ENTANGLED LEGAL FORMATIONS:
CRIMEA UNDER RUSSIAN RULE IN THE LATE EIGHTEENTH AND EARLY
NINETEENTH CENTURIES

A Dissertation
submitted to the Faculty of the Graduate School of Arts and Sciences
of Georgetown University
in partial fulfillment of the requirements for the degree of
Doctor of Philosophy
in Arabic and Islamic Studies

Dilyara Agisheva, M.A.

Washington, DC
August 10, 2021
This dissertation explores the transformation of Crimean legal structures after the Russian Empire annexed the Crimean peninsula in 1783. Up until today, no extensive study has examined the annexation’s impact on the Crimean legal system, especially with respect to Islamic law. In order to understand the changes that transpired within the legal sphere in Crimea following the annexation, this dissertation research relies on an analysis of the Crimean Sharīʿa sicils (Islamic court records) and the court records of the Russian legal venues that were introduced in Crimea in the late eighteenth century. The dissertation implements the analytical perspectives found in works on histoire croisée or entangled histories and studies of colonialism as well as studies of law and empire. Relying on the methodological approaches found in these fields, the dissertation formulates a conceptual framework called “entangled legal formations” to explain judicial transformations in Crimea following the annexation. The annexation did not completely erase the existing legal practices. Analyzing the changes of Crimean legal structures through the concept “entangled legal formations” reveals that the transformations of the local legal institutions and traditions produced a reciprocal impact on the imperial state, shaping some aspects of its imperial policies and imperial self-identity.
ACKNOWLEDGEMENTS

I would like to express my deepest gratitude to the chair of my committee Professor Felicitas Opwis, whose mentorship and support not to mention her patience and hours she put into reading and providing valuable comments on my work were instrumental in bringing this project to fruition. I would like to thank my committee members, Professor Judith Tucker and Professor Gabor Agoston, who offered insightful suggestions that contributed immensely to the development of ideas and arguments in my dissertation project.

I am sincerely grateful to the Arabic and Islamic Studies Department at Georgetown University for being my academic family. In particular, Sylvia Önder was my first teacher of the Turkish language and a friend with whom conversations about Turkish society and culture were always fascinating and informative. Furthermore, I express my gratitude to Meriem Tikue whose knowledge, organizational skills, and kindness were crucial for navigating the administrative aspects of graduate school. Furthermore, I am also thankful to every single one of my colleagues, friends, and teachers at Georgetown for making graduate school experience enjoyable and intellectually stimulating: Mohammad Abdeljaber, Nabil Al-Hage Ali, Tasneem Alkiek, Matthew Anderson, George Archer, Rezart Beka, Professor Jonathan Brown, Mohammed El-Sayed Bushra, Kate Dannies, Professor Catherine Evtuhov, Rahel Fischbach, Laura Goffman, Selim Güngörürlär, Benan Grams, Marya Hannun, Professor Paul Heck, Stefan Hock, Faisal Husain, Enass Khansa, Hanaa Kilani, Irene Kirchner, Pamela Klasova, Rosabel Martin-Ross, Josh Mugler, Professor Curtis Murphy, Rasoul Naghavi, Eriko Okomato, Michael Raish, Aisulu Raspayeva, Badr Al-Saif, Fuad Saleh, Abdullah Soufan, and Professor Suzanne Stetkevych. I would also like to express my gratitude to the staff at the Writing Center, who read and edited sections of my dissertation.

My dissertation project would not have been possible without years of training in Turkish, Ottoman, and Arabic languages which was possible because of numerous grants, fellowships, and intensive summer programs. In particular, I am grateful for the Summer FLAS fellowship for the study of Modern Turkish at the Summer Turkish Language program at Bogazici University in 2013. Likewise, I am grateful to the Institute of Turkish Studies that sponsored an intensive course in Ottoman Paleography II at Yıldız Technical University in Istanbul in 2014. During the academic year (2015 to 2016), the CASA program offered an opportunity to further improve my Arabic language skills in an intensive language program, which greatly contributed to my abilities to read and speak more fluently adding to the successful completion of my dissertation.

In addition to these language fellowships, the dissertation and research grants propelled my research further and made this project successful. The 2017 Dissertation Research Grant at Georgetown University allowed me to conduct preliminary research in Saint Petersburg, Russia. Later, the Heath W. Lowry Dissertation Writing Fellowship from the Institute of Turkish Studies and the Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship further made it possible for me to conduct more research and focus on my writing in Istanbul. I express my greatest gratitude to the amazing and inimitable Maria Snyder for her tireless help with these fellowships and grants.
My gratitude also goes to kind and helpful librarians and archivists both in Istanbul and Saint Petersburg. I extend my gratitude to the staff at the Department of Manuscripts in the Russian National Library, with special thanks to O.V. Vasil’eva, who was very accommodating with respect to viewing the Shari’a court records. I am also grateful to the staff in the Başbakanlık Prime Minister Archives, ISAM, and Süleymaniye in Istanbul.

Likewise, this dissertation would not have been possible without the generous mentorship of my wonderful teachers and friends abroad, who taught me read, understand, and analyze the archival documents and manuscripts I gathered in Turkey and Russia. My special gratitude goes to Abdullah Uğur, a wonderful teacher of Ottoman Turkish at Yıldız, who supported me in the fellowship and grant applications. Likewise, the wonderful Professor and historian Fikret Yılmaz at Bahçeşehir Üniversitesi generously read archival documents with me despite his busy schedule. The great Professor Fermi Yılmaz likewise patiently worked with me in person while I was conducting research in Istanbul but also continued to read documents with me over Zoom when I returned to Seattle to focus on writing. I am also deeply grateful to Abdullah Karaarslan who diligently put hours on end into helping me go through the court records despite the fact that he was also working on his own thesis. I am also deeply grateful to my dear friend, academic partner, and intellectual companion Hümeystra Bostan and to her family for their kindness and generosity.

Finally, my deepest gratitude goes to my beloved family for their patience and support. I am grateful to my dear husband who supporting and encouraging me and for taking care of our son with devotion during the times when I was writing and doing research in Istanbul. I am grateful to my amazing sister who was always ready to help with any aspects of life. My dear mother, without whom I could not have survived during the period of writing, gave me lifetime support, love, and unfaltering encouragement. I am deeply thankful for her patience, kindness, and generosity. My dear Adam brought me joy during this challenging journey. He is my beacon of light and “my happy.” I am thankful for my father, whose scientific, musical, and spiritual mind contributed to my own educational upbringing. He passed away before I could defend this thesis but he was with me spiritually during this whole process. I own this achievement to him and to my mother: my beloved dear parents. My family is the source of my strength and I dedicate this dissertation to them.
NOTE ON TRANSLITERATION

For Arabic and Turkish names and terms, I use the transliteration system used by the International Journal of Middle East Studies.

My transcription of Russian follows the Chicago Manual of Style.
# TABLE OF CONTENTS

Introduction: Entangled Legal Formations ................................................................. 1  
Chapter 1 The Making of Colonial Space .............................................................. 36  
Chapter 2 Past Entanglements: The Evolution of the Crimean Khanate’s Legal System .... 79  
Chapter 3 The Moments of Encounter and the Forging of Entanglements ...................... 120  
Chapter 4 The Crimean ‘Ulamāʾ and the Transformation of the Legal Sphere ................ 168  
Chapter 5 Legal Entanglements Prevail: Russian Legal Institutions in Tavrida .................. 215  
Conclusion .................................................................................................................. 273  
Bibliography .............................................................................................................. 280
Introduction
Entangled Legal Formations

This is commonly seen where 2 nations traffique together, the one endeavoring to understand the others meaning makes them both many times speak a mixed language.

-Thomas Morton, *The New English Canaan* (1883)

The second half of the eighteenth century was defining for the Black Sea region, especially for the history of the Crimean peninsula and its people. The period was marked by two Russo-Ottoman wars (1768-1774 and 1787-1792), internal political and social unrest in Crimea (especially in the year 1782), the eventual annexation of the entire peninsula by the Russian Empire and the subsequent dissolution of the Crimean khanate in 1783. In a span of less than two decades (1774 to 1787), the social, political and legal structures of the Crimean peninsula underwent a significant transformation. This transformation was especially evident in the field of law. My dissertation focuses on this last aspect. It explores the legal history of Crimea following the annexation.

There have been no extensive studies about the annexation's impact on the Crimean legal system, and the few studies that have briefly examined that system have failed to explore Islamic law and *Sharīʿa* courts under Russian rule. My dissertation attempts to fill this lacuna by examining the fate of *Sharīʿa* courts and Islamic scholars after the annexation. Neither have there been any studies involving analysis of the *Sharīʿa sicils* (i.e. court records) dating to this period. In order to fully understand the changes that took place within the Crimean legal sphere following the annexation, my dissertation research relies both on *Sharīʿa sicils* and on court records from the Russian legal venues that were introduced in Crimea in the late eighteenth century.
To assess the data collected from the aforementioned documents, my dissertation research relies on the following research question as a guide: How did the change in the ruling authority affect the judicial practices in Crimea, alter the constitution of the courts, shape the legal process, and impact Crimean legal traditions and practices? The sources give consistently complex answers to this question. As a way of making sense of these complexities, my dissertation draws on the analytical perspectives found in the studies of entangled histories, law and empire, and colonialism. Much of the processes with respect to the Crimean annexation as a whole and the legal changes within Crimea in particular resemble the processes and changes that had taken place in other colonial spaces in and around the same time, the period starting in the late eighteenth century. This claim alone—that Crimea became a type of colony of the Russian Empire in the late eighteenth century—goes against the grain of established perceptions in the studies of Crimea in particular and Russian history in general. Thus, this claim warrants further explanation.

In the following sections of this introduction, I examine Russian imperial formations in the context of colonial empires. Having demonstrated how the Russian Empire fits into the framework of colonial empire, I will introduce the concept of “entangled legal formations.” I coin this term to make sense of the changes that took place in Crimea after its annexation. The concept of “entangled legal formations” is essential in explaining the process of transformation of law and legal practice in Crimea not as complete destruction of the existing legal practices but as a gradual mutation of its various legal (and religious) institutions. Moreover, the term “entangled legal formations” allows one to understand how those very transformations with respect to local legal institutions had a reciprocal impact on the colonial power that initiated those exact transformations in the field of law.
Changing Understanding of Empire

This dissertation builds on a notion that with the annexation, the Russian Empire produced a colonial relationship with the native Crimeans and the Crimean province. Because Russian imperial history is not immediately associated with conventional colonial history, it is first necessary to explain how the Russian Empire fits into the category of colonial empires before taking this claim as a base. Therefore, I examine what empire means by defining empire, particularly colonial empire, and clarifying how this type of empire differs from its non-colonial counterparts.

Although "colonial" empires have traditionally been defined geographically in part, the workings of the Russian and Ottoman Empires beg a categorical reconsideration. According to the conventional understanding of empires, Russia was not a colonial empire like the European colonial empires because the latter’s colonies were overseas, while Russia’s empire was a “continental” empire with contiguous territories. Thus, Russia was not colonial because in the Russian Empire there were no natural, massive geographic boundaries like the ocean or the sea between the center of the empire (i.e. the metropole) and its colonies (i.e. the peripheries). There are other empires, like the Ottoman Empire, which challenge this normative geographic categorization of empires into continental versus colonial empires. The Ottoman Empire was of a hybrid nature; it was both a “land-based and a maritime empire.” However, beyond geography, the style of governance and imperial structures are also important factors in defining an empire. The governing style of Ottoman Empire made it both a colonial and a conventional empire. For example, the Ottoman imperial authorities had direct control in some regions, governed through local elites, and established settlements in others. Thus, the Ottoman example shows that sea-based empires do not necessarily constitute what traditionally has been cordoned off as a proper
colonial empire. The fact that the same empire can be both colonial and non-colonial depending on different instances and locals and the type of relationships it develops with different peoples within its domain, a better definition of “empire” is needed than the one based on geography.

As a corrective to the limited definition of empires that is based on geography, the framework of imperial formations advanced by Ann Stoler is useful in seeing beyond the black-and-white divisions between “colonial empire” and “continental empire.” Her term, imperial formations, emphasizes what empires do rather than what they are. Because Stoler’s definition of empire is not geographic (as in separation between the metropole and the colony by an ocean or a sea), the focus is on process of making and unmaking or “formative and transformative aspects of empire.”


2. Stoler builds on several scholars of culture in developing the concept of “imperial formations.” For example, she takes contribution from Raymond Williams’ notion of formation as “effective movements and tendencies” with “variable and often oblique relations to formal institutions.” Moreover, the term “imperial formations” is also inspired by “Louis Althusser and Etienne Balibar’s use of “social formations,” meaning “concrete complex whole comprising economic practice, political practice, and ideological practice at a certain place and stage of development.” Stoler’s “imperial formations,” however, differs from Mrinalini Sinha’s concept of an “imperial social formation,” which is situated in feminist study and is used in analyzing particular historical events as “outcome of specific struggles in history.” For further reading, see Louis Althusser and Etienne Balibar, Reading Capital (New York, 1971), 313; Raymond Williams, Marxism and Literature (London and New York: Oxford University Press, 1977), 117; Mrinalini Sinha, “Mapping the Imperial Social Formation: A Modest Proposal for Feminist History,” Signs, 2000, Vol. 25, No. 4, pp. 1078; Ibid, “Teaching Imperialism as a Social Formation,” Radical History Review, 1997, Vol. 67, pp. 175–186; ibid, Colonial Masculinity: The ‘Many Englishman’ and the “Effeminate Bengali” in the Late Nineteenth Century, Manchester, 1995.

synonym for the word empire. However, the term deviates from the notion of empire in significant ways, as explained in Stoler’s individual and collaborative works.

Stoler explains that an empire is a static term, while the notion of imperial formations refers to ever-changing process of rule. While empire is a model for “fixed cartographies of rule” and “bounded geopolities.”, the framework of imperial formations, on the other hand, describes an unstable construct of rule and a sovereignty that is in constant transformation, which is generated through changing relations between a ruler and a subject. The term imperial formations emphasizes empires’ “active and contingent realignments” and their multiple forms of rule, instead of “fixed ideologies.” The notion of imperial formations implies that there is no one model of governing an empire. Empire is instead about “gradations of sovereignty,” “sliding scales of differentiation,” and “blurred genres of rule.” Sovereignty of the empire or imperial formations always oscillates along with “the terms for the inclusion and exclusion of peoples.” In Stoler’s explanation, empire can be understood as an abstract noun and imperial formations as a verb (i.e. an action explaining what empires do and/or a process of becoming an empire).

I argue that it is in this sense of “gradations of sovereignty” and “blurred genres of rule” that the term colonial (as in colonial empire) defines the relationship that a certain imperial government develops with one part or group of people under its imperial control rather than as an attribute for the empire as a whole. It has long been established that colonialism is not just about conquests, domination of territories, and economic exploitation, but also involves formation of a

---

1 Stoler and McGranahan, “Refiguring Imperial Terrains,” 24-25.
2 Stoler, “Considerations on imperial comparisons,” 40.
3 Ibid., 35, 41-42.
4 Ibid., 42; “Refiguring Imperial Terrains,” 26.
racial or cultural Other, construction of difference, production of imperial discourse, and creation and continuous reproduction of unequal power relations. The concept of imperial formations is useful for understanding the process of making these unequal power relations. The concept goes beyond the static category of an empire as a whole being colonial or non-colonial.

An instructive branch of studies that looks at colonial non-colonialisms further challenge the division between colonial and non-colonial empires. For example, historians Patricia Purtschert, Francesca Falk, and Barbara Lüthi study the existence of colonial structures and power relations in nations that have not associated themselves with a formal colonial past either as the colonizers or the colonized. These scholars define such instances as “colonialism without colonies,” as imperial formations that were not involved in colonialism but have remnants of it in the present such as Switzerland and Sweden. Again departing from geographic definitions, these authors emphasize the cultural effects of colonial rule. They delineate that the “persistence of colonial practices” and “presence of colonial images and racist modes of thinking” transpire via “reproduction of colonial knowledge, representations and discourses” through means other than establishing colonies or being directly involved in a colonial project.\(^1\) Colonialism without colonies, however, did not originate with Purtschert, Falk and Lüthi. In a 2010 work, Jurgen Oстер hammermel defines it as

situations in which dependencies of the ‘colonialist’ type appear, not between a ‘mother country’ and a geographically remote

colony, but between dominant ‘centers’ and dependent ‘peripheries’ within nation-states or regionally integrated land empires. Osterhammel’s definition of “colonialism without colonies” is more fitting for the purpose of this introduction to identify a precise definition of “colonial empire” than the way it is described in works of Purtschert, Falk, and Luthi. The latter emphasize production of colonial subject through cultural subjugation while Osterhammel focuses more on how imperial rule creates unequal relations between the center and the peripheries in any type of geographically organized empire. Thus, Osterhammel challenges the traditional dyad between colonial empires and land-based empires like the Russian and Ottoman imperial entities by arguing that colonialism is less about the location of colonies and metropoles and more about the way empires organized and ran spaces that were culturally and linguistically different from the center. Osterhammel’s model may be taken to define the Ottoman Empire's control of Egypt as colonial due to the linguistic and cultural differences between the Ottoman authorities and local Egyptians. When the Ottoman Empire controlled Egypt between 1517 and 1798, the Egyptian populous and local authority reluctantly accepted Ottoman rule. Yet, Osterhammel himself argued a looser application of the concept of colonial empire to the Ottoman Empire, emphasizing that “the common belief in Islam and in the binding character of the Islamic notion of legitimate government” justified Ottoman control of Egypt. Thus, because of Islam, the linguistic and cultural differences be-

---


2 ibid., 15-17.
tween the ruler and the ruled were insufficient to constitute Ottoman domination of Egypt as colonial.

Although Osterhammel rejects the idea that the Ottoman Empire created a colonial relationship with Egypt, other scholars have shown that the Ottoman Empire engaged in a colonial enterprise in other instances and locations; these studies, too, contribute alternative lenses to understanding what constitutes colonial empire. In his study of Ottoman imperial ambitions in Africa in the late nineteenth century, a historian Mostafa Minawi eschews traditional categorizations of imperialism and colonialism. Instead, he “approaches imperialism as an ‘adaptive, open-ended process’” to show that the nature of Ottoman rule in Africa and its competition for control over resources had colonialist leanings.¹ Indeed, he demonstrates that Ottoman policies and approaches in Africa “used diplomacy, local alliances, and international law to claim the empire’s ‘right’ to colonies (müstemlekat) in Africa.”² Thus, this “adaptive, open-ended process” of Ottoman imperialism in Africa revolved around the same objectives of resource-grabbing as other colonial empires in their colonies. The examples of the Ottoman rule in some regions of Africa as being colonial as opposed to the non-colonial rule of other territories such as Egypt and numerous other provinces within its domain demonstrate that the Ottoman Empire could be colonial in some place and non-colonial in others. Such perception and interoperation of the Ottoman Empire as both colonial and non-colonial strengthens Stoler’s argument that empires are not defined by its geography or official ideology but by specific processes of rule; it’s about what they do, not what they are.

² ibid, xiv.
Minawi’s example of Ottoman Africa, studies of “colonialism without colonies,” and Ann Stoler’s “imperial formations” show that colonialism is essentially a relationship between the dominant and the peripheral regions or groups of people within an empire, not the overall disposition of the empire. Analysis of these scholars evince the imperfection of Manichean distinction between continental and colonial empires or colonial and non-colonial empires. Indeed, colonial empire is a spectrum as Purtschert, Falk and Luthi succinctly observe: “these different terms—classical colonies, settler colonies, colonialism without colonies and others—provide the abstract poles of a continuum rather than paradigms or precise descriptive categories.” In addition to being a spectrum, colonial is not a static definition of the empire as a whole but pertains to the types of rule that change from region to region or to the types of relationships that the dominant center develops with various peoples within the empire. How does the Russian Empire and its relationship with the annexed region of Crimea at the end of the eighteenth century feature in this spectrum?

Russia as a Colonial Empire

Denying the colonial nature of the tsarist regime has long been a tradition in Russian imperial historiography. As a way to dissociate Russian imperial policies and practices from Western colonial traditions of subjugation and violent conquest, Russian imperial historians, officials, and intelligentsia have opted for more pacific words and phrases like “dobrovolo’noe vkhodzhenie” (voluntary joining), “prisoedinenie” (annexation), and “osvoenie” (assimilation) in place of terms like conquest and subjugation when referring to incorporations of newly conquered re-

regions. Yet, these historians have simultaneously recognized the history of “exploitation of non-Russian” and non-Christian people living in the borderlands of the empire.¹

The official reports and correspondence of provincial governors containing descriptions of the imperial rule in the provinces are loaded with colonial connotations and Orientalist tropes. Moreover, comparisons between Russian imperial advances and Western European colonialism are ubiquitous in the writings of Russian intellectuals and state officials, for example in identifying new territorial acquisitions as “our Peru, our Mexico, a Russian Brazil, or indeed ‘our little India’.”² And yet, while there are published works on colonization among Russian historians and academics from the time of Peter the Great up until the end of the Soviet Union, there are few on Russia as a colonial empire. The official discourse maintained that Russia had no colonies.

Almost unanimously, Russian imperial state officials dissociated the empire from colonial narratives as a way to emphasize that the Russian Empire promoted the unification of its conquered people. The central imperial authorities insisted on the myth of a unitary rule, internal cohesion, and territorial integrity throughout Russia: “Rossiia edinaia i nedelimaia” (the indivisible and united Russia). The religious, ethnic, and linguistic diversity of people manifested political handwringing about maintaining a perception of an intact, united, and continuous rule.³ The Russian imperial identity and legitimacy depended on this myth of a unified empire whose au-

---


³ Schorkowitz writes that “It was inconceivable and even risky to call the Caucasus, Siberia, Central Asia or other parts of the empire a ‘Russian colony,” in “Was Russia a Colonial Empire?” 129.
Authority and strength were imagined as being projected isometrically to all corners of its domain. Thus, the Russian imperial government considered colonial regions and the people there to be integral parts of the empire, not its colonies.¹

And yet, not only did Russian officials draw parallels between Western colonial possessions and Russian peripheries, but the nuances of the actual Russian imperial experience ruling the provinces also varied little from the practices of European colonialisms. This can be seen in at least three instances: (1) presenting the conquered peoples as an exaggerated “other”; (2) undertaking of state-sponsored scientific expeditions to the conquered regions whose discoveries essentially enabled the imperial state to establish imperial roots in those regions; and (3) creating specific departments within the imperial state for the sole purpose of administering the conquered regions.

First, similar to European overseas colonial empires, Russian formation of an imperial identity depended upon an articulation of an exaggerated contrast between Russians and non-Christian others (inorodtsy), an “uncivilized bunch” in need of cultivation. At its core, a colony is a place where inhabitants are primarily “conceptualized as inferior, primitive, barbaric, or generally ‘the Other’ that can be both exploited and improved” for the benefit of a larger and stronger imperial polity.² In this sense, there is no need for margins of the empire to be officially recognized as colonial nor for a clear geographic differentiation between the metropole and the periphery. A distinction between them can be delineated discursively in terms of cultural, religious

or ethnic difference, and not necessarily as a reflection of a geographic division, such as crossing
the ocean. Having roots in the eighteenth-century European Enlightenment, the term ‘colonial’ is
loaded with a “European sense of superiority over the non-Christian peoples.” Following this
denotation, the commonality between “proper” European overseas colonialisms and Russian
continental colonial enterprise can be found in the similarity of challenges they faced in ruling,
and in the process of civilizing, a “savage” population who were different from Europeans in
various ways.

Second, this difference between the civilized colonizer and uncivilized colonized was
corroborated by numerous academic expeditions to the newly conquered regions, including the
Crimean peninsula. Such academic expeditions evince the colonial nature of Russian rule in the
province. The political context and ideology shaped the development of scientific institutions and
academic works on the region, including the research on and conclusions drawn about its people
and places. Thus, during the eighteenth and the nineteenth centuries, academic writings on
Crimea (surveys about the landscape, population, etc.) served the interests of the imperial center
as tools for empire building. The orientalist view, dominant in the academic tradition of this peri-
don, often distorted the lived reality and cultural and religious practices of Crimean Tatars, con-
structing an essentialist image of Crimea as an exotic orient.

The academic studies of Russia’s Orient were intimately tied to the military and econom-
ic objectives of the imperial center. The objective was to collect information about local customs,
natural resources, and land of newly conquered regions such as Crimea. These scientific expedi-
tions would also combine objectives of conducting scientific research with the imperial objective

---

1 ibid, 4.
of understanding the economic potential of the region. For example, St. Petersburg Imperial Academy—founded in 1724 by Peter the Great—conducted scientific research in the Black Sea region and the Caucasus, with a specific aim of collecting information about its natural resources, i.e. its minerals.\(^1\) However, these scientific expeditions were not simply commissioned by the imperial authorities to be conducted by state scientists. These scientific expeditions were ultimately tied to military operations associated with colonization campaigns. In fact, the expeditions in the late eighteenth to the middle of the nineteenth century would often include a small army of soldiers to protect the researchers from possible attacks by the nomadic population or the local inhabitants.\(^2\)

As forays into examining the economic potential of the new region, researchers on the first expedition to the Southern empire were obliged to answer 70 questions regarding the economic value of the province by assessing the region’s land and water supply, which were the essential “conditions for agricultural development, tobacco-growing, forestry, fishing, fur farming and industry.”\(^3\) In the process of discovering, classifying, and constructing an essentialist image of the people living at the borderland and peripheries of the empire, the researchers were tasked with “doing away with subtle variation and the hybridity of various Caucasian and Central Asian cultures.” Between such economic prospecting and cultural assimilation missions, these state-

---

\(^1\) Several months prior to the annexation of Crimea in 1783, for example, “in 1781-1782, on the initiative of the government, the Academy of Sciences organized the first expedition to the Crimea and Kherson.” Vasilii Zuev (1754-1794) led that expedition and also participated in the first expeditions to Orenburg (1768-1774), headed by Pallas.

sanctioned academicians produced a colony for Russia, a term which the imperial officials avoided in the official discourse.¹

The third instance that points to the colonial nature of the Russian imperial state is its method of administering the provinces. Initially, most European empires relied upon independent commercial entrepreneurs and private joint stock companies. Only later did these empires evolve to administer their colonies through the direct state apparatus.² The Russian Empire was little different. Despite the Russian policy of avoiding dependence on private companies like the British East Indian company, the tsarist regime “recognized the limits of its authority by governing the new regions and people through a series of colonial offices that combine[d] military, diplomatic, fiscal, and administrative functions,” such as “the Orenburg Frontier Commission to deal with the Kazakhs in the eighteenth century.”³ Later, the Ministry of State Domains (1837-94) and the Ministry of the Resettlement Administration (1896-1917) were both formed under the Ministry of the Interior to deal with land and resettling peasants in the conquered region, resembling “typical agencies of settler colonialism.”⁴ Furthermore, like in the French colonial experience, the Russian government “continued to rule over numerous non-Christian peoples and regions through the various arms of the Ministry of the Foreign Affairs or the War Ministry” or the Asiatic Department as part of the Ministry of Foreign Affairs. Likewise, France along with

---


other European powers, administered their colonial possessions in North Africa, specifically Tunisia and Morocco—excluding Algeria, which was considered to be part of France—“through the Ministry of the Foreign Affairs.”\(^1\) It is difficult, therefore, to see how Russia’s Asiatic Department in the state government would not be understood to resemble the colonial institutions of other European empires, which throughout the second half of the nineteenth century consolidated various colonial functions, previously dispersed among several government departments, into national Colonial Offices: the British Colonial Office, the French les Ministere des Colonies, the Spanish Despacho Universal de Indias, or the German Kolonialamt.\(^2\)

These three aspects of rule support the view that Russia was a colonial state with respect to ruling former Ottoman territories or regions with Muslim-majority population, including Crimea. Classification of Russia as a territorial empire because of its geography or denial of Russia’s colonial possessions in its official discourse obfuscate the true place of Russian imperial rule among other colonial empires. As will be seen in the next sections of this dissertation, Russia’s enterprise in Crimea starting at the end of the eighteenth century was more than an annexation of its territories. Rather, it was a persistent and deliberate process of colonial control.

---

\(^1\) Khodarkovsky, “Between Europe and Asia,” 14-15; Alex Marshall, *The Russian General Staff and Asia, 1800–1917* (London: Routledge, 2006), 26–37, 176–177; John Ruedy, *Modern Algeria: The Origins and Development of a Nation* (Bloomington: Indiana University Press, 2005), 45–78; From 1710s, France’s colonies were managed by the Ministry of the Marine. “During this time, French colonial government was organized under the navy, or Ministry of the Marine...The colonial office was created within the Marine Ministry (navy) in 1710, an din 1715 a Navy Council was created to manage all overseas and naval affairs. Ample colonial documentation from before 1710 exists in Navy Council archives” in Wood, *Archipelago of Justice*, 9; “Benton, A Search for Sovereignty, 137

Law and Empires

Law has always been central in the formation of empires. It is through law that spaces within empires were organized. Scholars have come a long way from providing a limited definition of law as an “internally coherent and unified body of rules,” a “system of rules,” as a part of “social order” or as the “unfolding of reason” in the tradition of the European Enlightenment.¹ Scholars have even developed beyond the post-structuralist critical theory of Michel Foucault, who although had broken away from enlightenment limits, is still too narrow when he defines law “as part of a larger set of institutions of surveillance, normalization and control.”² Legal anthropologists point out that one of the crucial aspects missing in these limited understandings of law are the features of agency, tension, contest, and change. Anthropologists now perceive law as part of culture and depart from defining “force, domination and control” as immediate corollaries of law.³ Legal anthropology, with its emphasis on the malleability, variability, and contestation thus provides a more fitting definition of law and legality as I use the term in this dissertation.

The phenomenon of legal pluralism reiterates a similar concept of law and legality as that understood by legal anthropologists. The concept of legal pluralism challenges the perception of law as being unified, coherent, and derived from reason alone. It is about other sources such as culture, local and quotidian practices, and the immediate, practical needs of society. The notion of legality as applied to the historical reality of legal pluralism encompasses jurisprudence and

---

³ Vincent, “Law.”
judicial institutions. It also does not ignore ongoing interactions of different social actors into its analysis.

Legal pluralism was a common feature of early modern empires. To keep administrative costs low, conquerors would often delegate the existing legal authority to local, indigenous actors running their empire at the provincial level, resulting in layered jurisdictional orders. As a result, European states’ actors were accustomed to “jurisdictional tangles between church and royal authority” and other forms of composite rules in the European heartland.¹ In Law and Colonial Cultures, Lauren Benton shows how legal pluralism was not just common in Europe but everywhere in the world. Thus, it was not unusual for imperial state actors to project the same multipolar, heterogeneous, and polymorphous judicial structure. Earlier, in A Search for Sovereignty, Benton describes how “European jurists and theorists” perceived legal sovereignty as being divisible and the imperial legal orders as being fragmented.² Nandini Chatterjee and Lakshmi Subramanian, however, do not subscribe to the idea that the colonial or imperial authorities were fully dependent on the local indigenous legal practices and customs but neither do they dismiss legal pluralism altogether. According to them, the imperial legal structure was often characterized by a plurality of legal orders, but this plural order was shaped by the far greater and unequal power of the imperial authority and backed up by its periodic use of violence.³

¹ Lauren Benton, “A Just Outcome Is Possible” an Interview About Legal Pluralism, Jurisdictional Conflicts and Imperial Law in Historical Perspective. diaphanes, 2015, 19.
There are legions of archival records demonstrating the plurality of legal orders and attestations by Russian officials about the imperial dependence on and use of local legal and political actors. Russian courts were introduced into the Crimean province within a decade after its annexation, and Shari’a courts were brought under the purview of the state authorities. Before the mid-nineteenth century, Russia was characterized by its plurality of legal institutions. Because there was no unified legal system within Russia proper before the Great Reform in the 1860s, the numerous Russian legal institutions inaugurated in the newly annexed region of Crimea operated in parallel to numerous other courts, including Islamic courts.¹

However, the transformation with respect to legal pluralism was already underway in the early and mid-nineteenth century, when the Russian imperial state began to make more claims of control over the legal order of its empire. Benton’s focus on the analysis of jurisdictional conflicts as opposed to their resolution helps to understand this transition from a plural to central legal system. Analyzing legal disputes reveals how jurisdictional conflicts impact legal practices and, during the process, set distinctions within the jurisdiction based not on the personal difference or class. Benton argues that state-dominated legal orders came out of jurisdictional jockeying and thus “came from below as much as it did from above.” In this way, jurisdictional jockeying shaped the legal pluralism, “which could at the same time further solidify jurisd-

¹ Khodarkovsky observes that “only after the Great Reforms of the 1860s did the Russian officials begin to articulate their goal of civilizing the savages by ‘softening their mores’…and ‘bringing them into a civil state’” through the introduction of Russian culture, industry, goods, and laws does not hold because numerous Russian courts made their presence in Crimea before the Great Reform and Russia as a whole did not have unified system of law until mid-1860s. The mere claim that “unified” and reformed Russian courts were introduced into Russian colonies after the Great reform does not prove that there were no earlier efforts of bringing Russian cultural and legal institutions into newly conquered regions such as Crimea see in Michael Khodarkovsky, “Russia between Europe and Asia: The Ideological Construction of Geographical Space,” Slavic Review 50, no. 1 (1991), 24-25; Stefan B. Kirmse, “New Courts in Late Tsarist Russia: On Imperial Representation and Muslim Participation,” The Journal of Modern History 85, no. 1 (May 2013), 243–262.
dictional diversity.” In my dissertation, I highlight similar patterns with respect to Crimea’s history of annexation and the subsequent transformation of its legal system. While there were factors that limited the jurisdictional plurality there, the legal system that unfolded in the Crimean province after it came under the Russian control was characterized more by mingling of state-produced law with the local legal precedent. I characterize this type of legal mingling by a phenomenon I call “entangled legal formations.”

Introducing the Concept of Entangled Legal Formations

This section of the dissertation introduces a concept of entangled legal formations to explore Russian imperial enterprise in Crimea. The terminology bears upon studies of law and empire, and the concept of imperial formations as examined earlier. My dissertation employs this concept to examine the consequence of Russian annexation upon the Crimean legal system and the subsequent process of empire-building in the region from the eighteenth century onwards. The concept implies an encounter as opposed to a clash, in Huntington’s sense of a well-entrenched and sharp binary, between the West and the Islamic world, whose cultural differences result in a conflict. Moreover, I direct the analytical focus of the legal historical inquiry away from the political centers of empires or nation-states and toward the peripheries. Furthermore, the choice of the word *entangled* asserts an analytical affinity to the burgeoning field of entangled history or *histoire croisée*.

---

An entangled history [or Verflechtung meaning “connected history,” or “shared history”], as defined by Michael Werner and Benedicte Zimmermann, is a central methodological approach found in the humanities and social sciences that examine historically constituted formations associated with post-colonial studies. In general terms, scholars of entangled history examine transformations and crossings. More specifically, however, histoire croisée stresses diversities that come as a result of various unfoldings, movements, transformations, and crossings that generate meaning. It focuses on the process of circulating ideas, concepts, practices and other intermediaries as well as on the ideas, concepts and practices that are transferred as units of analysis.¹

Scholars of this field assert that ideas do not simply diffuse as they spread to different regions and institutions; diffusionism, they point out, assumes the existence of a center and a periphery. Rather, knowledge, ideas, and practices transform as they spread, and the process of spreading throughout time and space becomes the locus of knowledge production. The notion of fluidity implies historicity and an entangled relational bond between the knower and the object. This transmission of ideas is “an interactive process, looping back and forth as a ‘tempo staggered in time’.”² This movement, through the process of transmission, also transforms ideas themselves.

Histoire croisée differs from comparative and transfer approaches in that it eschews any reference to the established units and categories such as nation or society as a point of departure

---

and looks at “concrete objects such as ‘institutions, legal systems, works, disciplines’.”¹ Scholars of entangled history also maintain that nations and ideas ontologically and temporally follow the transfers. In other words, exchanges and entanglements constitute nations. Thus, a nation cannot predate entanglements ontologically:

writing a history of France or Great Britain that does not take into account their close entanglement with the colonies, or for that matter with other European nations, results in not only an incomplete picture (which could later be completed), but one that is flawed from its inception.²

First used for studying the transmission of ideas, histoire croisée is now being applied in research on political and social historical crossings between world empires. By noting how encouters between empires and dynasties produced unexpected developments within imperial centers and peripheries, global historians challenge the accepted view that “change only radiates outward” from the center of the empire.³ These scholars show that not only is the imperial center impacted by the peripheries because of their close proximity to the different institutional and cultural traditions of neighboring empires, but also the social context of the “new” empire into which these ideas infused impacts the object of transfer through the process of that encounter. Echoing this view, Jane Burbank and Frederick Cooper’s Empires in World History concludes that empires throughout human history “existed in relations to each other.”⁴ These relations were

---

established through war, peace negotiations, the borrowing of ideas, sciences and technology, creation of ideological differences vis-a-vis the other, population movement, and trade.

For example, previous discussions have noted that the connections between the Russian and Ottoman Empires were being forged for over five centuries beginning with “a competition for the heritage of the Byzantine and Mongol empires” that ended with total Ottoman victory. However, the balance of power was reversed in the eighteenth century in Russia’s favor after its numerous military gains.¹ With Russian victory in Crimea and its subsequent annexation of the territory at the end of the eighteenth century, connections between the two empires were intensified. Later, in the nineteenth century, the formation of Russian Orientalism found its roots in the struggle of locating its particular imperial identity by establishing an affinity with Europe in contrast to its ‘Oriental’ neighbor.² The same was said about the Ottoman experience in the nineteenth century: its imperial aims and self-awareness were constructed in relation to other imperial powers. The approaches of entangled history enrich the study of Ottoman and Russian imperial connections, enabling scholars to go beyond the traditional paradigm of studying either Ottoman or Russian imperial histories through the lens of Westernization and Europeanization paradigms. Instead, these approaches focus on how the two neighboring empires have imbibed the

principles, practices, and cultural elements of the other, especially in such vaguely defined spaces as Crimea.

