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Legal Pluralism in the Northwest Caucasus: The Role of Sharia Courts

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Although it has been perhaps the most quiescent region in southern Russia, the Northwest Caucasus (Kabardino-Balkaria and Karachayevo-Cherkessia) has repeatedly demonstrated the potential for violent conflict since the fall of the Soviet Union. Since the 1999 presidential elections in Karachayevo-Cherkessia, when the republic very nearly descended into civil war, terrorist acts have occurred on a regular basis, and the republic recently experienced another divisive conflict over the scheduling of the 2003 elections. Kabardino-Balkaria currently faces a similar crisis, as the reelection of President Valeri Kokov on 13 January is facing the same sort of challenge that ignited unrest in Karachayevo-Cherkessia in 1999. While Kokov's wide popularity and autocratic rule should avert violence in the near future, the electoral challenge points to a level of discontent in the republic that could escalate when Kokov retires.

Against this background, an Islamic renaissance is making itself felt in the rural areas of both republics which has resulted in an increasing influence of *sharia* jurisprudential theory in law enforcement and civil mediation in those areas. Currently, three factions are competing for ideological control of these courts. Most citizens over 40 adhere to Islam as it has been traditionally practiced in the region. This form of Islam has been influenced to some extent by Sufism and, to a much greater degree than in Chechnya, by pre-Islamic traditions. The courts preferred by this group are based upon local *adat*, or customary, law with certain aspects of *sharia* incorporated. The second group is led by Arab scholars from Islamic universities, most notably Al-Azhar University in Cairo, who promote a reformation to bring practices into line with the canonical version of one of the four Madhhabs, or schools of legal thought. These scholars will be assisted in the near future by local youths who are currently studying at Al-Azhar and other Middle Eastern Islamic centres and who will be returning over the next decade. The third group comprises various reformist movements which are generally categorised together as 'Wahhabis', although true Wahhabi adherents represent only the largest faction of this group. These groups share the common goal of imposing their own draconian interpretations of Islam on the entire area, with the more militant factions aspiring to the creation of an Islamic republic. The outcome of this competition will have serious long-term ramifications for the stability of the Northwest Caucasus, and this article will address the issues involved, the possibilities for achieving a peaceful resolution, and the scenarios that are likely to develop based upon the current situation and the federal government's attempts at intervention.

The Northwest Caucasus: Background

The fact that the Northwest Caucasus has escaped the sort of open, widespread conflict that has beset Chechnya is partially due to the heterogeneity of its population, second only to that of Dagestan in the entire Russian Federation. With a population of 436,300, Karachayevo-Cherkessia is home to five ethnic groups with significant populations. Russians and Karachai are almost equally represented in the republic and constitute approximately 80 per cent of the population. Nearly ten per cent are Cherkess, while the Abazas and Nogai comprise six and three per cent respectively. Numerous other groups are represented in smaller numbers throughout the republic. In Kabardino-Balkaria, Russians and Kabards constitute 80 per cent of that republic's population of 790,000, with Balkars representing 10 per cent. Ukrainians and Ossetians are one per cent each. Both republics are also home to at least 15,000 Meskhetian Turks, who were expelled from Krasnodar *krai* in the early 1990s and who are awaiting repatriation to Georgia. Further complicating the situation is the division among the Russian population between native Cossacks, recently declared an indigenous ethnic group, and Russian immigrants, some of whom were forcibly settled in the region after the deportation of the Karachai and Balkars during the Second World War, and others of whom have been there since pre-Soviet times. The deportations and the subsequent problems arising from the deported peoples' return resulted in polarisation of the societies of the Northwest Caucasus, particularly between the Karachai and the other ethnic groups in their republic, and disruption of traditional demographic patterns (Comins-Richmond, 2002b, pp. 63–79). In addition, misguided Soviet ethnic policies aimed at impeding a united North Caucasus mentality among the peoples there has created groups of minute ethnic populations vehemently opposed to any form of assimilation or even cooperation for mutually beneficial goals (Mints, 2001, p. 99). The very configuration of the republics exacerbates this problem: the Karachai and Balkars speak the same Kipchak Turkic dialect and consider themselves one ethnic group, while the Cherkess and Kabards are closely related Adygei peoples who speak dialects of the North Caucasus language group.

Political elites in the republics, engaged in a power struggle since 1991, have exploited ethnic tensions for their narrow personal interests while the economies crumble. As the politicians concentrated their efforts on establishing and consolidating their power bases, the rural dwellers were left to fend for themselves. Operating as *de facto* reservations, the numerous ethnic enclaves began to conduct legal and civil matters in accordance with the three primary systems that dominated prior to 1922: sharia, adat, and a longstanding form of interfamilial diplomacy (Markedonov, 2001, p. 33).

