from New Middle Eastern Studies, to whom all requests to reproduce copyright material should be directed, in writing.

#### Terms and conditions:

This article may be used for research, teaching and private study purposes. Any substantial or systematic reproduction, re-distribution, re-selling, loan or sub-licensing, systematic supply or distribution in any form to anyone is expressly forbidden.

The publisher does not give any warranty express or implied or make any representation that the contents will be complete or accurate or up to date. The accuracy of any instructions, formulae and drug doses should be independently verified with primary sources. The publisher shall not be liable for any loss, actions, claims, proceedings, demand or costs or damages whatsoever or howsoever caused arising directly or indirectly in connection with or arising out of the use of this material.

---

NEW MIDDLE EASTERN QUICK STUDIES

---

# 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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>

---

\* David E. Merrell is a Ph.D. Candidate in the School of Law at the University of Washington (merrelld@uw.edu).

<sup>1</sup> 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).

<sup>2</sup> F. J. M. Feldbrugge, 'Criminal Law and Traditional Society: The Role of Soviet Law in the Integration of Non-Slavic Peoples', *Review of Socialist Law* 3 (1977); Paul Georg Geiss, *Pre-Tsarist and Tsarist Central Asia: Communal Commitment and Political Order in Change* (New York: RoutledgeCurzon, 2003).

<sup>3</sup> Judith Beyer, 'According to Salt: An Ethnography of Customary Law in Talas, Kyrgyzstan' (Dissertation, Martin-Luther-Universität, 2009).

<sup>4</sup> 14 February 2011 personal communication with an eye-witness to the transaction.

<sup>5</sup> Renee Giovarelli and Cholpon Akmatova, 'Local Institutions That Enforce Customary Law in the Kyrgyz Republic: And Their Impact on Women's Rights', *Agriculture & Rural Development e-Paper* (2002) pp. 7, 9, 15.

At least one anecdotal news report found that male Muslim leaders in Tajikistan also process disputes over family issues like alimony, divorce, and inheritance.<sup>6</sup>

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 19<sup>th</sup> century.<sup>7</sup> The *Islom Intsiklopediya* published by the state in Uzbekistan defines *otinoyi* as follows:

*Otin, Otinoyi* – teacher of girls in Central Asian religious schools (*maktabs*). *Otinoyilar* 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.<sup>8</sup>

*Otinoyilar* generally derive their authority and respect from belonging to sacred lineages and/or their religious education and knowledge.<sup>9</sup> During the Soviet repression of religion they helped preserve Islam in Soviet Central Asia.<sup>10</sup> 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).<sup>11</sup> In post-Soviet Uzbekistan Islamist *otinoyilar* have emerged who promote Islamic reform and exert authority based on their greater Islamic learning rather than sacred lineages.<sup>12</sup> According to Kramer, the Islamist *otinoyilar* 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'.<sup>13</sup>

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.<sup>14</sup> 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

---

<sup>6</sup> Kayumars Ato, 'Tajiks Increasingly Turning to Shari'a to Resolve Disputes, Family Affairs', *Eurasianet.org* September 12, 2010.

<sup>7</sup> See, for example, Annette Kramer, 'Crisis and Memory in Central Asian Islam: The Uzbek Example of the 'Otin' and 'Xalfa' in a Changing Environment', in *Crisis and Memory in Islamic Societies: Proceedings of the Third Summer Academy of the Working Group Modernity and Islam Held at the Orient Institute of the German Oriental Society in Beirut*, ed. Angelika Neuwirth and Andreas Pflitsch, *Beiruter Texte Und Studien*, Bd. 77 (Beirut: Ergon Verlag Wurzburg in Kommission, 2001), pp. 366-367; Colette Harris, *Control and Subversion: Gender Relations in Tajikistan*, Anthropology, Culture, and Society (Sterling, VA: Pluto Press, 2004), pp. 36, 44, 47.

<sup>8</sup> 'Otin, Otinoyi', in *Islom Intsiklopediya* (Tashkent: Davlat Ilmiy Nashriyoti, 2005), p. 191 trans. David E. Merrell.

<sup>9</sup> See, for example, Marianne Kamp, *The New Woman in Uzbekistan: Islam, Modernity, and Unveiling under Communism*, Jackson School Publications in International Studies (Seattle: University of Washington Press, 2006), pp. 77-81; Razia Sultanova, 'Qadiriyya Dhikr in Ferghana Valley', in *Journal of the History of Sufism* (Istanbul: Simurg: Society for the Study of Oriental Culture, 2000), pp. 534-535.

<sup>10</sup> Habiba Fathi, 'Otines: The Unknown Women Clerics of Central Asian Islam', *Central Asian Survey* 16, no. 1 (1997) pp. 32-34; Oidinposha Imamkhodjaeva, 'Religious Practices: Preaching and Women Preachers: Central Asia', in *Encyclopedia of Women & Islamic Cultures*, ed. Suad Joseph (Boston, MA: Brill, 2003), p. 336.

<sup>11</sup> Sergei Petrovich Poliakov, *Everyday Islam: Religion and Tradition in Rural Central Asia*, ed. Martha Brill Olcott, trans. Anthony Olcott (Armonk, NY: M.E. Sharpe, 1992); Allen J. Frank and Jahangir Mamatov, *Dictionary of Central Asian Islamic Terms* (Springfield, VA: Dunwoody Press, 2002).