In parallel to scrapping the paradigms of Westernization and Europeanization, there has been a general trend, since the late 2000s, in the Ottoman and Russian historical disciplines to move away from the comparative approach—which by now has produced excellent works on the political, social, economic, cultural, and conceptual histories of empires—toward an imperial entangled history, with a focus on shared experiences and interactions facilitated by the transfer of individuals, goods, and ideas.¹ In these novel approaches to studying history, comparison or a comparative approach is seen not as a methodology but rather as a subject of study itself. For example, it becomes a subject of study in works examining agents and architects of the empire-builders purposefully looking to other empires for models and hand picking parts of social and political structures for their own imperial systems.² Likewise, in this dissertation—the study of the Crimean legal system—the entangled approach, as opposed to the comparative, is more fitting for analyzing how the legal institutions and practices (that were shaped by the Ottoman and Crimean legal cultures prior to the late eighteenth century) impacted the imperial governance of Russia’s Southern province. These transfers were conducted through concrete individuals and adaptations of specific concepts and practices.

While the qualifier “entangled” as used in the concept of entangled legal formations was informed by the analytical framework and methodological approaches found in the studies of

---

¹ “Models, Margins, and Imperial entanglements (From the Editors),” *Kritika* 12.2 (2011): (275–280), 276.
histoire croisée, the qualifier “legal” is understood in anthropological sense as discussed in the above sections. I define legal for the purpose of formulating this concept in the same way it is used in the concept of legal pluralism—to be contrasted with legal centralism or formalism or systematized and coherent structure—as a derivative of law which is a flexible tradition of rules, grounded in the dynamic reality of social life.

Likewise, the qualifier “formations” in the concept of entangled legal formations is inspired by studies discussed above. More specifically, it is informed by Stoler’s imperial formations as discussed earlier, and is related to the studies of empires, colonialism, and imperialism. It is therefore understood as a prolonged, de-centered process that is defined not by the imperial central ideology. Rather, it is informed and shaped by local realities and the actors directly involved in the daily affairs of the conquered region.

Taken together, the concept of entangled legal formations is primarily about legal ties that take place within any political entity, including liminal places where it is hard to pinpoint the origin of things. It essentially argues that no political entity can claim to have a completely “pure” legal system. In fact, the notion of entangled legal formations suggests that there is no single center that dictates the formation of law either in the pre-modern or modern period. Although in the modern period of centralized nation-states, the central government had indeed taken hold of law-making, the process, impulses, methodologies and even vocabulary is not entirely of that nation-state. Rather, it finds inspiration and influence from other sources.

Some places have more noticeable entanglements of legal practices than other locals. Producing of entanglements is not a uniform process. A lot depends on the objects, institutions, and transferring actors as well as the opportunities for their immediate interactions. These can be
documents, institutions, people, or processes that constitute and generate ties. In my research on Crimea, such objects and actors of transfer include, for example, the petitions of the Crimean refugees to the Ottoman authorities to negotiate on their behalf with the Russian imperial officials for permission to travel back to Crimea or requests for arbitration in selling property back in their homeland. Oaths, too, represented an agent of entanglements that generated novel connections between the native Crimean inhabitants and the Russian crown during the early moments of their encounter. Agents of entanglements were also courts and the legal personnel as well as litigants, legal scholars, and legal disputes themselves.

It is easier to notice the unfolding of entangled legal formations between two entirely unfamiliar societies and cultures than, for example, between neighboring communities where entanglements unfolded in a more seamless and prolonged manner, stretching out for centuries. In non-colonial spaces, the process of entangled legal formations transforms the borrowed ideas and practices while creating shifts within the internal identity of the borrower in less obvious ways. More obvious is the impact of legal entanglements during the moment of colonization. The immediate reaction is to associate colonization with a complete destruction of the colonized people. Thus, it leads to the assumption that no opportunities were left for pre-existing structures in a colonized space to impact the attempts of the colonizer to colonize. It can be true in some places. However, research on colonial empires had shown that colonization also takes place in more subtle ways such as organizing colonial spaces according to the logic of the colonizer, cultural subjugation of the colonized through control over education and language, control over the production of knowledge about the colonized society and other means of organizing spaces and institutions of the colonized region. Through those subtle attempts of organizing society, entanglements
occur. At its core, the phenomenon of law constitutes precisely the practice of organizing society. Thus, entanglements unfold when the legal systems are introduced, broken down, or transformed in other ways as the colonizer attempts to reproduce its empire in the conquered region and within the social context of the conquered territory where the existing reality does not only impact the institutions and practices which the colonizer introduces but also—indirectly—the colonizers themselves.

Scholars have examined examples of legal interaction between the colonial power and the indigenous populations. Their studies show that indigenous legal resistance paralleled violent resistance against colonization. For example, much evidence testifies to the fact that native populations in various conquered territories dexterously used legal reasoning to support their claims to land, directly engaged with European legal arguments, and persuasively disputed the legal basis of European treatises that ceded native lands to European nations. The European colonial powers responded to native legal claims and made counterclaims to advance their case for land possession or to defend their sovereignty in the colonized region. Likewise, these studies show how dialogue had taken place in a legal sphere between the indigenous population and European colonial agents. These examples and studies demonstrate that permeability between indigenous and European laws have existed in a number of colonial experiences in various parts of the world since the sixteenth century.\(^1\) Although these studies demonstrate the interactions and legal entanglements between colonial and native legal culture, they do not examine the impact of that legal entanglement on the formation of the European empires, especially their internal structures and

ideological disposition, in response to their colonial experience in the conquered region. In other words, these studies do not engage in the issue of entangled legal formations the way I attempt to do in this dissertation.

Works have also been devoted to the interconnectedness and interweaving of the imperial administration and the local elites in the colonies of early modern colonial empires. This interweaving was made possible through the legal sphere. These studies show that local elites governed the colonies on behalf of the colonial imperial center through regional law courts. The book *Archipelago of Justice*, for example, engages in a comparative study of legal development across and among France’s colonies (specifically in the Indian and Atlantic Oceans) in the period from 1680 to 1780 rather than comparing a colony to the metropole.¹ Thus, the book does a similar type of study that I aim to accomplish in my dissertation because it too attempts to show how legal networks, institutions, and judicial activities in the colonies impact the state building of an empire. Nevertheless, its focus on the inter-colonial or global perspective is rather different from the aim of my dissertation project. I do not attempt to investigate how the legal transformations in Crimea, for example, impacted and were connected to the legal sphere in Bashkiria or Central Asia. Rather, I am looking at the interaction of the local Crimean legal structures and practices upon the legal practices of the Russian courts and Russian legal tradition and how that interaction impacted the internal understanding of law within the Russian Empire. Such studies of internal impact on the colonial empire have not been done in the past. My dissertation and its specific focus on entangled legal formations attempts to fill this gap in the literature on colonial empires and law.

Crimea as a Place of Entangled Legal Practices

From the fifteenth century onward, the Crimean peninsula existed on the peripheries of both the Ottoman and the Russian dynastic states and was in a constant state of transformation through various historic episodes. It was a zone of interaction to be contrasted with concrete boundaries.¹ For this reason, a historian Andreas Kappeler classifies Crimea as a direct contact zone, which also includes similar regions of Ottoman-Russian imperial interactions such as the Black Sea, the Balkans, Caucasus, and eastern Anatolia.² As Russia’s Southern Empire after 1783, Crimea “was not so much defined by formal boundaries.” It has always been “an open space,” an interstice, and a place that had “routinely transcending” boundaries because of a regular movement of people, ideas, and goods.³ Because of the transcendant nature of this trans-imperial space, a more useful approach in reading a complex and layered Crimean legal history, especially starting with the annexation and throughout the process of Russian empire-building in the region, is through a lens of entangled legal formations.

I formulated the concept of “entangled legal formations” to explain why Russian empire-building in Crimea did not solidify boundaries between newly annexed Russian Crimea, the Ottoman Empire, and the former khanate. Instead, the annexation strengthened the engagement and interactions of legal traditions, practices, and concepts associated with each of these three political and cultural communities (Russian, Ottoman, and Crimean). Although entanglements always existed between the Crimean khanate and the Ottoman Empire—and to some degree with the

¹ Ada Dialla, "Between Nation and Empire: Revisiting the Russian Past Twenty Years Later." Historein. 13 (2013), 27.
² Kappeler, “Spaces of entanglement,” 479.
Muscovite state from the late fifteenth to the late eighteenth century—those entangled formations intensified and diversified after the annexation in 1783. Russian imperial policies in Crimea generated a broad spectrum of entanglements between diverse cultural traditions, political entities, and ethnic, linguistic, and religious groups, as is seen through the Russian and the Sharīʿa court records and the Ottoman and Russian official documents.

Thus, the general strategy of the dissertation is neither to chronicle a litany of commonalities by comparing the Ottoman and Crimean legal systems nor to tally pre-annexation with post-annexation Crimean legal structures as I initially thought I would at the beginning of my dissertation research. Throughout the process of reading archival documents and records, I discovered that the story of annexation offers a glimpse into entanglements that are often ignored in the literature on colonialism and conquests. The archival documents also exposed links and entanglements that were not detected in the official narratives produced by the Russian and Ottoman imperial centers. Through these discoveries, I realized that the notion of commonality and a comparative methodology, in general, implies separate, isolated and insulated legal structures.

Instead, applying the analytical frameworks of entangled history, imperial formations, and studies of legal pluralism, I argue that, in the long-run, the Crimean legal structure was formed gradually through the entanglements of multiple centers of legal authority. By centers, I mean things and processes that generate law and legal meaning. This includes cultural, social and political actors such as the qādīs and the ʿulamāʾ; the khan and his court personnel who were directly associated with the ruler; the Ottoman political and legal authority figures; the Crimean populous; numerous Russian officials and underlings (making decisions according to their own
interests or for the benefit of the state); and institutions such as the courts and legal ministries, along with legal practices such as court hearings and daily conflicts and their resolutions.

The entangled legal formations that accompanied the Russian imperial enterprise in Crimea are apparent, for instance, in the continuation of the Sharīʿa courts after the annexation. These courts brought together locals, foreigners, and imperialists\(^1\) in one legal forum. The concept of entangled legal formations also explains, for example, how Ottoman, Crimean, and Islamic concepts and practices pertaining to property and ownership generated ruptures and dissonance in the imperial policy over land disputes. Thus entangled legal formations provide a useful concept in tracing parallels between the shift in the legal landscape and the reconstruction of the local terrain in the conquered region. In general, the entangled legal formations is a fitting concept in describing how the malleability of jurisdictional legal order unfolded in Crimea after the annexation. In essence, the annexation forced the imperial Russian state to incorporate, recognize, and legitimize the existing legal practices of the peninsula despite their Islamic origin.

**Sources**

The Crimean Sharīʿa court records or the Sharīʿa sicils represent the most valuable source used in writing this dissertation. The dissertation relies upon four volumes of the Sharīʿa court records,

---

\(^1\) I use the term imperialists to refer to officials, colonialists, intellectuals, merchants and others who served in the institutions set up in Crimea after its annexation or those who served the interests of the Russian imperial state.
collected at the Department of Manuscripts at the Russian National Library in Saint Petersburg.\(^\text{1}\)

The four volumes range from the years 1782 to 1787, hereto unexamined. The records reveal the operation of Islamic courts in the immediate years after the annexation. It was especially valuable to encounter in these records cases involving foreigners and non-Muslim Crimeans giving a clear view of how local Jewish, Muslims and Christian Crimeans as well as European and Russian foreigners and other numerous groups interacted with one another in the Islamic court during the early years after the annexation. The court records also brought a clearer understanding about the timeline of the annexation with respect to Islamic courts. Furthermore, these records were useful because they contain names of muftīs, qādīs and qādīaskers of that time, which allowed me to map out the scholars that functioned as the foundation of the Islamic courts during the first few years after the annexation. Further, the records contain useful information about the ‘ulamā’ that remained on the peninsula after the annexation and therefore provide a picture of how the Islamic legal authority might have looked like under Russian rule. Overall, the Sharī‘a court records examined for this dissertation bring into my study specific details on how Islamic legal courts were impacted by the transformations after the annexation.

For the purpose of understanding the history and the fate of the custodians of Islamic law in Crimea, some biographical dictionaries on the Crimean ‘ulamā’ and chronicles came into use. These include the works of Ismail Pasha al-Baghdadi, *Hadiyat al-‘ārifin fi asma’ al- mu’alli fin*

and Keşf-el-zunun zeyli, as well as Bursali’s biographical dictionary, Kırım Mü’ellifleri. The chronicle of Sa’id Giray Sultan, an eighteenth-century Crimean historian in the Crimean khanate, has been extensively discussed by other scholars. Nevertheless, it is one of the most important works on the history of the Crimean khanate and provided useful context for this dissertation. In addition to Sa’id Giray Sultan’s chronicle, Abdulghaffar el-Kirimi’s Umdet al-akhbar, which focuses on the period before 1744, gives a clear view of the Crimean khanate’s polity and society. Another work, Halim Giray’s Gülbüni Hānān, is a slightly later work. As it chronicled the end of the Crimean khanate, it was useful in providing a brief description of the decline of khanate and Russian annexation. The chronicles and tabaqat literature bring the Crimean perspective into the discussion about the pre-annexation legal, political, and social culture of the khanate.

With respect to the proceedings of the Russian courts in Crimea, I looked to The Description of Senate Affairs of the Historical Archives of the Taurian Scientific Archival Commission (published as a collection of documents in 1917).¹ The Description provides a window into the numerous legal disputes and cases that were deliberated in the Tavrida province from 1798 to 1841, involving Tatars, Russian landowners, merchants, investors, and imperial officials. They bring invaluable information on how the Russian legal officials looked to Islamic legal practices and buttressed their validity and legitimacy in the Russian courts. The book contains summaries of legal cases that were adjudicated in the court of the Muslim Spiritual Authority and Russian courts in the early nineteenth century. This way, the book shows how the two judicial systems

¹ P.V. Nikolski, Opisaniye Senatskih del istoricheskogo arkhiva Tavricheskoy uchenoy arkhivnoy komissii, (Simferopol: 1917); Peter Vasilievich Nikolski, a scholar of Crimean history and a teacher in a private male gymnasium Voloshenko in Simferopol in the end of the nineteenth century. Nikolski was an active member of the Scientific Archive Commission and during his service as a librarian for the commission, he compiled the state affairs documents involving Crimean courts into the Description.
(Russian and Islamic) coordinated on various issues, ranging from property ownership, to land distribution, government benefits, endowments, inheritance, trade deals, recognition of noble status and other concerns that arose in that period. Taken together, the cases reveal the nature of the Crimean ‘ulamā’ under the Russian rule and their function within the colonial order. Moreover, the Description provides texts of numerous petitions and testimonies given by litigants involved in Russian courts. Alongside these, it includes general accounts of events that depict interactions between state actors and local residents.

Outline of the Chapters

It is with the analytical framework of “entangled legal formations” that I present the history of legal practice and institutions in Crimea immediately before and after the annexation. Although so much has changed in the organization of the political structures in the Crimean peninsula after the annexation, the attempts to create functioning social and political structures evoked the appeals to the preexisting social and legal practices and institutions. This turn toward the past and the increasing connections with the Ottoman Empire reveal that in fact the entanglements the Russian, Tatar, and Ottoman societies and culture were new and unique. The wars, the annexation, and international political battles did not generate an embargo or closing of cultures and solidification of identities and allegiances but rather has broken boundaries and produced more ties. These entanglements were not generated from the centers but rather from somewhere on the peripheries of the empire and was facilitated through legal elements and units such as agents, practices, individuals, conflicts, specific disputes, contracts and various spaces of law. These are the elements of knowledge production and elements of entanglements that bring together empires
and political entities located in different geographic and even temporal spaces. Throughout the process, however, these elements of entanglements, in turn, solidified the imperial formations and defined the Crimean past in the Russia’s own image.

The dissertation begins with the story of annexed Crimea by elucidating how Crimea was made into a colonial space. The chapter narrates how the transformation of the Crimean legal landscape was linked to the transformation of its spatial and physical landscape. Crimea became a visual representation of the entanglements between Islamic and Western cultures and polities. This gradual transformation of the Crimean landscape as well as the more immediate moment of the empress’ visit to the newly conquered region—because of which the transformation of the landscape was expedited—dovetailed with closing down of the Sharīʿa courts in 1787 and the introduction of Russian courts to produce a pluralistic legal canvas. Then, the dissertation takes a look to the past. Chapter 2 focuses on how the Crimean khanate (1441-1783) has always been characterized as a place of entangled legal practices at the core of which was Islam and the Sharīʿa way of life that consolidated and justified entangling diverse legal traditions. The political and legal structures of the Crimean khanate were the setting stage, which the Russian Empire inherited upon annexing the peninsula. The third chapter takes off from where Chapter 2 ends: the moment of annexation. The focus of discussion is the oath administered for the Crimean religious and political leaders by the Russian Empire immediately after the annexation. A legal act on its own, the oath allowed and justified the continuation of Islamic legal practice, which created further entanglements, by allowing Sharīʿa courts to operate under Russian rule and bringing into dialogue various ethnic, religious and linguistic groups seeking justice through Islamic adjudication. Chapter 4 focuses on the scholar or the ʿālim (pl. ʿulamāʾ), as an agent of legal knowl-
edge production and judicial praxis. Under the Russian control of Crimea, Islamic scholars underwent a significant transformation and yet the empire continued to rely on their expertise as well as their social networks in the process of grounding its imperial and colonial roots in the newly annexed region. As a locus of knowledge production, an Islamic scholar represented an element of entanglement after the annexation of the peninsula. The final chapter looks at the latter phase of Russian empire-building before the Great Reforms, which took place starting in the middle of the nineteenth century. The scope of focus of the last chapter is on land and particularly land disputes that continued to vex Russian imperial officials appointed to the peninsula and those at the imperial center. These land disputes, along with a search for a legal definition of land ownership called Russian officials’ attention to the Islamic, Ottoman, and khanate’s notions of property, thereby impacting the Russian definition of an owner and shaping imperial policy on the peninsula. The legal disputes over the issue of land represented an element of entanglement that generated further ties and connections between the Russian, Ottoman, and erstwhile Crimean khanate. Overall, the chapters follow the chronology of the annexation and the subsequent empire formation in the region. Besides discussing the specific legal loci of entanglements, the dissertation presents a history of annexation and a case study of entangled legal formations.
Chapter 1
The Making of Colonial Space

The lands that Alexander and Pompeii, so to speak, only looked at, you tied to the Russian scepter. The Tavrida Kherson is the source of our Christianity, and therefore humanity. It is now in its daughter’s embrace. There is something mystical about it.¹

(In a personal letter from Potemkin to Catherine the Great, August 1783)

The annexation of the Crimean peninsula had wide-ranging implications not only for the Crimean community but also for the identity of the Russian Empire. Seeking to root the empire in the newly annexed Crimea, Russian imperial officials transformed the structural and discursive landscapes of the region into something I call a colonial space, that is, an artificial environment where a set of contrasting categories such as modern/traditional are in constant tension.

This chapter argues that the Russian imperial efforts to make Crimea into a colonial space was a political mechanism that involved the transformation of the Crimean physical and legal landscapes.² The change in the physical landscape was realized by a set of material practices such as establishing of new infrastructure and populating the region with colonists. The change in the legal landscape was realized by the 1787 provincial election and the subsequent reduction of Sharīʿa legal authority. This chapter emphasizes the significance of legal transformation for the systematic imperial process of creating a colonial space. Equally significant, however, were the effects of an unintentional counter-process within the creation of that colonial space; the effects

¹ In a letter from Potemkin to Catherine, RGADA f.1, op. 1, d. 34, l. 64-65 (5 August 1783).
of entanglements between the imperial legal-administrative system and the local legal precedent disrupted the intentional imperial efforts to create strict modern and traditional categories.

As described in the introduction, the argument that Crimea was a colonial space contradicts the official imperial stance that the Russian Empire was unified from the center to the provinces. Contemporary scholars such as Kelly O’Neill and Alan Fisher describe how imperial officials aimed to produce uniformity and unity between Crimea and the empire rather than establish Crimea as a region distinct from the rest of the empire. This goal to create a veneer of uniformity is seen in the official documents. For example, the annexation manifesto that declared Crimea as part of the Russian Empire (1783) extended all the rights enjoyed by free Russian subjects to the Crimean population—without exception—thereby enforcing a sense of uniformity between the Crimean peninsula and the rest of the Russian Empire.¹ The Manifesto thus established that Crimean Tatars would be incorporated into the Russian Empire as “natural subjects” whose personhood, property and faith, “inviolably with all its legal rituals,” would be respected and defended.²

However, the imperial officials did not achieve the image of a unified empire in the process of incorporating Crimea. This goal competed with Russia’s parallel efforts to establish itself as a legitimate ruling authority in a region that was culturally, legally, and socially different. For example, although Russian authorities officially extended the policy of religious tolerance to all Crimean Muslims, they eventually intervened into internal Islamic structures and legal processes. Thus, instead of protecting the Muslim faith in its traditional form, the imperial state

² “Bumagi Imperatritsy,” 240; PSZ, vol. 21 #15708; RGIA f. 1239, op. 1, d. 153, l. 294-296a.
brought traditional religious and legal fields under its purview. To justify its rule over the newly incorporated region and its people—who were different from them—the Russian state implemented mechanisms, which were part of the process that made Crimea into a colonial space. As the following section will show, the concept of colonial space is premised on the existence of dualities rather than unity.

The Definition of a Colonial Space

In an effort to find a fitting definition for the concept of colonial space, I looked to social anthropologists and post-colonial scholars who focus on different aspects of “colonial space” as a concept. For example, Homi Bhabha describes the colonial space as a place where modernity begins: “for the emergence of modernity the template of this ‘non-place’ becomes the colonial space… whose future progress must be secured in modernity.”¹ In the context of Bhabha’s formulation, a colonial space is never an origin of modernity on its own, but a place that is being acted upon—a place that is always being introduced to modern ideas and practices. Likewise, Richard Keller focuses on the process of modernization to describe colonial space. A historian of medicine, Keller observes that the mechanisms of French imperialism in the late nineteenth and early twentieth centuries shifted from the acquisition of colonies to the improvement and development of those regions. In French West Africa, the process of “conferring value upon” colonies manifested into projects of building railroads and establishing public health institutions to improve the economic yield of the colonies and modernize the native population into subjects and even citizens.²

---

Likewise, a scholar of modern European history, Stefan Berger, speaks about colonial spaces as having deep roots in modernity. Borrowing the concept from Dirk van Laak, Berger perceives colonial spaces as “laboratories of modernity,” the creation of which impacts the national core: “colonial space and metropolitan space were bound together in a discourse of all-encompassing modernity.”¹ Seen through the lenses these scholars present, the process of transforming Crimea into a colonial space was connected to the process of introducing modern forms of governance in the annexed region, which in turn made Russia a modern empire.

As true as the statement above may be, modernity alone is not a sufficient definition for the way I maintain Crimea to be a colonial space. I argue that colonial space must entail a manufactured dichotomy between modernity and tradition or the Occident and the Orient. Here, too, Bhabha’s writings are helpful in seeing that colonial space as the Orient in addition to being the birthplace of modernity. In his view, the colonizers produce the Orient by manipulating the colonized region’s culture and society to become a caricature of its own self.² This manipulation results in an essentialized perception of colonial space that adopts a sense of timelessness as a major trope of Orientalists’ worldview. This Orientalist timelessness trope associates the Orient with a place where time stands still, never progressing, which is contrasted with modernity’s transformation, improvement, and innovation.³ Building upon the formulations of post-colonial scholars and social anthropologists, I argue that a colonial space is never just an essentialized Orient but it is an essentialized Orient via the essentialized West whose central values and aspirations are intimately connected to modernity and development. In its material and discursive man-

---

² Bhabha, 246.
³ Ibid, 120.
A colonial space is predicated on this juxtaposition between the essentialized West and the essentialized local culture.¹

To understand Crimea as a colonial space, it is helpful to see it as a place characterized by a constant juxtaposition of opposite characteristics. Culling from several Russian imperial documents of the period under study (1783-1787), I identified a series of rhetorical dualities that imperial officials implemented in describing Russian Crimea as a hybrid space that is both the East and the West. For example, the Russian Crimean modern qualities are contrasted with its traditional or superstitious qualities; enlightened with unenlightened; European with Asiatic, Oriental, or Tatar; civilized with barbaric; beneficial with harmful or parasitic; enlightened with ignorant; industrious with indolent. The continual juxtaposition of the East and the West (and all their orientalized and occidized characteristics) are seen throughout the process of constituting Crimea a colonial space. The oscillation of contrasting images of the essentialized West and East is the salient feature of colonial space. Thus, Crimea as a colonial space is premised on the notion of duality that is perpetually juxtaposed.

As post-colonial scholars argue, infusing a place with a set of opposing associations validates imperial control of the conquered region. Duality creates an illusion that a colonial space requires imperial intervention to modernize it. To justify continued intervention, there is a need to preserve some aspect of the old, decayed, and disordered. For example, Keller observes a remarkable process of creating contradictions as part of this imperial project “that emphasize[s] both preservation and modernization…”² A colonial space requires an intervention from the im-

perial center to produce modernity because of the manufactured perpetual existence of disorder. Thus, a colonial space is different from a colony because colonial space is a process—in the sense of Ann Stoler’s imperial formations—while a colony is a fixed location on a map. A colonial space, in contrast, is constantly forming and being claimed.

In the following sections, I will describe the process of creating a colonial space as seen through the transformation of Crimea’s physical landscape. Next, however, I discuss legal transformation to show that physical transformation was only a part of the process of making Crimea into a colonial space.

Transformation of the Physical Landscape

The Russian Empire brought Crimea under its control not only through military conquest but also through the transformation of its ideas and images. Russia’s imperialism in Crimea in terms of ideas and images manifested in the process of reinventing Crimea’s physical landscape to make it appear as both a part of the European civilization and a Russia’s colonial possession.¹ Making Crimea into a colonial space involved several distinct mechanisms: renaming the region, establishing new infrastructure, and populating the territory with colonists.

Upon annexing the Crimean peninsula, the Russian imperial authorities began to identify Crimea by its Hellenic name of “Tavrida” in the official documents to establish Crimean and Russian connections to Western Europe. Using the name of Tavrida produces an aural image of Crimea as having long-established roots in the Western civilization. A Russian historian of the nineteenth century, Alexander Samoilov (1744-1814), declared that bestowing a Hellenic name

---

upon Crimea eradicated “any memory of the barbarians” associated with the peninsula and “dazzle[d] everyone with the brilliant achievements” of the Russian Empress.\(^1\) Furthermore, the whole territory North of the Black Sea was renamed New Russia—Novorossiya— in the likes of New Spain, New France, and New England. Although the more official way of referring to places in Crimea was by their Greek names, the old names were neither erased from history nor from everyday usage. The fact that two types of names (Russian and Tatar) were maintained shows that this particular imperial policy concerning Crimea’s names generated an image of duality in the region’s physical landscape.

Another imperial policy that resulted in segregating the Crimean landscape into European and Tatar sections concerned the infrastructural development of its sea-side region. From the start, the imperial authorities had a particular interest in Crimea’s coastal region because of its potential as an imperial navy site and as a port for developing international trade. Tellingly, the 1783-Ingelstrom’s reports on the demography and economy of the newly annexed region demonstrated a particular interest in the coastal city of Kefe or Feodosia.\(^2\) Further imperial efforts to develop that coastal region are seen in Potemkin’s project to build fortresses along the Black Sea.\(^3\) Imperial policies to develop infrastructure in the coastal cities strengthened Crimean connection to Greek and Roman empires that previously dominated the seaside region. Reviving ancient coastal cities as centers of the regional economy literally connected Crimea to numerous European ports through international trade.\(^4\) Although the Russian officials imbued some parts of

---

inland Crimea with Western elements as well, most of the non-coastal regions were left to local Tatars such as Bahçesaray which was made exclusively as a Tatar city.¹

In city design all over the peninsula, the practice of the state officials and imperial elites also reveals a preference toward Western architectural motifs that contrasted with the local “Oriental” features. For example, Russian landowners and officials drew on ancient Greek and Roman elements such as white columns and facades in grandiose palaces. They also established multiple lavish gardens that infused Crimean cities with European character.² The idea was to make Crimea appear to be more like a European city with its lavish and neatly organized gardens that existed in Paris and London.³ However, the presence of Western architectural beauty was not simply appreciated for what it was. This Western paradise was also valued because of the contrast it created with local reality: Crimea as an inner sanctum of Europe emerging at the core of the Orient represented a remarkable feat of Western civilization against barbarity.⁴

The development of peninsula’s industries also inadvertently produced distinctive categories between the East and the West as they were imposed on the Crimean landscape. The determination of the Russian empire-builders to transform Crimea into a civilized and industrious place—like the West—is evident, for example, in Potemkin’s request for British specialists to establish a botanical garden and a dairy that would generate diverse and sufficient produce for the region to sustain itself.⁵ Potemkin also wanted an English shoemaker, a surgeon, and an ar-

¹ Kirmse, Lawful Empire, 95. ITUA 3 pg. 10-11, ITUAK 10, 235-261, 294.
² Bumagi Imperatritsy, SRI #27, 361; RGADA f.16, d.798, l.198 (June 10, 1786).
³ Sunderland, Taming the wild field, 89; Schönle, “Garden of the Empire,” 19; O’Neill, Claiming Crimea, 150, 221-222; Levashhev, Kartina ili opisanie, 165.
⁴ A Russian historian of that period, Apollon Aleksandrovich Skal’kovskii projected this sentiment: “having captured the abandoned steppes and territories of the enemy Tatar hordes, and having made out of them a European-style region, had full right to name its own new world…. ‘New Russia’” in Opyt statisticheskogo opisaniia Novorossiiskogo kraia (Odessa, 1850), 206; quoted in O’Neill, Claiming Crimea, 3.
⁵ Correspondence of Jeremy Bentham volume 3, pg.269; pg. 350 note 5.
Achitect who would work in Crimea alongside him to modernize the industries of the region.¹ Potemkin’s preference for British professionals and skilled laborers reveals Russia’s imperial conviction that European experts could bring Crimea closer to the West, modernity, and development.

These aspirations toward the industrious West contrast with the perception of pre-annexation Crimea as the land of the indolent. A major trope in scientific and official writings about Crimea was the idea that Tatars lacked the industriousness possessed by Russians and Europeans.² By the time of the Russian invasion in 1783, many of its towns, mills, and fields had been rundown and abandoned in the midst of wars, civil unrest, and exodus in the late 1770s and early 1780s. Yet, this turbulent period in Crimean history was ignored as an explanation for its ruined condition. Instead, imperial policy makers persistently made references to laziness that they traced back to the time of the khanate as a cause for Crimea’s static state of underdevelopment.³ The perception that Crimea’s land was abandoned as a result of its people’s indolence plays well with the concept of *terra nullius*: in Western colonial discourses, it was common to tie the indolence of the local population to the idea that conquered spaces were empty and vacant. Likewise, Crimea’s landscape before the Russian state intervention was also perceived as empty. From 1784 to 1787 Catherine repeatedly alluded to this idea in her panegyrics about Russian an-

¹ Ibid., 279.
The perceived emptiness of the land called for the state to intervene by populating the region with settlers. State policies that brought colonists to settle in the region—like other imperial policies examined above—shaped the Crimean landscape and projected to it a sense of division between the East and the West because in the process of engineering the demographic landscape, the imperial authorities inadvertently partitioned Crimea into unique cultural districts. For example, on August 16, 1787 Potemkin ordered that the city of Bahçesaray be composed entirely of Tatars while reserving Feodosia (formerly Kefe) for Christian colonists. As an effort to increase the agricultural capacity of the steppe region, the imperial government settled the local nomadic groups who roamed the region along with the colonists who were brought from the far-distant regions of the empire like Kyrgyzstan. The clergymen of the Russian Orthodox Church were also moved to steppes to live among the nomads and increase cultivation there.

European settlers, in general, were considered more valuable for their perceived knowledge about agriculture and for their special skills in a number of other useful trades. Thus, they were greatly coveted. The practice of bringing settlers of European descent extended into the late eighteenth century as is evident, for example, in Catherine’s instructions to Zhegulin. On March 20, 1792, the Empress requested that those Greeks who recently left their homeland to be settled

---

1 RGADA f. 16, op.1, d. 798, l.75-77ob (February 22, 1784); RGADA f.5, op.1, d. 152, ch.1, l.151-152 (May 23, 1787)/Ruskiyi arkhiv #10 (1878), pg.142.
3 Potemkin, “Order” (June 17, 1787) in ITUAK 7 (1888), 17. A list of all the provinces where the clergymen were settled, see Potemkin, “Order” (April 28, 1787) in ITUAK 7 (1888), 6.
in the coastal city of Balaclava with other Greek communities living there.\(^1\) Catherine’s instruction reflects an imperial objective to increase the European population in the coastal cities of the peninsula. Pockets of various religious, linguistic, and ethnic communities scattered throughout Crimean landscape produced the effect of colonial space as defined earlier. Settlement of people, establishment of port cities and navy bases, building of new architectural structures, and planting of gardens were part of state policies to develop and modernize Crimea. However, the inadvertent consequence of these policies was infusion of the landscape with a set of opposing essentialized categories of the “East” and the “West.” These rhetorical oppositions create an illusion that a place’s decayed past interfered with modernization, which made the imperial intervention a desideratum.

Manufacturing an environment in which the opposing discursive categories exist in one spatial platform was achieved in Crimea not only through official imperial policies but also through the semi-official practices of organizing Crimean physical landscape. Essentialized Eastern elements were juxtaposed with the Western elements, for example, in the exterior and interior designs of a khan’s palace in Bahçesaray. In his travel accounts dating to 1793, a German-born and educated geographer and professor of natural history in St.Petersburg, Peter Simon Pallas (1741-1811) mentions that some parts of the palace were remodeled in European style for the purpose of preparing the city for the monarch’s visit. It appears that the imperial architects assigned for the project in the palace layered Western elements on top of existing structures instead of destroying the old in favor of a new Western design. With the decision to layer European elements along with the Occidental design, the Russian engineers and artists created a juxtaposition

\(^1\) RGADA, f. 16, d. 965, l. 75-75ob (March 20, 1792).
of the East and West within that space.\textsuperscript{1} The presence of a “European look” in such a politically significant location as khan’s residential and administrative center was meant to highlight the central presence of the Russian Empire in the Crimean political scene. However, this manner of declaring Russian authority was accomplished at the expense of coherence and harmony within the visual landscape.

The inorganic conglomeration of “Eastern” and “Western” elements in Crimean colonial space often involved appropriating of objects or styles native to the local landscape and repurposing them for something else. Pallas, for example, notes how precious materials and parts from Crimean gravestones were recycled in the interior of new European buildings.\textsuperscript{2} Likewise, Russian noble families and administrative elites built dachas with architectural elements associated with Islamic traditions such as arches, niches, arabesques, minarets for chimneys, and even Arabic calligraphy declaring the \textit{shahada}. Not only were these elements implemented without a full understanding of the meaning behind them, they were incorporated along with Greek, Roman, and English motifs.\textsuperscript{3} The combination of the Greek, Roman, and English designs along with Arabic and Oriental styles produced an environment of “colonial space” in which opposing discursive meanings and categories are juxtaposed to generate a sense of transition from the old and decayed to the new and developed.

This incoherence of the old and new generated what scholars like Bhabha, Keller, Rabinow, Berger, Mills, and Miller identified as a justification for the imperial intervention to expe-

\textsuperscript{1} Pallas, pp.17a.
\textsuperscript{2} Pallas, 19ob.
dite the process of modernization. In the space of juxtaposition, “Western” elements in architec-
tural styles allude to order, modernity, and development, while “Eastern” elements remind the
observers—be they Crimean Tatars, Russian imperialists, or European visitors—of despotic his-
tory of the Crimean khanate, the persistence of tradition, and all-encompassing religion. In the
Orientalist view, despotism, tradition, and religion impede development, modernization, and cre-
ation of order. Therefore, this incoherent and inorganic physical landscape generated a need for
higher imperial authority to take control and complete the process of modernization. As we have
seen in this section, since the annexation, the Russian imperial authorities produced Crimea as a
colonial space through specific policies that infused contrasting “Western” and “Eastern” ele-
ments into its physical landscape.

Legal Landscape

The transformation of the physical landscape in Crimea paralleled the imperial effort to shape the
region’s legal landscape. The legal and physical transformations dovetailed with the imperial
journey to the region. Timing, these transformations with Catherine’s voyage indicates that the
Russian imperial policies to change the region’s physical appearance—on the one hand—and the
reformation of its legal institutions and practices—on the other—were complementary and syn-
chronous. In this section, I will first describe the transformation of the traditional Islamic courts
in 1787. Second, I will address the Russian legal institutions that were introduced in the same
period. Third, I will place those legal transformations in a context of the imperial journey that
expedited the change in Crimea’s physical appearance to show how the legal reform was con-
nected to greater imperial aspirations to cultivate Crimea as a colonial space.
Russian imperial authorities targeted the Sharīʿa courts because they viewed such traditional Islamic legal institutions as an obstacle to form Crimea into a colonial space. The Sharīʿa records of this period note this sudden change in a two-line statement: “this year 1200, in the beginning of the month of Shubat, the Russian system and the law (kanûn ve nizam-ı rusiya) was established in the country and the Sharīʿa was changed (şerʾiyyet gayrie tevci olunmuştur).” These two lines demonstrate that the legal change took place in Crimea in 1787, making that year a watershed historical event for the Russian-controlled Crimean peninsula and marking the end of the traditional Sharīʿa legal system. Indeed, an examination of the Crimean Sharīʿa court records of the period in question reveals that no court cases were recorded past the month of February 1787. Furthermore, the statement exposes the fact that the traditional Islamic legal judges and court officials were fully aware of the transformation happening before their eyes. However, the records offer no other clues about the process of this legal change, no details about the fate of Islamic legal scholars, and no reflections about the consequence of that change on Crimean society. Neither do they betray even a hint of opposition to this sudden transformation. The silence on all these matters intensifies the tragedy of the event. The palpable silence of the archives is the ʿulamāʾ’s revenge on history: the uneasiness of the taciturn statement forces one to look for answers and explanations, to read deeper between the lines of the conquerors’ verbose manifestos and decrees, to find the missing parts of the narrative, and to piece them together into a story about the loss of Crimean legal tradition.