Islam came to the Northwest Caucasus from two different directions. As in Chechnya, the earliest contacts were with Sufi brotherhoods that came from Dagestan between the eleventh and fourteenth centuries (Akayev, 1999, pp. 3–8). However, the Sufis never made serious inroads into the Northwest. When the peoples of the region were finally converted, it was according to the Hanafi Madhhab of Sunni Islam promoted by the Ottoman Empire.¹ Even then, pre-Islamic traditions continued and were retained in the local adat. While theoretically the sharia holds a position of authority far above the adat,

Muslim jurisprudence generally allows for the use of 'adat on condition that it should not contravene the Shari'ah. At the same time many Islamized peoples retain customs which are not always in conformity with Islamic precepts and more often than not contradict them. Moreover, Shari'ah norms are often realized only through becoming an inseparable part of local customs and getting accepted by them. (Siukiiainen, 1999)

This is particularly true in the Northwest Caucasus, where Islam was fully adopted quite late. Local customs and traditions were well established long before the arrival of Islam, and therefore incorporate pagan principles that often not only contradict the sharia, but are unambiguously condemned by it. Additionally, as adat laws were heavily dependent upon clan affiliations, there are numerous version of adat functioning throughout the North Caucasus (Siukiainen, 1999). Islamic reformers in Dagestan and Chechnya, most notably Imam Shamil, have tried in the past to rectify this situation by reducing dependence upon the adat in favour of sharia, but with limited and temporary success. In the Northwest Caucasus there has never been a serious effort to restrict adat, and so practices there tend to diverge significantly from canonical Islamic practice.

The imperial government took a non-interventionist stance toward the legal establishment in the North Caucasus. From 1807 tsarist Russia allowed sharia and adat courts to function side by side with Russian governmental courts, as long as the cases dealt with did not include ethnic Russians. The multiplicity of local adat courts was not addressed during the legal reforms of the 1860s, when the imperial government had the opportunity to codify the rules under which these courts functioned, and as a result the judicial system in the North Caucasus remained a patchwork of locally administered courts until the arrival of Soviet power (Babich, 2000, p. 4).

The first changes came about in 1922 (Yemel'yanov, 2002) when the government replaced the adat courts with so-called sharia law courts, which were in fact thinly disguised Soviet courts. By 1929 all local forms of jurisprudence were outlawed, and the adat courts were forced underground. In ensuing decades several factors contributed to a further distancing of adat law in the Northwest Caucasus from canonical Islamic norms. First, in 1928, thousands of Islamic manuscripts were burnt, eliminating a vital source for future generations. Second, mosques were closed and/or destroyed: by 1987, there were only 11 mosques in the Northwest Caucasus, all of them in Kabardino-Balkaria (Bobrovnikov, 2001, p. 4). Muslims had no public space in which to gather, and the community atmosphere so critical to the survival of a culture was destroyed. Third, as in most of the Soviet Union, the Stalinist purges of the 1930s eliminated most of the secular and the religious intelligentsia (Aslanbek, 1952, pp. 39–42; Karcha, 1958, pp. 39–40). Those who wished to preserve Islam were left without knowledgeable authorities, and were therefore incapable of transmitting the intellectual foundations of their faith. Islam was reduced to little more than ritual, and much of that was coloured with pre-Islamic features (Makarov, 2000, p. 7). Fourth, the Soviet government effectively isolated the Muslims of the North Caucasus from the greater portion of the Islamic world. By closing the borders and restricting travel abroad, the Soviet authorities blocked all possibility of interaction between Soviet and non-Soviet Muslims, and by imposing first the Latin and then later the Cyrillic alphabet upon the populations, they rendered new generations incapable of reading the canonical Islamic languages of Arabic and Farsi. Finally, the mass deportations of the Karachai and Balkars resulted in the loss altogether of a significant amount of their cultural heritage, as the elderly perished at a much higher rate than the general population, taking their memories of pre-Soviet cultural life with them (Comins-Richmond, 2002a, p. 433). The Soviet government's manner of dealing with the deportees after the death of Stalin also contributed to the polarisation of Kabardino-Balkaria and Karachayevo-Cherkessia. The decrees that permitted the deportees to return home made no mention of the falsity of the charges of collaboration with the Nazis that were used as a justification for their forced resettlement, and thus gave the impression that the deportees were merely forgiven. In addition, there was no public announcement in the North Caucasus that the deportees were returning, and so upon their arrival the non-deported peoples had no idea what was actually happening. People who had been resettled

in the North Caucasus after the deportations, primarily Russians and Georgians, were now occupying the former homes of the deportees, and the Soviet government made no serious attempt to address this problem. The livestock the deportees left behind had either died or been confiscated, so many Karachai and Balkars settled in the lowlands rather than their native mountains, further fuelling ethnic tensions.

During the *glasnost*' period, these animosities began to surface, particularly in Karachayevo-Cherkessia, and the various ethnic groups began to develop independent strategies for survival (Comins-Richmond, 2002b, pp. 63–79). At the same time traditional, clan-based systems of self-government, which had been functioning unofficially since the 1950s, began to reappear in response to the federal government's neglect and the local administration's impotence (Babich, 2003). However, because of loss of Islamic scholars and literature during the Stalinist years, the *adat* that emerged contained almost no elements of Islamic law.