<sup>12</sup> Fathi, 'Otines', pp. 40-41; ———, 'Gender, Islam, and Social Change in Uzbekistan', *Central Asian Survey* 25, no. 3 (2006) pp. 311-313.

<sup>13</sup> Kramer, 'The Uzbek Example of the 'Otin' and 'Xalfa'', p. 375.

<sup>14</sup> Shoshana Keller, *To Moscow, Not Mecca: The Soviet Campaign against Islam in Central Asia, 1917-1941* (Westport, CT: Praeger, 2001), p. 11.

husbands who abuse and neglect their wives.<sup>15</sup> Peshkova found that *otinoyilar* in the Ferghana Valley of Uzbekistan interpret Islamic law and give advice based on their interpretations.<sup>16</sup> She also states in passing that *otinoyilar* mediate conflicts within families.<sup>17</sup>

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 *otinoyilar* use Islamic institutions like the mosque as a venue to process disputes.<sup>18</sup> Furthermore, while scholars have documented that *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 *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 *otinoyilar* in Central Asia<sup>19</sup> and gender studies in Muslim contexts worldwide,<sup>20</sup> 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 *otinoyilar*, especially male Muslim leaders and men who process disputes.<sup>21</sup> 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 *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]'.<sup>22</sup>

---

<sup>15</sup> Giovarelli and Akmatova, 'Local Institutions That Enforce Customary Law', pp. vii, 8; Frank and Mamatov, *Dictionary of Central Asian Islamic Terms*.

<sup>16</sup> Svetlana Peshkova, 'Otinchalar in the Ferghana Valley: Islam, Gender and Power (Uzbekistan)' (Dissertation, Syracuse University, 2006); see also Deniz Kandiyoti and Nadira Azimova, 'The Communal and the Sacred: Women's Worlds of Ritual in Uzbekistan', *The Journal of the Royal Anthropological Institute* 10, no. 2 (2004) p. 334.

<sup>17</sup> Peshkova, 'Otinchalar in the Ferghana Valley', 130n137 ('I agree with Gorshunova's assessment of *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 Otyntcha. Etnoragraficheskoe Obozrenie)).

<sup>18</sup> 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).

<sup>19</sup> See, for example, Habiba Fathi, 'Female Mullahs, Healers and Leaders of Central Asian Islam: Gendering the Old and New Religious Roles in Post-Communist Societies', in *Ethnicity, Authority and Power in Central Asia: New Games Great and Small*, ed. Robert L. Canfield and Gabriele Rasuly-Palczek (New York: Routledge, 2010); Razia Sultanova, *From Shamanism to Sufism: Women, Islam and Culture in Central Asia* (London: I. B. Tauris, 2010); cf. Bruce G. Privratsky, 'Turkistan Belongs to the Qojas': Local Knowledge of a Muslim Tradition', in *Devout Societies Vs. Impious States?: Transmitting Islamic Learning in Russia, Central Asia and China, through the Twentieth Century: Proceedings of an International Colloquium Held in the Carré Des Sciences, French Ministry of Research, Paris, November 12-13, 2001*, ed. Stéphane A. Dudoignon, *Islamkundlich Untersuchungen* (Berlin: Klaus Schwarz Verlag, 2004).

<sup>20</sup> See, for example, Arzoo Osanloo, *The Politics of Women's Rights in Iran* (Princeton, NJ: Princeton University Press, 2009); Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate* (New Haven: Yale University Press, 1992).

<sup>21</sup> For an example of women-led ceremonies, see Marfua Tokhtakhodjaeva, *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')

<sup>22</sup> Zulaikho Usmanova, 'The Complexity and Multiplicity of Gender Identities in Central Asia: The Case of Tajikistan', in *Gender Politics in Post-Communist Eurasia*, ed. Yusup Razykov and Katherine O'Sullivan See (East Lansing, MI: Michigan State University Press, 2009), p. 278.

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.<sup>23</sup> 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.<sup>24</sup> 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.<sup>25</sup> 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.

---

<sup>23</sup> See, for example, Kathleen Collins, *Islamic Revivalism and Political Attitudes in Uzbekistan* (Washington, D.C.: National Council for Eurasian and East European Research, 2007); Adeeb Khalid, 'The Revival of Islam', in *Islam after Communism: Religion and Politics in Central Asia* (Berkeley: University of California Press, 2007).

<sup>24</sup> See, for example, Johan Rasanayagam, 'Healing with Spirits and the Formation of Muslim Selfhood in Post-Soviet Uzbekistan', *The Journal of the Royal Anthropological Institute* 12, no. 2 (2006); Eric M. McGlinchey et al., 'Part 6. Religion', in *Everyday Life in Central Asia: Past and Present*, ed. Jeff Sahadeo and Russell G. Zanca (Bloomington: Indiana University Press, 2007).

<sup>25</sup> Ashirbek Muminov, 'Muslim Law in Central Asia', in *Central Asian Law: An Historical Overview: A Festschrift for the Ninetieth Birthday of Herbert Franke*, ed. Wallace Johnson and Irina F. Popova (Lawrence, KS: Society for Asian Legal History, the Hall Center for the Humanities, the University of Kansas, 2004), pp. 55, 61.