1 “Işbu 1200 senesi Mah-ı Şubât ibtidasında memleketi kanûn ve nizam-ı rusiya kuşat olup şerʾiyyet gayrie tevci olunmuştur” in OR RNB f. 917, 117:9. The court record stated the change was dated to Shubat, 1200 (a Rumi calendar), which makes the date according to Gregorian calendar mid-February 1787 or Rebevulahıır 1201 in Hijri calendar. It makes sense that the Rumi calendar would be implemented here instead of the Islamic Hijri calendar because the issue at hand concerns European, Western rulers who implemented the change in Crimea as opposed to the traditional, Islamic authority. Therefore, the court record expressed this change not only in the explicit statement about a legal transformation but also in a more symbolic way of using non-Islamic calendar.
In contrast to the ‘ulamāʾ’s silence, Russian sources offer the missing details by describing the consequences of legal change on Crimean society from the imperial officials’ point of view. Russian sources narrate the psychological state of Islamic judges and the Crimean community after qāḍīs lost their status as the central legal authority in 1787. In his letter to the Empress, Potemkin paints an emotional scene when describing the result of the elections that brought new judges and assessors to newly created imperial administrative positions and institutions in the Tavrida region in 1787:

In response to your command of January 29 for the Tavrida province, the governmental offices are now open...The election of judges and assessors took place with reverence. Lively joy was depicted on the faces of all those who participated...The bourgeoisie and the villagers discovered with amazement that they have a right to elect judges...they raised their hands to heaven, sending grateful prayers to the Almighty. It is noteworthy that not one of the learned qāḍīs and mullahs was elected by the inhabitants. These parasites, living in luxury off of others, were not joyful like the rest. There is no doubt that they will not hesitate to try to regain their former status by seducing the ignorant... However, the vigilant government will not allow the ‘ulamāʾ to succeed with good and necessary people. The unnecessary people, on the other hand, will not only be released but might, in fact, be forced out.¹

This letter offers a glimpse into the private thoughts and perceptions that informed Russian imperial policy toward Islamic law. By comparing qāḍīs to parasites, Potemkin suggests that Islamic judges and the Islamic legal system threatened the well-being of now-Russian Crimea. Potemkin reasons that, if left to their own devices, the qāḍīs would somehow regain their former legal authority and consequently compromise Russian control of the region.

¹ RGADA f. 16, d. 799, ch. 2, L. 13-14ob (17 February 1787).
His warning implied that the unaltered nature of the Islamic legal system in Crimea was detrimental to the Russian civilizing mission to bring a modern system of justice to the newly annexed region. In the minds of Russian imperialists, a civilized society was one whose natural but potentially dangerous and wild elements—like those of a forest, for example—were tamed in favor of an organized and well-crafted order—like in a garden. To the imperial officials, the ‘u-lamā’ were part of a legal system that was akin to a boundless, thick forest. To them, Sharī‘a was a legal system that had no genealogical connection to a well-organized, civilized, and modern society.¹ Just like the impenetrable woods or the bountiful, yet unordered gardens of local Tatars, the legal sphere also had to be disassembled and then re-assembled in a new and more logical fashion. The unaltered nature of Sharī‘a law in Crimea was threatening to the very constitution of the Russian Empire.

Potemkin worried that the erstwhile judges would stir up anti-imperial sentiments among the newly incorporated Crimean people. To avert this scenario, he ordered his underlings to expel the qāḍīs from Crimea after the February elections. Thus, in May 1787, he urged the ruler of the Tavrida district, General Mikhail Vasilyevich Kakhovskii, to exile them:

*Mullahs, Efendīs,* and *Sheikhs* in the present position of the Tatars, having lost their former legal power, will certainly not fail to scatter various tares among the unenlightened people. We must ward off the last influence of the superstitious clergy upon the people no matter how unimportant harm from them can ensue. To prevent the violation of people’s spiritual peace, your Excellency, I order you to take decent measures to remove the aforementioned interpreters of the law from here.²

---

¹ In Catherine’s point of view civilization was linked to European history and ideas of French enlightenment. It is associated with order, and to be contrasted with the wild state of nature (reference).
² ITUAK 7, 8-9.
Expelling the qādīs was the most extreme manifestation of the 1787 legal transformation. However, the overall objective of this reform was not the total destruction of Sharīʿa courts. The intended and actual consequence of the legal transformation was the reduction of the Islamic legal dominance on the peninsula.

The imperial officials reduced Sharīʿa legal authority to a narrower range of legal matters, and more specifically to family issues such as marriage, divorce, and inheritance. We learn about the continuation of the Sharīʿa courts in their curtailed state from several imperial decrees. For example, in response to the passing of a muftī in 1791, the Crimean governor-general Count Platon Zubov received an order to form an administrative body of spiritual Muslim government. The spiritual government was composed of a muftī, the qāḍī asker, six efendīs as assistants, and qādīs who would continue their operation in their respective qāḍīlıks.1 The decree established the Spiritual government as a two-tier hierarchical legal-religious system with the muftī, qāḍī asker, and six judges occupying the highest instance of the Muslim Spiritual Court, while the lower legal tier was in the hands of the qādīs. The qādīs were responsible for examining and solving cases that arose in their jurisdiction concerning religion, family, and inheritance law. However, it is unclear how these lower Islamic courts recorded trials (whether in the Ottoman or Russian languages) since none of their records are extant. The fact that the appointments to the higher spiritual offices and the lower instance judges were reviewed by the imperial state demonstrates two things: (1) the Sharīʿa courts continued after the 1787 reform in a modified form and (2) the imperial state persistently curtailed and controlled them.

---

Pallas’ travel accounts from 1793 also corroborate the view that while qāḍī courts continued to exist, they dealt with a limited sphere of jurisprudence:

After those already mentioned, there are the so-called çelebis, the descendants of muftīs or other prominent religious people. They, to be precise, do not belong to the nobility, but are different from ordinary Tatars…The lower clergy consists of urban qāḍī, ruled by the muftī, and volost or village qādīs, subordinate to the qāḍīasker; then - hatibs serving the main or parish mosques, and finally - ordinary imams…A qādī adjudicates the issues of inheritance and marriage, as well as land and their sale. The qāḍīasker is the first instance to which information about land income, sale and purchase of land is submitted and this information is preserved in special books.¹

Pallas’ observations about the condition and function of traditional Islamic courts correspond to the rulings and objectives as elaborated in the imperial decrees. Indeed, the qāḍī courts operated as a lower instance court, as Pallas notes, and were subordinate to the imperial supervision. In these courts, Islamic judges continued to rely on the Sharīʿa legal principles. However, the decision of the qāḍī courts could be challenged at any time by the general imperial law and imperial courts even if the imperial rulings would intervene in family or religious matters.² This meant that Sharīʿa law continued to be restricted by the imperial system throughout the late eighteenth century and into the early parts of the nineteenth century. For example, in her decree to Count Zubov in 1796, Catherine declared that disputes involving private individuals who both agree to have an arbitration should be adjudicated in front of a qāḍī. Otherwise, the issue should be dealt with according to general law (i.e. imperial law).³

¹ Pallas, 122.
² Koshman, 139.
³ ITUAK 2, pp. 17.
Further restrictions on Islamic courts and judges under the supervision of the imperial government were implemented in the early nineteenth century. A decree issued on November 23, 1826 established the procedure of selecting qādis in Crimea. This document made the Tavrida's mufti and the qādiasker responsible for submitting to the governor names for potential qādis. The governor then advanced the selected qādis to elections in the regions where they were needed.\(^1\)

Another way qādis came under closer imperial supervision was in 1835 when a Senatorial decree allowed the children of the ‘ulamā’ in the Tavrida and Orenburg territories—more specifically, children of district (uezdni) qādis—into the social class of religious officials based on a privilege of being descendants of spiritual officials. Thus, they received preference and priority to religious positions in the future.\(^2\) Although the decree appears to have given a sense of independence and autonomy to the spiritual class, in fact the official ruling perpetuated further intervention of the imperial state into the spiritual class and their descendants, thereby granting the imperial state greater knowledge and control over the spiritual communities in these provinces. The decrees of 1791, 1796, 1823, and 1835 show that (a) the Sharī‘a courts and the qādis continued to function in their limited form and (b) that the imperial state supervision over qādis gradually expanded from the end of the eighteenth century into the middle part of the nineteenth century.

The imperial state’s reform of the Sharī‘a structure was in part a reaction to the visible presence of Islam on the peninsula. Mosques, minarets, tekkes, fountains, daily calls to prayer, and other Asian or Oriental images, practices, and symbolisms projected political power in contrast to which Russian rule appeared ephemeral and even illegal. All architectural and non-physi-

---

1 Prohorov, *Inorodnoii konfessii*, pg. 308; PSZ t. 1, pg. 1239 #690.
2 Nikolski, *Opesaniye*, case #626, pp. 413.
cal elements of that space signified that *Sharīʿa* was a more legitimate and permanent authority.¹ After having seized control over the religious and legal spheres, the Russian imperial state gained control over the meanings these structures generated. Thus, the imperial power assumed authority not only through the establishment of new European structures alongside local constructions or through a mixture of architectural designs. By gaining control over the *Sharīʿa* system, the imperial officials also penetrated into the traditional sphere of legal logic that shaped all forms of social relations including those that were infused into the physical landscape. The message of domination could have been just as clear if the entire *Sharīʿa* legal system was demolished. However, the Russian method of control involved preserving the existing system in a significantly curtailed and disembodied form. This type of epistemic violence amplified a sense of domination many times over, without recourse to violence.² Thus, after 1787, the Islamic courts in Crimea were not destroyed but rather continued in a limited, diminished form. The existence of the old legal system alongside the new imperial legal establishment—just like old Oriental buildings standing alongside new Western structures—declared that the old has succumbed to the new without having Russian officials to physically dominate and subjugate the local inhabitants.

In parallel to the transformation of the *Sharīʿa* legal system, the other side of this legal change was the opening of imperial legal venues and administrative places throughout the Tavrida province in 1787. Catherine issued a decree in January to open new legal venues in Tavrida. Potemkin, in turn, entrusted General Anshef and ruler of Tavrida, General Kakhovskii, with this


The task of opening public places in the region. New courts of 1787 included: district courts (*uezdni sud’*), city magistrates (*gorodovoi magistrat*), self-administering town councils (*ratusha*), custody courts (*sirotski sud*), lower summary courts (*niznaya rasprava*), local courts (*nizniyi zemskii sud’*), regional magistrates (*oblastnoi magistrat*), and upper summary courts (*verhnaya rasprava*), conscience courts, and county courts. However, these were not the first legal and administrative institutions established in Crimea after the annexation. In fact, the first Russian imperial courts and offices (usually referred to with the umbrella term *prisustveniyye mesta* or “public places” in Russian sources) opened in Crimea in April 1784 as a way to declare the newly annexed Crimean territory as the Tavrida Region (*Tavricheskaya Oblast*). In contrast to the administrative and legal institutions of 1784, the public and judicial offices and departments that opened as part of 1787 provincial elections were more significant for the restructuring and development of the Crimean legal landscape. To better understand the impact of 1787 reforms on the Crimea’s legal landscape, it is useful to compare them to the legal and administrative change of 1784. The public places that were declared open in 1787 differed from those that opened in 1784 in several important ways.

The first difference is that the 1784 public places existed mostly as ideas on paper. In February 1784, Catherine approved Potemkin’s plan for the creation of public places in Crimea: “we approve that you proceed to the actual division of that area into region and district cities … and appoint in them those public places.” Following Catherine’s approval, General Kakhovskii

---

1 The expenses for this project were to be covered by revenues collected from the region's salt and to be released from the Tavrida Salt Expedition in *ITUAK* 6, order #37 (January 9, 1787) in Simferopol.
2 Immediately after the annexation, the Russian authorities established the local government known as the Zemski government, which existed before the opening of the Tavrida Region in 1784 (more on this in Chapter 3), in ZOOID 12, 281-286; *ITUAK* 2, *ITUAK* 3, *ITUAK* 4, *ITUAK* 6, *ITUAK* 7, *ITUAK* 8.
3 RGADA f. 16, op.1, d. 798, l. 127-127ob (February 8, 1784); PSZ 15,925.
submitted a report to the governor-general with a list of public places that were to be opened in Crimea according to Catherine’s decree. The report included names of courts and officials to fill those places and positions.\footnote{RAGDA f. 16, d. 799, ch. 2, l. 16-20b (April 12, 1784).} However, after examination of primary sources, it becomes clear that many of these courts were not fully formed until 1787. For example, his list included conscience courts, but the names of specific officials as judges or assessors to administer these venues were missing in Kakhovskii’s list. Conscience courts were not a singular exception. Names of officials for other departments and courts were also left blank. Moreover, Kakhovskii’s report is rife with the phrase “never arrived” for officials who were apparently assigned as deputies to offices or courts but had not made it to Crimea to accept their official duties.\footnote{RAGDA f. 16, d. 799, ch. 2, l. 16-20b.} Yet, numerous imperial orders and letters sent by Catherine, Potemkin, and other imperial officials during this period reference public places (prisustveniye mesta) from Kakhovskii’s report as if those officials and venues were in full activity.\footnote{ITUAK 3, pp. 23, order #97.} Given the lacunas in Kakhovskii’s report for many official places that were envisioned to have opened in 1784, it is likely that such institutions were part of an administrative plan to be fully implemented in the future.

Furthermore, after Kakhovskii submitted a report of all public institutions that opened in 1784 and their corresponding officials, Catherine wrote to Potemkin to check if those officials were worthy of the rank and were loyal to the empire: “when placing people in positions, observe that not only those places are filled with … residents of the Tavrida region, but that …they will be worthy of their fidelity and abilities to Us.”\footnote{RGADA f. 16, op.1, d. 798, l.122-123ob/PSZ 15,988 (April 24, 1784).} Catherine’s instructions to confirm the worthiness of officials to positions created in 1784 suggests that the process of forming administra-
tive and legal institutions and offices was still a work in progress at that time. The 1784 forma-
tion of the Tavrida Region’s administrative and legal institutions represented an initial step in the
process of transforming Crimea into an imperial vision of a place the Russian Empire could
claim as its own and under its full administrative and legal control. The administrative and legal
apparatus in Crimea was not finalized until 1787. We can conclude, therefore, that the formation
of the imperial institutions—especially legal departments and venues—was not finalized until
the provincial elections in 1787.

During the period of transition (1783-1787), the imperial officials transformed the
Crimean legal landscape, making it more familiar to the imperial powers. Administrative innova-
tions and introductions were continually made throughout those years. For example, in April
1786, Potemkin worked on making official seals for the Tavrida government offices and the coat
of arms for each region. Each regional government received these symbolic representations of
power granted by the tsarina including three legal chambers, the upper local court (zemskii sud’),
the upper reprisal, and the regional magistrate. The seal would certainly make every document
and report official, and a lack thereof indicates that the process of establishing administrative and
legal spheres was still in its rudimentary stage. Thus, not having the seal in 1786 suggests that
activities of those imperial institutions and legal venues before that date were still in a preparato-
ry state at least with respect to document production. The same was true with respect to the im-
perial administrative center, which was initially in the city of Karasubazar. However, that same
year—1784—the central imperial city was changed to Simferopol (formerly Akmescit).

1 ITUAK 3, pp. 24, order #143.
2 Kahovski notes how mirzas, as officials of the Russian imperial government, were gathered in the city of Karasub-
azar to read the instructions from Potemkin in RGADA f. 16, d.962, ch.1, l.289-290 (June 12, 1784).
Kakhovskii was still in the process of looking for a place of central imperial administration after public institutions were officially inaugurated on June 10, 1784. He wrote a few days later, after the official opening of the Tavrida public places: “Tomorrow, I am leaving, together with the ruling post of vice-governor, Mr. Langel, to Akmescit to view the places for making bricks and cutting stone…”¹ His declaration suggests that the imperial administrative and legal institutions were not finalized then despite the fact that everything was officially opened on paper. Yet, the brick-and-mortar central administration was still in the process of being erected.

The second telling difference between 1784 and 1787 legal and administrative reforms was the nature of the institutions that they introduced. From Kakhovskii’s list (April 1784), it appears that earlier courts and departments were directed for a higher, administrative level institutions as opposed to the lower level institutions that opened in 1787. During the period of transition (from 1783 to 1787), of all imperial institutions, only the regional government, the treasury chamber, commandants in a number of fortresses, customs, and quarantine institutions operated.² Thus, most of the early Russian courts and administrative places were part of a large administrative level—i.e. the regional as opposed to district or town or village levels, although district level courts, for example, existed in some cities such as Karasubazar. Focus on the larger administrative level created a notion of uniformity on paper and united the central Russian imperial center to distant Crimea in terms of having a similar administrative and governing veneer extending to all parts of the Russian Empire. Furthermore, only the most qualified personnel were selected to the regional offices, while the very few positions that were created at the district offices were assigned to the remaining officials with less qualifications. Such preference for regional offices

¹ Ibid.
² Koshman, 46.
shows that the imperial authorities focused on regional-level departments as opposed to those at a lower administrative level.\(^1\) Thus, we can conclude that 1784 public institutions created an administrative scaffolding that united Crimea to the Russian empire on paper. On the other hand, 1787 administrative and legal reform, which introduced lower-level courts, impacted the Crimean society more intimately.

The 1787 provincial elections introduced lower-level legal venues and brought Russian imperial officials serving in the newly opened courts and departments closer to the people on the ground. As a result, the Russian imperial institutions gained significant presence in Crimean society starting only in 1787. Thus, it was the 1787 legal transformation that made local inhabitants realize that Crimea was now part of the empire. It was at that moment that the empire was physically present in Crimea because only then were the new administrative and legal institutions introduced for the district, town and village levels. In 1784, Catherine instructed Potemkin to introduce courts of lower-administrative level gradually, as the population increased and as each district’s transformation created additional needs and requirements justifying the opening of new legal venues:

> The state of the Tauride region is composed of the total number of districts (uezd) and in each one the necessary amount of prescribed public places (institutions). It will depend on your discretion and order to arrange such a number of district courts, noble guardianship, lower reprisals and city magistrates, which can be introduced with growing population and the specificities of each location.\(^2\)

Thus, although local courts (zemksi sud’) were included in Kakhovskii’s list, these courts were not introduced in all seven districts of Crimea simultaneously and in equal degree due to the fact

\(^1\)Ibid.
\(^2\) RGADA f. 16, op.1, d. 798, l.122-123ob/PSZ 15,988 (April 24, 1784).
that some districts were more populated than others and, as a corollary, some districts lacked a
certain type of residents excluding a need for a particular type of legal and administrative institu-
tion. Even in the early manifestations of planning these institutions in Crimea, Potemkin left the
Dneperski and Melitopolski regions (oblast) empty of any imperial institutions because the popu-
lation was low in those regions.¹ So the imperial authorities reasoned that as the region was be-
ing populated with colonists, more institutions would be introduced. This idea corroborates the
view that the transformation of the legal landscape went in tandem with the transformation of the
physical landscape. Both processes made Crimea into a colonial space.

The third difference between 1784 and 1787 legal reform is that the 1784 courts and pub-
lic institutions operated along with the office of kaymakam, while the imperial offices and de-
partments that were introduced in 1787 replaced this traditional legal and administrative body.
From the time of the Crimean khanate, kaymakams presided over the khan’s council in the ruler’s
absence.² In the end of the eighteenth century, the last Crimean khan—Şahin Giray—modified
some aspects of the khanate’s traditional administration, including the office of kaymakams. As
part of the reform, he divided Crimea into six administrative units, appropriately called the kay-
makamlıks, which were further sectioned into qāḍīlıks or smaller judicial districts that came un-
der authority of a qāḍī. The higher administrative judicial districts of kaymakamlıks were gov-
erned by the kaymakams.³ The Russian imperial authority inherited the administrative division
left by Şahin Giray and initially built its imperial system upon that traditional structure.

¹ RGADA f. 16, d. 799, ch.1, l. 173-175 (8 February 1784).
² A presence of his name in the Sharīʿa court records suggests that the case was tried at the khan’s council, Kro-
lıkowska, Law and Division of Power, 82 and 88.
³ The six kaymakam districts were Bahcesaray, Akmescit, Karasubazar, Gözleve, Kefe, and Perekop. Both the kay-
makam and the qāḍī were appointed by the khan, see in Smirnov, Crimean khanate under Ottoman Porte in the 18th
century (Odessa, 1889), 219-220.
In fact, during the transitional period (1783 to 1787), the imperial administrators depended on the *kaymakams* to run the Crimean province, designing the imperial legal departments and public institutions that were introduced in 1784 to be in close collaboration with the *kaymakams*. Beginning with the annexation up until their dissolution in 1787, *kaymakams* were appointed by the governor-general. Documents from the Feodosia and Akmescit district courts (*uezdni sud’*) of the transitional period show that there was a great degree of communication between the imperial administrators and the *kaymakams*. For example, during this period, the *kaymakam* courts corresponded with the imperial Treasury regarding wine fees. Likewise, the content of correspondence of the Karasubazar *kaymakam* court shows that the most frequent recipient of this correspondence was the imperial regional government. The imperial reports sent to *kaymakams* consisted mainly of instructions from the regional government to the *kaymakams* for the purpose of executing imperial decrees.\(^1\)

Although imperial departments and offices during the transitional period (1783-1787) instructed the *kaymakams* on many administrative issues, the office of *kaymakams* still experienced judicial independence from imperial control. Thus, although the *kaymakam* courts were guided in their administrative work by the legislation of the Russian Empire, they followed independent legislative procedures that were in line with *Sharīʿa* principles, local norms, and customs rather than the imperial law. *Sharīʿa* court records are invaluable in presenting examples of how *kaymakam* courts operated independently during this period.\(^2\) For example, on May 24, 1784 [after Kakhovskii introduced the 1784-legal and administrative departments in Crimea], a

---

1. Koshman, 13, 80, 86-87.
2. Although these records are from the *Sharīʿa* court volumes, they preserve a number of cases that were heard at the *kaymakam* courts.
*kaymakam* from Bahçesaray, Mehmet Ağa, was presented with a case about a concubine who ran away from her Tatar owner with her lover of foreign origin. Before boarding a ship to Istanbul, the couple managed to steal money and jewelry from her master’s house. The couple was apparently stopped before reaching the shores of Dersaadet, when *kaymakam* court officials retained and brought the couple for trial before the *kaymakam* Mehmet Ağa in Bahçesaray.¹ This case demonstrates that the *kaymakams* continued to adjudicate in criminal matters (theft and an issue of a run-away slave²) despite the fact that the imperial criminal and civil chambers were already inaugurated in Crimea in April 1784 as shown in Kahkovskii’s report. Yet, the *kaymakams* continued to have legal authority in the criminal matter, which demonstrates that the Russian imperial legal venues were not central in the province’s legal sphere during this transitional period. Imperial officials’ lack of involvement in the daily legal matters of Crimean society suggests that the imperial offices operated on the outskirts of the Crimean legal landscape during this period. In other words, the imperial legal and administrative departments that opened in 1784 did not dictate the legal system of the newly conquered territory.

The situation substantially changed in the 1787 legal reform, as a result of which the Russian imperial institutions began to dominate all legal matters in Crimea when they replaced the *kaymakams*. Following 1787, the office of *kaymakam* was converted into the office of land captains (*ispravnik*) under Russian control. Former *kaymakams* who were loyal to the Russian state were employed in the new government.³ Indeed, the same Mehmet Ağa who served as a *kaymakam* of Bahçesaray in the court case presented above became a position of a district judge

¹ KA 116, #311
² Runaway slaves were a serious legal matter in both Crimean and Russian society of this period.
in 1787. During the elections of 1787, the Crimean nobility elected him to this position and re-elected him in 1793. Serving as a civil officer in the Russian administration, he adopted a Russian surname, Balatukov, and advanced within the ranks. Because of his loyal service to the imperial crown as well as achievements of his son Ismail Bey, the Balatukov family “became one of the first Crimean clans accepted into the ranks of imperial nobility.”¹ The examples of erstwhile kaymakams being absorbed into the Russian imperial administration demonstrate the expansion of the Russian judicial authority over the Crimean legal landscape and its replacement of the traditional judicial practices.

The fourth reason that the legal and administrative reform of 1784 was different from 1787 is that the imperial courts that were introduced earlier (in 1784) existed in parallel to the Sharīʿa courts. During the transitional period, the Sharīʿa courts dominated the legal scene and were independent from the imperial administration. The judicial functions in Crimea during the transitional period were mostly carried out by the qāḍīs, acting on the basis of Sharīʿa legal norms.² Before the official opening of the provincial government in 1787, qāḍīs and kaymakams ran the province.³ Despite 1784 initiation of institutions and legal venues, the Sharīʿa courts continued to operate and, in fact, dominate the legal landscape on a wide-range of legal issues: criminal law and civil law, including family and inheritance issues. The Sharīʿa records during the transitional period show that the Islamic courts adjudicated the issues of crime and punishment. The law enforcement officials or zabits—whom the khan traditionally recruited from among the military (i.e. the janissary corps) and appointed to Sharīʿa courts—also appeared in numerous

¹ Ibid., 76.
² Koshman, 162.
court cases dating to the period. Traditionally zabits were required to enforce the law (usually ta’zir punishments for petty crimes) only with permission of judges. Sometimes they acted on their own, bringing to court people who have violated some aspects of public or moral order.¹

Thus, it is no surprise that in the early period after annexation and before 1787, the Sharī‘a courts continued their traditional role despite the fact that the khanate was dissolved. The responsibility of ordering the zabits as well as other court functionaries such as beytülmal emini (officer of the treasury) or a muhtesib (a market inspector) to enforce the law was still under the jurisdiction of the judges, who at that time maintained the function of the court despite the change in political authority.

The Sharī‘a courts likewise continued to adjudicate cases of murder without procedural alternations despite the fact that the imperial chamber for criminal law was established as part of the 1784 reform. In the traditional Islamic court practice, criminal cases do not usually result in

¹ Discussion about criminal law, crimes, punishments (ta’azir and hadd) in the Crimea khanate see Królikowska-Jedlińska, Law and Division of Power, 87-91, 112-115, 145-148, 183-188. Theoretically, in Islamic society, Sharī‘a being the overarching legal-moral structure has dealt with criminal cases as if it was part of a private individual family affair. In practice, however,—in the Ottoman Empire, for example—the field of criminal law was determined by both Sharī‘a law and the state law or kanun. However, from the sixteenth century in the Ottoman domain the role of Sharī‘a declined while the kanun dominated in this field of law. There is no clear evidence to suggest that the same has taken place in the Crimean khanate. The number of works and primary source on jurisprudence and legal methodology in the Crimean khanate is not large enough (nor is there a codified law book) to give a clear picture of the role state law played upon the “crime and punishment”. For the discussion about transformation of criminal law in the Ottoman Empire see Uriel Heyd, Studies in Old Ottoman Criminal Law (Oxford, 1973). Here Heyd, in fact, argues that the status of the kânûn had declined in the seventeenth and eighteenth centuries but this is not the dominant opinion among the scholars on this issue. F. Zarinebaf, Crime and Punishment in Istanbul, 1700–1800 (Berkeley, 2010) argues that in the eighteenth century the Ottoman penal system came to focus less on punishment of the physical body and more on the corrective and psychological improvement of the accused. Moreover, she asserts that the Ottoman state gradually took greater control over criminal cases, which used to be part of private domain. In Politics of Honor in Ottoman Anatolia: Sexual Violence and Socio-Legal Surveillance in the Eighteenth Century (Leiden and Boston, 2017), Başak Tuğ explores legal measures adopted by the eighteenth’s century Ottoman officials in maintaining public order through increasing surveillance of sexuality and sexual crimes. She also observes that defense of honor became a novel concept that came to constitute part of the central contours of the Ottoman legal system and society. Also see Suraiya Faroqhi, Coping with the State: Political Conflict and Crime in the Ottoman Empire, 1550-1720 (Istanbul: Isis Press, 1995); İşık Tamoğân, “Sulh” and the 18th Century Ottoman Courts of Üsküdar and Adana.” Islamic Law and Society. 15.1 (2008); Boogert, Maurits H. The Capitulations and the Ottoman Legal System: Qadis, Consuls, and Beraths in the 18th Century (Leiden: Brill, 2005); Tezcan, Baki. The Second Ottoman Empire: Political and Social Transformation in the Early Modern World (New York: Cambridge University Press, 2010), 23-45.
the imprisonment of the violator. Thus, the fact that most criminal cases in the Crimean court records do not mention sentences of imprisonment or persecution for the act of murder shows that no changes have take place with respect to traditional judicial procedures. In contrast, prisons sentences traditionally appeared in cases concerning injuries and most often in unresolved debt. For example, in May 1786, a group of men were imprisoned (habsidan itlak eyledik) after a public stabbing incident that resulted in a victim’s injury.¹ This case illustrates that the Sharīʿa court personnel continued to exercise authority in criminal matters and maintain public order in the traditional fashion although the Russian imperial officials formed the office of police already in 1784. In other criminal cases such as when murdered bodies were discovered in public and private spaces, Sharīʿa court personnel—rather than Russian police—were involved in these matters as can be observed in the Sharīʿa court records of this period. Despite the paucity of court cases dealing with murder (there were only nine murder cases in the total of four volumes of Sharīʿa defters), the sicils show that Sharīʿa courts—as opposed to newly created departments and legal institutions (of 1784)—would continue to have authority over criminal issues and matters of public order until 1787.

Sharīʿa court records of the transition period demonstrate that Sharīʿa institutions also retained a prerogative over the process of sentencing. The fact that so many imprisonment cases appear in Sharīʿa records suggests that traditional prisons continued as they were even after Russian law enforcement institutions were created in 1784. The court records also show that the pre-existing legal logic for sentencing someone to prison also continued. According to the pre-existing logic, imprisonment was used more often as a mechanism to compel a litigant to fulfill a

¹ OR RNB Fond 917 117:424 (May 6, 1786).
promise made in a civil contract rather than as a punishment for a criminal act. For example, a
default punishment for refusing to pay a debt (ba’de’-taannûd or ba’de’l-îbâ) or an inability to
pay the debt in the Sharî’a legal system, an imprisonment was often temporarily implemented
until the debtor either settled his debts or found a guarantor (kefîl bi’l-mâl) who would ensure
that the payment that would be made after an established period. After the payment was made,
the debtor would be released from prison (dayini bi-tamâm eda lie hapisdan itlâk). During the
period of transition, there were multiple cases in Sharî’a records that concerned imprisonment
for debt.¹ The same court records of the period show that imprisonment was also a common pun-
ishment for a man who refused to pay his wife’s dowry (mehr) after a divorce.² Thus, in the
Sharî’a system in Crimea, manipulations with money or refusal to return a debt resulted in im-

¹ The cases concerning imprisonment for debt are numerous: For example, two Jewish men went to court because
one refused to pay the indebted amount. The debtor went to prison until his son stepped up as a guarantor (kefîl bi’l-
mâl) after which his father was released on the condition that the debated amount would be paid after 21 days (olûp
yigîrmî bir göne mahî ile habsden ihraç olunduğu) in OR RNB f. 917 116 #313 (1784); Other cases concerning im-
prisonment as a result of unpaid debt are: 115 #132 (June 1786), #272 (November, 1786); KA 116 #28 (Sep-
tember 17, 1783), #36 (April 4, 1784), #44 (November 1783), #47 (January 27, 1784), #52 (February 4, 1784), #64
(May 27, 1784), #89 (July 11, 1784), #91 (May 11, 1784), #108 (August 1784), #109 (July 1784), #111 (August 5,
1784), #126 (August 19, 1785), #132 (January 8, 1785), #143 (November 15, 1785), #145 (November 27, 1785),
#153 (February 1786), #176 (February 14, 1786), #210 (October 29, 1785), # 252 (December 9, 1784), #316 (Au-
gust 1784), #317 (August 1784), #319 (May 24, 1784), #330 (August 31, 1784), #356 (June 29, 1785), 359 (June 29,
1785), #373 (March 26, 1786), #385-387 (October/November 1785), #396 (December 1785), #406 (March 26,
1785), #408 (June 10, 1785), #429 (April 3, 1786), #430 (April 3, 1786), #501 (November 1784), #504 (April 17,
1785), #506 (April 18, 1785), #527 (February 21, 1785), #529 (April 1785), #530 (1785), #540 (February 5, 1785),
#544 (January 30, 1785), #545 (January 31, 1785), #562 (January 12, 1785); 117 #87 (February 1786), #222 (Au-
gust 29, 1786); 118 #3, 88 (May 28, 1786), #93 (June 11, 1786), #95 (June 22, 1786), #100 (July 15, 1786), #109
(September 5, 1786), #116 (September 28, 1786), #131-132 (December 7 & 18, 1786), #163 (April 23, 1786). These
cases involve both Muslims suing Muslims or Zimmis or Zimmis suing Zimmis or Muslims. It appears that Sharî’a
courts had no religious or ethnic or gender restrictions on who was allowed to initiate a case in a Sharî’a court espe-
cially when it involved a debt.
² OR RNB f. 917 116: 611 (October 8, 1784). This was apparently a common judicial practice in the Crimean
Khanate. Özdem also discusses a case in which a husband refused to pay back the mar and the allowances (nafaka)
to his wife in Kirim Karasubazar ’da, 60.
prisonment. It appears from the aforementioned records that during the period of transition, the authority of the Sharīʿa courts was not challenged by newly established imperial legal departments and chambers in adjudicating sentences of imprisonment in civil matters.

During the transitional period, the Sharīʿa courts also continued to deal with disputes involving litigants of different confessions and national origins as was the tradition. Thus, traditionally, Sharīʿa legal venues were not limited to native Muslim inhabitants. However, with 1787 legal reform, the newly introduced lower level imperial legal institutions replaced the dominating authority of the Sharīʿa courts that traditionally extended to all residents in Crimea. Because the Sharīʿa courts were pushed to the margins of legal domain after 1787 legal reform, qāḍīs were allowed to deal with issues involving only Muslims and only for the matters of family and religious affairs.

---

1 This discussion about criminal law demonstrates that Sharīʿa courts were resident in the moment of crisis, specifically in the period of political turmoil (Shahin Giray’s reforms) and political change (Annexation of the Russian authority), during which period there was no stable political authority for some time. The cases dealing with criminal and civil issues outlined above have demonstrated that Sharīʿa law was a deeply entrenched legal tradition that could operate without a stable political structure. Despite the absence of a regular political authority, the court personnel implemented the same legal procedures established by tradition in dealing with criminal cases. Although the legal system was not completely isolated from the sphere of politics, it was sufficiently autonomous and self-sustaining to withstand the internal unrest and colonial overtake. Discussion about criminal law, crimes, punishments (taʿazir and hadd) in the Crimea khanate and the connection to the ruling authority, see Królikowska-Jedlińska, Law and Division of Power, 87-91, 112-115, 145-148, 183-188. On discussion about law and punishment and the role of the political authority in the Ottoman Empire, see Uriel Heyd, Studies in Old Ottoman Criminal Law (Oxford, 1973); F. Zarinebaf, Crime and Punishment in Istanbul, 1700–1800 (Berkeley, 2010); Politics of Honor in Ottoman Anatolia: Sexual Violence and Socio-Legal Surveillance in the Eighteenth Century (Leiden and Boston, 2017); uraiya Faroqhi, Coping with the State: Political Conflict and Crime in the Ottoman Empire, 1550-1720 (Istanbul: Isis Press, 1995); İşük Tamsoglan, " “Sulh” and the 18th Century Ottoman Courts of Üsküdar and Adana." Islamic Law and Society. 15.1 (2008); Boogert, Maurits H. The Capitulations and the Ottoman Legal System: Qadis, Consuls, and Beraths in the 18th Century (Leiden: Brill, 2005); Tezcan, Baki. The Second Ottoman Empire: Political and Social Transformation in the Early Modern World (New York: Cambridge University Press, 2010), 23-45. Interestingly (during reading of the Ottoman documents as part of the dissertation archival research, I discovered that) the Ottoman imperial authorities also had influence over criminal affairs in Crimea during this period. A man was found murdered in Karasu in 1783. In response, the Ottoman authorities acted by organizing an investigation committee that asked the community in Karasu, while conducting an inquiry, where the murder occurred, and wrote a detailed report about the incident, discovering that the man was a bandit who apparently publicly quarreled with his murderer. The order to organize an investigation committee was sent from the Sublime Porte on April 14, 1783. These documented cases show that the Ottoman governing authority had power over even after the Russian empire annexed the peninsula, in BOA. KK. d., 7535 #7.
A corollary to this reduction of *Sharīʿa* legal authority was the appearance of numerous legal venues, creating a condition of legal pluralism. Since the *Sharīʿa* courts could now adjudicate only for Muslims and since the Russian annexation opened the door for the influx of new types of residents to Crimea, the multifarious imperial courts took on the role of dealing with all types of litigants and all types of legal issues. Crimean *mirzas* were both appointed and elected to judicial positions in these new imperial legal institutions. The first noble election, held in 1787, brought hundreds of mirzas from the entire peninsula to be selected to these posts. At stake were judicial positions at the conscience courts, deputy positions at the upper district courts, and advisory positions at the county courts.¹

The transformation in the traditional legal system of *Sharīʿa* courts resembled numerous other colonized regions in which European empires reduced the presence of Islamic law to family matters and introduced their own imperial courts to create a pluralistic legal system under the control of the imperial state. The Crimean legal tapestry depicting a mosaic of numerous Russian courts associated with every possible sphere of its diverse society suggests that limiting the *Sharīʿa* courts to family matters did not abolish legal pluralism in favor of state-centered uniformity of legal practice. The introduction of these institutions in 1787 rather signaled the production of state-sanctioned legal pluralism. A scholar of Russian colonialism in Central Asia, Virginia Martin notes that the state-centered legal pluralism involved the imperial state becoming the single judicial body determining various nuances of legal practice in its colonies and imperial possessions.² Expressing a similar idea, Lauren Benton writes that, initially, the European colonial

---

¹ RGADA f. 16, d. 799, ch. 2, L. 13-14ob (17 February 1787); PSZ 16531; Prohorov, “Krymskie Tatary,” 290-291; GARK f. 799, op. 1, d. 6, L. 164-167.
² Virginia Martin, “Kazakh Oath-Taking in Colonial Courtrooms: Legal Culture and Russian Empire-Building,” *Kritika* 5, no. 3 (Summer 2004), 487.
regime supported the already existing legal pluralism and further exacerbated the pluralistic nature of legal order in the colonies through its interaction with the native population. Over the centuries, the colonial legal order transformed gradually from pluralistic to a hierarchically-organized legal plural system “in which state law subsumed in one way or another all jurisdictions, including ‘traditional’ forums given special status by the state.”1 These exact transformations in the Crimean legal practice occurred towards the end of the eighteenth century and more precisely starting in early 1787, as we have seen with respect to Islamic and imperial courts. The similarity between the legal transformation in Crimea and state-sanctioned legal pluralism in European colonies strengthens the argument that the Russian imperial officials sought to make Crimea into a colonial space like those of the European empires.