Currently, both civil and criminal matters are decided by groups of elders from the families involved, who render judgments through negotiations, as will be discussed more thoroughly below (Babich, 2003). The significant difference between current *adat* proceedings and the underground courts of Soviet times is the participation of Muslim scholars, who are now involved in most important decisions in village assemblies and district administrations (although, as is discussed below, the educational level of these 'scholars' varies widely) (Bobrovnikov, 2001, p. 5). While the older generations have been instrumental in this resurrection of pre-Soviet norms, a recent poll in Kabardino-Balkaria showed that 70 per cent of college students too believed the traditions of the indigenous peoples should remain an integral part of life in the Northwest Caucasus (Shanibov and Kochesokov, 2000, p. 139). There is also widespread interest in the canons of Islamic law among Muslim young people in the former Soviet Union: at the end of 1999 more than 100 middle- and upper-level Islamic institutions were registered in the Russian Federation. Mosques in the Northwest Caucasus have experienced a dramatic increase in attendance, with the majority of newcomers representing the younger generation (Yemel'yanova, 2002, p. 256). Thus the issue is not whether or not the sharia/*adat* courts will continue to play a vital role in the region, but rather which group of competing forces will determine the shape they will ultimately take.

The Traditional Legal System in the Northwest Caucasus

Prior to the arrival of Islam the peoples of the North Caucasus had long-established codes of legal and civil law, which in the Islamic period came to be known by the Arabic term *adat* (customs). While in Chechnya and Dagestan some uniformity in *adat* codes existed, in the Northwest Caucasus and particularly among the mountain peoples various forms of *adat* functioned, based primarily along clan lines.

In matters involving criminal offences, the foundation of the *adat* is the principle of reconciliation and the reestablishment of equilibrium in the community. While sharia punishments are not unknown among the Caucasian peoples, in the Northwest they are quite uncommon; on the other hand, the western corrective method of imprisonment is completely alien. Rather, the focus of *adat* is on the material loss sustained by the crime victim; the criminal act itself is not particularly relevant. The role of the mediators is to determine the compensation the injured party is willing to accept in order to obtain reconciliation. When the criminal offence causes no actual material loss – as in the case of physical assault, for example – the *adat* process establishes a value to the offence suffered by the victim in a manner similar to the 'pain and suffering' judgments in western

civil courts. (An exception is sexual assault, which is usually addressed by compelling the offender to marry the victim.) Furthermore, compensation is not considered a right of the victim, but rather an obligation: injured parties who refuse mediation are subject to ostracism and even hostility by the community at large. With the exception of specific serious crimes, the republican judicial system is used primarily as a threat to a criminal who is hesitant to agree to the terms of mediation. If the authorities become involved in a matter, the injured party will most often refuse to cooperate in prosecution. On other occasions the mediators will intervene in the republican court in an effort to reduce the guilty party's sentence. The most notable exception is premeditated murder, in which case the family of the victim usually insists the matter be taken up by the republican court and calls for the most severe penalty, apparently seeing capital punishment as a corollary to the tradition of vengeance, a longstanding exception to the adat system. In addition, there is an element of familial responsibility in a criminal case. The family of the perpetrator must take specific steps, through the aid of the mediators, to reach reconciliation with the family of the injured party. Even when cases are taken up by the republican court, as in premeditated murder, the mediators still play this role, as they did throughout the Soviet period. Occasionally village residents unrelated to the case at hand will become involved, particularly if the case is sent to the republican court. The adat also regulates issues of inheritance, settling disputes between rival claimants. Thus in the vast majority of cases the adat is a flexible system, the ultimate goal of which is the maintenance of stability in the community and which functions quite well, even when the parties involved are of different ethnic backgrounds (for instance, Kabards and Balkars). Even Russians living in North Caucasus villages will often (but not always) refer certain cases to mediators.

The sharia, by contrast, is a body of religious precepts and guidelines developed over the first few centuries of Islamic history in thousands of volumes of treatises that regulate all aspects of a Muslim's life, both public and private. One dimension of sharia deals with criminal matters, and it is from these principles that Islamic scholars render legal judgments. Mastery of sharia requires many years of study, and so unlike adat, where the parties to an action are involved in the resolution, a sharia judgment can be issued only by a trained imam whose opinion cannot be challenged except by another qualified scholar. While there is some flexibility in sentencing, *had* (corporal) punishment is prescribed for nearly all criminal offences, although material compensation is possible in many cases. The dimension of sharia that deals with rules for inheritance has no flexibility whatsoever, as shares for immediate relatives are specifically stated in the Quran, which cannot be superseded by any other text or scholar. A third dimension of sharia, the *fiqh as-sunnah*, governs aspects of a Muslim's life that are not considered within the realm of legal or civil jurisprudence in either adat or western systems: dress, food and drink, public behaviour, bathing and so on.

While sharia and adat can theoretically coexist, then, the complexity and pervasiveness of the sharia would in practice relegate the adat to a minor and even insignificant role. In the North Caucasus the integration of the two systems followed an opposite pattern: only those sharia laws that did not contradict adat practices were successfully adopted. In the Northwest Caucasus, where Islam never became fully integrated into society, sharia always played a negligible role. Over time, any distinction between the two systems was lost and the resultant fusion was perceived by its practitioners as an Islamic legal system, even though the majority of the practices were derived from pre-Islamic traditions, including rituals that involved alcohol consumption, ancestor worship, sympathetic magic and other *haram* (forbidden) kinds of behaviour.