In fact, some scholars have pointed out that the Russian model of ruling Crimea was borrowed from Western colonial enterprise. Pravilova notes that Russians learned from European colonial innovations as they faced identical challenges of ruling Islamic communities in utterly unfamiliar environments.2 This was also true in reverse. Ann Stoler has identified familiar patterns of colonial rule between Russia and European empires to conclude that they were acquired through mutual borrowings between different European empires. Europeans looked to Russian practices and techniques of imperial governance to be repackaged for their colonial rule as much as Russians looked to Europeans. Le Comte de Tourdonnet mentions Russian colonies for orphans in agricultural camps, that were set up in rural environs of St. Petersburg. He also cites projects of populating the Russian steppe and the newly conquered regions in the north of the

2 “Models, Margins, and Imperial entanglements,” 278.
Black Sea in the mid and late-eighteenth century. Inspired by these Russian imperial practices, the French adopted similar techniques in the process of colonizing Algeria and the French imperial mainland. Stoler writes that all these mechanisms in colonizing and ruling had no particular national affiliations: “those who planned colonization of North Africa could look at once to the Saratov colonies on the Volga and to Crimean colonies in the Russian South…” Thus, we should consider the Western-European experience of state-sanctioned legal pluralism in their own colonies and Russian implementation of similar mechanisms in Crimea both as examples of colonial rule. The idea that both Western-European and Russian empires controlled their conquered or annexed regions in the manner of targeting the legal system to create state-sanctioned legal pluralism further reinforces the argument that Russian imperial rule in Crimea was colonial. Thus, Crimea was not just an extension of Great Russia but rather Russia’s colonial space. In an effort to realize Crimea as a colonial space, the imperial officials strengthened legal transformation with transformations of its physical landscape. Interestingly, the final preparations of making Crimea into a colonial space was perfectly timed with Catherine’s journey to the region in 1787.

In the winter of 1787, Catherine the Great set out with a large entourage on an eight-month imperial journey from Saint Petersburg to Crimea. Some contemporaries suggested that the journey was conducted for the purpose of making the Empire’s presence known in the eyes of European rivals. Without question, Catherine’s journey to Crimea caught the attention of the European and the international community. Johan Albrekt Ehrenstrom, a Finnish politician, wrote about the journey:

The preparations for this voyage were extremely expensive and magnificent, a common topic of conversation and aroused the curiosity of all of Europe. All foreign newspapers were filled with descriptions of this and guesses about the purpose of the trip…¹

Dignitaries who accompanied Catherine in the journey included Emperor Joseph, Prince Potemkin, Count Bezborodko, the Austrian envoy, French and English ministers, three ministers from Constantinople, Prince de Lin and Prince of Nassau, as well as the necessary courtiers and servants.² Throughout the imperial procession, Catherine aimed to demonstrate to her Western guests her success in bringing civilization, enlightenment, and modernity to the erstwhile khanate as it was exhibited in both the physical as well as legal transformation of Russian Crimea. The journey was nothing other than a grand opening of Crimea as a colonial space to be witnessed by all three participants: the Russian Empire, European nations, and the Crimean Muslim community.

Sources corroborate the view that the transformation of the physical and legal landscapes were part of the preparation for Catherine’s grandiose journey. As a way to prepare the physical landscape for Catherine’s imperial procession, imperial officials erected new buildings, ports, and industries as describes in the earlier section.³ The physical change echoed the transformation in the legal landscape. The importance of preparing the legal landscape for the journey can be seen, for example, in Francisco de Mirandao’s description of the ceremony that marked the opening of new imperial institutions in Crimea on March 30, 1787:

Today there is a deputation of mirzas from Taurida on the occasion of the opening of courts and the establishment of a new administration; everything is settled. For this reason I went to the palace,

¹ Ruskaya Storina, #7, pg. 6-7.
² Ruskaya Storina #7, pg. 19.
where I found among the guests the French, invited at the insistence of Segur. A large table was set, where I was also invited as soon as I entered.¹

The pompousness of the occasion is sensed by the presence of foreign guests—including Segur, Miranda, Mamonov, De Lin, and Nassau—and the local elites in the audience. The ceremony Francisco described was a theatrical exhibition of Catherine’s achievements in transforming the region from barbarity to civilization as represented, for example, by the fact that mirzas stood in straight lines to greet the Empress and kiss her hand as loyal and disciplined subjects.² The description of the ceremony demonstrates that it was important to synchronize the opening of new legal institutions with the imperial journey that brought Western observers to validate Catherine’s achievements in subduing the Tatars and establishing a modern form of law and order in place of its decaying traditional legal system.

Like the journey, this inaugural celebration for new judicial institutions demonstrated Catherine’s Europeanness, modernity, and enlightenment. Members of the European political elite who accompanied the Empress in her travels were also present to witness the birth of a modern empire. They were the audience for a demonstration of her ability to rule Crimea as a European—and therefore modern and civilized—thinker who advocated for the rights and freedom of her subjects.³ To demonstrate its claims to the membership of the European community, the inaugural celebration exhibited Russia’s commitment to a set of values and ideals that distinguished West from East, modern from traditional, and civilized from barbaric.⁴

¹ Fransisko de Miranda. Puteshestviye po Rossiyskoy imperii (Nauka, 2001). 130:
² Ibid.
³ Dickinson, “Russia’s First ‘Orient’,” 6; Ligne to Catherine II, 1 August 1784, Figures de Temps passé, 126, quoted in Les lettres de Catherine II au Prince de Ligne (1780-1796) (Brussels: Librairie Nationale d’Art et d’Histoire [G.-Van Oest], 1924), 49-50.
⁴ Osterhammel, Unfabling the East, 319.
element for this set of values was a judicial system upon which civilized societies are built and organized. By taking control over the legal landscape and modernizing (i.e. Russianizing) traditional Crimean judicial structure, Russian imperial officials brought order to the ‘wild’ nature of *Sharīʿa* law as it was seen by Russian officials. At its core, the Russian legal order was connected to modernity, development, and civilization based on the principles of enlightenment that were manifested not just in imperial decrees and administrative structures but also in the physical and visual material elements present in its landscape. I suggest that the introduction of Russian courts in Crimea echoed the discourse of the civilizing mission Russia embarked upon at this point of transition.

In the European sense, modern legal systems were organized according to the principles and values of rights and freedoms, including the protection of religion as well as laws that follow reason and logic as opposed to faith or religious texts. In Catherine’s view, the traditional *Sharīʿa* law and legal practice exhibited characteristics of a barbaric legal system. Catherine’s conviction that *Sharīʿa* was an obstacle to her civilizing mission is evident in Segur’s travel accounts. He wrote down his observations as he accompanied the Russian head of state on her imperial journey to Tavrida in 1787. In his reports, Segur offers a glimpse into Catherine’s private thoughts and views about the Crimean people:

> She often spoke about the barbarism, lethargy, ignorance of Muslims, about the silly life of their sultans, whom the activity was limited to the walls of the harem. ‘These weakly despots…’ she said, ‘managed by the *ʿulamāʾ* and submissive janissaries, do not know how to talk nor say nor to manage or lead the war and will always remain children.’

---

1 Segur, 406.
These private musings show that the Empress associated barbarity of the Crimean legal system while reference to being children asserts Crimeans’ immaturity and underdevelopment in the fields of law, military order, and organization of government. Subsequently, Catherine’s policies weakened the domination of the ‘ulamāʾ and their legal structure in favor of her imperial structures, thereby bringing the Crimean people from a state of barbarity and childhood to that of a mature and civilized nation.

Furthermore, the opening ceremonies of new legal institutions demonstrated dualities that contributed to form Crimea colonial space. For example, in Francisco de Miranda’s account of the aforementioned ceremony reveals contrasts between Tatar mirzas as newly elected judicial officials and European officials in the service of Russian state:

As soon as she [Catherine] entered, the Tatar representatives, as well as De Lin, Nassau, and Mamonov, who stood out with their uniforms among the crowd of newly elected provincial officials, in turn came to kiss her hand. The Tatars read out a short welcoming speech in their own language, Her Majesty replied that she was very pleased and grateful to them. That was the end of the ceremony.¹

Miranda is mesmerized by the scene of western military uniforms of De Lin, Nassau and Mamonov standing out in the crowd of newly appointed Tatar mirzas, who remained in their traditional attire and spoke their own language to the Empress. Although being worlds apart, the two types of Russian subjects (Western military men and Tatar elites) were part of the same ceremony. They do not interact with one another as if they are two parallel worlds that will never collide or intersect. Only the Empress is able to receive their presence in its exact, unaltered form. In this way, she is presented as being the only one who calmly understands and absorbs the two worlds.

¹ Miranda, 130.
Thus, this ceremony was another opportunity to demonstrate the contrasts of two cultures as they existed in the same spatial platform of Russian Crimea. The imperial authorities used the journey and this ceremony to juxtapose the Occident and the Orient intentionally synchronizing the transformation of the legal landscape with the journey.

Entanglements as a Challenge to Colonial Space

Russian political actors manufactured Crimea as a colonial space by creating divisions within its material reality and legal structures. Yet, these divisions remained porous. Neatly generated categories were bound to erode into naturally produced new entanglements. Despite imperial efforts, the dichotomies between the Orient and Occident broke down on the ground level. The experience of making Crimea into a colonial space brought the Russian Empire into direct communication and interaction with local traditions. The most notable of these interactions was in the religious-judicial field.

Entangled legal formations became a counter-process to the production of colonial space. The underpinnings of colonial space is a separation between modern and traditional and differentiation between imperial and local. Whereas colonial spaces are mechanically and systemically produced, entanglements happen unintentionally. Entanglements, by their very nature, do not play by the rules of colonial discursive logic and imperial objectives. Social anthropologists writing about colonialism and colonial spaces refer to these situations of entanglements by various terms. A linguist and a critical theorist, Mary Louise Pratt, for example, calls them “contact zones” while a historian on colonialism and urban architecture, Anthony King, refers to the interactions between the colonists and indigenous population as “third culture,” which is a mix of
colonial, metropolitan, and indigenous cultures. Likewise, David Bell and Sara Mills refer to entanglements as “spatial networks.” In a similar manner, this dissertation speaks about legal entanglements that emerge due to litigants, legal personnel, or local or imperial elites’ unintentional borrowings of legal practices, use of either imperial or local legal venues, or cross-implementation of legal documents produced in either local or imperial legal traditions. These types of practices create entanglements that challenge colonial aspirations toward order, control, and modernity. Instead, entanglements produce disorder and mixture that poses a challenge to imperialism. In this case, entanglements represented resistance against the imperial efforts to make Crimea a colonial space.

In the Crimean context, the incorporation of the region into the Russian Empire did not erase its traditional elements despite the imperial elites’ mocking exaggeration of its Oriental features. Even when recycling the design of buildings or their parts for other purposes was done with an ideological or political intent, the Crimean landscape did not always succumb to the pressures of imperial rule to restructure and reorganize according to the fashion Russia had envisioned. Monuments, sacred sites, rivers and fields, and even trees and small shrubs of the dense forest embed their roots in ways that are not always visible to newcomers. Collective memory and the keeping of traditions associated with each aspect of a city or a village gives the landscape and its people the power to resist the intentions of colonial administrators to designate new meanings to old places. This was as true for the physical and material reality of the Crimean landscape as it was for the legal sphere.

2 Mills, Gender and Colonial Space, 29, 103; Bell, et al, “All hyped up and no place to go,” Gender Place and Cultural: Journal of Feminist Geography, 1/1, pp.31-48.
Conclusion

The chapter discusses the process of inventing Crimea as a colonial space. The parallel imperial efforts to produce the veneer of a unified empire faded in comparison to the impact of the discursive and material practices that generated Crimea as a colonial space, which was accomplished through the dual transformation of the physical and legal landscapes. The imperial policy to transform the physical landscape involved establishing new buildings and infrastructures to achieve the imperial objective of creating an endless process of juxtaposition between the West and the East in the Crimean colonial space. The transformation of the legal landscape involved a curtailment of the *Sharīʿa* courts in 1787 and the introduction of Russian legal venues that began to dominate the legal domain starting in the same year. The official Russian courts represented order and rationality in place of the uncontrolled and amorphous dimensions of the Islamic legal system. I suggest that the introduction of Russian courts in Crimea aimed to modernize and civilize Crimea. In this context of *mission civilisatrice*, the real change in the political authority in Crimea was not in 1783 when the annexation manifesto was declared. Rather, the more significant impact on the Islamic courts took place in February 1787. The creation of colonial space produced an environment where opposing discursive categories would remain in constant tension. However, as the example of Crimea demonstrates, these categories and separate legal systems were bound to erode into entanglements. The next chapters will trace the processes and examples of these legal entanglements.
Chapter 2
Past Entanglements: The Evolution of the Crimean Khanate’s Legal System

This chapter examines the legal structure of the Crimean khanate from its formation in the late fifteenth century until its annexation in 1783. The chapter is divided into three chronological periods and argues that Islamic and Ottoman legal practices began to take root in the khanate and gradually supplanted the existing Golden Horde system throughout the three centuries from the mid-fifteenth to the end of the eighteenth century. Ottoman influence in the internal affairs of the Crimean khanate in the sixteenth century (section 1) eventually began to impact the legal-administrative structure of the khanate. Thus, there was a greater degree of legal entanglements between the two polities in the seventeenth century in the seventeenth century (section 2). As a result, legal, educational, and administrative institutions in the khanate gravitated more toward Sharīʿa and Ottoman practices. However, around the eighteenth century (section 3), the khanate’s legal system developed from a formative state and gradually consolidated those multiple judicial traditions. The period was characterized by a significantly reduced Ottoman presence on the peninsula. Concurrently with the consolidation of the Crimean legal system, the Crimean learned establishment began to solidify as a system distinct from the Ottoman Empire. Though seemingly paradoxical, as legal entanglements caused the Crimean khanate to become more Islamized and Ottomanized throughout the centuries, Ottoman domination over the Crimean khanate was gradually reduced.

The Crimean khanate’s suzerainty to the Ottoman Empire has been a long-established view in Ottoman and Crimean historiographies. However, the one-size-fits-all suzerainty thesis fails to account for patterns of development in the three-century-long relationship that developed
between the polities, as it focuses instead on the broader relationship of domination that characterized the region. These development patterns reveal different power players, traditions, and mechanisms—beyond the Ottoman imperial state—that were involved in making, producing, and developing the Crimean social and political structure. The most important of these mechanisms was the legal establishment. *Sharī’a* legal practices, along with Islamic educational institutions, were at the forefront in defining and solidifying the khanate as a whole.

The story of Crimean suzerainty conventionally begins with the first Crimean khan, Mengli I Giray (r. 1467, 1469-1475, 1478-1515). After the khanate became a separate entity from the Golden Horde, it experienced a period of independence under the rule of Haci I Giray khan (r. 1441-1466), who passed away without a clear successor. Instability and a power struggle among the fractious royal household, the Girays, ensued. Because of the civil dispute, the state’s council under the leadership of karaçı beys invited the Ottoman authorities to intervene. The Ottoman sultan, Mehmet II (Mehmet the Conqueror, r. 1451-1481), had political objectives of his own in the Black Sea: in particular, he aimed to bring the Kefe region—a Genoese colony—under his control.¹ Therefore, he sought to appoint Mengli I Giray, Haci’s son, to the Crimean throne because Mengli I was more accepting of Ottoman policies than other contenders, especially regarding Kefe. The Ottoman authorities under the leadership of Sultan Mehmet II immediately began negotiations with Eminek Şirin, the beys of the most powerful clan in Crimea, to enthrone Mengli I.² Subsequently, in 1475, Sultan Mehmet II sent the Ottoman fleet to Kefe and captured the northern coast of the Black Sea. A contemporary Turkish historian, Halil Inalcik

---

¹ To protect his trade routes in the Black Sea, Sultan Mehmet II initiated a campaign against the Genoese who themselves were determined to drive out the Ottomans from the region in Orhunlu, “Kefe,” *EI2.*
claims that when Mengli I assumed the throne after that, he apparently accepted his position on
the throne as an appointment (tikme) from the sultan and declared the Ottoman ruler to be his
lord.¹ Since that Ottoman intervention in 1475, the two polities (i.e. Ottoman and Crimean)
shared a close relationship in which—as most contemporary historians agree—the Ottoman Em-
dire occupied the dominant position.²

The view that the Crimean khanate was a “suzerain,” “a vassal state,” or a “client state”
of the Ottoman Empire is dominant among both Western and Turkish historians despite little
primary source evidence. In this view, the agreement made between Mehmet II and Mengli I Gi-
ray served as a basis for suzerainty of the Crimean khanate in the preceding decades.³ However,
neither the actual text of the agreement nor its details have survived to the present day. Indeed, it
has become common in the secondary literature to present the Crimean khanate as the vassal of
the Ottoman Empire without delving into a discussion about primary sources.⁴ And the consen-
sus about suzerainty in contemporary accounts is no more common than it was among the histo-
rians of the past century. For example, a nineteenth-century Russian scholar, Vasilii Smirnov,

the throne of the Ottoman sultan, exclaiming, “I am your servant!” Yet Smirnov did not reference any primary sources that corroborate this event. Despite this lack of evidence, the hypothesis about Crimean suzerainty to the Ottoman Empire has too much dominance in the contemporary scholarship.

The dominant assertion of suzerainty stifles other possible ways of thinking about how the relationship between the two political entities developed in various historical episodes, especially with respect to law. Although it is true that the Ottoman Empire frequently interfered in the affairs of the Crimean khanate and was often successful in manipulating the Crimean political situation to install pro-Ottoman rulers, it was not always successful in compelling the khans to follow decisions from the Ottoman Porte. The Ottomans interfered in the internal affairs of the khanate because the Girays represented a challenge to the Sublime Porte. The Giray family was a legitimate contender to the Ottoman throne. The fact that the Girays were direct descendants of Chinghis Khan and also Muslim in faith gave them strong claims to both the house of Osman and the Crimean khanate. The complicated relationship between these rulers yields a slew of opposing scholarly opinions: regardless of the threat the Girays posed as possible contenders to the throne, scholars have shown that, since the late fifteenth century, the Crimean khans and the Ottoman sultans were more allies than competitors. At other times, their relationship resembled the unequal alliance between a dominant empire and a vassal state. As a third alternative, scholar-

---

1 Smirnov, *Krymskoe khanslvo pod verkhovenstvom otomanskoi porty v XVIII stoletie* (Odessa, 1889), 16.
2 Prior to conversion of Mongol elites to Islam, descendants of the Chinghis Khan were seen as outsiders. However, with acceptance of Islamic religion and the rise of the Turkic warrior-states, by the second half of the fourteenth century Chinghisid heritage became acceptable in the eyes of many Muslim historians granting the redoubtable lineage and pedigree of the khans a competitive status to that of Quraysh. The view of Girays as viable contenders to the Ottoman throne became more prominent in the Ottoman sources during the seventeenth century, in Kirilmli and Yaycioglu, “Heirs,” 496-498, 501.
ars note that Ottoman control over the Crimean khanate was not always successful, as there were many episodes of opposition and disagreement.  

These three alternatives place doubt on the suzerainty thesis. How does one reconcile these three different assertions that (a) Crimeans were tied to the Ottoman administration in the form of suzerainty, (b) the Ottoman and Crimean states were allies, and (c) the Crimean khans were more powerful in their royal lineage than the Ottomans? The ambiguity over the actual relationship between Ottomans and the Crimean khanate might be due to the divergence of views present in the primary sources. In comparing two historiographies, Denise Klein notes that Ottoman and Crimean chroniclers differed in how they described events that had significant impact on the Crimean peninsula.

Klein shows that Ottoman historical works glorify the Ottomans’ interference in Crimean affairs, while Crimean works glorify Crimean uniqueness and denigrate Ottoman influence. The

---

1 There is uncertainty about the degree of power the Sublime Porte exercised in regards to the selection and deposition of the Crimean khans. It is well known that the khans ascended the throne with recognition of their rule through an Ottoman investiture, a ceremony that provided a confirmation (tasdik) by the Ottoman sultan. Kołodziejczyk in The Crimean Khanate and Poland-Lithuania argues that the Ottoman sultan appointed khans and sometimes kalgas through berats rather than ‘ahdnames and provides a list of khans and kalgas who received such documents pp. 298. These documents are also examined in Rypka, “Briefwechsel der Hohen Pforte mit den Krimchänen im II. Bande von Feridüns Mümşeti,” in Festschrift Georg Jacob zum siebzigsten Geburstag, ed. by Th. Menzel (Leipzig, 1932), pp. 263–264. Besides the diplomatic protocol of investitures, it is said that the Porte impacted the internal affairs of the khanate and could dispose or impose a new ruler by maintaining close contact with khanate’s subjects and the nobility, making it easier for the Ottoman authorities to incite insurrection against a Crimean ruler who objected to Ottoman policies. However, the nobility such as the karaçi beys with whom the Ottoman authorities maintained such contact did not always accept Ottoman attempts to impose a khan of their choice. After the Crimean succession crisis in the late fifteenth century which marked the first involvement of the Ottoman sultan in the Crimean affairs, the nobility in the khanate had impeded the Ottoman involvement in the process of selecting khans. The karaçi clans had in fact chosen the three consecutive khans from 1514 until 1532. In 1532, however, Suleyman’s imperial ambitions were reflected in his efforts to dictate the appointment of the khans in Crimea. He sought to elevate Sahib Giray to the throne but the karaçi beys saw this as a violation of their tradition and their right which was dictated by the Yasa of Chingis Khan. Thus, in opposition to the Ottoman insistence on Sahib Giray, the karaçi beys selected Islam Giray as the khan. The process of selecting and deposing khans was a complex issue that depended on an intricate balance of power between the Ottoman government, religious authority, the traditional karaçi families, and other nobility. Always a precarious position, the khan depended on keeping all these parties in balance, Seiid Mukhammed Riza, Asseb o Sseiiar ‘li Sem ‘ Planet’ (Kazan, 1832); V. D. Smirnov, Krymskoe khanslvo pod verkhoenstvom otomanskoj porty v XVIII stoletie (Odessa, 1889); Zdenka Veselá, “Les rapports de la Porte Sublime avec le Khanat de Crimée (1676–1686),” Cahiers du Monde Russe et Sovietique 11 (1970): 216–217.
Ottoman chronicles adopt a tone of praise for the Ottoman sultan as a promoter of peace, justice, and stability for sending *qādīs* to the region to ensure that the populous followed *Sharī‘a* law. In contrast, historians from the time of the Crimean khanate blame Ottoman interference for instability and violence in the region. In the Crimean account, the khan—not the Ottoman sultan—is praised as a champion of peace and promoter of Islamic law.\(^1\) The Crimean Tatar chronicles, further highlight a history of independence and the uniqueness of Crimean society. These works focus on the distinct Golden Horde heritage and traditions that served as the basis for Tatar identity and independence. The *Tarih-i Sahib Giray Khan*, for example, highlights the exceptional “legitimacy and longevity” of the Giray dynasty. Likewise *Tevarih Deşṭ-i Kıpçak*, a chronicle composed in the early seventeenth century (between 1623 and 1640), “emphasizes the separate identity and resulting sovereignty of the khans from time immemorial, and the fact that, because of their special traditions, the khans were able to deal with the sultans as genealogical equals.”\(^2\)

Completed in the 1650s, *Uçuncu Islam Giray Khan Tarihi* by Kirimli Haci Mehmet Senai describes the political remnants of the unique Golden Horde and Chingisid practices in the Crimean political organization. With a similar focus on the uniquely Crimean political and social structure, the *Seven Planets* of Mehmet Seyyid Riza implements the word “interference” when discussing Ottoman involvement in the Crimean affairs, especially on the issue of khans’ succession.\(^3\) These works glorify Mengli Giray, Devlet Giray, and other leaders who strengthened the independence of the Crimean khanate.

---

3. Fisher, *Crimean Tatars*;
In addition to the disagreement between the chronicles, the chronological history of the suzerain is in question. Contemporary scholars do not unanimously agree on the date when the Crimean khanate became a suzerain of the Ottoman Empire. Although most scholars believe that the suzerainty began in the late fifteenth century after the conquest of Kefe, some scholars give a different date. For example, Alan Fisher identifies the reign of Gazi II Giray (r.1588–1596, 1596–1607) as the start of the vassalage when the ruler abandon the Golden Horde tradition in favor of Ottoman administrative practices. The authors of Le Khanat de Crimee, however, placed the start of the vassalage several decades later, maintaining that the reign of Mehmet Giray IV (r. 1666) was clearly the moment when the Crimean khanate came under the Ottoman control. The disagreement between the scholars shows that the issue of vassalage is a complex topic, which leaves significant room for debate.

Although plenty of evidence that shows Ottoman domination over the khanate, there are also signs indicating that the Crimean khanate was in many ways politically independent from the Ottoman Empire. First, sikke, the act of minting coins, was under the prerogative of the khans. Second, the act of delivering Friday sermons, which in an Islamic context has significant political connotations, was done in the name of Crimean sovereigns rather than rulers in Istanbul. Moreover, the khanate as an Islamic state was free to choose its own ruler through the assembly

---

1 Alan Fisher writes: “Gazi led Tatar armies against both Iran and Hungary and served the Ottomans in Anatolia against the Jelali rebels in the early seventeenth century…The loss of Crimean khanate’s connections with and aspirations in the direction of the Golden Horde …From this point, the khanate really does become a vassal of the Ottoman sultan and plays an important role in Ottoman affairs” in Crimean Tatars; Similar sentiment is expressed in A.N. Kurat, IV–XVIII. Yüzyıllarda Karadeniz kuzeyindeki Türk kavimleri ve devletleri (Ankara, 2002), pp. 245–54; İnalcık, “Kırım Hanlığı,” 749; İnalcık, “Ghazi Giray II,” EI2, pp. 1046–47; C. M. Kortepeter, Ottoman Imperialism during the Reformation: Europe and the Caucasus (New York, 1973).


3 It is important to point out that proper vassals, such as the Transylvanian princes, Wallachian and Moldavian voivodas, had their own bronze, silver and golden coins –denars, ducats–as well.
of noble beys. Fourth, the Ottoman Empire also paid a yearly allowance or aid (salyane) to the khan and provided additional funding for the Tatar military. In return for the salyane tax and financial support for the military, the Crimean khanate offered military support during Ottoman campaigns. Most often, these services were met, but in some instances Crimean khans expressed their independence and refused to participate. Their refusal was sometimes punished by the Ottoman authorities with a great degree of interference into internal political affairs; other times, it was not. One must consider whether, given the khanate’s continued control over minting of coins, Friday sermons, selection of khans, and running of military campaigns, Crimea should be simply categorized as a vassal state.

1 In comparison with proper vassal states, for example, Transylvanian estates also elected their princes at their specific diets. Crimean Tatars shared a lot with other vassals but that the degree of vassalage and Ottoman control and suzerainty fluctuated from place to place and from time to time.


Given these examples, I suggest that in order to understand the nuances and fluctuations of the relationship across time, suzerainty should not be generalized to the entire history of the Crimean-Ottoman relationship. It is known that the Ottoman authorities frequently selected khans, but the extent of Ottoman influence in other fields of the Crimean khanate—for example, in the field of law—is less clear. This chapter shows that although the formation of the legal sphere in Crimea was linked to the Ottoman presence, Ottomans were just one element that contributed to its development. The next section will examine the period of the sixteenth century when the Golden Horde, Sharīʿa, and Ottoman legal practices began to merge as the Crimean khanate entered into an early phase of the gradual shift to a state-supported legal system.

The Sixteenth Century: Early Development of the Islamic Religious-Legal Institutions

Since the direct encounter of the Crimean khanate with the Ottoman Empire at the end of the fifteenth century, the Crimean peninsula split into two polities. The southern coast of the Crimean peninsula was under direct Ottoman control as the province (sancak) of Kefe, which included the towns of Kefe, Sudak, Balaclava, Inkerman, and Kerç. Beyond the Crimean peninsula, the Ottoman Empire also ruled over neighboring territories of the Black Sea littoral including the Taman Peninsula in the eastern side of the Kerç Strait. The Ottoman Empire also controlled lands from the Taman Peninsula up to the city of Azov, where the Don River meets the Sea of Azov.

1 Variations of spelling: Caffa or Kefe.
2 Variations of spelling: Sudak or Suğdak.
3 Variations of spelling: Balaclava or Balıkla or Balıklıva. It was also known as Küçük İstanbul or Small Istanbul.
4 Variations of spelling: Inkerman or İn-kerman.
5 Variations of spelling: Kerç or Kerš or Kerch.
6 Variations of spelling: Azak or Azov.
All these territories—from Inkerman to the Sea of Azov—came under the administrative control of the Ottoman Empire in 1475 when Mehmet II successfully removed Genoese and Venetian commercial competition in the region by sending his Grand Vizier Gedik Ahmet Paşa with a fleet to the Black Sea. Since that time, Istanbul had appointed sancakbey is to administer Kefe and collect taxes, which were partially divided with Bahçesaray, a capital city of the Crimean khanate.¹

The sancak of Kefe was an invaluable region for Ottoman foreign affairs because it acted as a frontier zone to counter potential attacks from neighbors. According to protocol, the governors of Kefe reported to the Ottoman sultan news related to Muscovy, the Crimean khanate, and other neighbors.² Besides being a military stronghold, Kefe occupied an active role in the network of regional and international trade.³ It was a key city in the diplomatic relations between the Ottoman Porte and other sovereign regions including Muscovy, the Crimean khanate, and Safavid Iran. Kefe also functioned as a resting stop for traveling envoys between Moscow and Istanbul.⁴ Moreover, the governor of Kefe conducted direct communication with foreign rulers. For instance, Muscovy corresponded with Kefen officials including the governor and the qāḍī of


² Kefe was originally a sancak but was often granted the status of a beylerbeylik (or a province) in official documents during the period of campaigns in Zhyvachivskyi, “The governors of Kefe,” 215-217. Later in 1602, Kefe was made into an eyâlet and retained this status until 1777 in Orhunlu “Kefe,” in El2.

³ For example, Istanbul sent wool and silk fabrics from the various Ottoman cities such as Bursa to Kefe which were exchanged for furs that came from Muscovite territories in Zhyvachivskyi, “The governors of Kefe and Azak,” 217-218; Yücel Öztürk, Osmanlı Hakimiyetinde Kefe:1475–1600, (İstanbul: Bilge Kültür Sanat, 2014), 196-7, 287-294, 302-310, 472-506; Orhunlu, “Kefe,” El2.

⁴ In contrast to this unrestricted movement of people through Kefe and Azak, Muscovy envoys had to receive special permission to visit the Crimean khan and were forbidden to engage with khan’s officials in any matter in Zhyvachivskyi, “The governors of Kefe and Azak,” 232; Aleksandr Vinogradov, Russko-krymskie otnoshenia: 50-e – vtoraa polovina 70-kh godov XVI veka, vol. 2 (Moskva, 2007), 158–9.
Azov. Kefe became such an important region for the Ottoman foreign diplomacy that since the reign of Bayezid II (1481-1512), it was elevated to the status of princely sancak where Ottoman princes were appointed as governors, such as Şehzade Mehmet (who was the son of the sultan Bayezid II) from 1489-1504 and then Şehzade Süleyman (the future sultan Süleyman the Magnificent), who served as Kefen sancakbey from 1509-1512.

While the Ottoman Empire claimed control over the territories across the southern coast of the Crimean peninsula from Inkerman to Kefe, the Crimean khanate ruled the peninsula’s inland regions. The Crimean khanate expanded from the northern end of the Tauric mountains up to Perekop and beyond into the Pontic steppe, a jurisdiction including the towns of Çufut Kale, Bahçesaray, Karasu, Eski Kırım, Akmescit, and Gözleve. Because of their close proximity, the two regions—Ottoman Kefe and the Crimean khanate—were closely linked in a number of ways. Beyond the natural geographic division presented by the Tauric Mountains—south of which was the Ottoman Empire and to the north was the Crimean khanate—the administrative and legal borders between the two polities were porous. The porous borders facilitated the easy transfer of ideas and practices between the two. There were also constant population movements between Ottoman lands and the Crimean khanate. A historian of the Ottoman Empire and the Crimean khanate, Oleksander Halenko, notes how between 1520 and 1542 the Muslim popula-

1 Other frontier governors did the same. For example, governors of Buda communicated with the Habsburgs and sancakbeyis of Herzegovina communicated with the Venetians.

2 For example, Istanbul sent wool and silk fabrics from the various Ottoman cities such as Bursa to Kefe which were exchanged for furs that came from Muscovite territories in Zhyvachivskyi, “The governors of Kefe and Azak,” 217-218; Yücel Öztürk, Osmanlı Hakimiyetinde Kefe:1475–1600, (İstanbul: Bilge Kültür Sanat, 2014), 196-7, 287-294, 302-310, 472-506; Orhunlu, “Kefe,” El2.

3 Gözleve was the only port city belonging to the khanate; O’Neill, Claiming Crimea, xiv, 15-16, 295; Claude M. Peysonnel, Traité sur le Commerce de la Mer Noire, vols. 1-2 (Paris, 1787), vol.1, pp. 4–5; Mikhail Kizilov, “Post-Ottoman cities: changes in the urban structure of the Ottoman and Tatar Crimea after the Russian annexation until the Crimean War (1783-1856),” Acta Orientalia Academiae Scientiarum Hungaricae 59:2: 182.
tion in several Ottoman cities of the Kefe province increased due to immigration from the Crimean khanate.\(^1\) The porous of borders allowed for the influence of the Ottoman practices upon the Crimean legal and administrative structures starting from the inception of the Crimean khanate and continuing through the sixteenth century.

The sixteenth century marks the period when new legal and political traditions were being introduced and becoming rooted in the khanate. The introduction of Ottoman administrative practices was done without force on the part of the Ottoman authorities. Rather, Crimean khans, who were greatly tied to the Ottoman court during this period, were themselves the agents of transfer as they began to introduce Ottoman administrative practices into the khanate during this period. For example, the khan Sahib Giray (r. 1532-1551) introduced reforms of the administrative and legal spheres modeled on the Ottoman practices.\(^2\) Prior to taking power, he spent considerable time in the Ottoman capital. Throughout those years spent in the Ottoman court and with the Ottoman military (e.g. in Suleyman’s campaign against the Habsburg empire in 1531), Sahib Giray became familiar with the Empire’s administrative and political structures. Later, during his reign in Crimea, Sahib implemented institutional reforms modeled on the Ottoman structures for the purpose of strengthening his own power as a khan “in the manner of the Ottoman

\(^1\) Oleksander Halenko notes that the Muslim population increased between 1520 and 1542 in several Ottoman cities in the Kefe province, immigrating from the Crimean khanate, see “Wine production, Marketing and Consumption in the Ottoman Crimea, 1520-1542,” *Journal of the Economic and Social History of the Orient* 47, no. 4 (2004), 534. Halenko also notes, however, that the goods imported from the Crimean khanate through the “Bab-i Tataran” or the Tatar Gate would be subject to customs dues, see ibid, 541.

\(^2\) His rise to the throne is due to great involvement of the Ottoman sultan who in turn impacted the karaci beys’ decision to select him. Sahib Giray was greatly pro-Ottoman as well as his brother Sa’adet I Giray. The influence of the Ottomans upon the karaci beys’ in selecting Sahib Giray shows their great influence upon the Crimean society at that time. The issue of the Crimean suzerainty to the Ottoman Empire will be discussed below. Son of a Crimean khan, Mengli Giray (r. 1466-1476, 1478-1514), Sahib Giray initially ruled the Kazan Khanate between 1521 and 1524 before taking the throne in Crimea.
sultanate.” However, the first steps towards the Ottomanization of the Crimean administration happened slightly earlier, during the reign of Sa’adet I Giray (r. 1524-1532).

Although Sa’adet I Giray (r. 1524-1532) created minor changes to the khanate’s administration, he was the first to initiate the process. Like Sahib, Sa’adet I Giray spent considerable time in the Ottoman court and even married Sultan Selim I’s daughter, which also shows that Sa’adet was closely connected to the Ottoman imperial authorities and their interests in Crimea. The Ottoman practices introduced by Sa’adet I Giray into the Crimean administration were mainly designed to assist the khan in his daily affairs in the palace and council; mostly, Sa’adet introduced numerous new posts and offices for his palace. Continuing the tradition introduced by Sa’adet I Giray, Sahib Giray created additional administrative offices and appointed service beys—resembling those that existed in the sultan’s council—to assist his work as a khan. These new administrative institutions were introduced in parallel, and most often as a challenge, to some judicial, administrative, and cultural practices of Golden Horde origin that limited his power as a khan. According to the tradition of the Golden Horde, the council of hereditary clans (i.e. the karaçi beys) represented the most authoritative group that worked along with the khan but often could counterbalance his growing power. Thus, Sahib’s innovation challenged the traditional authority of the karaçi beys.

---

1 The chronicle, Tarih-i Sahib Giray Han by Remmal Hoca is filled with details concerning Sahib’s reforms, Crimean institutions; internal and external politics; and daily domestic affairs of the khanate. Remmal Hoca was a confidant and Sahib’s closest advisor. An Ottoman scholar himself, Remmal Hoca met Sahib while the latter was in the Ottoman court and joined him in his journey back to Crimea in 1532 just as Sahib was stepping on the throne, see in Królikowska-Jedlińska, Law and Division of Power, 28-29; Victor Ostapchuk, “Crimean Tatar Long-Range Campaigns: The View from Remmal Khoja’s History of Sahib Gerey Khan,” in Warfare in Eastern Europe, 1500–1800, ed. B.J. Davies (Leiden and Boston, 2012), 148-151; Özalp Gökbilgin (ed.), Tarih-i Sahib Giray Han (Ankara: Baylan Matbaası, 1973) and S.I. Menger, Tarihi Sahib Giray Han (İstanbul, 2000).

2 Inalcık, “The Khan and the Tribal Aristocracy.”

The karaçi clans constituted a powerful entity with deep historical roots. All major matters relating to domestic or foreign affairs were approved and voted on by the four principal karaçi clans: Şirins, Mansurs, Mangits, and Barins. The khans also depended on the karaçi tribes to conduct military campaigns. The tribes held significant power in recruiting men for their individual military units and headed incursions along with the khan. As part of the Golden Horde tradition, the karaçi beys, or the leaders of the four tribes, were not only active members of the khan’s council or the divan, they also had the power of selecting the khan among the Giray royal household through an organization called kurultay (an assembly or a diet). Through the kurultay, the beys collectively demonstrated their allegiance to the khan but could just as rightfully withdraw their support for the ruler if the khan failed to uphold the karaçi’s ancient political, economic, and social rights and privileges.

The reforms of the Sa’adet and Sahib Giray were specifically aimed to reduce the traditional importance of the karaçi beys, who were in a perpetual struggle with the khans for control over the political scene in Crimea. A chronicler of the sixteenth century’s Târih-i Sâhip Giray Han, Remmal Hoca (1509-1567), for example, notes that in order to counterbalance the power of

---

1 There were other clans such as Argin and Kipçak that gained and lost influence over the span of time. The karaçi beys were also close to the Giray royal household through marriage. It was a tradition for the Crimean khans to marry the women from the Şirin and Mansur clans, in O.D. Rustemov, review of Law and Division of Power in the Crimean Khanate (1532–1774): with special reference to the Murad Giray (1678–1683) by N. Królikowska-Jedlińska. Zolotooordynskoe obozrenie, Golden Horde Review, vol. 7, no. 1 (2019): 190.

the traditional four *karaçi* clans, Sahib promoted the inferior Mangit clan to a *karaçi* status.\(^1\) With this reform and others like it, Sahib Giray did not just alter the internal structure of the *karaçi* power-hold by elevating the status of clans with stronger ties to the khan, he also increased the number of new state officials in the khan’s administration. By design, the new class of state nobility were more obedient to the khan than the traditional *karaçi* beys.\(^2\)

To justify his reforms of the Golden Horde social structure—at the center of which were the *karaçi* clans—Sahib Giray turned to *Sharīʿa*. This is evident from the fact that Sahib implemented his innovations with the approval of the *ʿulamā*'. As part of his state council, the *ʿulamā* offered opinions on all his policies. İnalçık makes an important observation:

Remmal [Hoca] emphasized the khan’s preference for the *ʿulamā* and his concern for a strict observation of Islamic law. In addition to their regular stipends from the treasury, the *ʿulamā* received a share of the booty at the conclusion of each campaign. Our sources also report that Sahib Giray met on alternative days with the *ʿulamā*, shaykhs, ulu begs, his nokors\(^3\) or ishk coralari, and the ladies of his court for discussion of their requests and other matters.\(^4\)

In the khanate’s vision of good governance of this period, the religious establishment was becoming an integral part of the decision-making process, similar to the way it was done in the Ottoman Empire. By the turn of the sixteenth century, Islam was already a central component of the Crimean khanate’s identity and ideological core.\(^5\) While the elevated status of the *karaçi* beys

---

1 The chronicle of Seyyid Mehmet Riza notes that it was both the Mangit and the Seceuts that were elevated to the status of karaçis as part of the reforms; Vladimir Syroechkovskii, “Mukhammed-Gerai i ego vassaly,” *Uchenye zapiski Moskovskogo Gosudarstvennogo Universiteta im. M.V. Lomonosova* 61, 2 (*Istoria*) (1940), 60; Królikowska-Jedlińska, *Law and Division of Power*, vii, 53-54, 50, 67.
3 Nöker: a client of a ruling dynasty or a nobility
4 İnalçık, “The Khan and the Tribal Aristocracy,” 462.
5 Islam was introduced to the Crimea by the Uzbek-Khan of the Kapchak horde in 1313. This is evidenced by the Eski-Crimean inscription. The influence of the Arabs on the Crimea is very ancient, it goes back to the eighth century AD when the eastern caravans stretched through the Eski-Kirim to Kiev and further north, along the course of the rivers Dnieper and Volga, in *ZOOID* #6 (1867), pp.355.
represented the remnant of the steppe tradition and therefore an integral part of khanate’s political heritage, it had no roots in Islam and therefore could be reduced, a change justified through *Sharīʿa*.

As the Crimean dynastic family was being consolidated around the sixteenth century, the Crimean khanate had begun developing its own *Sharīʿa* culture—including its own learned establishment—that increasingly became an ideological backbone of its political and administrative structures. Already by the mid-sixteenth century, young scholars from the more distant Islamic lands began to pursue Islamic studies in Crimea.¹ This was a major change from earlier practices, in which Crimean scholars pursued education in other parts of the Islamic world such as Mamluk Syria and Egypt.² In the sixteenth century, however, the Crimean khanate began to develop a patronage system that created a solid educational infrastructure to support Islamic learning within the khanate. Khans contributed to the development of the *madrasas* in Crimea, established endowments, and appointed scholars to fill teaching and judicial positions in the growing school network. As part of the school network, one of the most popular centers for higher Islamic education in Crimea at that time was the *Zincirli Madrasa*. Mengli I Giray established the school in 1500 in Bahçesaray.³ Following in his footsteps, the succeeding khans and other political and social elites continued to build additional schools, fund libraries, and employ scholars for various teaching and legal positions.⁴

---

¹ In a diplomatic letter from Yusuf to Ivan IV in 1550, there is a mention of a Nogai mirza who travelled to Crimea for his studies, see in Zaytsev, *Krymskaya*, 26.


³ *Zincirli Madrasa* was a large *waqf*, which also included a library along with student housing and a soup kitchen that offered daily service to students associated with the *madrasa*, see in A.N. Turan A.N. “Cherty povsednevnogo byta naroda Kryma (XVII–XVIII vv.),” *KNP* no. 43, 2002, mentions a yarlık of 1612 that appointed a new cook in the *madrasa* because of the students’ dissatisfaction of the food served there, 306.

Although Sharīʿa was in full development and was becoming the central component of the khanate’s ideological background, Sharīʿa institutions had not been consolidated in the khanate at the end of the sixteenth century. This can be seen, for example, in an instance of external involvement in an issue that impacted the internal political situation of the khanate. When, in the late sixteenth century, a succession dispute arose between Ghazi II Giray (r. 1588-1596, 1596-1607) and Feth Giray (r. 1596), a muftī of Ottoman Kefe—Mevlana Abdulrazzak Efendi—issued a fatwā to resolve the stalemate. In the fatwā, he ruled in favor of Ghazi Giray, and all Tatar clans followed the advice. This event suggests that Sharīʿa and its religious functionaries, the ‘ulamā’, were central for the Crimean political culture and its political actors. However, the story also demonstrates the Ottoman influence over the khanate’s affairs and the fact that the khanate itself did not yet have equally powerful religious-legal figures: the muftī who made the decision in this political matter was from Kefe rather than from the khanate. It is possible that the institution of muftīship had not yet been fully consolidated in the khanate during this period, making this issue the responsibility of the Ottoman mufti. Moreover, adherence to Islam itself rings of Ottoman influence. Since the fourteenth century, the predecessors of the Crimean khanate had converted to Islam because the Ottoman introduced Sharīʿa practices to the khanate.

1 Negri, “Povestvovaniya i skazania, izvlecheniya iz Tyrezkoi rukopisi obeshestva, soderzhaly istoriyu krymskih hanov,” ZOOID 1 (1844), pp. 386. The author of this Turkish manuscript is unknown. Regardless of the fact that the Kefe muftii was appointed by the Ottoman sultan, he had a say in the internal political matters of Crimean khanate. This incident could be interpreted in two ways: 1. that Ottoman muftii as a bureaucratic official of the Ottoman Empire dictated the internal affairs of the Crimean khanate and 2. that the judicial and religious link between the Ottoman and the Crimean societies outweighed the imperial affiliations of those scholars. It is not clear why the muftii of Bahçeşaray would not be involved in this matter. However, a possible answer to this last question could be found in the explanation given in the muftii’s fatwā. The muftii’s decision in favor of Ghazi Giray was apparently based on the type of documentation presented by both contenders to the throne. The muftii had determined that since the contender to the throne, Feth Giray, presented a firman from the Ottoman sultan, who recommended him to the throne, was without the sultan’s tughra (calligraphic monogram), Feth’s document was seen as less official than the Ottoman document presented by Ghazi II Giray. Besides the unanimous manuscript preserved by the Russian society of Turkish manuscripts, no other sources discuss this incident. Without other descriptions of this incident, it is difficult to uncover additional details that would give a full background of this event, see in ZOOID #1 (1844): 379-592.
The Ottoman influence upon Crimean Tatars’ conversion to Islam and incorporation of Islamic traditions are noted in the travel account of a Polish nobleman and an envoy to Crimea in 1578, Martin de Biezdfedea:

> It seems that before their invasion of Taurida, this steppe people were much cruder and wilder, which is still evident from the customs...at that time they still did not have any Mohammedan laws, civil decrees, or letters. But having borrowed from the Turks some enlightenment and their false faith, they for the most part became softer and more hospitable.\(^1\)

During the sixteenth century, the Crimean khanate was still in the process of consolidating its judicial and learned Islamic establishment. *Sharīʿa* as a legitimizing ideology was pulled into a state apparatus through a patronage system.

However, khans were not the only political entity that had a close collaboration with and influence upon the religious learned community; *karaĉi* beys also harnessed the power of the *ʻu-lamā* and, in some ways, controlled the Islamic implementation of law. The *karaĉi* tribes resorted to Islamic religious authority to legitimize their political power in the khanate’s territory. For example, in situations when *karaĉi* beys wished to depose a khan, they would back up their decision by the religious opinion of a *muftī*.\(^2\) Moreover, the *karaĉi* beys often selected *qādīs* for the regions, known as *beyliks*. Dispersed throughout the khanate, *beyliks* were traditionally territories under direct control of the tribes. The right to levy taxes and distribute gains among various families within their clans gave the four main *karaĉi* groups financial independence from the khan and strengthened their authority over these enclaves. There are also examples of the inhabitants within a *karaĉi* realm resolving disputes through beys and noble elders within those territorial

---

\(^1\) *ZOOID* #6 (1867), pp.355.

pockets, which demonstrate that the karaçi beys essentially contributed to forming a fractious and layered legal system that characterized the khanate. Moreover, karaçi beys were members of the khan’s divan, where legal disputes were also heard. The fact that beys managed the local courts within their beylik and participated in adjudicating legal cases in the khan’s council strengthens the view that beys were connected to the system of Sharī’a justice.

Besides the karaçi beys, at the end of the sixteenth century, other political figures such as the kalga (khan’s first deputy) and the nurradin (the second deputy) partially controlled the khanate’s political and legal spheres. Kalga had a right to establish a divan that functioned under his command and a territorial domain, like the beyliks, that came under his control. He regulated the daily activities that took place within his realm, including levying taxes. Modeling on the khan’s divan, kalga selected a vizier, defterdar, council supervisor, and a judge. Members of kalga’s divans did not only assist the first deputy in his official duties, rather the divan functioned as a higher court for legal disputes occurring among residents of his domain. The kalga’s court adjudicated cases and carried out punishments without the khan’s interference. In addition to the kalga, the nurradin also held power in the Crimean khanate, but the position was relatively new. Mehmet II Giray (r. 1577-1584) created this position in 1579 for his son Sa’adet II Giray (r. 1584) to balance the power of the kalga. The nurradin had neither a permanent residence nor a separate domain under his control like the karaçi beys or the kalga. Nevertheless, his political authority allowed him to participate in the khan’s council and to correspond directly with foreign

---

1 There is a lack of sufficient documentation to confirm this point with certainty. It caused scholars of early Crimean khanate to disagree on the degree of power that the beys had over legal matters. For example, in contrast to Królikowska-Jedlińska, Alan Fisher asserts that karaçi beys selected the qāḍīs for their beyliks and controlled their activities. Further research is required in order to fully understand the relationship between karaçi beys and the qāḍīs especially in the sixteenth century; Alan Fisher, Crimean Tatars, 23; Królikowska-Jedlińska, Law and Division of Power, 167-168, 171.

2 Królikowska-Jedlińska, Law and Division of Power, 72-78.
powers. The *nurradin* was not as autonomous as the *kalga* and the *karaçi beys* because his influence depended on his relationship with the khan. The *nurradin* also had a council to which he appointed officials, whose positions were modeled on the *khan* or *kalgas'* divans, but they acted only in wartime. Similarly, a judge in *nurradin*’s court adjudicated only in military affairs, and his personal officials consulted the *nurradin*’s *qāḍī* to settle legal disputes.¹

The political players like *beys*, the *nurradin*, and the *kalga* created pockets of legal authority within the khanate. These semi-independent pockets of political authority etched deeply in the khanate’s legal landscape and, in the process, created multiple and layered centers of legal power that characterized the Crimean khanate, starting in the sixteenth century. Sahib’s reforms highlight the tension of the sixteenth century when Ottoman administrative practices were being introduced into the khanate’s legal and administrative structures and often challenged the traditional Golden Horde practice. This period also marks the time when Islam was being accepted as a more central ideology of the khanate. *Sharīʿa* was often co-opted into the state apparatus to justify political decisions including the introduction of administrative reforms that in essence challenged the traditional Golden Horde practices. Islam was being brought into the political machine of the khanate and was utilized by other political power elites to legitimize their power.

The Seventeenth Century: A Phase of Intensive Entanglements

The practices that were initiated in the sixteenth century continued to intensify throughout the seventeenth century, including: the incorporation of legal-administrative Ottoman structures and *Sharīʿa* legal practices in parallel with existing Golden Horde traditions; the consolidation of the

---

¹ Ibid, 81-82.
Crimean Islamic legal-religious establishment; the perpetuation of a layered legal system by multiple political actors of the khanate; and the rooting of Islam and the Sharīʿa way of life as an ideological backbone of the Crimean khanate. These tendencies intensified throughout the seventeenth century. However, one remarkable development that was new to the Crimean legal sphere during this period was the introduction of Sharīʿa court record-keeping in the style of the Ottoman sicils.¹ Moreover, this period is characterized by different mechanisms that eased the transfer of legal ideas from the Ottoman to Crimean lands and thus contributed to the process of entangled legal formations. These mechanisms include: imitation, interpretation, and perpetuation of porous legal borders between the Ottoman Empire and the Crimean khanate.

The gradual consolidation of Sharīʿa legal practice into the khanate’s political and social fabric at the turn of the seventeenth century is made most evident by the appearance of Sharīʿa registers. The first Sharīʿa sicil in Crimea appeared in 1608. However, it is known that the Crimean khanate had Islamic courts at least as early as the late sixteenth century. In 1578, the aforementioned Martin de Biezdfedea notes:

In the cities and possessions of the Khan and the Sultans, legal proceedings are based on the laws of the Mohammedans. In villages and townships there are qāḍīs or judges, and in other places beys, or police masters, decide and listen to private disputes and complaints. But criminal and civil crimes are decided by Khan

¹ Wael Hallaq notes that the Ottomans were not the first to record court procedures in sicils. However, given the fact that Ottoman sicils survived and the pre-Ottoman court procedures have not indicated a significant difference as Iris Agmon argues in his book. He writes: “while it is true that the Ottoman court records were a continuation of a Muslim court tradition, the very fact that these court records have been preserved also points to a unique Ottoman contribution to this tradition, namely, the bureaucratic culture of keeping records...Pre-Ottoman court records were probably not meant to survive for centuries, but merely to aid newly appointed judges during their initial period and to support the work of the current judge until he was replaced. The documents in the Ottoman shariʿa court, on the other hand, served several requirements of the state, local community, and daily work of the courts. Their preservation was both a prerequisite for the fulfillment of these tasks and an indication of the Ottomanization of the shariʿa courts,” in Beshara Doumani, ed., Family history in the Middle East, 207-208; Hallaq,“The Qadi’s Diwan (sijill) before the Ottomans.” Bulletin of the School of Oriental and Asian Studies (v. 61, 1998), 418-22, 434-35; Findley, Bureaucratic Reform in the Ottoman Empire, 8-12, 51-57, 86-86.
himself with his advisers. They do not use lawyers during trials… Ordinary Tatars and foreigners express their complaints very freely in the presence of judges and the Khan himself, who listens to everyone, and soon gives a decision, for everyone has free access to the courts.¹

Biezdfedea’s observations confirm that Islamic courts appeared before Shari’a court procedures were first recorded in the sicils in the early seventeenth century. The fact that sicils began to be recorded as they were in the Ottoman Empire demonstrates the significance of the Ottoman impact on the development of Shari’a legal institutions in the khanate. Thus, Shari’a practices that were incorporated into the khanate in the seventeenth century were the Ottoman-Shari’a practices, which are characterized by state co-optation of Islamic legal institutions and learned establishment.²

Though Islamic practices were brought into the khanate’s legal landscape over the centuries, Crimean political and social elites began to use methods of interpretation and translation more actively in the seventeenth century to merge old Mongol legal and administrative practices with new legal traditions and institutions from the Ottoman lands. When the Shari’a courts and legal proceedings in Ottoman style entered the khanate in the early seventeenth century, Mongol traditions and practices persisted. For example, some of the language in the first volume of Crimean sicils dating to the reign of Selamet Giray I Khan (r. 1608-1610) is reminiscent of a töre, or Mongol legal tradition.³ The process of legal interpretation evident in this volume en-

¹ ZOOID #6 (1867), pp.355-356.
² More on the Ottoman state cooptation of the Shari’a learned establishment see for example, Abdurrahman Atçıl, Scholars and Sultans in the Early Modern Ottoman Empire (Cambridge: Cambridge University Press, 2017). The ’ulamā’ along with the legal institutions in the Ottoman domain were in the process of becoming a more defined and institutionalized group since the fifteenth and sixteenth century when the empire was in the process of centralization. ³ Rustemov, review of Law and Division of Power, 185–192; The collection of all Crimean court records are stored in the National Library of Saint Petersburg. The total is 121 volumes of defters and they range from the year 1608 to 1810.
tailed the consistent practice of contextualizing existing Mongol rules vis-a-vis the Ottoman administrative discourse and Islamic legal reasoning. Crimean chronicles and court records describe some examples of this process, showing that the khan and the 'ulamāʾ regularly placed the three traditions into dialogue. For example, the Mongol savga or the tax on booty (1/10th of the booty amount collected by the khan) was justified in Islamic terms and was equated to similar taxes that existed in the Ottoman Empire.¹ The chronicles of Abdulgaffar Kirimi, Umdet al-akhbar, and Seyyid Mehmet Riza’s Seven Planets mention that savga was commensurate with the traditional Islamic hums or Ottoman pencik (which were both 20% instead of the Mongol 10%). However, so as not to upset the Crimean social order by reducing the share of the booty for members of political elites with rightful claims to savga, the khans continued to keep the traditional 10% savga tax instead of his “Islamically” sanctioned 20%.²

Likewise, the court records of 1609 show the process of legal interpretation with respect to the traditional Crimean sheep tax. The Crimean customary sheep tax of Golden Horde origin was called the şişlik and it competed with the Ottoman sheep tax called the adet-i agnam that appeared on the Crimean political horizon in the early seventeenth century. The latter required a payment for each individual sheep rather than the customary flat rate under the şişlik. Because of the opposition from the general populace against the introduction of the new Ottoman tax, the khan Selamet I Giray decided to keep the Mongol sheep tax even though the equivalent Ottoman tax would benefit the khan by allowing the ruler to collect more money from his cattle-breeding

¹ Królikowska-Jedlińska, Law and Division of Power, 178-179.
² Mirza Kazembeg (ed.), [Seyyid] Muhammad Riza, Essebüseyyar ili sem’planet soderzhavshchii astir krymskikh khan to Mengli Girey Khana pervogo do Mengli Girey Khana vtorogo t. e. s 871/1466 po 1150/1737 (Kazan, 1832), 167 noted in Królikowska-Jedlińska, Law and Division of Power, 179; Imber, Ebu’s-su’ud: Islamic Legal Tradition (Edinburgh, 1997), 86–87; Savga was still collected in the year 1712 under the reign of Devlet II Giray (r. 1699-1702, 1709-1713) in Abdulgaffar Kyrymi, Umdet al-akhbar, ed. Deere Derin Paşaoğlu (Kazan, 2014), 147 in the manuscript pp. 301 b.
subjects.\(^1\) To justify the khan’s decision, the old Mongol tax was interpreted to be compatible with \(\text{Sharī’a}\). In fact, the recorded yarlık\(^2\) in the \(\text{Sharī’a defters}\) dating to 1609 indicates that those who opposed the introduction of the new tax contextualized their reasoning in the Islamic law and the “kanun.” They noted that the innovation in the sheep tax was \(\text{bid’a}\) (a religious innovation) and therefore was opposed to \(\text{Sharī’a}\) and even the administrative law of the land or the kanun.\(^3\)

These examples of old Mongol administrative practices interacting with Ottoman practices and Islamic law indicate that there was a general trend in the Crimean khanate toward Ottomanization through a process of dialogue, interpretation, and translation of existing legal and administrative practices vis-a-vis the Islamic framework. The political and legal elites did not simply supplant the existing legal traditions in favor of Ottoman practices. Rather, the central process of this interpretation was completed through the Islamization of customary practices (meaning that they were reasoned and thought through an Islamic lens). This process of interpretation produced entanglements between these cultures that generated legal and administrative structures unique to the Crimean khanate that combined Mongol, Ottoman, and Islamic legal traditions.

In addition to the mechanism of interpreting existing legal Mongol practices along with \(\text{Sharī’a}\) and Ottoman traditions, the khan direct imitated of Ottoman-\(\text{Sharī’a}\) style administrative system to replace the former Golden Horde logic of organizing the khanate’s political structure.

Traditionally, the khan’s legitimacy depended on several Golden Horde principles: Giray de-

---

1 Królikowska-Jedlińska, \(\text{Law and Division of Power}\), 179; Halil İnalcık, “\(\text{Kırım Hanlığı Kadi Sicilleri Bulundu}\)”, \(\text{Belleten}\), C. LX, S. 227 (Nisan) (Ankara: 1996), 174-6.
2 Yarlık/Yarlık or Yarlığ/Yarlığ is an official order issued by a khan or a kalga (khan’s deputy).
3 İnalcık, “\(\text{Kırım Hanlığı}\)”, 175. It is not clear whether the word “kanun” is a reference to the Ottoman “kanun.”
scent; ability to defend the lands and the people under his dominion; and commitment to the
Mongol and Golden Horde political traditions, which meant giving due respect to ancient clans
who were as influential in the political balance of power as the khan. For the need to uphold the
latter, the seat of the khan was always a precarious political position; khans changed frequently
and were under clans’ scrutiny. Therefore, failed military campaigns or the introduction of poli-
cies aimed at expanding the power of the khan could cause the ruler his seat and often his life.¹
However, it appears that in the seventeenth century, the khan began to adopt a more Islamically
orientated process of legitimizing his power that moved away from Mongol tradition.

For example, in the mid-seventeenth century, Crimean khans began to repeatedly resort to
using the title of a caliph, which was a strictly Islamic concept with no genealogical roots in the
Mongol tradition. Khans of this period claimed the authority of the caliphate, specifically in
diplomatic correspondence. For example, in 1640, Bahadır Giray (r. 1637-1641) proclaimed
himself “the just shah in this prosperous time, the ruler of the world and the caliph of the
epoch.”² A few years later, in 1646, Islam III Giray (r. 1644-1654) also declared in his corre-
respondence that God had chosen him as a caliph:

[He] placed the crown of caliphate on my blessed head and put the
robe of sultanate on my stature full of integrity, adorned the
Genghisid throne with my prosperous person, and turned my great

¹ For example, at the kurultay gathering dating to 1695, the karaçi beys along with the muftī, the kaymakam and the
kadısker threatened to remove Khan Selim I Giray from his post if he failed to return from an Ottoman campaign
against Hungary and Wallachia back to Crimea and defend his homeland against the Cossack invasion, see in Kró-
likowska-Jedlińska, Law and Division of Power: 101-103; Markievich (ed.), “Spisok s stateinogo spiska podiachago
Vasilia Aitemirieva, posylannogo v Krym s predlozheniem mirnykh dogovorov,” ZOOID 19 (1896), 48–49; F. Tott,
Mémoires sur les Turcs et les Tatars, 2 vols (Amsterdam, 1784), 2:406.
² Dariusz Kołodziejczyk, The Crimean Khanate and Poland-Lithuania: International Diplomacy on the European
Periphery (15th-18th Century. A study of Peace Treatises Followed by Annotated Documents) (Leiden, 2011), 363;
H. İnalci “Power Relationships between Russia, the Crimea, and the Ottoman Empire as Reflected in Titulature” in
idem, The Middle East and the Balkans under the Ottoman Empire. Essays in Economy and Society (Bloomington,
1993), 384-385, 408.
gate [i.e., Porte] into the refuge of mankind and the shelter of Islam.¹

A khan immediately after Islam Giray, Mehmet IV Giray (r. 1654–1666), reiterated the same notion: God had “put the robe of caliphate on my imperial shoulder (hil’at-i hilafeti duş-i hümayunami giyürüp).”² In the mid-seventeenth century, the notion of the caliphate was associated not just with the Ottoman sultan, but could be claimed by any Islamic ruler that defended Islam and its legal principles. Therefore, it was not unusual to see such a title in use by the Crimean khans. The use of the title “caliph” in the khanate’s diplomatic letters suggests that there was a shift in the way Crimean khan saw his official role. No longer simply as the Crimean khan and a descendant of the Girays, he was now also a protector of the Islamic faith and the Islamic way of life. The use of the title “caliph” also suggests khans’ gravitation toward Ottoman practices because the title was also used by the Ottoman sultans.³

Besides the use of the title “caliph,” khans incorporated other Ottoman legal-administrative practices into their own administration. For example, the payments to local judges in the khanate became identical to the fees that Ottoman judges received in the Ottoman domains. The yarlık of 1612, issued by Canibeg Giray (r. 1610-1623, 1628-1635), reveals that the court fees were identical “to those stipulated in the kanunname of Sultan Ahmet I, composed in the year 1608-10.”⁴ Furthermore, the Crimean khans also introduced Ottoman-style division of land into judicial districts (or kazas), which were more in line with the historically Islamic administrative

¹ ibid.
² ibid.
³ Likewise in the Crimean diplomatic correspondence of this period, there is evidence of khanate’s embrace of Ottoman administrative and bureaucratic styles of Hüve (or invocation of God) in the documents identical to the Ottoman formula, see in Dariusz Kolodziejczyk, The Crimean Khanate and Poland-Lithuania, 321.
divisions of land. The new judicial districts were layered over the Golden-Horde traditional divisions of land and districts according to beyliks and lands belonging to the khan and his various family members, advisors, and clients.¹ This layering symbolized overlapping jurisdictions of Ottoman, Islamic, and local Mongol practices that came into greater interaction and entanglement in the khanate during this period.

Legal entanglements between the Crimean khanate and the Ottoman Empire were further strengthened because of interaction at the border, which intensified in the seventeenth century. Daily movements of people and property between the two political jurisdictions show that the border between the Ottoman Empire and khanate’s territories have never been firmly fixed. For example, in the defter of the qāḍīasker dating to the early seventeenth century, a judge recorded that sheep had been crossing the borders between the Ottoman Kefe and the khanate for generations without payment of extra taxes.² Likewise, Ottoman tax records from 1643 for Kefe show that a large number of non-Muslims had been migrating from the Ottoman region to a Crimean village near Bahçesaray without restrictions or additional judicial procedures.³ The flexibility of the border and natural movements of goods and people allowed for a flexible transfer of legal ideas and practices between two polities.

An important factor that further contributed to legal fluidity between the Ottoman Kefe province and the Crimean khanate was Sharī‘a law itself, which by the seventeenth century had


become the foundational principle and the central ideology in the khanate’s legal, political, and social structures. The *Sharīʿa* legal procedures implemented in both polities buttressed legal connections and generated legal uniformity between the two entities. A contemporary scholar on the Crimean khanate, Natalia Krółikowska-Jedlińska, for example, discovered a conventional practice of the Ottoman Kefe judges in recognizing huccets or *fatwās* issued by Crimean judges. The reverse was also true: Crimean judges recognized Ottoman legal documents. Such flexibility of legal procedure is also seen in the practice of recognizing ownership rights of those who were subjects and residents of the neighboring polity. The defter from Kefe for the years 1682 and 1683 demonstrates that the subjects of the Crimean khan were free to own land and property on the Ottoman territories and vice-versa.¹ Ownership rights, applied equally to both polities, followed the principles of the *Hanafi* legal school. The difference of which subject belonged to which political order made no difference on the legal procedure. *Sharīʿa* was the sovereign.

Likewise, the administrative rules and official decrees specific to each of the two polities were mutually recognized. For example, fifteen different official decrees issued between 1604 and 1738 by the sultans and other Ottoman authority figures have been recorded in the Crimean *Sharīʿa sicils*. An example of these fifteen documents is a *berat* (dated to 1683), issued by Sultan Mehmet IV (r. 1648—1687), that regulated the collection of taxes in the Kefe province. Part of the revenue from these taxes was to be shared with Bahçesaray.² Other examples of such documents that were recorded in the Crimean *Sharīʿa* courts include a *firman* issued by the same Mehmet IV in 1652 in response to a request by the Crimean *metropolit*, David. Interestingly, the

---

sultan addressed this firman to all qaḍīs of the Crimean peninsula and not just those in the Ottoman province. Likewise, upon the request of the patriarch of Istanbul, Gavrila, the Ottoman sultan Ahmet III (r. 1703-1730) in 1707 had written a firman, also addressed to the Kefen and Crimean qaḍīs. Examples of these two firmans and a berat from the late seventeenth and early eighteenth centuries demonstrate that the authority of the Ottoman legal jurisdiction expanded beyond the official domain of the Ottoman Empire into the Crimean khanate.

Likewise, the Crimean legal authority extended beyond the borders of the khanate to the Ottoman Kefe. For example, the Crimean qaḍīasker court records dating to the reign of khan Murat Giray (r. 1678-1683) document cases involving litigants from the Ottoman Mankub judicial district. The majority of these cases involved both the defendant and the plaintiff from the Ottoman Kefe province. Fewer, but a nonetheless significant number of these disputes concerned a mix of litigants from both Crimean and Ottoman judicial districts. These disputes show that the Ottoman subjects appealed to the khan’s district courts rather than to the Ottoman venues when they made claims against those who were affiliated with the khanate and even for cases involving disputes only between residents of the Ottoman Kefe. The Ottoman subjects preferred khan’s court to the Ottoman judicial institutions.

---

1 Murat Bey Biarslanov (trans.), “Firman Muhammeda IV Mitropolity (Krimskomy) Davidu, posledovavshii v 1062 gody ot hidzri (v 1652 gody Khr. let),” ITUAK 7 (1889), 81-82.
2 Vasilii Smirnov, Obratzovyiye proizvedeniya osmanskoy literatury v izvlecheniyakh i otryvakh (Saint Petersburg, 1903), pp. 204-206.
3 Mankub one of the judicial districts in the Ottoman Kefe. Since the seventeenth century, Kefe eyalet consisted of three legal districts—kazas or qaḍīlık—including Kerç, Sudak and Mankub. These qaḍīlikks were under the purview of the provincial paşa, see in Orhunlu, “Kefe,” El2.; Kizilov, “Post-Ottoman cities,” 183.
4 Overlapping jurisdictions are a common practice among the frontiers. In Ottoman Hungary, for example, litigants turned to both the qaḍī courts and the Hungarian judges or Hungarian magistrates with judicial authority. The same was true in fifteenth-century Serbia. I thank Gabor Agoston for this comment.
5 Perhaps the close proximity of khan’s qaḍīasker court to their place of residence was a factor. Mankub’s district was relatively close to the khan’s capital, Bahçesaray, where the qaḍīasker court was located, in Królikowska-Jedlińska, Law and Division of Power, 206.
The universal nature of Islamic law was the central factor in generating porous legal boundaries between the Ottoman Kefe and the khanate cities, suggesting that Islamic legal procedures dominated the legal structure of the khanate in the seventeenth century. Expansion of Islamic legal dominance in the Crimean khanate throughout the seventeenth century is noted by the growth in the number of Islamic legal and learned institutions, which continued to be funded by the Crimean ruling authority. For example, in his Seyahatname, the famous Ottoman traveler Evliya Çelebi (1611-1682) mentions that, in the early seventeenth century, there were twenty-four judges and forty districts in the Crimean peninsula, four of which belonged to the Ottomans. By the mid-seventeenth century, the number of judges grew: the Sharīʿa registers for the seventeenth and eighteenth centuries indicate that a total of fifty-seven judges served in the peninsula, as a whole, while forty-six of them served in the khan’s administration. This expansion in the number of judges corresponds with the general growth of the cities in the Khanate and Ottoman regions during the mid-seventeenth and early eighteenth centuries. With growing cities, more Islamic educational institutions were established. Likewise, there was an increase in the circulation of Islamic books. The estate inventories recorded in the Sharīʿa court records of this period corroborate the picture of growth of the Crimean Islamic learned establishment, indicating that a large collection of various Islamic books were in the private possession of numerous Crimean jurists and judges.

---

1 Ömer Bıyık, Kırım’ın İdari ve Sosyo-Ekonomik Tarihi (1600-1774), İstanbul: Ötüken, 2014, 18.
2 Ibid., 283.
3 Zaytsev notes that the muhallefat (found in the Sharīʿa court records) of an ‘ālim named Suleyman Efendi, who lived in the seventeenth century, contains a list of 34 different manuscripts, including works on religious sciences and several dictionaries. Another scholar, a muddleris Mehmet Efendi, owned 51 books. The rich book culture in Crimea of this period is also noted in the numerous waqfs lists that contain works in Arabic, Farsi and Turkish languages and inventories of the central libraries in the early eighteenth century. The lists and recordings of all these works are recorded in the Sharīʿa sicils in Krymskaya, 25.
In addition to the establishing Islamic legal institutions, several other developments were accomplished in the field of Islamic education in the khanate especially at the end of the seventeenth century. One of the most important of these is the founding of a rich library, which opened during the reign of Haci Selim Giray Khan (r. 1683-1699), in the khan’s palace at Bahçesaray. Judges and teachers were allowed to take books home from the library. Moreover, many mosques also had libraries that employed *kitabhanı muhafız* (curator of the library) who most likely took care of books, and lent manuscripts to scholars.\(^1\) Omer Biyik, noting the types of books teachers and judges were interested in 1691, concluded that judges mostly borrowed manuscripts on *fiqh*, *ḥadīth*, and generally those which assisted judges in adjudicating justice at the court of law.\(^2\) The interest in *ḥadīth* and *fiqh* literature further suggests that there was a general trend toward Islamic legal learning in the khanate. In addition to Haci Selim Giray’s library, *Zincirli Madrasa*—built a century before—was made into a large *waqf*, which also included a library along with student housing and a soup kitchen that offered daily service to students associated with the *madrasa*.\(^3\) The examples of these educational institutions show that with the consolidation of the Crimean khanate, the region had developed sufficient resource base to support its growing ‘*ulamā*’ community that allowed local scholars to pursue education and seek employment within the khanate’s territory, rather than in the Ottoman Empire. The growth of Islamic legal and educa-

---

\(^1\) According to the administrative description conducted in Crimea immediately after the annexation, the khan’s mosque in Bahçesaray during the reign of Şahin Giray employed two library curators and paid them in Russian currency of half a ruble monthly, see in Zaytsev, *Krymskaya*, 34.

\(^2\) Among the borrowed books were such titles as *Tefsir-i Ebu Suud*, *Tefsir-i Kadi*, *Fethü'l-Bari Şerhü'l-Buhari*, *Nevadirü'l-Usul*, *Manzume-i Şer-i Mustafa*, *Fetva-yi Semerkandi*, *Şehrü'l-Mevakıf*, *Kitab-ı Şarikü'l-Envar*, *Metin-i Mecmua el-Bahreyn*, *Kitabü't-Tasavvurat*, *Fikih Kitabı*, *Muhtarü's-Sahaf* in Biyik, *Kırım’ın İdari*, 126.

\(^3\) A.N. Turan A.N. “Cherty povsednevnogo byta naroda Kryma (XVII–XVIII vv.),” *KNP* no. 43, 2002, mentions a yarlık of 1612 that appointed a new cook in the *madrasa* because of the students’ dissatisfaction of the food served there, 306.
tional institutions strengthens the argument that *Sharīʿa* became a central ideological component of the Crimean khanate.

A rather interesting episode that allegedly occurred in the late seventeenth century further elucidates the important position Islamic law had come to occupy in the Crimean khanate during this period. Riza’s *The Seven Planets* narrates a story about the khan Murat Giray (r. 1678-83), who in the late seventeenth century sought to do away with *Sharīʿa* law. According to Riza’s chronicle, Murat Giray reformed the legal system by reviving Mongol law in place of *Sharīʿa*. The khan apparently replaced *Sharīʿa* with *töre-i cingiziyye* (the Chinghisid law) and appointed *töre başı* in place of the *qāḍī.asker*. The author of the chronicle writes that a dervish named Vani Mehmet Efendi persuaded Murat to return to Islam. But more so, protests that erupted across the khanate in response to the khan’s attack on religion and its legal structures compelled Murat to annul his reforms.\(^1\) However, the swiftness with which the legal reform was introduced by Murat Giray, as well as its equally abrupt cancelation cast doubt on the validity of this drastic political episode Riza describes. In fact, his was the only chronicle of any extant Tatar manuscripts\(^2\) that narrates Murat Giray’s attempt to change *Sharīʿa*. Moreover, research on the basis of the *qāḍī.asker* and Karasu district court records, as well as diplomatic documents dating to the reign


\(^2\) The Crimean Tatar chronicles on the history of the Crimean khanate include: (1) *Tarih-i Sahib Giray Khan* by Remmal Hoca, dating to the 16th century; (2) Written by an unknown Crimean Tatar living in Kefe, *Tevarih Deş-t-i Kipcak* was composed sometime between 1623 to 1640; (3) *Uçuncu Islam Giray Khan Tarihi* by Kirimli Haci Mehmet Senai was completed around 1650s; (4) The chronicle Mehmet Giray who was a contemporary of the khan Murad Giray (r. 1678-1683) but some scholars believe he was the khan’s cousin; (5) The *Seven Planets* by Seyyid Mehmet Riza, which was completed in 1737 and covers the period between 1466 and 1737. The chronicle was commissioned by the khan Mengli Giray II (r. 1727-1730, 1737-1740). It is also likely that the khan was the co-author of the *Seven Planets*; (6) Abdulghaffar el-Kirimi’s *Undet al-akhbar* covers the period from the time of Chingis Khan up until 1744. Abdulghaffar was a member of the Şirin clan and a highly learned Islamic scholar. He composed a commentary on the Forty Hadiths. (7) The autobiographical notes of Saʿid Giray Sultan, a Crimean prince, were written between 1755 to 1758. (8) *Gülbünü Hânân* by Halim Giray (d. 1823).
of Murat Giray make no mention of such reforms. A scholar of Murat Giray’s reign, Królikowska-Jedlińska, notes that the court practices continued as usual without any distinctions between court records from previous or following years.¹

Given the fact that there were no recorded rebellions against Murat, the story of Murat Giray’s innovation likely plays a symbolic function. Indeed, Riza’s account effectively shows the dynamic relationship between law and political authority in the Crimean society. By shedding light on the uprising, Mehmet Riza highlights the importance of Sharī’a in maintaining stability. Furthermore, the story emphasizes that the virtue of a good khan is determined by his ability to protect Islamic legal tradition.² It is worth noting that Mehmet Seyyid Riza was from the eighteenth century, when the khanate became even more ingrained in Islamic ideals and Sharī’a legal practice. Perhaps, with the story about the uprising, Mehmet Riza attempted to show that Islam had always been a central ideology of the khanate.