The Islamic Renaissance in the Northwest Caucasus

The collapse of the Soviet Union left an ideological vacuum throughout the former empire, and the search for 'new identities, a new foundation, a new ideology for their societies' became a central issue for the non-Russian peoples (Babich, 2003). Soviet nationalities policies instilled virtually every ethnic group with a sense of national identity, and so nationalism naturally became the first ideology to gain widespread popularity. On the other hand, Islam was well suited to the role of a new ideology, and an Islamic renaissance occurred throughout the Muslim lands of the Soviet Union. However, this movement quickly produced a diverse group of ethnically based Islamic societies in which nationalist issues took centre stage. In Chechnya and Dagestan the Sufi brotherhoods that survived the Soviet period were instrumental in the rise to power of Chechen nationalist General Dzhokhar Dudayev, a former member of the Communist Party of the Soviet Union.

In the Northwest Caucasus, by contrast, there was no dominant ethnic group, and as a result Islamic societies were linked to smaller nationalist movements whose goals have been effectively thwarted by the entrenched political elites who play off one group against another to further their own aspirations. The first such ethnically-based organisations appeared during *glasnost* and focused on the protection of the rights of their constituents. At the same time, these groups concerned themselves with issues of cultural autonomy, particularly the establishment of schools in which children would learn their native languages and the customs of their ancestors. The organisations also became social welfare groups, providing moral and material assistance to the poorest families (Smirnova, 1993, pp. 4–7).

Simultaneously, strictly religious organisations appeared in rapid succession: by 1993 there were at least 73 Islamic societies in Karachayevo-Cherkessia, and in 1994 approximately 100 societies were registered in Kabardino-Balkaria (Babich, 2000, p.14). However, these societies suffered from a severe lack of trained religious leaders: in the entire Northwest Caucasus there were fewer than 20 professionally educated imams. The leaders of most of the societies were all self-educated. Nevertheless, the societies were effective in the distribution of Islamic literature which, thanks to the financial assistance of diaspora communities, they were able to provide free to the public. Small numbers of young people went to study in recently-opened Islamic institutes in Nazran, Grozny, Dagestan and Central Asia, while children were educated in a piecemeal manner in either local schools or mosques. Islamic courses were offered at the pedagogical institutes in the republics, but after an initial wave of enthusiasm the number of students suffered a dramatic decline. The Islamic Institute in Nal'chik has plans to reopen in the near future, and there are a dozen madrassahs and an Islamic institute in Karachayevo-Cherkessia (Bobrovnikov, 2001, p. 14).

Finally, and most significantly for the present subject, the governments of Middle Eastern states began offering young people from the North Caucasus scholarships to Islamic institutes, most notably King Fahd Institute in Saudi Arabia, Az-Zaitun in Tunis, Al-Qurawiya in Morocco, and Al-Azhar in Cairo. Al-Azhar has been particularly active in recruiting students from the North Caucasus; there such students study in the Faculties of Sharia and Law, Proselytising and Theology. Unlike that of the majority of the university students the level of Islamic knowledge of the North Caucasus students upon admission is generally quite low. These students need a minimum of seven years' basic study before admission into the four-year advanced course in Islamic Law (Bobrovnikov, 2001, p. 8). Thus the majority of students have not yet returned home. The establishment of sharia-influenced courts in the North Caucasus was the work of several hundred

Al-Azhar graduates of Arab origin who are currently in the former Soviet Union (Bobrovnikov, 2001, p. 9). Scholars from Al-Azhar are also on the faculty of the Abu Hanifah Islamic Institute in Cherkessk, which at its peak served 150 students. Ironically, despite the fact that only ten of Kabardino-Balkaria's 138 official imams have any higher religious education, most graduates from the Institute are unable to find employment, and the local government's failure to support religious endeavours has led to the recent closure of two mosques and a nearly 40 per cent drop in enrolments in the Institute (Vypuskniki, 2002). These phenomena might be explained by the fear felt by the current local religious leadership that these younger, better educated scholars may bring with them fundamentalist ideas that will politicise Islam in the Northwest Caucasus (Malashenko, 2002, pp. 15–16). However, it also seems that the religious leaders, who are currently involved in power struggles amongst themselves, are fearful of future competition for control of the muftiates and wish to keep as much control as possible on the appointment of imams favorable to them (Mukhametshin, 2002).

One feature of Islamic organisational structure in the North Caucasus is its republic-specific, and in the case of Dagestan ethnic-specific, nature. In the Northwest, Kabardino-Balkaria has its own spiritual directorate, while Karachayevo-Cherkessia and Stavropol' *krai* are united under one directorate, with its headquarters in the Karachai village of Pervomaiskoye. Beneath the directorate mufti are *rais-imams*, who supervise the activities of the village imams. A few imams have received their education at Islamic institutes abroad, primarily in Saudi Arabia and Syria, as well as the republican Islamic institutes. Others have completed the two-year course in Arabic offered at the Islamic Institute in Nal'chik, while the majority of imams are simply villagers who know some prayers in Arabic (Babich, 2000, p. 15). The directorates' main focus has been the weeding out of non-Islamic practices from the local customs, although in this effort they have been uniformly unsuccessful. While imams have been able to persuade villagers to abandon certain non-Islamic rites connected with weddings and funerals, the villagers generally return to their traditional practices after a short period of time (Babich, 2000, p. 18). Attempts to establish Islamic laws of inheritance have been even less successful, and there is no indication that the older generations will adopt such laws in the near future (Babich, 2000, p. 18). On the other hand, the younger villagers are not only more likely to be influenced by the spiritual directorate, but also to obtain a genuine Islamic education and return home to aid in the establishment of canonical Islamic practices. This process would increase the legitimacy of the spiritual directorates, which currently do not enjoy widespread respect among Russian Muslims, who view the muftis as too accommodating to the federal government. In fact, the federal and republican governments have made it an unofficial policy to appoint ineffectual leaders to the spiritual directorates who can be easily controlled and who are not eager to expand the role of Islamic law into areas outside those of its traditional influence – that is, the regulation of major life events such as birth, marriage and funerals – and instead focus upon the codification of existing rules. The majority of the rural population have supported the expansion of sharia into more aspects of village life, although the disastrous events in Chechnya have dampened this enthusiasm (Babich, 2000, p. 23).