¹ Królikowska-Jedlińska, Law and Division of Power, 50-51.
² There is a need for more research on Seyyid Riza’s motivation for writing a critical review of Murat Giray’s reign and his supposed preference for töre over Islamic law. Interestingly, research on töre suggests that töre was not opposed to Islamic law. Töre was rather equivalent to a parallel administrative set of rules that existed in the Ottoman empire in form of kanun. Furthermore, there was no negative attitude towards the töre in the Ottoman empire. The work of an Ottoman scholar from the seventeenth century, Hüseyin Efendī b. Ca’afer (1611-1691) entitled Telhisül-Beyan fi Kavanin-i Al-i Osman states that the law in the Crimean khanate are called töre in their own language and that the khanate’s central creed is Islam according to the Hanafi tradition. The norms of customary law of Crimean Tatars and the Sharī’a system are mentioned side by side and are said to be not opposing to each other. More research is needed on Seyyid Riza and Mengli Giray II khan during whose reign Riza composed the chronicle. Writing approximately 55 years after the event, Seyyid Riza was possibly opposed to Murat Giray’s rule for some political reason, which is not obvious without further digging into the reign of Mengli Giray II. This research would reveal the dynamic relationship between various political entities within the Crimea including the beys, the khan, and the Ottomans as well as previous Tatar rulers whose legacy was felt in decades after their deaths, for further discussion see in Pochekaev, “Sudebnaya reforma,” 321-323; V. Smirnov, Krymskoe khanstvo pod verkhovenstvom Otomanskoi Porty do nachala XVIII veka (St. Petersburg, 1887), 248-250; Bahrushin, Materialy po arkheologii, istorii i etnografii Tavrii, (Simferopol, 1993), 332-333; Gayvoronskiy, Sozvezdiye Garayev (Simferopol, 2003), 58-59.
The Eighteenth Century: The Consolidation of the Islamic Religious-Legal Tradition

The eighteenth century was characterized by continual legal entanglements between the Ottoman Kefe and the khanate’s territories. During this period, the Shari'ā legal structures were further consolidated in the khanate’s social and political fabric. During this period there was also a gradual decline of Ottoman presence in Kefe and an increased activity of the khan in the legal matters that impacted both regions of the peninsula during this period. Moreover, Crimean intellectuals and scholarly elite began to experience a sense of independence and autonomy from the Ottoman Empire with respect to the khanate’s legal and political culture.

Khan’s credo as the defender of Islam is evident in numerous descriptions of khans’ military campaigns. For example, in the chronicle dating to the reign of Arslan Giray (r. 1748-1755), references to Islam during battle against the attacking Russian army stirred strong emotions among the Tatar fighters, who were recorded to say: “we are fighters for Islamic kingdom and for Muslim faith, we will not spare neither our heads nor our spirits” and that “[we are] laying oneself for the Muslim faith.”¹ The eighteenth century chronicle states that the khan Arslan Giray, leading the army against the Muscovites, “was merciless to the enemies of faith but merciful to the faithful.”² Indeed, Arslan’s commitment to Islam during his reign is demonstrated by his veneration of the ʿulamāʾ as people of an exemplary life. Furthermore, the anonymous chronicle describes how the khan took great care in appointing qādis to their official positions by familiarizing himself with their accomplishments and moral character. The khan tried to improve the condition of every scholar. Out of love for learning—it states—he built magnificent schools and

¹ Negri, Povestvovaniya i skazania, 389.
² Ibid., 391.
seminaries. He also renovated an old grand mosque in the city of Gözleve, established fountains, and expanded *waqfs* in various cities of the khanate. In general, he was said to have been pious and God-fearing, and he lived according to the words of the prophet: “the heart of the believer is Allah’s throne.” Such language of praise for the khan grounded in his ability to defend Islam and promote the knowledge of *Sharīʿa* was not unique to the reign of Arslan Giray. The legitimacy of the Crimean khan and many other political entities within the khanate depended on their ability to defend and promote Islam and Islamic legal principles.

Indeed, a close relationship between the political elites and the legal-religious establishment is noted during this period. The *ilmiyye* system of the Crimean khanate had developed by this time to become independent and self-sufficient. The chronicle of Saʿid Giray (mid-eighteenth century) shows that a greater number of Crimean ʿulamāʾ were pursuing education within Crimea than those who pursued education and careers in the Ottoman *ilmiyye* system. The chronicle further describes that most of the ʿulamāʾ received their education in the Crimean khanate or the neighboring cities of Akkerman and Bender. Królikowska-Jedlińska notes that out of the forty-four scholars mentioned only four pursued their education in Istanbul. These scholars eschewed pursuing training in the far distant lands of the Ottoman Empire or even the Kefe *valayet* because of travel expenses. For its recordings of scholars educated within the khanate, the chronicle strengthens the perception that by the mid-eighteenth century, Crimea had a vibrant Islamic learned establishment, independent of the Ottoman Empire.

1 Ibid., 391-392.
Although the Crimean khans cultivated an independent Crimean scholarly establishment, the boundaries between the Crimean and Ottoman legal practices in terms of application of law remained translucent in this period. However, it appears that the Crimean khans became more involved in the daily legal and administrative affairs of the Ottoman Kefe province in the mid-eighteenth century. For example, In 1732 a judge of Bahçesaray, al-Hajj Seeyid Ali, adjudicated a border dispute case between two villages, one of which was part of the Ottoman Sudak’s judicial district. The Crimean judge, rather than an Ottoman-appointed qāḍī in Kefe, solved the issue by delineating the precise boundaries between the two villages.¹ Likewise, in 1751, the khan Arslan Giray (r. 1748-1755)—rather than the Ottoman sultan— issued a firman to resolve a land dispute case for a village in the Ottoman part of the peninsula.² In another example, in 1753 a Crimean kaymakam, Muhammad Ağa, heard a case involving a land dispute between two villages located in the same Ottoman qāḍīlık. The case was forwarded to the khan’s divan rather than to Istanbul for further resolution.³

Likewise, in September 1727, Mengli Giray Khan II (r. 1724-1730, 1737-1740) wrote a petition to the Ottoman sultan requesting that the term of office for the qāḍīasker at that time, Ebū-s-Su’ūd Efendi,⁴ be extended for an additional six months. Ebū-s-Su’ūd Efendi was the qāḍīasker of Kefe, Taman, Mankub, and Sudak—all of which were under Ottoman control. Yet, it was the Khan Mengli Giray II who wrote on behalf of Ebū-s-Su’ūd Efendi for an extension of his term of office. The khan wrote that if Ebū-s-Su’ūd Efendi were to be reappointed, Crimean

¹ OR RNB f. 1240 no. 14 (K-3) (June 30, 1732).
² OR RNB f. 1240 no. 24 (July 4, 1751).
³ OR RNB f. 1240 no. 25 (K-14) (1753/1754).
⁴ This is not the famous Ottoman scholar, Ebū-s-Su’ūd Efendi, who lived from 1490 to 1574 and served as a Şeyh ül-Islam from 1545 to 1574 during the reign of Sultan Suleyman. However, the Ebū-s-Su’ūd Efendi who served in the Ottoman Kefe valayet was also well-known and respected.
and Ottoman affairs (which he calls “our affairs”) would be advanced.¹ All this begs: why would a Crimean khan petition the Ottoman authorities to extend the time of service for a judge who served in the Ottoman administration. Why was he so invested in keeping him in office?

Perhaps this can be explained by the fact that around the mid-eighteenth century, the Ottoman presence in its Crimean provinces declined. Alan Fisher’s research on this period has revealed that

at the end of the sixteenth century, the Ottoman Crimea was a totally separate administrative entity, with its own officials, jurisdictions, and carefully defined territorial integrity. There was a clear dividing line between the possession of the Ottoman sultan and those of the Crimean khan. But by the middle of the eighteenth century, this dividing line was nonexistent at worst and vaguely defined at best. And by the time of the Russian annexation of the peninsula, those properties in the Crimean south not in private hands were all under the control of the khan.²

A Turkish historian, Ömer Biyik discovered a firman dating to 1722 in which an Ottoman sultan single-handedly gifted six villages, located in the Ottoman Sudak, to the Crimean khan.³ Perhaps this firman exemplifies a release of Ottoman control over Crimea in the early eighteenth century. Nevertheless, the Ottomans continued to have the final say in the appointment of all judicial and religious offices in Kefe, Mankup, and other Ottoman territories despite the tenuous control the empire exercised in those regions during this period. It is for this reason that the khan Mengli II Giray requested permission from the sultan rather than act autonomously. But Mengli II’s petition differs noticeably in its language from a firman from the year 1673.

---

¹ BOA. IE. HR, 854 (September 2, 1727).
³ Biyik, 23.
In 1673, the Ottoman sultan appointed someone named Seyyid Sunullah a preacher (hat-ib) at a mosque in the castle of Mankup, which, the document states, was located between Kefe and Crimea. The specification of the borders highlights the fact that the Crimean khanate and the region of Kefe were separate entities. The document also mentions that the wages to be paid to judicial and religious officials came from the city’s budget [mukataası mahsulünden], which derived from the taxes the Ottomans collected from these regions in that period. Perhaps a few decades into the eighteenth century, when such divisions between the Crimean khanate and Ottoman Crimea became less significant, the changes in the political structure also impacted the ‘ulamā’ and their employment. The Ottoman scholars no longer depended on the provincial budget that was destabilized as a result of the geopolitical vagaries. The possibility that the provincial budget might have been destabilized could explain why more Crimean ‘ulamā’ were pursuing careers within the khanate rather than in Ottoman domains.

Although the Ottoman connection to the Crimean ‘ulamā’ declined around the early eighteenth century, the Ottoman imperial state, rather than the Crimean khans, had long been involved in the formation of the Shari‘a legal tradition among the Nogay and directly impacted the formation of their religious-legal establishment. The Ottoman state sought to suppress the rebellious nature of these nomadic groups and transform them into taxable subjects of the Ottoman empire. The most detailed information about the Nogay ‘ulamā’ is found in the work of Sa‘id Giray. When Halim Giray Khan (r. 1756-1758) took the throne, Sa‘id Giray was appointed as the serasker of the Yedisan Nogays for the years 1755-1758. This gave him an opportunity to ob-

---

1 BOA.C. EV 1660 (1673) “Kefe ile Kırım beyninde vâki’ Mankub kal’asi.”
2 Ibid.
serve the political, educational, and cultural life of the region and record the history of the Nogay ‘ulamā’ starting at the beginning of the eighteenth century. Sa’id Giray noted that the Nogay ‘ulamā’ mostly taught and practiced law in their own tribes, although they pursued their professional training and education in Akkerman, Crimea, and Istanbul. The Nogay nations of Yedisan and Bucak began to produce influential Islamic scholars starting in the eighteenth century because of direct Ottoman interference.

Prior to this, the Nogay legislative structure significantly deviated from Sharī’a. From the 1550s to 1700s, the Nogays were in the process of transitioning from an aristocratic steppe culture to one with an Ottoman-inspired understanding of the law. Paşaoğlu asserts that documentary evidence proves that since the 1700s Nogays began to prefer adjudication according to Ottoman administrative law and Sharī’a as opposed to local customs (töre). Ottoman state officials were invested in the internal affairs of the Nogay tribes and tried to wield control over these communities through the institution of law. They sought to integrate the Islamic legal institution with the objective of replacing customary law (töre) by building schools of religious learning, madrasas and mekteps. The Ottoman central authorities also dispatched Ottoman judges to Nogay territories to implement Islamic, rather than customary law, there.¹ Ultimately, the connection between the Nogay ‘ulamā’ and the Ottoman state was stronger than the connection between the Crimean ‘ulamā’ and the Ottoman administration and its learning establishment in the eighteenth century.

Thus, although the Ottoman influence grew with respect to the Nogays, it appears to have declined vis-a-vis the Crimean khanate in the eighteenth century. The latter had developed a sense of autonomy and independence away from the Ottomans, especially in the way the Crimean religious and legal establishment appeared to be separate from the Ottoman ilmiyye system. It was also at that time that the Islamic legal practices were fully consolidated into the political and social fabric of the khanate. However, as the region was going through gradual transformation insofar as consolidating its Islamic identity, revolutionary changes took place in the region that completely unsettled Crimea’s unique legal system that had been developing through entanglement for three hundred years.

These changes began with the first Russo-Turkish War (1768-1774). The events that followed the war created the most radical transformations in the khanate’s Islamic-Ottoman-Mongol legal and political landscape. Following the defeat of the Ottoman army in the Russo-Turkish War (1768-1774), the Crimean peninsula was established as an independent state according to the articles of the peace agreement signed between the Russian and the Ottoman Empire in Küçük Kaynarca in 1774. Şahin Giray, not the most obvious choice for the position of the khan, eventually advanced to the throne through the financial and political backing of the Russian Empire, which was also a growing as a new imperial power in the region. During his reign, Şahin initiated tendentious reforms in the administrative and legal structures that upset the social order. Eventually, these reforms led to a revolt that the Russian Empire harnessed for the purpose of annexing the peninsula into its imperial structure. Şahin’s reforms devalued the importance of the Sharīʿa and Islam in place of a modernized political and social order. The consequence of his failed reforms was a rebellion, continuous internal strifes within the Giray’s dynastic household,
and resentment from the karaçi clans. The experience of Şahin’s reforms in the period of independence showed that excluding Islam and traditional power players from the official narrative led to instability in Crimea. Learning from the turmoil that unfolded in Crimea during Şahin’s reign, the Russian imperial officials were initially determined to preserve the old legal traditions and Islamic practices as the imperial agents embarked on their project of building the Russian Empire in the newly annexed Crimea.

Conclusion
This chapter focused on the history of law in the Crimean khanate from the end of the fifteenth to the end of the eighteenth century. The chapter showed that, due to multiple centers of political, legal, and social authority in the khanate, the legal system in Crimea evolved through an entanglement process of multiple traditions. These traditions included the Golden Horde, Islamic, and Ottoman administrative and legal practices. In this multilayered tapestry of legal and political traditions, the Ottoman Porte was only one element that constituted authority in the Crimean khanate. Moreover, as the Ottoman administrative and legal practices were incorporated into the khanate, the Golden Horde traditions were not completely erased but rather made to exist alongside new traditions. In this process of legal development and evolution, Sharīʿa was often used as a legitimizing factor in justifying new and old legal and administrative traditions. It was an agent of change that made legal entanglements possible.
Chapter 3
The Moments of Encounter and the Forging of Entanglements

The first governor-general of the newly conquered Crimea, knaz Grigorii Potemkin (1739-1791), privately wrote to Catherine the Great (r. 1762-86) that Tavrida would become “better still in every way were we to rid ourselves of the Tatars and send them away…for truth, they are not worthy of this land.”¹ However, officially, Potemkin cooperated with the local elites, including the religious leaders, and incorporated the existing Crimean social structures into the state apparatus. Thus, despite the perceived sense of cultural and ethnic superiority over native Crimeans, Russian colonialists and other foreigners engaged with the Crimean Islamic traditional legal practices and institutions on equal footing, recognizing their value and authority. Relying mainly on four volumes of the Sharīʿa court records, in this chapter, I show that the Sharīʿa legal system continued to operate in its full capacity for half a decade (from 1783 to 1787). In this chapter I argue that Russian imperial authorities recognized that building an empire in Crimea depended on the active service of the Sharīʿa courts and existing political and legal actors. It was easier to build imperial institutions on top of the existing legal, military, and administrative structures rather than starting from scratch.

Thus, the Russian Empire forged unprecedented entanglements with the local Crimean inhabitants. Instead of disempowering the traditional tribes and the ʿulamāʾ as it was done under Şahin’s rule, Potemkin formed an alliance with the local elites through a peace agreement (musālahā ve muvādaʿa) and an oath (prisaga) a few months after the annexation. The first part

of this chapter shows that the process of making an oath and the peace agreement was a political mechanism to secure allegiance and legitimize Russian rule among local inhabitants. The language of the oath and the peace agreement guaranteed the survival of Sharīʿa legal procedures as a central legal system in Crimea during the transitional period after the annexation until the 1787 reform. The second part of this chapter shows that the continuation of Sharīʿa courts inadvertent-ly made the Islamic legal institutions a place of entanglements between newcomers and the local inhabitants. Moreover, these entanglements eventually undermined some aspects of traditional Sharīʿa legal authority. Thus, Islamic courts did not only facilitate entanglements but also were transformed in the process.

The third part of the chapter examines Sharīʿa understanding of what constitutes property and borders, contrasting it with the Russian approach. In the Islamic courts procedures, property is defined not by specific numerical measurements but by the neighboring and bordering properties around them; it is contextualized by the surrounding community. Sharīʿa courts tied the Crimean locals to the land and demonstrated that the land was alive and populated. Thus, the Sharīʿa court procedures of that period inadvertently challenged the Russian imperial image of Crimea as empty.

An Oath as an Encounter

The Russian empire established its rule in a newly annexed region by securing an oath from every inhabitant of the Crimean peninsula. The oath laid the framework and set the tone to the process of incorporating the region into the empire. Likewise, it obligated the Russian imperial officials to recognize the Sharīʿa courts. Accordingly, it served as the legal foundation for the
continued existence of Islamic courts under Russian rule. In the Crimean sources, the oath is presented as a peace and reconciliation agreement (musâlaha ve muvâda’â) between the Crimean people and the Russian Empire. For example, the Sharîʿa court defter #116 contains a report of the agreement with a date (July 23, 1783) and an explanation, stating that the Russian Empire completed a peace and reconciliation agreement with the Crimean people (ahâlî-i Kırım). The date and the explanation are followed by an enumeration of ten stipulations that Crimean people presented to the Russian authorities for completion of the peace and reconciliation agreement. The first (#1) and the last (#10) stipulations are of particular importance for the issue under consideration here, mainly a declaration of the right of the Crimean people to hold trials in accordance with their own legal system. The first stipulation of the agreement states that Sharîʿa should be applied to Crimeans (cemiʾ umûr-ı şer‘iyyemiz kendümüze tefvîz) while the last stipulation adds that if a legal dispute involves a Russian subject, a case should likewise be resolved in a Sharîʿa court, before a qâdı.¹

The rest of the stipulations pertain to numerous other rights that the Russian Empire promised to the local inhabitants. For example, stipulation #2 protects from military recruitment, while #3 guarantees that no Crimean houses would be used to shelter soldiers. There is also a stipulation about freedom to conduct Islamic pilgrimage (#6) and a right to collect and distribute ‘ushr tax (#8). The peace agreement also includes stipulations not to accept fleeing slaves or soldiers (#4 and #5) as well as a stipulation on the freedom of maritime trade (#7). Finally, the

¹ Saiet ahl İslâm ile Rusiyalu beyanlarında hukûk da ‘valari olundukta beher mahalledede olûr ise Müslüman tarafından olan kâdi huzurunda murâfâat ve fasl olunmak, OR RNB Fond 917 116/112a/859.
peace agreement also states that any foreigner who comes to the region with his household (bârkılya), should not be allowed to settle in Crimea (#9).

Below the list of ten stipulations, the peace agreement continues with a dictum that the religious nobility, political elites, and the Crimean people as a whole (‘ülemâ ve ümerâ ve bi’l-cümle ahâlî-i Kırım) took an oath to become subjects of the Russian Empress. The above-mentioned ten clauses stipulated the acceptance of the Russian sovereign (here identified as padişah), which indicates that the Islamic community neither passively accepted the new political authority, nor was it coerced into a subordinate position. Furthermore, the consent to become “subjects” of the Russian Empire was conditioned upon Russian imperial recognition of social and political rights demanded by members of the Crimean elite. Given the inclusion of these ten stipulations in the text, the musâlaha ve muvâda’a can be considered as either an oath of loyalty, a contract, or a peace agreement—all three at once.

The musâlaha ve muvâda’a of the Sharî’â court sicil #116 was recorded at the exact time that Potemkin was administering oath-taking ceremonies in various cities and towns of Crimea in the summer of 1783. Immediately after issuing the 1783 Annexation Manifesto, Catherine the Great requested that Potemkin create posters that would include copies of the Manifesto as well as a new text—composed by Potemkin—that would function as an oath of loyalty to the Russian Empress. The oaths were to be collected from every Tatar Muslim inhabitant. The posters were apparently printed in both Russian and Tatar languages and distributed in various public places throughout Crimea. They were also read in mosques throughout the peninsula to notify Tatars

---

1 The Ottoman text of the agreement is in Appendix A, including a facsimile of the peace agreement.
2 Memleketimiz ve kendilerimiz Rusya padişahının halkı ve memleketi olmaklaştık üzere cümlelerimiz ând u yemin idüb.
about their entrance into the empire as Russian subjects.\(^1\) Along with the declarations, Potemkin personally administered the oath-giving from every inhabitant living in key Crimean cities, mostly among Tatar Muslim communities.\(^2\) Potemkin also sent his most trusted military commanders along with troops to remote locations in Crimea such as Kuban—the area known for a strong Ottoman presence and an unfavorable disposition towards new rulers—to administer the pledges of allegiance to Her Imperial majesty. Extending and solidifying imperial control in the newly conquered region of Crimea, especially its remote areas, depended heavily on the use of the military.

The swearing-in process was itself a grandiose and well-planned symbolic ceremony of empire-building. Prior to the swearing-in ceremonies, the process of administering the oaths also included distributing copies of the *Annexation Manifesto* and the posters throughout Crimea. Furthermore, Turkish sources claim that at the time when Potemkin was collecting oaths in the city of Karasubazar, a large tent—surrounded by troops—was set up in the city.\(^3\) The tent and the soldiers created quite a spectacle for the local residents who had never seen so many well-ordered Russian troops dressed in identical uniforms gathered in one place. All these visual representations of the empire gave the effect of solemnity and might to the entire event. Festivities followed the oath-giving ceremonies. For example, after a group of beys, mirzas, and the repre-

---

\(^1\) “Bumagi Imperatritsy Ekateriny II khraniashchiiasia v gosudarstvennom archive Ministerstva Inostrannykh Del (gody s 1774 po 1788),” in *Sbornik Imperatorskago russkago istoricheskago obshchestva*, vol. 27 (Sanktpeterburg: Imp. Akademia nauk, 1880), 240, 246.

\(^2\) Potemkin once noted that every inhabitant should declare the oath except those living in Kefe because—he wrote—many of them “were in essence Turks” and therefore subjects of the Ottoman Empire. “The power of the highest manifesto,” Potemkin continued “and the posters do not concern them.” “Rasporiazheniia,” *ZOOID* 12 (1881), 249-329 (order #68 pp. 274-275 written July 17, 1783). Despite this statement, the oaths were, in fact, collected from residents in Kefe as it was corroborated by the list of residents in hundreds of Tatar villages and towns where the oaths were taken during the month of June in 1783. Besides Muslim residents of Kefe, the oaths were also gathered from Karaim Jews of Kefe, in RGADA f. 16, d. 798, l. 78ob-79 (July 1783).

\(^3\) BOA. HAT 23/1108 (25 November 1783).
sentatives of the Muslim clergy swore the oath on top of the historically symbolic Ak Kaya hill in Karasubazar on June 28, 1783, Russian officials treated the new subjects to festivities of folk games, horse racing, food, and cannon fireworks. Some swearing-in ceremonies were held after Friday afternoon prayers when most male residents of the local community would be gathered in one place. The goal of these ceremonies was to project a sense of awe, solidarity, and loyalty among the new subjects for the new sovereign.

Traditionally, an oath-taking was an important political act of becoming a subject of the Russian Empire or the Grand Principality of Moscow centuries before. However, historically such acts were not aimed at producing “subjecthood” or sameness among all new subjects who were incorporated into the Russian polity. In the past, the process of bringing non-Russians into the empire highlighted the difference of the new subjects. This was especially true for the new Muslim subjects in Russia’s eastern borders. For most of Russian history, Muslims were considered culturally inferior. A large number of Muslims became part of the Russian realm after the conquests of Kazan (1552) and Astrakhan (1556) khanates. Back then, the perception of Muslims as the “other” was maintained through their exclusion from most administrative positions and imperial demonstration of their inferiority with the use of terms like infidels (inovertsy) and foreigners (inozemsy or inorodtsy) in the official decrees, documents, and “political acts, such as swearing allegiance.”

---


2 Osman Fikri Sertkaya provides a transliterated text of the edict (firman) that Potemkin had ordered to be translated into Turkish. The documented firman states that it was read to the Crimean residents on Friday, 17 October 1783 in the city of Chernihof, see “Kırım’ın Rusya’ya ilhakında dair 17 ekim 1783 Tarihli ve knew Grigori Potemkin imzalı Osmanlı Türkçesiyle yazılmış firman,” Karadeniz Araştırmaları, Sayı 11, (Güz 2006), 13-18.

3 Kirmse, Lawful Empire, 46.
Furthermore, the actual relationship between the Russian tsar and the conquered regions was perceived differently by the Russians and the local nobility. The natives considered their relationship with the imperial center as an alliance. However, in the official Muscovite rhetoric, a peace agreement with the local Muslim population was not an alliance of equals with mutual obligations. Rather, Russian conquerors perceived the peace agreements with them as a declaration of loyalty from non-Christian subjects to the Moscow overlords. However, this was not the result of a mistranslation between the Russian and the native languages of the conquered regions. Rather, the concept of an oath was deliberately misconstrued.¹

Beginning in the mid-fifteenth century, the Russian state conquered and incorporated territories in the Volga region, Central Asia, the North Caucasus, and Siberia, into its imperial domain through an oath known as a “shert.” The same word was used in the Russian documents with a verb “shertovat’,” which was derived from the Arabic word meaning to give an oath.² In the Russian historical context, the origin of this term is Turkic. For generations, Moscow’s relationship with the peoples in the south and east of the empire relied on such traditional Turko-Mongol terms. In its traditional sense, a “shert” was a peace agreement, but in Russian documents it acquired a new meaning of giving “allegiance to the tsar.” Likewise, the Russian authorities gave other foreign concepts originating from the Muslim-Turkic cultures new meanings that

¹ Khodarkovsky, “Between Europe and Asia,” 12.
² Vladimir Ivanovich Dal’, Tolkovyĭ slovar’ (Dictionary of the Russian language by Dal), key term “shert’.”
served the interest of the Russian throne. This included concepts like an *amanat* and a *yasak.* All these concepts were deliberately and systematically mistranslated, thereby becoming “a set of colonial tools intended to turn the formerly independent peoples into Russian subjects.” However, the manner of incorporating non-Christian, especially Muslim regions of the Russian imperial frontiers, changed in the late eighteenth century.

The *Annexation Manifesto* abandoned this tradition of implementing oppressive language and practice that singled out Muslims as the “other.” The language of the *Manifesto* echoed the message presented in Catherine’s earlier edict, the *Toleration of All Faiths* (1773). The two pieces of legislative acts marked a turning point in the history of tsarist oppressive policies toward religious minorities, especially Muslims. In line with the message of religious tolerance present in the two decrees, Catherine instructed Potemkin to formulate a text for an oath that would invoke not only the greatness of victorious Russia but also emphasize the idea of protect-

---

1 Amanats, like yasak, became a way of more tangible demonstration of the subordinate position of new subjects. The tradition of taking amanats was borrowed by the Russians from the Turkic-Horde practice, which, in turn, went back to the Muslim tradition of relations with nomads. The Arab caliphs held as hostages representatives of noble nomadic families, who lived for a certain time at the court, after which they were replaced by their relatives. It is known that in the XVI century, amanats or hostages were sent to Russia by the Nogay nomadic tribes. These hostages were chosen to settle in Russia for a year until others replaced them, see in Anotolii Remnev and Olesia Sukhikh, “Kazakhskiiye Deputatsii s Stenariyakh valets: ot diplomaticheskikh missiy k imerskim prezentasiyam,” in *Musul’mane v Novoi Imperskoii Istorii,* 264; V.V. Trepavlov, *Istoriya Nogaiiskoi Ordii* (Moscow, 2001), 626. Yasak was a tax paid by non-Christians to the Russian tsar. In the Russian documents, those Muslim regions who refused to declare an oath to the tsar were identified as hostile people who refused to pay the yasak (*neyasachnaya zemlitsa*) in Michael Khodarkovsky “Ignoble Savages and Unfaithful Subjects: Constructing Non-Christian Identities in Early Modern Russia” in Daniel R. Brower and Edward Lazzernini (ed.), *Russia’s Orient: Imperial Borderlands and Peoples, 1700-1917* (Indiana University Press: 1997), 15.


ing the traditional law and religious rights of the Crimean people. Responding to Catherine’s request, Potemkin prepared posters written in a language and tone identical to that of the *Annexation Manifesto*.\(^1\) Like the *Manifesto*, the posters expressed the recognition of Islamic faith and the imperial commitment to defend the inhabitants’ right: “unlimited freedom of faith, with all its specific characteristics and rituals,” as well as protection of all other past rights and freedoms, including property and ownership rights.\(^2\)

Another way the incorporation of Crimea differed from previous Russian colonial experiences with the Muslim population was Russia’s transparency. Russia’s incorporation of Crimea contrasted with the duplicitous nature of the peace-agreements that Moscow had established with Muslim-majority regions centuries earlier. The title, the *Annexation Manifesto Declaration*, underlines this open and “egalitarian” nature of Russia’s forays into the Crimean social and political domain. This time, there were no attempts to hide the true meaning of the relationship the imperial authorities formed between the Crimean inhabitants and the Russian Empire. The imperial centre declared its intention of granting rights and religious freedoms in a public and open way through the use of flamboyant ceremonies and official decrees.

To examine any hidden meanings in the Russian texts in comparison to the texts that were read or heard by the Crimean inhabitants, I looked for deviations between Russian and Turkish versions of the oath/peace agreement. For a comparative purpose, I examined five documents: (1) Catherine’s *Annexation Manifesto* of April 1783, (2) Potemkin’s posters with oaths

---

\(^1\) “Bumagi Imperatritsy,” 244-246; RGADA f. 5, d. 85, ch. 3, l. 185-188ob.

\(^2\) “Bumagi Imperatritsy,” 240; *PSZ*, vol. 21 #15708 and *RGIA* f. 1239, op. 1, d. 153, l. 294-296a contains Catherine the Great’s *Annexation Manifesto* dating to April 8, 1783 to incorporate Crimea, the island of Taman and all of Kuban into the Russian Empire. The *Annexation Manifesto* promised the local Muslims to protect and defend the lives, property, temples and faith, including all the religious practices and rituals of the local inhabitants.
on them that were submitted for a review to the Empress in April 1783,\(^1\) (3) An oath that was prepared by Potemkin and translated from Russian into Turkish in the style of an Ottoman fir-man, (4) an account of the oath pleading ceremonies and the text of the oath described in Halim Giray’s (d. 1823) chronicle G"ulb"un"u H"ann, and (5) the aforementioned ten stipulations of the musalaha ve muvada’a (peace and reconciliation) agreement, which was preserved in the Shar'ia court record #116.

On the surface, a comparison of the oath written in Ottoman Turkish and Russian texts yields no significant differences except for three small but important nuances. First, the documents written in Ottoman Turkish language (the texts read, heard, or uttered by the Crimean inhabitants during the swearing ceremonies) are more detailed than the imperial official documents written in the Russian language. The former enumerated a more specific set of rights the Russian Empire was obliged to secure for the Crimean people. The Russian official decrees, on the other hand, describe a commitment to a general notion of rights and freedoms without any specifications. For example, the aforementioned ten stipulations from the Shar'ia record #116 do not exist in any Russian sources. The ten stipulations elaborate the type of rights the Russian authorities promised in the official decrees. Thus, the posters that spread throughout Crimea, for example, stated that “legal procedures and punishments will continue in their course as they were” and will be done so “in the name and authority of her Imperial majesty.”\(^2\) The posters did not specify further which legal system would be upheld. It was implied that Law and Justice, in a larger and universal sense, would continue in the name and honor of her majesty. However, the ten stipula-

---

\(^1\) RGADA f. 5, d. 85, ch. 3, l. 185-188ob (April 8, 1783).

\(^2\) “Bumagi Imperatritsy,” 246.
tions of the peace agreement in the Sharīʿa record #116 specified that Islamic courts would be preserved and Islamic law would be applied as opposed to any other legal system.

Likewise, Potemkin’s firman offers more details about the type of promises the Russian empire offered to the Crimean people. Imitating the style of an Ottoman sultan’s decree, Potemkin’s firman was presumably written by Potemkin himself and then commissioned by the author to be translated and rephrased in the style of an Ottoman firman. This firman was commissioned for the purpose of reading the oath in the Crimean city of Chernihof during the oath ceremony there in October 1783. Although the firman was a sloppy translation into Ottoman, it offers some insights into the message that Russian officials sought to present to the Crimean residents. Echoing the central themes of the Annexation Manifesto, the firman promises not to attack the local religion. The most repeated phrase in this firman is the idea that the Russian imperial state would offer peace, safety, and welfare on a daily basis. However, unlike the Annexation Manifesto, Potemkin’s firman elaborates on what this welfare means and makes a detailed list of promises. It promises that the revenue from the taxes would be allocated to the local population for the upkeep of local mosques, as a payment to local officials, and for maintaining religious schools. Furthermore, the text also guarantees that the rest of the tax revenue will be spent for the upkeep of the buildings in the area. Moreover, like the Sharīʿa record examined above, the text of the firman further makes a promise that the Russian imperial state will not force anyone from the local population to serve in the imperial army against their will.1

Second, the documents in Ottoman Turkish and those in Russian differ in their tone. The language in the Ottoman Turkish texts is less forceful than that of the Russian official docu-

---

1 For the text of the firman and the facsimile see Sertkaya, “Kırım’ın Rusya’ya ilhakında dair,” 15.
ments. Comparing the Russian text of the *Annexation Manifesto* to Halim Giray’s account of the oath-taking ceremonies in *Gülbünü Hânân*, it becomes clear that the Russian text gives the Russian Empire more weight and authority and places the Crimean people in a lower and a more subservient position as if it was a relationship between a master and a servant. The Russian text of the *Annexation Manifesto* states the following:

> As an expression of gratitude from Our new subjects, We demand and expect that in their merciful transformation from rebellion and disorder into peace, quiet, and lawful order, they will be pushed by loyalty, diligence and good decency to become like Our ancient subjects and deserve, on a par with them, Our monarch's mercy and generosity.¹

However, in Halim’s account of the oath that was read in Karasubazar in the summer of 1783 the words “demand and expect” are translated as “hoped.” This section of the oath translated into Ottoman Turkish states the following:

> in their transformation from rebellion and disorder into peace, We hope they will in exchange for our kindness become deserving like our fortunate and faithful ancient subjects.²

Like Halim’s version of the oath, Potemkin’s *firman* addressed to Crimean residents also uses words like hope and anticipation (*me’mül ve melhûz*) rather than demand.³ It is almost as if Halim’s version says that the new subjects would hopefully take note of the Russian noble deeds and recognize their contribution in bringing safety and stability to Crimea. As a result, Crimeans would voluntarily become like the rest of the Russian subjects: part of the empire.

¹ Emphasis mine, see *PSZ*, vol. 21 #15708 and *RGIA* f. 1239, op. 1, d. 153, l. 294-296a.
³ There is only one surviving copy I am aware of and it is fully transcribed in Sertkaya, “Kırım’ın Rusya’ya ilhakında dair.”
Third, the documents in Ottoman Turkish and those in Russian differ in the use of specific terminology. When comparing the aforementioned five sources, the idea of becoming a “loyal subject” is conveyed differently in the official imperial version of the oath as opposed to the ones that were presented to the Crimean people. The original *Annexation Manifesto* and the official Russian version of Potemkin’s poster repeatedly use terms such as loyalty (*vernost’*) and subjects (*poddannyyee*) as well as “subjecthood” (*poddannstvo*) throughout the text. Likewise, in Helim’s *Gülbünü Hânân*, the Crimean people are identified and addressed as “our new subjects” (*reâyâ-yı cedîdemiz*) from the start. Furthermore, in Helim’s text the idea of giving loyalty is connected to the notion of exchange. However, the word “loyalty” is never actually used as a noun there; instead, it is used as an adjective in describing old Russian subjects. In Helim’s version of the oath-giving ceremony, the text of the oath reminds the Crimean people that the imperial power was responsible for bringing them out of instability and chaos.¹ The text of the oath in Helim’s version further states Crimeans would continue to receive future generous acts of the Russian monarch if they became like all other loyal subjects of the empire. In this process of joining the Russian Empire, becoming a “loyal subject” is connected to the idea of earning monarchal goodness. In Helim’s version, the text of the oath urges the already identified “new subjects” to “become like Our ancient loyal and fortunate subjects and *deserve*, on a par with them, Our monarch's mercy and generosity.”²

Unlike the account of the oath-taking ceremony described in *Gülbünü Hânân*, Potemkin’s *firman* implements the word “loyalty” all the while eschewing the term “subject.” Because the

---


² “bu hayırlı tebeddül cihetiyle haklarında zuhûra gelen inâyetlerimizin kadrini bilüb bizim bahtiyâr ve sadâkatkâr olan reâyâ-yı kadîdemizîn eserine iktifâ edeler.” ibid.

132
text was translated upon the request of Potemkin, the Russian imperial authorities were in full control of the type of message that was presented to the Crimeans. From the start, unlike Russian official documents, the local Crimeans are never addressed as subjects and instead identified as the Crimean people (*Kırım halkları* or *ahali-i Kırım*).\(^1\) The notion of deserving imperial grace is also emphasized here like in the official Russian documents as well as in Helim’s description of the official oath that was uttered by the Crimean people in the oath swearing ceremony.

Potemkin’s *firman* states that to be deserving and worthy of imperial grace’s one needs to offer a true display of fidelity/loyalty (*sadâkat*).\(^2\) The term “subject” (*reâyâ*) is never implemented in this *firman* and instead, the idea of “subjecthood” or becoming a subject of the Russian sovereign appears to be conveyed through the notion of loyalty (*sadâkat*). Moreover, Potemkin’s *firman* does not have references to other Russian subjects whom the Crimean people were asked to imitate in Russian versions of the text as well as in Halim’s account of the oath. Showing loyalty toward the empress or tsarina (*imperatorîçe*) is the single most important message of the *firman*.

Like Potemkin’s *firman*, the peace agreement of the *Sharî’a* court record #116 does not contain the term “subject” (*reâyâ*).\(^3\) Instead, the text of the peace agreement—like Potemkin’s *firman*—identifies the Crimean people as *ahali-i Kırım* rather than as new subjects (*reâyâ-yı cedîde*).\(^4\) Likewise, the notion of “loyalty” or “being loyal” are not used in the text. In a typical laconic style of a *Sharî’a* court record, the peace agreement concludes with a simple statement:

---

\(^1\) The complete list of people addressed in this firman includes Crimean political and social elites: “kırım memleketinin rağbetli marhasaları, ve ʿumûmen ahali-i kırım ve şirîn mirzalarına, ve biʾl-cümle ʿumerâ ve ağavât ve ʿulemâ ihtiyârlara, ve biʾl-cümle ʿahāli-i Kırım halklarına”


\(^3\) See note #1.

\(^4\) Crimean nobility is mentioned before the Crimean people: “‘ülemâ’ ve ʿumerâ’ ve biʾl-cümle ahâli-i Kırım,” ibid.
“we swore that our country and ourselves will become the people and the country of the Russian
sovereign.”¹ The Sharīʿa record further states that in response to the promise made by the
Crimean people, the Russian officials took an oath (teklîf iderler) to deliver the ten stipulations
listed in the peace agreement.

Despite differences in the content of the texts, Halim Giray’s description of the oath in
Gülbünü Hânân, Potemkin’s firman, the peace agreement in the Sharīʿa record #116, Potemkin’s
text for the posters, and the Annexation Manifesto are remarkably similar. There is some incon-
gruence between the versions because they were directed at different audiences. For the imperial
center as the audience, the official Russian documents bring a great deal of attention to the idea
of “unity,” “loyalty,” and a one model Russian “subject” so as to strengthen the notion of a inte-
grated empire. For the Crimean audience, protection of pre-existing rights was the central factor
that gave value and legitimacy to the oath established with the new sovereign. Knowing this,
Russian officials—who prepared the texts of the oath to administer the ceremonies among the
Crimeans—minimized references to the idea of becoming subjects of the Russian Empire and
emphasized instead the great generosity of the Russian sovereign in delivering peace and safe
living conditions to the Crimean people. In the same vein, the musâlaha ve muvâdaʿa of the
Sharīʿa court record #116 contains a statement urging the local Crimeans who took the oath to be
reassured of the legitimacy of the peace agreement, declaring that the Russian officials also took
the oath and, on their end, promised to deliver the outlined ten stipulations.²

¹ “memleketimiz ve kendülerimiz Rusya padişahının halkı ve memleketi olmakliğımız üzere cümlelerimiz ând u
yemîn idüb,” ibid.
² “Rusyalu taraflarından taraflarınızda teklîf iderler ise işbu resm üzere sizler dahi ând u yemîn idüb râhat olasız,”
To conclude, in contrast to old ways of forging an oath, the oath between Crimean natives and the Russian sovereign in 1783 emphasized religious rights and freedoms and stressed the idea that all her subjects were equal in rights to practice their religion. The oath taken in Crimea throughout the year 1783 reiterated all the rights, freedoms, and privileges that were granted to the new Russian subjects as they were stated in the *Annexation Manifesto*. These rights would be conferred in exchange for declaring love for the Russian nation and unflattering loyalty to the Russian ruler.¹ The difference between versions might have existed because local particulars mattered little for the imperial objectives to project the image of one unified empire, united around civilized and enlightened principles of rights and freedoms for all its subjects. Despite the differences in texts of the oath, the process of granting and receiving the oath or forging the peace agreement between the Crimean inhabitants and the Russian imperialists represented the start of something new.

These documents represent how the two societies came to recognize each other in a social contract. The aforementioned five documents show how the Russian imperial officials and the Crimean people interacted with one another using terms and concepts that were familiar to their separate social and cultural contexts. However, they also encountered some notions that were new and unfamiliar including such concepts as religious freedom, natural rights, and the idea of granting those rights in exchange for loyalty. The interaction between the two societies represented by the oath and the *musâlaha ve muvâda’a* was akin to making a social contract. The oath and the peace agreement might very well have been Catherine’s attempt to manifest the social contract from a thought experiment into reality.

¹ “Bumagi Imperatritsy,” 244-246; RGADA f. 5, d. 85, ch. 3, l. 185-188ob.
The idea of a “social contract” aptly describes the type of entanglements that unfolded between Crimean locals and Russian officials because of two factors. First, building on the idea of a “social contract,” the reference in the Annexation Manifesto to “disorder and rebellion” and the transition to “peace and order” could be interpreted as an exit from the state of nature (i.e. the state of war) and a transition into a “civil society” through a “social contract.” The application of the concept of “social contract” is applicable to the Russian colonial experience in Crimea especially given the fact that John Locke’s notion of the “social contract” was not a thought-experiment nor a hypothetical ahistorical moment. Rather, it was linked to a specific historical context of British colonialism in the eighteenth and nineteenth centuries. A “social contract” represents a bond that was formed between the natives in various parts of the colonized world and the European colonialists and settlers.

Second, in a social contract, the power of the sovereign is restricted. Likewise, in Crimea as an experiment of a “social contract,” an attempt to limit the Russian sovereign was represented by the ten stipulations listed in the musâlaha ve muvâda’a made between the Russian Empire and the Crimean people. The promise made by the Russian Empress to keep and preserve the religion of the local population is exactly that limitation on her sovereignty. Furthermore, the essential stage of Locke’s “social contract” is a creation of a government to transition people from “a state of nature” into “a civil society.” Formation of the government is likewise a restriction on the sovereign. This transition into “a civil society” is present in the history of Russian Crimea
and more specifically it is the formation of the Tavrida government. Formed immediately after the oath ceremonies, the Tavrida government consisted of the local political and social elites.¹

Thus, in December 1783, several members of the Tatar nobility were selected for the new Tavrida government known as the *Krymskoe Zemskoe Pravlenie*, headed by an aging Mehmetşə Bey. Despite the initial misgivings from the Empress, Mehmetşə Bey was given a traditional title *Krim valisi* as the head of the new government.² Although the social contract is a “conditional offer of inclusion premised on ‘preserving the peace’ on the terms” of the colonizers, the fact that the local government implemented traditional practices and elements speaks of the fact that the process of making a “social contract” in the annexed Crimea was more of a mixture of the two traditions, i.e. entanglements of both cultures and their specific notions of governance and law.³

The peace agreement (*musālaha ve mvāda‘a*) as a type of “a social contract” does not only provide the legal basis for preserving the preexisting judicial and political structures but most importantly implements those structures as the foundation for a “civil society.” Paradoxically the state of nature (i.e. its previous barbaric and violent conditions) that the Crimean community existed upon forming the social contract with the Russian authorities is exploited by the imperial state to make a “civil society” made up of the exact same elements and structures as existed before the annexation. The courts were, in fact, needed for the establishment of the civil

---

¹ Other sources show that the creation of the Muslim governance was in part an attempt to appease the Ottomans in response to their loss of Crimea. In October 1783, Alexander Bezborodko (the Grand Chancellor) wrote to Catherine that after the annexation of Crimea, the French court insisted that the Porte be given some assurance that the integrity of the Ottoman Empire would not be compromised because of the removal of such an important barrier as the Crimean khanate. Therefore, the French demanded that neither the Russian nor the Ottoman fleet be allowed to settle in the Black Sea. Moreover, they suggested that keeping the Muslim governance would create further reassurance, in Pis'ma A. A. Bezborodka, “K grafu Petru Aleksandrovichu Rumyantsov,” Starina i novizna, (Kniga 3, 1900), 267.

society and thus build its empire in the newly annexed Crimea. The courts’ personnel were the means through which an empire could get a sense of the terrain of human landscape.

The courts, acting along with kaymakams and Krymskoe Zemskoe Pravlenie assisted the colonial state in collecting information about Crimea, specifically its economic, agricultural and industrial state of affairs. The courts and their personnel represented a gate into the uncharted and unfamiliar domain of Crimea. Information was collected through the courts in the span of one year from 1783 to 1784. The efforts of the court personnel culminated in the report entitled the Cameral Description of Crimea that Baron Igelstrom presented to Potemkin. Initially, Potemkin posted 63 questions to Igelstrom. To answer them, Igelstrom employed the local government officials under his jurisdiction. This included members of the Zemski government, kaymakams and other court officials including qadis who served in administration of the last Crimea khan. The governor Potemkin wanted to know 1) the number of Christian churches in the entire Crimean peninsula, 2) the number of remaining Christian villages in the Crimea, 3) information about all the Tatar villages in general, showing how many of them and to which district they belong, and 4) all of khan’s income and taxes collected annually.¹ This information would make Tavrida more accessible and familiar to the imperial officials.

Tavrida’s unknown landscape and even less familiar social practices and demographic compositions were a common trope in the writings of Russian and European visitors to the place. Such perception of Crimea persisted for decades after the peninsula was officially brought into the imperial domain. For example, in light of the language presented in personal letters and travel observations of Catherine and her European companions on her journey to Crimea in 1787, 

¹ ZOOID 12, 281-286; ITUAK 2, ITUAK 3, ITUAK 4, ITUAK 5, ITUAK 6, ITUAK 7, ITUAK 8.
Sara Dickinson observes that much emphasis have been placed on “the liminal quality of the Crimea’s coastal strip” in these writings and on “its physical inaccessibility as a metaphysical quality.”¹ If landscape is a metaphor for society, culture, and practices of the local people, the Empress’ depiction of Crimea “as the edge of the familiar world and sees it as equivalent to a limit or a border of knowledge reality itself” is a commentary about Tavrida’s unfamiliar society and culture.² This unknown nature of the peninsula would be overcome through the implementation of the existing institutions, such as courts, which had the pulse on the Crimean life. The judges had a direct connection to the daily activities of its inhabitants. The existing legal structures were necessary in order to understand the region’s past practices and pre-existing structures.

The imperial absence of knowledge about the annexed region equated to presenting the region as being empty of the past while simultaneously acknowledging that this past must be exploited for the purpose of building a new “civil society.” The “social contract” is based on the notion of leaving the “state of nature” or a tabula rasa; it implies having an empty space as a place of start. In the Annexation Manifesto, there is a promise of protecting Crimeans’ religion which implies the idea of tradition. Yet, the text of the Annexation Manifesto qualifies religion with an adjective “natural,” to say that it is the “natural religion” that the Russian Empire is protecting. This image of a natural religion makes it sound like it is part of the abstract state of nature, pristine, and uncivilized. A notion of maintaining and protecting religion is used in an ideal sense and imbued with enlightened philosophies of Locke and Rousseau. However, the peace

² Ibid.
agreement (*musālaḥa ve muvādaʾa*) of the *Sharīʿa* record #116 maintains reference to the past tradition, grounds that religion in the Crimean lands, and identifies it as Islam. The *Sharīʿa* record is a specified and localized interpretation of those “liberal ideals” of the *Manifesto*. Through the auditory process of receiving the message of the *Manifesto*, the physical performance of kissing the *Qurʾan* as a sign of declaration of one’s true intention, an utterance of one’s loyalty in the presence of others, and the process of writing down the promises and the stipulations to establish peace agreement (*musālaḥa ve muvādaʾa*) between oneself and the conquering nation, the bond between the Russian and the Crimean society has taken roots. All the senses were involved in the external performance of entanglements. It was a moment of encounter between the past that was empty and the past that holds potential for building a new “civil society.”

Building a new “civil society” in Russian Crimea was nothing other than the process of building the Russian Empire, which hinged upon the objective of creating sameness among all its subjects. This model of an empire-building in Crimea appears to be modern because of Russia’s objectives of creating sameness between subjects of “proper” Russia and those of the conquered regions and reinforcing uniformity throughout all parts of its vast territory. Yet, these modern objectives of creating sameness juxtaposes with some of its other imperial characteristics that are associated with empires of a much earlier period. This includes the practice of incorporating traditions of the conquered regions into its imperial structures as a way to run the newly incorporated territories. Gabor Agoston, writing about Ottoman frontiers in the fifteenth and sixteenth century, observes the pragmatism of the central Ottoman authorities that continued to recognize pre-Ottoman local nobilities, administrative structures, and legal practices as a way to secure control and maintain order in the newly conquered territories:
the pragmatism of the Ottomans permitted just enough flexibility to ensure the rule of the sultan, as well as the indispensable conditions of his rule, that is, the peace of his subjects and the normal working of the economy. If this was possible with the assistance of local institutions and in accordance with local legal customs, then the Ottoman government usually retained these elements and made no forays into forming the conquered territories in its own image.¹

In this manner, the Ottomans incorporated local Christian elites into the askeri class in its various provinces. Perhaps, the pragmatism of any good ruler—and not specific to any particular empire or a state—is to rely on the local and pre-existing institutions, centers of authority, judicial systems, and property relations. This practice is what in essence the early empires did. We can see this practice going back as far as the Romans who also signed treaties with people of the conquered regions and incorporated into their governance “the vocabulary and the models of vanquished.”² This practice gave the Roman Empire and later empires an edge in establishing authority in the newly conquered spaces.

However, with the Russian annexation of Crimea, the emphasis on producing likeness and “subjecthood” as it was evident in the Russian official decrees and declarations of oath is different from the way the empires operated before. I suggest that the conquest and the annexation of Crimea occurred at the cusp of the transition between the old way of running an empire and a new manner of settler colonialism that was followed with reshaping the internal perception of the empire of now being ideologically connected to the conquered region as a source of its identity and transforming the conquered region in its own image. Whereas the Ottoman Porte and many other empires operated according to the old model of governing by continuing to preserve

¹Agoston, “A flexible Empire,” 27.
the size, structure, and “names of the old administrative units” in the conquered regions of its vast empire, the Russian empire at the end of the eighteenth century appears to have combined this modus operandi along with a new model of achieving sameness. Thus, unlike its previous expansionist policies in other borderline regions, Russia’s annexation of Crimea had elements of both: the old manner of recognizing local institutions and the new manner of shaping the conquered region in its own image by bringing its own institutions, practices, and names into the conquered territory. This hybrid manner of organizing and building an empire could not escape the process of entanglements that was generated between the local legal institutions and imported imperial practices.

The Sharīʿa Courts as a Place of Entanglements

The oath and the peace agreement (musâlaha ve muvâdaʿa) made the Russian imperial officials obligated to recognize the Sharīʿa courts, which became the place of entanglements. The Sharīʿa courts, in a way, weakened the existing legal authority of the region because they facilitated the transfer of Crimean land to foreign buyers and thus contradicted the local decrees and transformed the local legal practice. The following section explores how Crimean space, and particularly its property regime, was impacted by the annexation. The annexation attracted an influx of foreigners—not just from Russia but from other European empires—who secured interest in purchasing Crimean lands is noted in the Sharīʿa court records. Because the oath and the official decrees promised to preserve the traditional legal structures, property acquisition was processed through Sharīʿa courts and according to local legal procedures rather than Russian courts. Sales of

---

1 Agoston, “A flexible Empire,” 27.
Crimean land to foreigners were widespread despite an established rule from the time of the khanate that prevented such sales.

Just a month before the annexation, the khan Şahin Giray (r. 1777-1782, 1782-1783) issued a decree or *yarlık* (March 1783) to interdict sale of a particular Crimean land to anyone who is not a Muslim.¹ The decree starts with a story about a village in Bahçesaray by the name of Mankuş that was completely abandoned when the inhabitants of the village migrated to Russia—perhaps months prior to the annexation when Crimea was facing a wave of rebellion and instability—leaving behind their houses, land, and gardens.² The *yarlık* explains further that the state granted the property to an individual by the name of İbrahim Ağâ, Mirahur-ı Sani, as an absolute owner of this large estate.³ The right for absolute ownership meant that he and his progeny could use these lands as they wished (*evlâd-ba-evlad mutasarrif*). The report goes on to say that if, however, any of them wishes to sell these lands they must sell them only to Muslims and never to foreigners.⁴

In the report just above the *yarlık* from March 1783, there is another *yarlık* in the same document dating to the earlier period of Şahin’s rule (April 1781) dealing with property—this time in Kefe—in the district by the name of Köşük Çeşme that was also deserted. An Armenian

1 Despite the uprisings and instability, Şahin Giray was still an active khan during the period when the two *yarlıks* were issued (April 1781 and March 1783). Şahin presented an official letter of abdication addressed to the Crimean subjects on May 27, 1783, in BOA KK.d 7535, ss. 26 7 and BOA. C. MTZ 1-37. His actual departure from the throne was two weeks earlier. Catherine II resigned the khan on May 4, 1783, in RGVIA f. 52, op. 2, d. 23, l. 2. The Russian throne was informed of his agreement to leave the throne on May 5, 1783 in “Bumagi Imperatritsy,” 255-6. A letter from Potemkin to Şahin about receiving news of his abdication and with the assurance that in the Russian Empire he will find "all the benefits, peace and food” is in RGVIA f. 52. op. 2, d. 24, l. 8 (11 May 1783).

2 The ruling was found in two different sources (the Crimean *Sharîa* court and Kamil Kepeci defters), which hints at the significance of this decree, BOA. KK.d 7535: 24; OR RNB f. 917 115: 42.

3 *Bu âna değin cânib-i miriden âhara bey’ ve fûrûht olunanlardan ma’adâ bilcümlesi hudûd-ı ma’lûmeleriyle işbu 1197 senesi hilâlinde väki mäh-ı mart gurresinden bed’en işbu dârende-i emr-i âli Mirahur-ı Sani İbrahim Ağâ’ya temellüken bahş ve ıhsâm olmaâla. Mirahur-ı Sani is a military rank, meaning a deputy of the khan’s stable.*

4 *bey’ ve fûrûht etmek mûrad eylediğinde ahâlî-i memleketten müslimînden olanlara fûrûht idîb eçebi kimesneye bey’ ve fûrûht etmek şartıyla işbu emrim âsdar, in BOA. KK.d 7535: 24; OR RNB f. 917 115: 42.*
owner, Moğdesi Merkan, left for Russia and abandoned his real estate. The *yarlık* of 1781 granted the abandoned property of Moğdesi Merkan to another Armenian, İstefan Reis, as an absolute property that could be bequeathed to İstefan’s descendants (*evlad-ba-evlad sakin ve keyfemeyeşə mutasarrif olup*). Like the *yarlık* from March 1783, the *yarlık* of 1781 prevented the sale of property to foreigners and stated that it can only be purchased by Muslims.\(^1\) Interestingly, although the *yarlık* of April 1781 granted property to a non-Muslim, it still prohibited the rightful owners from selling the land to foreigners or others of non-Muslim descent. Based on the logic of the *yarlık*, the property could be distributed by the state to non-Muslims but private Crimeans subjects, even if the owners were *dhimmis*, were restricted to sell or gift their own land to foreigners or non-Muslims.

Furthermore, although the two *yarlıks* (*April 1781 and March 1783*) referred to specific land plots, it is possible to extend the prohibition to all landed property in Crimea. The fact that two *yarlıks* from two different years and for two different locations expressed the same prohibition in exactly the same wording is not a coincidence. Furthermore, the fact that the *yarlık* of March 1783 was recorded in the *Sharīʿa sicils* suggests that it was not a transient ruling or that it was narrowly applied to one particular land plot. The most important events such as the peace agreement of July 23, 1783 and the legal transformation of February 1787 were both recorded in the *Sharīʿa sicils*. The fact that only *yarlık* of 1783 was recorded in the *sicils* was because not many opportunities came up for the similar rulings in the form of a *yarlık* to be issued for other locations mostly perhaps because people were still living there. However, the situation when the entire village was abandoned required the intervention of the state authority and required Şahin

\(^1\) *hane-i mezkuru bey’ ve furuht eylemek murad eylediğinde ahali-i müslimiden olanlara furuht edip ecnebi kimesneye bey ve furuht etmemek şartıyla işbu emrim ısdar* in BOA. KK.d 7535: 24.
to issue a ruling that expressed the sentiment of that time: a fear that land might come under the control of foreigners. Furthermore, the aforementioned peace agreement (musâlaha ve muvā-daʿa) stipulated that no one of foreign origin could settle in Crimea with a family (article #9).\footnote{OR RNB Fond 917 116/112a/859.} Thus, it is safe to argue that the aforementioned peace agreement (musâlaha ve muvādaʿa) and the two yarlık referring to the same prohibition makes a strong case that the Crimean land was not to be sold to the foreigners or to non-Muslims who came to Crimea for the purpose of settling the territory and expanding their community among Muslim Tatars.

Despite these prohibitions, the number of property sales to foreign nationals did not dwindle as it shows in the Sharīʿa courts. Approximately seven percent of all court cases examined for this study (gathered from four volumes of Sharīʿa court records) from the years 1782 to 1787 deal with sale and purchase of real estate. Out of these, foreigners purchased the most expensive properties. Russians, Armenians, Albanians, and others of non-Muslim, of non-Crimean background were actively purchasing large pieces of estates during this period. Out of the total 134 cases dealing with land purchases, 37 or approximately 27\% of cases dealt with Muslims selling land to non-Muslim of various backgrounds.\footnote{See Table 1.} The 27\% does not appear like a significant number. However, if we look at the prices of the real estate, the most expensive property sales were contracted with non-Muslims. A common factor shared among these sales is that most of the property transactions were conducted in the Russian currency rather than traditional currency such as akçe or kuruş. The highest valued currency at that time was a ruble. One ruble, for example, weighed approximately 24 grams of silver, whereas one akçe was .33 grams of silver and
one kuruş was 16 grams of silver.\(^1\) Another important fact that stands out from the document is that Englishmen were perhaps the most dominant and voracious foreign buyers of Crimean land appearing in the _Sharīʿa_ court records.

For example, in January 1785, an Englishman bought a garden from a deceased person, someone named Fatallah, for a price of 200 rubles, equivalent to 48 kilograms of silver.\(^2\) Another Englishman, Richard Willis, for example, purchased several properties during this period. In August 1783, he bought a pasture (\textit{arazi mezraʿa}) in the village of Kubaşı, Bahçesaray from someone named Mehmet Şah Bey, who was might be the same Mehmet Şah Bey that was appointed as a _Krm valisi_ as mentioned earlier.\(^3\) The pasture cost him 700 rubles or 168 kilograms of silver.\(^4\) Right above this case, the _Sharīʿa_ court sicil discusses another case of an unnamed Englishman who bought a garden from Molla Zakaray for 850 rubles in the village of Kabarta.\(^5\) The proximity of these two cases on the document suggests that the unnamed English man was most likely the same Richard Willis.

Mr. Willis purchased another large estate a few months later, in January 1784. He bought it for 8 rubles and 200 rumîs from a Muslim man named Ibrahim bin Sadik. Ibrahim bin Sadik is an interesting character in the story of land purchases in Crimea. His name appears several times, especially in the capacity of a seller of lands and a _vekil_ for foreign buyers. In January 1784, Richard Willis bought from him a garden, a pasture, several houses, and storage barns in the vil-

\(^{1}\) Kravzov, “Crimean under the protectorate of the Russian Empire: some words on the second monetary reform of Şahin Giray,” pg. 16-22.
\(^{2}\) OR RNB f. 917 116/162b/222h. This record suggests that the agents of the deceased sold the property and then divided the profit among heirs according to the Islamic law of inheritance.
\(^{3}\) See note #51.
\(^{4}\) OR RNB f. 917 116:184.
\(^{5}\) OR RNB f. 917 116:183.
lage of Elmacik, all for 1.92 kilograms of silver, plus the 200 rumîs. In the same village, El-
macik, he bought even more property that included a number of houses and several acres of land.
Richard Willis appears in the Sharīʿa court four times during the months of January, during
which he acquired land that accumulated in total of 44.4 kilograms of silver or 185 rubles. He
bought land and houses from distinguished individuals of Crimean society: once from Arslan Şah
mirza bin Islam (who was a member of a powerful Şirin clan and a supporter of Şahin Giray dur-
ing the uprising), once from Ahmet Şah mirza ibn Adl Şah mirza (who was also from the Şirin
clan and who served as a deputy during Crimean period of independence) and third time from
an unknown individual.

The eagerness of Richard Willis to accumulate land and property in Crimea stands out in
the court records. For example, a part of a property he purchased from Ibrahim bin Sadik is de-
scribed in the following manner:

The sold property (mülk-i mebi’), located in Elmacik, is surround-
ed and defined by a running river on the South side (kibleten), a
mosque’s waqf on the West (garben), property of Göz Mehmet on
the East; and a meadow, belonging to the village of Bazarcik on
the North. Inside the property there are trees with and without
fruits [eşcâr-i müşmire ve gayr-ı müsmire] contained within the
garden and again, the pasture, located on the East side of the
aforementioned village is surrounded and defined by a public road
on the South side, a piece of land of the sold property on the West
side, a graveyard (mezâristan) on the East and property of Ahmet
Şah Mirza on the North.

1 OR RNB f. 917 116:12.5
2 N.F. Dubrovin, Prisoidenenie Kryma k Rossii, vol. 4, pp. 529, 661, 669.
3 Ibid., 743
5 OR RNB f. 917 116: 12.5.
The case goes on, listing another pasture, a wooden house and a barn, located on the other side of the village, all of which were purchased as part of this single court case. An important point to highlight in this description is the fact that Ahmed Şah Mirza’s property shared borders with the property that was purchased by Richard Willis. Later that month, Richard Willis bought property from the same Ahmed Şah in the same village of Elmacik, which means that Willis purchased property that was adjacent to the property he recently bought. Given this data, I suggest that Richard Willis was attempting to amalgamate as much land in Elmacik village as possible and he used Sharīʿa courts to achieve his objectives.

The sprawling of Richard Willis’ domain stands out in the sale of Arslan Şah’s property: “On the South side of the sold property (mülk-i mebi’) is running river, on the East is the property of the buyer (Richard Willis), on the West again is the property of the buyer (Richard Willis) and [North] is again property of the buyer (Richard Willis).”¹ In her research in the Russian archives, O’Neill notes that traditionally, “the estates of elite Tatars tended to contain properties dispersed across multiple noncontiguous locations (this was rarely the case among settlers).”² O’Neill’s observation about the distinction between Crimean elites and settlers’ manner of acquiring property is corroborated by the examples from the Sharīʿa court records for Richard Willis as he attempted to accumulate property and lands that were as contiguous as possible.

With the little bits of information about this Englishman, one can only wonder whether Willis’ investment in the Elmacik village was in any way connected to a commercial interest in developing the agricultural potential of the region. In his correspondence with his brother,

---

¹ OR RNB f. 917 116:13.
² O’Neill, Claiming Crimea, 194.
Samuel Bentham describes Willis as an English merchant who was traveling to Crimea to make his fortune. In February 1786, Samuel writes:

> At Bucharest I met, as my letter from Yassi informs you, Mr. Willis, an English merchant who from Constantinople went to settle in the Crimea. in his journey from thence he had passed thro Olviopol: for through that place every traveller from the Crimea or from Cherson to Moldavia and so on to Constantinople is obliged to pass.¹

Mr. Willis’s first name mentioned in Bentham’s letter is also Richard as it is recorded in the Sharīʿa sicils. It is very unlikely that there were two Richard Willises in Crimea at the same time. I suggest that Bentham’s Willis is the same Willis from the Sharīʿa records. Given the fact that the date of the letter is 1786 and the dates of the examined court cases pertaining to Willis continue from 1783 to 1784, I hypothesize that Mr. Willis was initially in Crimea for approximately seven months from late 1783 to September 1784, during which period he was actively purchasing land. It is likely that later, he left back to England or elsewhere, and then returned to Crimea to finally settle there. As part of his plan to purchase large quantities of land in Crimea, in addition to Elmacik, Mr. Willis acquired lands in other places of the region such as the village of Almâ Karman.² Mr. Willis’ interest in the Crimean land corresponds with a general increase of foreign presence in Crimea during this period, which was welcoming news for the Russian rulers.

The Russian imperial order sought to present Tavrida as being conducive to foreign settlement so as to increase the population in the recently war-torn Crimean cities with foreign skilled labor. In 1785, Catherine the Great “published in all the papers of Europe an invitation to

---

¹ Correspondence of Jeremy Bentham volume 3, pg. 446.
² OR RNB f. 917 116:334.
farmers, viticulturists, artisans of all trades and merchants of all religions to establish themselves in the Crimea.” Furthermore, the Russo-Turkish trade agreement of 1783 and the Manifesto of February 1784 opened Kherson, Sevastopol, Theodosia and other parts of New Russia to international trade. Moreover, contrary to the yarlık and the peace agreement discussed earlier, the imperial decrees declared that “if any foreigner conceived the wish to settle in those or in others of Our towns and settlements, and to take Our citizenship,” he was free to do so. In addition to freedom of worship and the right to leave the country at will, the European foreigners were promised “limitless freedom to set up factories, handicrafts, and all else permitted for his own and the common advantage, and he shall enjoy all these benefits and privileges granted to Our other subjects of equal status with him.” A more conducive environment for colonial settlements from various parts of Europe was being set up in Crimea and was backed up by the various ordinances issued by the crown. Şharʾa courts inadvertently played into the hands of imperial officials.

Despite the two yarlıks and the stipulation #9 from the peace agreement (musâlaha ve muvâdaʾa), the lands of the peninsula were regularly sold to non-Muslims of foreign backgrounds. I argue that vekîls assisted Englishmen like Richard Willis and other non-Muslim foreigners in their voracious acquisition of property in Crimea through Islamic courts. Who were the vekîls that appeared in Şharʾa sicils during this period?

_Vekalet_

---

2 PSZ, XXII, 50-1, no. 15935 (22 February 1784); RGADA f. 16, op. 1, d. 798, l. 75-77ob (22 February 1784).
3 PSZ, XXII, 50-1, no. 15935 (22 February 1784); RGADA f. 16, op. 1, d. 798, l. 75-77ob (22 February 1784).
Some legal historians who study law as an expression of local power struggle focus on the activities of intermediaries in order to understand the complexity of a social context under investigation. Likewise, scholars of imperial and post-imperial studies consider legal intermediaries as windows that expose the process of empire-building in the colonies. Those who work on such legal actors have called for more attention to examine the intermediaries’ “origins and motivations” and to further investigate “their relationship with their clients and state institutions.”¹ In other words, to better understand law and its transformation under colonial rule, it is crucial to look at the social context in which such intermediaries have lived and functioned. The category of legal intermediaries is also helpful for the objective of this dissertation to examine entanglements that were generated between different legal traditions. In Crimea, vekîls were instrumental in cases of land and real estate during the early years after the annexation. Undoubtedly, they represent legal actors who facilitated foreigners’ access to Sharī’a courts and created entanglements between the locals and the newcomers.

In the early Islamic and later Ottoman traditions, the primary responsibility of a vekîl or a legal agent was to represent clients in court when the litigants were unable to attend in or speak in person. A vekîl had a duty to provide “all relevant information to the qâdî, in the interest of ascertaining the truth, rather than concealing or distorting evidence in order to secure the best

---

possible judgment for the litigant.”\textsuperscript{1} A scholar of Ottoman Nizamiye courts, Avi Rubin writes that in contrast to a modern day lawyer, a vekîl’s role was to “represent, rather than advocate the interests of his client.”\textsuperscript{2} In other words, a vekîl was objective. A plaintiff or a defendant could appoint anyone in the capacity of a vekîl but his appointment had to be recognized by two witnesses because, legally speaking, the relationship between an agent and a litigant was a contractual one and acceptance of contracts in Islamic courts requires testimony of witnesses.

In the early period of Russian colonialism in the Crimean peninsula, a vekîl acted like an attaché between Islamic courts and foreigners. He was integral for the continuation of legal stability, with Sharî‘a courts being the primary legal institution of resolving disputes and recognizing commercial transactions. While the office of vekalat continued after the annexation, it acted to undermine the official prohibition to sell real estate to non-Muslims. The influx of foreigners to Crimea also brought non-Muslim litigants to the courts who sought to establish their footing in the Crimean landscape and a vekîl assisted them in accessing these legal institutions. For example, Ibrahim bin Sadik frequently represented foreigners interested in purchasing land. On September 1784, Mr. Willis’ name appears in a case between Omer Cura and Ibrahim bin Sadik, who was in fact representing Richard Willis as a vekîl in a court case (müşteri İbrâhim bin sâdik vekâle-i ‘an taraf-i İngлизli Richard Willis). With help of Ibrahim bin Sadik, Willis purchased several pieces of real estate in the village of Almâ Karman.\textsuperscript{3} Ibrahim bin Sadik was also a vekîl

\begin{enumerate}
\item OR RNB f. 917 116: 334. The court records indicate that Richard Willis did not always purchase property through a vekîl. The records indicate that Willis appeared in court three times without a vekîl (see: OR RNB f. 917 116: 13, 116: 14, 116: 15). Perhaps the names of the vekîls were simply not recorded in those three instances. Given that the instances when vekîls did not appear were contiguous records of Willis’ purchases, it is very likely that the scribe got exhausted from writing down identical information several times in a row.
\end{enumerate}
for an unknown English man in June 1784. The little bits of information about him garnered from the court records tell us that he was a merchant from the village of Elmacik. In addition to arranging sales for Mr. Willis and other Englishmen, Ibrahim was also personally involved in real estate investment. For example, the court records note that he sold a large piece of property that included pastures, gardens and a house to Mr. Willis in January 1784. Later, in mid-November 1784, he purchased a relatively expensive pasture in the village of Akbâr for himself. It appears from these records of sales and purchases that Ibrahim bin Sadik considered real estate as a valuable commodity in Crimea during this period.

Like Ibrahim bin Sadik, they were other vekil working along with foreigners. For example, a vekil by the name Süleyman Mirzâ bin Ebu-bekir Ağa represented Dimitri Petrovich, from Moscow, who purchased a mill, several houses, a pasture, and other property in mid-February 1785. Mehmet Şah Abu’l-heyîr also represented the gentleman from Moscow that year when he purchased a winter shelter (kişla) from Yusuf bin Hac ‘Abdullah, a vekil of a Muslim woman, Hadice Sultan Hanîm bintî Kemâl Ağa, clearly a woman of elite status. Perhaps these vekils spoke a foreign language and often interacted with Western men.

Although vekils did not always represent foreigners, they were still integral for the transition of property to the hands of newcomers. For example, ’Abdulaziz celebi bin Selami Şeyh acted as a vekil for a Muslim woman seeking to sell her pasture and a garden in the district of Menkub to an English man, Captain Thomas Rayan. In another case, Kahveci Ibrahim Ağa bin

---

1 OR RNB f. 917 116: 291
2 OR RNB f. 917 116: 12.5.
3 OR RNB f. 917 116: 593.
4 OR RNB f. 917 116: 254.
5 OR RNB f. 917 116: 254b.
6 OR RNB f. 917 116: 344.
Ali represented his wife in February 1785 when she was selling a tanning factory to an Albanian tanner, Dimitri Veledi Tanaş. Likewise, Fatima bint Bugdan appointed her husband Salim bin Molla Muheyedin when she was in court selling a storage (mahzan) and a wooden house to an Armenian, dhimmi Karabât ermeni veled-i Otas, in September 1786. In these examples, vekils served as a medium through which non-Muslims, non-Crimeans, and local Muslim women. Moreover, the cases examined show that the social position of vekils in Russian Crimea has not deviated much from the past, specifically, their connection to people of higher social standing and their higher social position.

In legal forums of the Ottoman Empire, for example, vekils were frequently employed by elites to secure their success in a legal dispute. Research conducted by Çoşgel and Eugene on the Ottoman Kastamonu indicates that people with higher social status were selected as vekils. In the study of the Crimean sicils from the late seventeenth century, Królikowska-Jedlińska notes that vekils appeared in litigation procedures in only a few number of cases, especially in district courts. She also notes, however, that when vekils do appear, “Crimean men and women often entrusted their disputes to individuals of elevated status, which suggests that they believed it could increase their chance of winning a trial.” Moreover, the fact that vekils appeared more frequently in the qâdî asker courts as opposed to district courts in the early eighteenth century khanate suggests that the vekalet was usually granted to someone of prestigious status. It also indicates the opposite: that people of higher status appointed vekils. Elsewhere Królikowska-Jedlińska had

---

1 OR RNB f. 917 116: 556.
2 OR RNB f. 917 118: 114.
4 Królikowska-Jedlińska, Law and Division of Power, 214.
argued that the qāḍīasker courts, as opposed to district courts, attracted clients from higher social status. Being a more prestigious legal venue, the qāḍīasker court attracted litigants who sought to prepare for the legal procedures more than those who appealed to district courts. Moreover, the fact that there was only one qāḍīasker court, as opposed to several district courts, individuals who could not travel to the capital where the qāḍīasker court was located appointed a vekîl to stand before the judge in their place. In other words, vekîls were a medium through which law could manifest in the local community but they also strengthened the status-quo of the elites since it was the rich who could often afford the assistance of a vekîl.

Likewise, in Crimea after the annexation, vekîls ensured successful transactions of real estate purchases to foreigners, who at that time were certainly representative of an elite status with their expansive capital and an elevated social position. All the court cases in which vekîls are employed leads us to question the idea common in the secondary literature on Russian annexation of Crimea that land was just simply given to the Russian and other foreign settlers. Julia Malitska notes that acres upon acres “of the most fertile Crimean land were expropriated from Tatars and given to the Russian nobility and military on the condition that they encouraged its colonization by peasants from Central Russia and abroad.”¹ It appears from the Sharī‘a records that there was a good number of local Crimean inhabitants who sold their property to foreigners rather than being thrust into coerced release of their estates. The court cases examined show that when the Crimeans were selling their land, vekîls were an integral part of this process. The local court was, in fact, the most visible space, where the interaction between the locals and the new-

¹ Julia Malitska, Negotiating Imperial Rule Colonists and Marriage in the Nineteenth-Century Black Sea Steppe (Huddinge Södertörns högskola, 2017), 92.
comers unfolded. The courts validated the presence of foreigners since it was through the courts that their presence was tied down to the land.