It seems that the truth of the matter is that the sharia was originally looked to by the peoples of the North Caucasus not for its practical implications, but rather for its symbolism as a solution to the severe problems facing the Muslims of the North Caucasus after the collapse of Soviet rule (Bobrovnikov, 2001, p. 6). In discussing the Russian Muslims' desire for a more proactive version of Islam, Anna Matveeva notes:

The new situation of transition, in which societies faced essentially modern

challenges, required new answers. Traditional Islam failed to develop any kind of social teaching which might have extended its function into the daily lives of ordinary people. Sufi mysticism inclined towards more puritanical and anti-worldly attitudes: it could offer neither consolation nor moral guidelines in the time of profound change, nor could it contribute to the new orientation of the people. In societies where social polarization became acute and the palaces of the 'new rich' rose as bastions of luxury amidst a sea of massive impoverishment, the traditional clergy kept its voice down on the matter of social justice. Neither did it initiate a social security net like that in pre-revolutionary Iran or present-day Algeria to substitute for the failures of the secular authorities. (Matveeva, 1999)

Moreover, the burden of observance of local Muslim traditions often became unbearable. Both in Central Asia and in the Caucasus communal customs surrounding family rituals were rather manifestations of traditional practices than strictly originating in the Quran. As living standards rose in Soviet times, the pressure to organise expensive weddings, funerals and so on increased correspondingly. Such rituals in the period of transition became too demanding for the impoverished populations to comply with.

The governments of Kabardino-Balkaria and Karachayevo-Cherkessia are powerless to enforce even the most fundamental laws, and as a result criminal activity is unchecked. As neither the government nor the religious authorities are capable of meeting the needs of a predominantly unemployed and disenfranchised younger generation, Islam's message of universal justice, brotherhood and equality is a potent formula. It is here that the third group competing for control of the sharia courts found their opportunity. As Soviet policies effectively destroyed not only the Islamic intelligentsia but also the ability of the indigenous Islamic society to spread religious material, well-funded Islamist groups from the Middle East have succeeded in gaining influence throughout the Russian Federation. Such groups may have been active in Dagestan in the early 1980s, led by figures such as Mullah Bagauddin, and so when the Soviet Union collapsed in 1991 there was an effective infrastructure in place to spread Islamist propaganda (Matveeva, 1999). Generally lumped together by the press and central government as 'Wahhabis', these groups represent numerous fundamentalist trends within Islam, although the Wahhabis are certainly the most active and successful missionaries. Even the Wahhabis themselves are divided into several competing factions, and only some of those factions promote direct confrontation with the republican governments and secession from the Russian Federation. Without any form of central oversight by the muftiates, Wahhabis have been able to construct their own mosques, establish their own religious schools, and spread their message through lectures and fliers (Akayev, 1999, p. 10). In addition to disaffected young people, militant Wahhabi groups naturally attract anyone who already harbours extremist ideas, and in the North-west Caucasus the ongoing conflict in Chechnya has radicalised many Cherkess, who feel kinship with the Chechens.

A third group that is attracted to militant Wahhabism is a strictly criminal element. According to Wahhabi theology, the practice of any innovation however minor is evidence of *kufir*, or rejection of Islam. As the North Caucasus peoples uniformly violate the Wahhabis' narrow interpretation of Islam, they all fall into the category of *kuffar*, or infidels. The tradition of veneration of ancestors, both a longstanding local custom and an aspect of Naqshbandi Sufism, further marks most North Caucasus residents as *mushrikun*, or polytheists. Basing his ruling upon a decontextualised passage from the Quran, in 1997 the Wahhabi imam Salih Fauzan issued the *fatwa* 'the polytheist stands outside the law, and it is therefore permissible to kill him and take his possessions in the name of Allah'

(Al-Fauzan, 1997, p. 10). It was in line with this this fatwa that Chechen field commanders such as Basayev, Udugov and Yanderbiyev redefined their military campaigns and terrorist activities as *jihad* against an infidel enemy. Common criminals who possess no knowledge of Islam but are adept at firearms likewise fight with these commanders for the booty they can acquire. The presence and influence of such groups in the Northwest Caucasus has recently come to full light with the events following the discovery in mid-August 2001 of 30 kilograms of explosives and detonators in a mountainous region of Karachayevo-Cherkessia. Intelligence reports of so-called 'Wahhabi' influences in the republic led to the 'Filter-1' operation that uncovered the explosives. Subsequent arrests revealed that recent bombings in Mineral'nyye Vody, Yessentuki and Karachayevo-Cherkessia were conducted by a group led by Murat Salpagarov, whose goal was the overthrow of the government of Karachayevo-Cherkessia and the establishment there of an Islamic republic. In the course of the investigation that followed authorities claimed that one of the 29 arrestees, Ramazan Gochiyayev, was the mastermind of the 1999 apartment bombing in Buinaksk. Documents seized revealed the extent of the group's aspirations: the unification of all the North Caucasus republics in a single Islamic caliphate that would then move for unification with Islamic states of the Middle East. It was also learned that islamists from Karachayevo-Cherkessia played a significant role in the uprising in Dagestan in August 1999. Although the conspiracy had no chance of success, the existence of this group caught the Russian government completely by surprise.² The point here, however, is not that the region is heading the way of Chechnya. Rather, as Ivan Gal'chenko has noted, these groups consist for the most part of young men who have been influenced either by a sense of unity with the Chechen cause or by Wahhabi proselytism. In either case, Gal'chenko argues, the acts of these young men point to an ideological vacuum that islamist groups are attempting to fill in order to further their own goals of destabilising the region (Gal'chenko, 2001, p. 85).

A convention of Muslims of Karachayevo-Cherkessia and Stavropol *krai* was held in Cherkessk on 23 March 2001. Participants in the conference called upon the Muslims of all the North Caucasus republics to unite in a common front against religious extremism. Speaking as a guest at the conference, President Vladimir Semenov of Karachayevo-Cherkessia admitted that 'the situation in the republic only appears stable on the surface; in actuality, this is far from the truth, and Wahhabism is flourishing' (Vstrecha, 2003). Unfortunately, the media virtually ignored the event, and nothing came of the participants' exhortations (Kazantsev, 2003). On 26 March 2002 the Ministry of the Interior of Kabardino-Balkaria estimated that approximately 200 Wahhabi adherents were active in the republic (Religiya, 2002). One reason for the ability of the Wahhabis to spread their version of Islam is the disunity of the Muslim spiritual boards which, as mentioned above, were created along ethnic lines shortly after the fall of the USSR. Currently, there are over 40 Muslim boards in Russia, most of them in the North Caucasus, and there are signs that new boards might be formed in the future. With no centralised body to oversee and sanction local activities, unofficial Muslim organisations can easily spread Wahhabist ideology (Bobrovnikov, 2001, p. 5). In addition, political elites have used, and will continue to use, the ethnically based nature of these unofficial organisations for their own purposes, which experience has shown will lead to escalated tensions between ethnic groups.

The federal and republican governments do not seem to understand the dynamics of the traditionalist/Wahhabist conflict, and have taken actions that have raised the level of distrust among the indigenous population. Their indiscriminate and oppressive manner of dealing with anyone who demonstrates public piety is well illustrated by the case of Ruslan Odizhev. Born in Prokhladny in Kabardino-Balkaria in 1973, Odizhev entered the

Islamic Institute in Nal'chik in 1991. In 1993 he was invited to study in Riyadh, Saudi Arabia, but was hospitalised for pneumonia and returned to Kabardino-Balkaria in 1994 with serious cardio-vascular problems. In the mid-1990s he was targeted by federal forces for observation because of his studies in the Middle East, and his home was repeatedly searched and his books confiscated. After the 1999 apartment bombings, surveillance on Odizhev increased, and on 3 May 2000 he and his friends were taken into custody, beaten and interrogated by unidentified government agents. After his release, his apartment came under constant surveillance, and in the summer of 2000 he left Kabardino-Balkaria. In 2002 he turned up at the US detention centre at Guantanamo Bay, where he is still being held (Guseinov, 2002). The official Russian press described him as 'a fervent supporter of the Wahhabi movement' (Getmansky, 2002), an accusation his friends and family all deny (Guseinov, 2002). Regardless of Odizhev's actual political leanings, this type of treatment by security forces has left an entire community suspicious of the federal government's attitude toward Islam. His depiction in the press as a supporter of 'the Wahhabi movement' points to another serious flaw in the government's efforts to contain extremism. There is no single 'Wahhabi' movement; even in Saudi Arabia, the birthplace of Wahhabism, there are numerous fundamentalist trends, ranging from liberal to extremely conservative. Even in Saudi Arabia not all the conservative groups endorse direct confrontation as a course of action (Yarlykapov, 2000, p. 4).

Akhmet Yarlykapov has convincingly argued that the conflict between traditionalist and reformist, including Wahhabist, factions in the North Caucasus might well have remained an internal battle of ideas had not the government of Dagestan begun an active campaign against Wahhabism, inviting federal troops in to rid the republic of all Wahhabis in August 1999. The passage into law in September 1999 of a total prohibition of 'Wahhabist and other extremist activities' effectively defined Wahhabism as a unified extremist movement and outlawed even Wahhabist groups which not only do not endorse militant action, but actually express a desire to work with the Islamic Directorate of Dagestan, the most authoritative religious body in the republic (Yarlykapov, 2000, pp. 5-6, 9-10, 18). Additionally, there is no definition in the law of the nature of such activities. Since the passage of this law republican forces, generally ignorant of the tenets of Islam, have arrested and charged young men with Wahhabist activities for wearing beards, praying regularly, disseminating any form of Islamic literature, or simply abstaining from alcohol (Yarlykapov, 2000, pp. 10-11). Fearing they may be accused of collaboration, many local imams have banned Wahhabis from their mosques, further polarising communities and spreading mutual suspicion (Yarlykapov, 2000, p. 9). It was Dagestan's uncompromising position on Wahhabism that led Chechen forces to invade Dagestan, leading to the current war.

As Sergei Markedonov has pointed out, the possibility of a liberal legal system in the North Caucasus based upon western models is unlikely. Moreover, the fact that the North Caucasus borders directly on the Islamic world means that influence from the latter is inevitable (Markedonov, 2001, p. 33). Extremist political factions from the Middle East have played a central role in the destabilisation of Chechnya, and although the Northwest Caucasus has remained relatively calm, these same forces are active there as well (Gal'chenko, 2001, p. 85). The only issue is which forms of influence will be conducive to the maintenance of security and stability. The wisest course for the Russian government to take is to promote and protect the rebirth and evolution of traditional Islam in the Northwest Caucasus. The noted Islamic scholar Vladimir Bobrovnikov asserts that in order to restore a viable system of Islamic education in the North Caucasus the University of Al-Azhar in Cairo and other cultural centres in the Arab Muslim world must both educate young Caucasians and contribute imams to local schools and sharia boards

(Bobrovnikov, 2001, p. 6). The creation of a partnership between the proponents of Islam as traditionally practiced in the North Caucasus and the graduates of Al-Azhar, who in fact face a greater threat from the Wahhabis than the federal government does, would result in a number of positive developments. South Africa, Israel, India and Greece have significant Muslim minorities who are allowed to adhere to the precepts of the sharia in areas where it most affects the individual: marriage, family relations and inheritance. As Leonid Siukiainen correctly asserts, the Russian Federation should adopt this same course with respect to its regions where Muslims represent either a majority or a significant minority population. Siukiainen points out that the Constitution of the Russian Federation not only permits such a course of action but actually guarantees the rights of the Muslim peoples to incorporate sharia principles into local legal codes.³ He also notes two important contributions this course would make to the establishment of stability in the Russian Federation. First, the integration of sharia norms would contribute to the decline of undesirable aspects of the various adat codes, such as vendetta feuds. In Ingushetia, for example, twelve such feuds have been settled through the use of sharia principles. Second, this process would formalise and codify sharia-based law and serve as a potential unifying force in the entire North Caucasus (Siukiainen, 1999). Whereas in the past efforts to establish the sharia have been viewed by the mountain peoples of the Caucasus as an infringement upon their liberty, the current Islamic revival has turned the sharia into a symbol of independence (Siukiainen, 1999). Such a move would also neutralise one important dimension of the Wahhabis' appeal to the young. As long as the Russian central government appears either neutral toward the Islamic Renaissance or opposed to it entirely, the Wahhabis can present themselves as an anti-imperialist liberation movement. However, if the central government is seen as an active supporter of Islam through its support for and partnership with official directorates, this perception could be overcome. Currently, the federal authorities do not take into consideration the many factors that would work to their advantage in ensuring long-term stability in the Northwest Caucasus. Efforts at centralisation are uniformly directed at the autonomous republic level, which precludes the possibility of dealing with the local traditions of each ethnic group, and even subgroups within them. Federal efforts to preserve the various adat by adopting more locale-specific policies would go a long way toward ensuring the good will of the rural population and impede efforts by foreign political interests to radicalise the region.⁴ The overwhelming majority of Muslims in the Northwest Caucasus not only reject the Wahhabi agenda, but actively oppose it. By sanctioning sharia courts, the Russian government would be giving these people a legitimate forum through which they could oppose the Wahhabis in an organised manner and thus stop the movement in its infancy. To quote the ethnopolitical researcher Yevgeni Kratov, 'Islam is the government's most important ally in the struggle against Islamic extremism' (Kratov, 2003).

There have been some recent developments in this direction, but in general the process is taking too long and is not sufficiently focused on long-term solutions. On 19 March 2003 the Russian State Duma hosted a constituent session of the Interfactional Deputy Commission (*Mezhfraktsionnoye Deputatskoye Ob'yedineniye*) attended by representatives of the traditional religions of Russia, including Islam. The Presidium of the Interreligious Council of Russia (*Mezhreligiozny Sovet Rossii*) has, moreover, recently created a religious commission, a move that was supported by the representatives of the Coordinating Council of the Muslims of the North Caucasus (*Koordinatsionny Tsentralny Musul'man Severnogo Kavkaza*) (CCMNC). The commission's goal is 'to support the interests of traditional religions of Russia, to promote the revival of Russian spirituality and foster the mission of traditional religions in the country's life'. On 2 April 2003 President Semenov of Karachayevo-Cherkessia and several federal representatives met the

leadership of the CCMNC in order to develop means of cooperation between the various local independent spiritual boards of the region. President Semenov underscored the necessity for proper religious education, while others criticised the federal government's lack of support for local efforts to establish schools with trained Islamic instructors (Press, 2003). Semenov should have criticised the North Caucasus muftiates as well, for their efforts to date have been divided between building mosques and replacing adat customs with sharia law. As mentioned above, efforts in the latter category have been uniformly unsuccessful, yet they persist to this day. A wiser course would be to direct all energies at establishing an accreditation system that would ensure well-staffed Islamic schools and restrict the opportunities for radical groups to spread potentially destabilising ideologies. The current licensing system is poorly managed: for example, in Dagestan only seven of the 17 functioning Islamic colleges are licensed (Agayeva, 2003).

Conclusions

Returning to the question of rural courts, several possible scenarios can be postulated, depending upon the actions of the federal government and regional muftiates. Unfortunately, the failure of the muftiates and the authorities, both federal and republican, to grasp the complexities of the issues involved will most likely lead to further conflicts between traditionalist Muslims and the younger generations, who will be divided into two camps: those who support returning graduates from Al-Azhar and elsewhere, and those who support missionaries propagating Wahhabi ideology. The Wahhabis themselves have established a ten-year goal for achieving predominance in the region, and while this is unlikely to occur, their influence will certainly cause disruptions and conflict and will most likely lead to increased violence in the Northwest Caucasus. The local courts will become a battleground for religious supremacy, and with no centralised regulation Wahhabi groups could use these courts to promote their version of Islam and gain control of limited rural areas, particularly in the mountainous areas of the Karachai region. As the examples of Chechnya and Afghanistan show, once in power Wahhabis rapidly enact their entire ideological programme and enforce it ruthlessly. At the end of 2002 the federal government estimated that there were at least 200 armed Chechen fighters in Karachayevo-Cherkessia who were exploiting militant Wahhabist ideology to promote the birth of an oppositionist movement that could in the future achieve this goal (Fatullayev, 2002). Economic collapse, rampant governmental corruption and unrestrained criminal activity have disenfranchised a significant majority of the population, who expect no improvement after the forthcoming presidential election (Bondarenko and Fatullayev, 2003). In this climate the Karachai, who have always seen themselves as repressed in their own homeland, and the Nogai, who have been completely excluded from the republican administration, will continue to be recruited into oppositionist Islamist camps. Eventually the republic could face a situation similar to the crisis Dagestan faced in 1999 when the village of Karamakhi declared itself an independent Islamic state, an act which played a crucial role in the initial stages of the current Chechen war. An even more aggressive campaign against Wahhabism than is already being conducted by political and religious authorities would increase the likelihood of violent confrontation and even separatism in isolated areas of the Northwest Caucasus. The muftiates already enjoy little respect from the general population, who view them as successors of the Soviet official Islamic organisations, and their endorsement of the highly disputed Chechen referendum of 23 March 2003 will aid the efforts of militant groups to paint the official religious authorities as puppets of the federal government. As the Wahhabis are well established in the Northwest Caucasus, a campaign to police the region will suffer from the same flaws witnessed in Dagestan: the

inability of law enforcement agents to distinguish between Wahhabis and other practitioners of Islam will lead to increased instances of innocent civilians being arrested for outward expressions of piety. Additionally, as mentioned above, not all Wahhabis endorse open confrontation with secular authorities. A successful campaign targeted specifically toward militant Wahhabi elements only would require a level of education, investigation and military effort that neither the republican nor federal authorities are in a position to engage, even if they were interested in so doing.

A more effective course of action would be the implementation of a comprehensive programme to ensure that a legitimate Islamic imamate that respects the traditions of the local peoples and is founded upon orthodox Islamic teachings develops organically in the region. First, a coordinated effort by federal, republican and local officials to recruit, support, and place successful candidates from Al-Azhar should be enacted in order to staff local mosques with qualified imams. While Wahhabi propagandists can succeed in persuading those ignorant of orthodox Islam that Wahhabism is 'pure', they are likely to be unsuccessful in debates with trained imams who can counter their assertions with canonical Islamic texts. Second, the sharia courts should be recognised by the federal government as legitimate under Article 131 of the Russian Constitution. Third, the muftiates of the Northwest Caucasus should stop attempting to replace local adat customs with sharia norms. Currently, the main contradictions occur in connection with innocuous events such as marriages, funerals and inheritances. There is no pressing need to reform such practices, and efforts by a partially discredited muftiate to impose such reforms will only increase the animosity of the local peoples. Instead, the muftiates should confine their activities to supporting the returning graduates from Al-Azhar and other foreign Islamic universities and helping them find employment. Currently, agendas similar to this one are being promoted by many Russian scholars of Islam in the North Caucasus, including Vakhid Akayev, Irina Babich, Vladimir Bobrovnikov, Akhmet Yarlykapov and Yevgeni Kratov. The secular and religious authorities would be wise to heed their advice. The lack of religious fervour characteristic of the Northwest Caucasus peoples and the ethnic heterogeneity of the population have served as buffers against dramatic political and religious events, and most likely will continue to do so in the near future. However, if the situation is allowed to smoulder unattended or is addressed by military means, the last bastion of relative calm in the North Caucasus will be needlessly lost.

Notes

- ¹ The Karachai of Dautsky Gorge adhere to the more conservative Shafii Madhhab.
- ² The Russian news site <http://www.strana.ru> for the month of August 2002 has a full chronology of these events.
- ³ Constitution of the Russian Federation, Chapter 8, Article 131, Paragraph 1.
- ⁴ For more on this issue see Vartumyan, 2001, part 1, pp. 97–99.

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