Although the two *yarlıks* prohibited the sale of land to non-Muslims, the actual legal practice manifested property rights in a different manner. The *Sharīʿa* court solidified ownership rights regardless of the owner’s identity and background: Muslim, non-Muslim or a foreigner. In the Russian legal system, it was the imperial authority that distributed and allocated lands to a specific social class. In contrast, in the *Sharīʿa* system, securing access to landed property proved to be more flexible. Moreover, although some Russian institutions were already in place since April 1784, all land purchases were processed through Islamic courts. During this period, inchoate Russian legal and administrative institutions were not capable or qualified to handle such transactions. As a result, the burden of responsibility was placed upon the *Sharīʿa* courts. Thus, the *Sharīʿa* courts became a medium through which interactions between different communities began and where connections and entanglements were forged. However, the question still remains: why did the *Sharīʿa* court personnel go against the *yarlıks* and the stipulation #9 of the *musālaha ve muvādaʿa* and accommodate foreigners’ interest to purchase Crimean land?

Perhaps the answer lies in the fact that foreign litigants who were interested in purchasing land were individual single men as opposed to men with families (*bârkyla*) as it states in the *musālaha ve muvādaʿa*. Perhaps the idea in the *musālaha ve muvādaʿa* was not to restrict investment in the land but rather prevent foreigners from arriving in Crimea with their families and from settling down in the region. Purchase of land by individual single, foreign men implied transience. The *Sharīʿa* court personnel could tolerate such purchases because they appeared more like investment rather than colonization of the territory. The logic of Russian imperialists at
that time was that the acquisition of land by Europeans could improve its agricultural potential that would essentially benefit all Crimeans. Moreover, the fact that these European men were single indicated to the *Sharīʿa* personnel that they would not have the interest to settle in the region for long. In fact, looking at some of the biographies of European, British, men who moved to Crimea and purchased land there looked remarkably similar in that they came to Crimea without families. For example, Samuel Bentham notes that Richard Willis was traveling alone to Crimea.¹ Likewise, Reverend Arthur Young moved to Crimea without his wife, purchased land in Kefe in 1810, and began farming.² Perhaps in the minds of the *Sharīʿa* personnel, the singular and transient presence of European men in Tavrida posed no threat to the survival of Islamic community of Crimea.

*Continuation of Spatial Logic*

Although the *Sharīʿa* courts solidified foreigners’ right over property, they perpetuated the traditional spatial organization of the land in which past understanding of the land and borders persisted under Russian rule. Likewise, the Ottoman Porte that continued to have some authority in the question of land ownership in this transitional period (1783 to 1787), in the way, maintained the past spatial organization of land and property. The fact that the Ottoman Empire along with the new Russian rulers and the traditional *Sharīʿa* courts continued to have an impact on the pro-

---

¹ Correspondence of Jeremy Bentham volume 3, pg. 446. Samuel Bentham also mentions someone named Mr. Griffiths, an English Surgeon, who wished to settle in Crimea: “having nothing else to do Griffiths has determined to seek his fortune in the Crimea.” Ibid, 361. Likewise, in his letter to his brother in July 1784, Samuel Bentham (who was at that time employed by Prince Potemkin) noted that since the land in Crimea was easily accessible for purchase, he encouraged him to take the opportunity: “if we take a trip to the Crimea together you may like and find it advantageous to buy some land there. The use of buying is the having the choice of such as is at present in the hands of some of the Tartars who may wish to sell it. The Prince has promised to give me some as he would you likewise; but then we cant pick and choose,” ibid, 275.

duction of the land regime in Crimea suggests that there was not one source of political authority during this period. Moreover, during this period of transition, the Russian imperial officials shaped the organization of the land through particular imperial policies such as land distribution and cadastral surveys. Multiple sources of authority that impacted the property regime on the ground testify to the entanglements between all three traditions during this period. At the premise of entangled legal formations is the idea that the practice of law is shaped by multiple political authorities. Crimean landed property became the flashpoint for claims of sovereignty and triangulation between the Ottoman, Russian, and Sharīʿa legal authorities.

An example of continual Ottoman presence in the question of Crimean property regime is a report dating to April 9, 1783 when Knaz Potemkin wrote to the Ottoman Sultan, requesting iltizam rights or a tax-farming rights over a piece of land in Crimea to be granted to a Russian subject by the name of Falayuf. Although the full identity of Falayuf is unknown, there is a possibility that he might have been a merchant. The name Falayuf is mentioned in other archival sources. Falayuf’s goods were often sent on merchant ships from Buyukdere, for example, to Taganrog (in the Azov sea), Herson, and Marseille. He traded salt, tobacco, steel, wax, and industrial hemp. Despite his inter-imperial presence, Falayuf was a Russian official and served the Russian tsar. Upon annexing Crimea, Potemkin had ordered large estates of former Girays to be

1 The Ottoman imperial authorities continue to have influence over criminal affairs in Crimea as well. A man was found murdered in Karasu in 1783. In response, the Ottoman authorities acted by organizing an investigation committee that asked the community in Karasu, while conducting an inquiry, where the murder occurred, and wrote a detailed report about the incident, discovering that the man was a bandit who apparently publicly quarreled with his murderer. The order to organize an investigation committee was sent from the Sublime Porte on April 14, 1783. These documented cases show that the Ottoman governing authority had as much power over the legal affairs as they had over the politics of land distribution even after the Russian empire annexed the peninsula, in BOA. KK. d., 7535 #7.

2 BOA. KK.d., 7535 pp. 5 # 6

3 Dubrovin, Prisoidenie Kryma k Rossii, vol. 4, pp. 108, 359, 372, 378, 626, 683, 717, 820-821; His name also appears in the Sharīʿa court sicils in the legal dispute involving his scribe, a Jewish man, who was suing a merchant who apparently lent money to Falayuf’s scribe in KA 116: 345.
brought within the Russian state treasury and then allocated them to newly settled landowners. Thus, it is surprising that the Russian governor-general (who was generally considered to be second in rank after the Empress herself) was writing to the Ottoman Sultan as a gesture of good faith (şöhretli Kenaz Potemkin cenablarının merâm-ı dostâneleri buyurulduğundan müsâadesi lâzım) to request his approval of a tax-farming grant on the Crimean territories rather than taking care of this matter independently as a new ruler of the region.1

The secondary literature on the annexation makes no mention of such requests nor of any Ottoman presence in the question of land regime in Crimea. According to Western and Russian contemporary historians, the Russian imperial authority began to distribute lands starting in spring 1784 until 1796. As a result of this distribution, one of the biggest landowners in Crimea became Potemkin himself, accumulating over 86,460 desyatina of land. Besides Potemkin, Nikolai S. Mordvinov, Ushakov, Plushev, Voinovich, and DeRebas also received large land grants as well as the Russian ambassador to Turkey, Bulgakov, and the diplomat in residence to Crimea under the last khan, Lashkarev. In addition to these high officials, other state employees including Crimean Tatars serving in the imperial Russian administration also received gifts of large estates. This included the aforementioned Mehmet Şah, the head of the temporary provincial government (Krymskoe Zemskoe Pravlenie), and Batır Ağa, kaymakam of Akmesçit. The sources and the secondary literature emphasize that the imperial state distributed land not only to the nobility but also to the merchants, scholars, and foreign horticulturalists residing in Crimea.2 The

1 D.V. Konkin “Islamskie formy zemelnykh otnoshenii v Krymu v novykh usloviyakh: Vakufnyy Vopros” in Problemy integratsii Kryma v Sostav Rossi, 181.
policy of distribution of landed property sought to transform Crimean landscape and improve its agricultural production through the introduction of farming.

The land grants that Potemkin and Catherine gave away were part of the Russian imperial treasury. Thus, unlike the *Sharī'a* court that became the instrument of land transfers of relatively small private lands to interested foreign buyers, the imperial Russian state in the early years immediately after the annexation had not involved itself with small property. Fisher suggests that the imperial state allocated to selected individuals large land grants from among uncultivated regions located in unpopulated territories or abandoned estates that were formerly in possession of mirzas and khans.¹ The imperial government granted such lands, which became known as dachas, to the most loyal subjects and servants of the state. In her careful study of dachas in Crimea, O’Neill observes

   if the dachas grants proved an effective tool for dismantling the connection between territory and the authority of the khan, it would be because they reiterated the spatial logic of the khanate; and because they reinforced the connection between owning land and owning allegiance to one’s sovereign.²

Thus granting lands in the early years into annexation aimed to break the symbolic connection to the khanate’s past. Yet, because the same distribution of land was perpetuated through the land grants “the spatial logic of the khanate” continued its existence under the Russians. The lands that were distributed according to “the spatial logic of the khanate” were now only in possession of different owners. Reproduction of the same land and property distribution shows the weaving

---

¹ Fisher, *Crimean Tatars*, 79.
of structures, loyalties, and traditions of the past and present, edged into the spatial distribution of the landscape.

In the years 1785 and 1786 there was a reduction in land distribution due to the state’s initial forays into cadastral surveys during this period of transition. Cadastral surveying represented a new manner of relating to land and an example of novel mechanisms adapted by the empire that was at the cusp of modernity. Cadastral survey produced a different conception of what the relation to property and land looks like. Maps and measured data produced by such surveys transformed the way property rights were solidified within the next several years in Crimea. They differed dramatically from the way property and land was conceived and understood in the Sharīʿa records.

The descriptions of property and its borders are usually done in a particular, almost formulaic fashion in the Sharīʿa court records. When landed property is described, either in sale, inheritance, or endowment contracts, the document becomes a map as it aims to illustrate the environment of the space and the property in question. The document describes property vis-a-vis its surrounding spaces, coming forward on the page like a drawing and a story, a genealogy, rather than a presentation of a numeric measurement. Numbers never appear in court records when the vastness of property is defined. The most common approach in describing property begins with identifying neighboring property to the south (kible), then to the west, east, and the last to the north. For example, the description of Ahmed Şah Mirza’s property is typical: “located to

---

1 There were two other attempts at cadastral surveys in 1790 and 1791.
the east is a running river, to the west is a waqf belonging to the children of the deceased Arslân Ağa, to the east is the waqf of the Village Elmacik mosque, and to the north is a field.”

The description of boundaries in the documents from the time of the Crimean khanate resembles the way of describing property as it was done in the Sharīʿa courts for the period under investigation. This manner of describing land and property have not changed in legal texts from the time of the Crimean khanate to the early phases of annexation before the abolition of Sharīʿa courts, the traditional understanding of property was embedded in the local landscape and its community rather than precise measurements and geographic location on the map. For example, in the yarlık dating to the reign of Sa’adet Giray khan the property granted to someone named Ibrahim Efendi in 1530 is described in this familiar manner. The text of the yarlık states that the granted land is “bordering a stream along the middle ravine and from the kısla [winter sheepfold] called Mutfî Efendi among the shrubs of Orta çair up to the road to Ulakly; and from the western side from Kurulu and Sayke to Iurlubitere.” In comparison to this traditional and Sharīʿa based manner of demarcating the boundaries of property, the approach taken by the modernizing Russian empire emphasizes measurable precision. O’Neill notes that throughout Russian rule, the land surveyors employed by the imperial state were transforming the land of the former khanate in a ponderous but steady process “into measured, mapped, governable parcels.” These land surveyors created the first map of Crimea in the 1790s “to accompany the spatial nar-

---

1 vâkı’ kbleten ma-cari ve garben Arslân Ağasi el-merhumun evlad vakıfı tuğayı ve şarken karye-i elmaçık mescidenin vakıfı Tuğayı ve şemalen buluğunun arazını OR RNB f. 917 116:14.


3 O’Neill, Claiming Crimea, 261.
tatives of Crimean properties.”¹ This old style of producing spatial narratives of Crimean properties is preserved in the Sharīʿa court records that were examined in this chapter. The imperial efforts to gradually break the spatial logic of the Crimean lands as it was preserved in the Sharīʿa courts was accomplished in the later parts of the eighteenth century with the aforementioned modern mechanisms of measuring land.

A contrast between traditional manner of creating spatial narratives and the scientific method of producing mapped and measured land surveys is seen in a legal case involving an English man, Thomas Rayan, who purchased land in Crimea in 1784. The case was recorded in a Sharīʿa court sicil in 1785. The same property that Rayan purchased through Sharīʿa courts was disputed in imperial Russian legal venues more than three decades later. The way property was described in the two legal settings highlights different ideological perception of what constitutes property and its borders. The Russian documents tell us that Rayan became a Russian subject in the late eighteenth century at the invitation of the Russian ambassador in Istanbul after which he arrived in Crimea and bought land from the Crimean Tatars in 1784 in the Simferopol district, near the village of Chorgun for 120 rubles.² We find this exact land transaction in the Sharīʿa court records, which describe the land he purchased from a Crimean Tatar woman as arable pasture land (ārāzi mezraʿa) along with a garden (with trees) that he purchased in another village.³ According to its usual style, the Sharīʿa court record notes that all around these two pieces of property purchased by Rayan there were properties belonging to other individuals, all of whom appear to be Crimean natives: Abu Bekr to the south, Seifullah to the west, Maksud to the east

¹ Ibid., 193.
² Opisaniye, case #391, pp. 259-260.
³ OR RNB f. 917 116: 344.
and west. There is also a mention of a public road that was to the north of the arable land purchased by Rayan. And yet, in the Russian official documents and narratives, lands in Crimea appear to be empty, abandoned, and unused. The Russian-produced documents give a perception that the lands surrounding the aforementioned purchased property were empty and idle because they lacked specific numerical number to identify their place on the landscape.2

As shown above, in the Sharīʿa courts the place of a landed property on the landscape is identified not by its numerical measures but vis-a-vis its surrounding community. In the Islamic legal documents, neighboring places around the property in question acquire a sense of permanence. Property acquires a dynamic and historic quality in the court records as it comes to be shaped by the living knowledge of the community, bound by a tradition. It is common in Sharīʿa court records, for example, to see expressions such as “müştağni ‘aniʾ-t-tahdīd” or “demekle maʾarūf” referring to property whose borders or names are well known to everyone in a community and have been known as such for generations. They are usually used in reference to well-known houses or to landmarks in the community’s landscape such as public roads or bridges. A scholar of Ottoman history, Hadjianastasis, in his research on the geography of Cyprus writes that landscape in such traditional settings has always been defined as an arena for all the activities that people carry out in the course of their daily round…It links people in fluid networks with material culture, other places, earth and water, plant and animal. The land-

1 …mülk, ve garban bazi müşteri mezbûr-u mülk ve bazi … ve şarken … ve şemâlen tarîk-i ‘âm ile mahdûd dâhilinde otûz kul-i mekdâri … ârâzi mezra’a müstemil mülk defaʾ karye çûrgunada vâki’ kibliten … Abû Bekr mülkü ve garban Seifullâh mülkü ve şarken baʾzi Maksud mülkü ve baʾzi tarîk-i ‘âm ve şemâlen mezbûr Maksud mülkü ile mahdûd dâhilinde eşçâr müsmir ve gayr-i müsmir müstemil bahçe işbu ʿiki kitaʾ mülkü, ibid.
2 Opisamiye, case #391, pp. 259-260.
scape becomes a world view from a specific perspective, rather than a mere economic catchment or administrative territory.¹

In this sense, property, land, borders, and landscape become part of the community’s narrative and a visual representation of its history. Thus, the manner of defining properties’ borders in court records by referencing neighboring properties might seem approximate and informal for such official documentations but to the villagers and residents of a certain particular locale, this manner of defining property resonated and had meaning. A community conceived itself through its landscape and in turn the landscape, property, and borders of each individual parcel of land, estate or a house as well as the more public places and infrastructures embody the genealogy of its inhabitants, past and present.

This approach in describing property and its borders comes in stark contrast to the scientific measuring projects aimed at producing property maps that the Russian colonialists adopted in Crimea in the late eighteenth and early nineteenth centuries. Just a few months after the annexation, in the summer 1783, governor Potemkin requested for the lands to be surveyed, for the information on the history of taxation and administrative practices to be collected, and statistical data on the land, people, and the existing religious institutions to be gathered. This report was to be submitted along with a detailed account of “all lands appropriated by the treasury, complete with accompanying plans and maps attesting to the area and qualities of each parcel.”² Simultaneously, in spring 1784 he also employed a foreign-born scientist—Professor Karl Gablitz—and charged him with an onerous task of producing a report on the natural geography of Crimea.

² O’Neil, Claiming Crimea, 166-169.
Such scientific projects identified different characters of the Crimean domain and highlighted the value of each land that enriched the knowledge about the province.

Following Potemkin’s legacy, governor Dmitrii Mertvago added to this body of knowledge. He commissioned another cadastral survey of property estates in the early decade of the nineteenth century “by sending out a small army of men to walk property lines, measure angles, set up boundary markers, plot estate plans, and compile register of land ownership and use” and in a way project a sense of order and imperial authority onto the landscape.¹ The objective of these scientific expeditions and measurement projects was to calculate the value of each parcel of land, take it out of the context of the lived community in which it was found, and impose an imperial spatial logic onto the landscape. However, prior to the success of land surveyors in the late eighteenth and early nineteenth centuries, the spatial logic of Crimean landscape during the transitional period (1783 to 1787) was informed by several sources of political and legal authority: Shari’a legal structure, Russian imperial officials, and the Ottoman Empire. Their overlapping voices was edged upon property structures, indicating that Crimea was in the process of transition that shaped later developments of its political and legal order.

Conclusion

This chapter discussed the transitional period after the annexation with a focus on the function of the Sharīʿa courts immediately after the incorporation of the region into the Russian imperial domain. The chapter showed that the legal basis for the continuation of Islamic courts was an oath/peace agreement that was made between the Russian imperial authority and the local

¹ Ibid, 189.
Crimean community. In a sense, the oath/peace agreement echoed the principles of a social contract with its much rooted history in a colonial experience. Yet, the agreement between the imperial power and the locals allowed for the pre-existing social and legal structures to continue and serve as the medium through which colonial authority could control the newly acquired territory and project power. Because of this approach to simultaneously eschew and build-up the pre-existing structures, the Russian Empire displayed both modern and traditional ways of running an empire. It sought to implement some of the modern practices of modern governance such as use of cadastral surveys in mapping out the landscape of the newly incorporated region. And yet, it also benefited from the existing legal structures and social actors. Such a set-up allowed for increased entanglements not only between Russian imperialists and local Crimeans but also with foreign settlers in the region. The legal power of Sharīʿa courts in Crimea transcended ethnic, occupational, and religious affiliations. These legal venues allowed foreign access to Crimean lands and in the process contradicted the established legal precedence. In a way, they served the objectives of the imperial state to expand access of Crimean lands to foreign investment as a way to increase the agricultural potential of the land. However, neither did the Sharīʿa courts’ accommodation of foreign interest nor Russian imperial policy to limit the authority of Sharīʿa law ended the continuation of Sharīʿa legal precedent in Russian Crimea. Chapter 5 will show that after the introduction of Russian courts, local Tatar residents appealed to Russian institutions to defend their rights over property with evidence and logic from pre-annexation legal practices. In this process, further exchange and entanglements were generated between these two legal systems.
Chapter 4
The Crimean ʿUlamāʾ and the Transformation of the Legal Sphere

This chapter examines four factors that impacted the Islamic legal authority. While Chapter 1 describes the end of Sharīʿa courts and the introduction of Russian legal institutions in 1787, this chapter examines the specific consequences of these changes upon the legal sphere in Crimea, especially with respect to Islamic legal authority figures as custodians of Islamic law, i.e. the ʿulamāʾ. The transformation of Islamic legal authority in Crimea was driven by four factors: (a) ʿulamāʾ exodus from Crimea, (b) the subsequent formation of new class of ʿulamāʾ who were employed by the Russian state, (c) a Russian vision of law and religion according to which the ʿulamāʾ were re-organized, and (d) the Crimean ʿulamāʾ’s struggle for institutional recognition in the Russian imperial administration.

A part of the narrative of this transformation is the history of the Muslim Spiritual Assembly (MSA). The formation of the MSA represents Russian imperial efforts to control the Islamic communities. Through the MSA, the imperial authorities both restricted the application of Islamic law so that key aspects of life would not be dictated by something other than the imperial state and obligated Islamic institutions and Islamic religious scholars to answer to the imperial center. In an effort to preserve their special status, the ʿulamāʾ cooperated with the official policies to have their authority and rights be recognized by the imperial state. These efforts from both sides essentially led to unprecedented entanglements between the Crimean community and the Russian imperial state. Overall, the chapter argues that the period following the annexation represented a shift in the relationship between a central state apparatus and the Crimean ʿulamāʾ.

In the Russian Empire, the Crimean ʿulamāʾ faced challenges in achieving an institutional articu-
lation of their rights and privileges as the imperial state became increasingly focused in the process of centralization and modernization.

The 'Ulamāʾ Exodus: Voluntary Exit and Forced Migration

Although it is difficult to identify the exact number of the 'ulamāʾ who remained in Crimea after 1783, the bits of information gathered from scattered sources suggest that the number was quite large immediately after the annexation. Contemporary scholars still do not know what the Crimean population size was at the onset of the annexation despite imperial efforts to collect intensely detailed accounts of Crimean society immediately after the takeover of Crimea in 1783. Nevertheless, Sharīʿa court records partly fill this gap in knowledge, documenting the size of the Crimean 'ulamāʾ community during this period. For example, the Sharīʿa sicil #117 for the city of Gözleve has a recording dated January 1786 with a list of 'ulamāʾ from the city and its environs, totaling 1,674 'ulamāʾ, including imams, muezzins, hatıps, teachers, distinguished scholars, and madrasa students.¹

If the city of Gözleve and its environs had approximately 1,674 'ulamāʾs, then we could reasonably surmise that the number of 'ulamāʾ on the peninsula at that time was much larger. In the imperial “Administrative Description of Crimea” for the year 1784, the district of Gözleve is said to have approximately 856 houses (or 1,314 men).² How can the total number of Gözleve’s population (1,314 men) be less than the number of 'ulamāʾ (1,674 men) in that district? In fact, Gözleve (renamed Evpatoriia), as a coastal city, was made into a commercial port city under

¹ However, qādiṣ were not included in this list, OR RNB f. 917, 117:76b:411.
² Russian officials multiply the number of houses by approximately two. Interestingly, Russian officials did not include women in the calculation of the population size for each district, ITUAK #7, 26.
Russian rule, indicating that it underwent a significant transformation that might have caused the population of the Muslim community to decline. Because Gözleve played an important role in the imperial colonial project, Bahçesaray—on the other hand—with a bigger Muslim and Tatar population, might have had a larger percentage of ʿulamāʾ than in Gözleve. Moreover, given the fact that Crimea was divided into six kaymakamıks or districts—Bahçesaray, Akmescit, Karasubazar, Gözleve, Kefe, and Perekop—it could be possible to assume that there were at least 10,044 ʿulamāʾ in the entire region if we multiply the number of ʿulamāʾ in Gözleve by six. However, this roughly estimated 10,044 ʿulamāʾ is an alarmingly large number, especially considering that the number of the Crimean Muslim population in the Russian reports is rather small (8,217 men).¹ This places doubt on the accuracy of Russian reports.

The imperial data on the population of the entire peninsula and its method of compartmentalizing different categories of the Muslim Crimean community may have been inaccurate for several reasons. First, not all qāḍīs responded to the request from the imperial authorities to provide information on the villages of each subdistrict. For example, imperial reports did not have any information on the district of Kefe. Second, it appears that Russian officials had difficulty in defining who composed the ʿulamāʾ in the Crimean society. Russian officials considered anyone who was involved in religious-legal studies or served in mosques, tekkes, or other places of worship or religious education as part of the “religious establishment” referred to in Russian as duhovenstvo or “ulemi” (Russian transliteration of the word ʿulamāʾ). Moreover, the Russian imperialists were interested in obtaining information about the “clergy” who received a regular salary from the state treasury under previous khans for their service in mosques, tekkes, schools,

¹ ITUAK #7, 26.
and other places. The confusion surrounding the term ‘ulumāʾ made the Russian enterprise in trying to distinguish the ‘ulumāʾ from lay Muslims nearly impossible because, under their definition, every Muslim Tatar in his close-knit community appeared to be an ‘ulumāʾ in some way or another. This fact is evident in the reports sent to Governor Baron Igel’strom in 1783 and 1784, which contained a wide variety of religious positions in mosques, tekkes, schools, and other places: 10 Qur’ān readers in addition to the regular 3 reciters, muezzins along with kayyums, and sweepers and supervisors of cushions in mosques. Many in the Crimean community seemed to have a position in their local mosque and almost everyone of them, apparently, had previously received a regular salary from the khans for their service.1 Ironically, based on this category of the ‘ulumāʾ as someone who served in a local religious establishment with a regular salary, qādīs seem to be excluded from the ‘ulumāʾ because they did not receive stipends like the other members of the “duhovenstvo.” According to a letter to Igel’strom dated November 19, 1783, Şerin Mehmedşà Bey and Haci Kazı Ağâ informed him that traditionally, qādīs did not receive regular stipends from the state treasury. Instead, their salary consisted of court fees (resm) collected from processing legal documents such as estate inventories.2 The confusion arising from all these reports made one thing clear: it was a challenge for the Russian authorities to identify what constituted the Islamic religious establishment.

However, even if we read with a tighter definition of the ‘ulumāʾ, the size of the “religious establishment” recorded in the Shari’a sicil #117 was quite large when compared to the entire population of the Crimea peninsula at that time. A tighter definition of ‘ulumāʾ is found in the list of the “dukhovenstvo” the MSA submitted to Russian officials in 1835, which included

---

1 ITUAK #3, 56.
2 ITUAK #3, 60.
such servicemen as hatıps, imams, muezzins, and teachers. Moreover, in addition to hatıps, imams, muezzins, and teachers, the Sharī’a court record #117 also includes a category of “highest ʿulamāʾ” (meşahir-i ʿulema) and an “ʿulamāʾ class” (cinsi uleman). Adding the number of individuals in all of the above-mentioned categories and excluding students, sheykhs and librarians, yields a number of ʿulamāʾ that is still more than 50% of the entire population of Gözleve as shown in the Igel’strom report. With a tighter category of the ʿulamāʾ, the Sharī’a court record #117 records 970 alîms for the year 1786, while the Crimean Muslim population size for the year 1784 was recorded as approximately 1,712 men according to the Igel’strom report. Given the fact that 50% of the population is still a relatively large percentage of ʿulamāʾ, it is likely that Igel’strom’s number for the Crimea population was under-calculated. Nonetheless, the Sharī’a court record #117, provides a window into Crimean society and offers a clue about the types of legal, religious, and educational positions and professions that constituted the Islamic community during this period.

In the course of the Russian colonization of Crimea, the number of the ʿulamāʾ declined. For example, according to the census conducted by the MSA in 1835, the scholarly population in the entire peninsula was 2819 scholars (1 muftī, 1 qāḍī asker, 5 qāḍīs, 454 hatıps, 1113 imams, 941 muezzins, 103 teachers, and 102 hajjis).¹ Thus, in about 50 years (from 1786 to 1835), the population of the ʿulamāʾ declined from approximately 5,820 to 2,819 scholars.² This means that the percentage of the scholars fell by more than 48% from 1786 to 1835. Such drastic decline corresponds with some of the observations made in the Igel’strom reports. The reports note that

¹ ITUAK #51, 212.
² 5,820 ʿulamāʾ is an estimated number based on the population of scholars in Gözleve multiplied by 6 to calculate the number for all 6 districts of the peninsula.
approximately 15% of the employees left their positions in various mosques, tekkes, and other Islamic institutions as early as 1784 despite being offered a regular salary by imperial officials. The decline of ‘ulamā’ accelerated further after the 1787 legal reforms due to specific imperial policies implemented to reduce the size of the religious establishment, especially to lower the number of qāḍīs within Crimean society.

The anti-qāḍī imperial policies were based on the negative and suspicious attitudes of imperial officials toward the Crimean learned community. Such a disposition toward the Crimean qāḍīs is evident in official discourse. In state correspondence between the Empress and her imperial officials, the qāḍīs are compared to parasites. For example, in a letter from Prince Potemkin to the Empress regarding the election of judges and assessors to various administrative positions and the opening of state institutions in the Tavrida region in 1787, Potemkin writes that the judges were like “parasites, living in luxury off of others” or that they seduce the ignorant and that the qāḍīs were the “unnecessary people” to the Russian Empire who will “be forced out” from the region. The official discourse also implied that the qāḍīs exacerbated religious fanaticism in the region. Potemkin asserts more specifically that the qāḍīs attained their elevated position in society through injustice and trickery, especially by targeting the ignorant.

In May 1787, Potemkin advised Catherine to remove the Crimean “interpreters of the law,” noting that they were recently deprived of their power. He further warned that if not removed, they would continue to influence people and as a result, compromise peace and order in the region. In response to this recommendation, Catherine exiled hundreds of people in connec-

---

1 ITUAK #3, 56.
2 RGADA f. 16, d. 799, ch. 2, L. 13-14ob (17 February 1787).
3 Ibid.
tion to the ‘ulamāʾ families in the following two months. On July 17, 1787 the imperial authorities expelled 98 qādis and mullahs along with their families for a total of 535 people from Crimea. Russian officials declared that the ‘ulamāʾ were responsible for inciting anti-imperial propaganda and encouraging local inhabitants to emigrate from Russian Tavrida. Potemkin notes that these ‘ulamāʾ targeted those who wished to remain in Crimea:

> it was revealed that not only did these ‘ulamāʾ encourage Tatars to make requests for departure, but they also included the names of those who had no intention of leaving Tavrida. Those who have learned that their names were included in this list, earnestly requested the imperial authorities to remain in the region as before.1

Although the Russian imperial authorities implemented the policy of expulsion under the pretext of protecting the local population from the religious fanaticism of the Crimean ‘ulamāʾ, their expulsion was in fact meant to reduce the authority of the traditional religious scholars in the region.

> Indeed, this policy of expelling the Crimean ‘ulamāʾ in July was not introduced randomly. Rather, it was connected to larger imperial efforts to transform the region’s legal system. The expulsion dating to July 1787 was adopted just a few months after the provincial election of February 1787 for judges and assessors to the newly-introduced Russian courts. That election, in fact, represented the first official step in reducing the authority of the traditional legal scholars that was later intensified with the expulsion. The expulsion of the ‘ulamāʾ from Kefe corresponded to the general imperial policy to drastically transform the city into a European port.2

In line with this goal, Potemkin ordered architects to repurpose bathhouses and small mosques in

1 RGADA f.16, d. 799, c.2, L.30-33ob (17 July 1787).
Feodosia as churches.\(^1\) He also requested officials to expel every Tatar living outside of the Feodosia walls and move those who were still residing within the enclosure by first buying their houses and then relocating them to the outskirts of the city.\(^2\) Likewise, Potemkin requested that the mufti and the mullahs of Kefe be transferred to the newly built mosque in the provincial city (gubernskii gorod) and that the 'ulamā’ who were deemed not knowledgeable to be exiled abroad.\(^3\)

Limiting the presence of the 'ulamā’ was a consistent imperial policy in Crimea in decades to follow, one that was accelerated by voluntary migration. For example, five years after a massive expulsion of 535 people connected to 'ulamā’ families, another set of Crimean scholars were expelled. On December 14, 1792, Catherine the Great ordered to move the 'ulamā’ with questionable intentions out of Crimea:

> fifty-seven Tatar mullahs contained in Kherson, who were expelled from Taurida at the beginning of the war with the Turks for their malevolent intentions, we command to send them outside the borders of Ours and escort them beyond the Dniester, providing them with the necessary clothing and food for the road.\(^4\)

In parallel to Russian imperial policies to physically expel 'ulamā’, many Crimean scholars also voluntarily left the peninsula to the Ottoman Empire starting as early as the annexation. Immediately after the annexation, individual households migrated out of Crimea, and only after the Crimean War (1853-1856), did entire communities of Tatars joined the muhacir movement. This

---


\(^2\) Potemkin, “Order,” #67 (January 7, 1787), in ITUAK 6 (1889), 6. The drastic transformation of Feodosia was also evident in the story of Seyyid Ibrahim, a kayamakam of Perekop. In January 30, 1787 requested that his house of Feodosia to be sold and in its place to be granted an empty house (in possession of the treasury) in Bahcesaray that used to belong to Ibrahim efendi, in Potemkin, “Order,” #247 (January 30, 1787), in ITUAK 6 (1889), 13.

\(^3\) Ibid.

\(^4\) Ruskayya storina #12 (1900), pp. 547-548.
immigration of Crimea ʿulamāʾ significantly reduced the traditional Islamic religious and legal authority on the peninsula.

To counterbalance a “brain drain” of religious and legal scholars—i.e. the intelligentsia of the former Crimean khanate—was a difficult task. Creation of a new generation of Crimean ʿulamāʾ required time, resources, and patronage of Islamic education which the Crimean community no longer had while under Russian control. Therefore, the most significant outcome of this period was a creation of a deficit of religious scholars in Crimea and a subsequent change of the Crimean ʿulamāʾ as a class. This new trend was both a consequence of ʿulamāʾ migration and a factor that transformed the legal structure in Crimea under Russian control.

The New ʿUlamāʾ Class in Russian Crimea

Although ʿulamāʾ migration contributed to a new class of ʿulamāʾ in Crimea, the emergence of this class had already begun to take shape prior to the annexation. Şahin Giray’s rule (r. 1777-1782, 1782-1783) initially brought to the scene a group of scholars whom imperial officials advanced to high religious positions after the annexation. The arrival of new type of ʿulamāʾ to the religious and judicial fields under Şahin resonated with his larger objectives to reform the legal and administrative structures of the khanate. Immediately after Şahin ascended the throne, he sought to actualize his ambitious plan to centralize his power as a khan by weakening the power of other traditional political figures, most important of which were the karaçi beys. In the process, his reforms disrupted the intricately balanced social structure that was held together by Islamic and Sharīʿa-centered understanding of society, culture, leadership, and legal relations ingrained in the local culture. Şahin sought to centralize his power as a khan by introducing sev-
eral changes to the political and bureaucratic structures of the khanate. As part of his modernization efforts, Şahin (1) made the khan a hereditary position, (2) reformed traditional taxation practices, (3) modernized the military based on a European model, (3) changed the legal-administrative structure of the entire peninsula, (4) reformed the divan to serve as his personal advisory board, and (5) incorporated the lands under karaçı tribes and converted those beyliks into six judicial districts to be under the direct supervision of the khan. The Russian imperial government immediately adopted the latter administrative division after the annexation. The continuation of Şahin’s administration included members of his former divan, part of which were the ‘ulu-lamā’.

Şarī‘a court records corroborate the fact that Şahin’s high-ranking scholars remained in Crimea and joined the service of the Russian imperial government. For example, the first muftī of Tavrida under Russian rule, Musalar Efendī, who was officially recognized as a muftī under

---

1 Şahin Giray, however, was not the first one to attempt at making the khanate hereditary. Traditionally, the khan in the centuries prior was selected by a group of karaçı beys. However, when Devlet Giray pleaded with the Ottoman Sultan in late 1775 to support his attempt at making the Crimean throne hereditary, the Ottoman authorities refused so as not to violate the treaty. Devlet’s request to make the khan’s throne inheritable angered those factions of Crimean society that traditionally held the right in khan’s selection, specifically the nobility. The nobility began to resent Devlet and favored Şahin in his place. Despite this outcry against Devlet, when Şahin Giray ascended the khanate, some members of the political aristocracy signed an oath of recognition and immediately made the office of the khanate hereditary, stating that in order to avoid any future fissures within the Crimean society “we wish that the ruling Khan will choose from among his sons the one who will inherit the throne.” Explaining this sudden change of hearts and mitigated anger toward a proposal for hereditary khanate, Alan Fisher suggests that only a few members of the Crimean nobility signed the oath. Moreover, six months after the enthronement of Şahin Giray, a massive rebellion ensued against Şahin’s reforms from all corners of Crimean society, indicating that the majority was not happy with this change and his rule in Fisher, “Şahin Giray,” 347-8, 350; Nikolai Dubrovin (ed.), Prisoedinenie Kryma k Rossii. Reskripti, pisma, reliacii i doneseniya, vol:1 (St. Petersburg, 1887), pp. 64-68, 72, 498-499.

2 ITUAK 3, 59-61. The salaries of all the mosque and school functionaries would come from zakats, which was collected from the taxes on the grain and cattle. However, Şahin Giray eventually replaced this practice with a new taxation practice in which taxes on the bread and the cattle was collected for the state treasury.

3 O’Neill, Claiming Crimea, 51, 55, 176-177.

4 These new judicial districts were called the kaymakamlıks and included the kaymakamlıks of Bahçeşaray, Akmeçit, Karasubazar, Gözleve, Kefe, and Perekop. The kaymakamlıks were further divided into qāḍīlıks, which were run by appointed qāḍīs in Ibid., 176-177; F. F. Lashkov F.F. “Divan: Musul'manskoye Sudoproizvodstvo,” in A.N. Popov (ed.) Vtoraya uchebnaya ekskursiya Simferopol'skoy Simferopol'skoy gimnazi v Bakhchisaray. Otchet. (Simferopol’: Tavricheskaya Gubernskaya Tipografiya, 1888), 39.

5 Former members of Şahin’s retinue swore an oath of allegiance to the Russian Empress in the duration of several days from June 4 to June 9, 1786, ZOOID 13, 140.
Russian rule in April 24, 1784, was previously a part of Şahin Giray’s entourage.\(^1\) During the period of Şahin’s rule, Musalar Efendī’s name was listed among those who wrote to the rebels, urging them to end their battle against Şahin.\(^2\) His name also appears several times in the Sharīʿa court records, once on June 24, 1783, where he is identified as the muftī of Kefe.\(^3\) The fact that the date of that court case is after the annexation suggests that Musalar Efendī was a muftī during the rule of Şahin Giray and continued to occupy the same judicial position when the peninsula came under Russian control. Several other scholars also continued to hold their judicial appointments despite the change in the political authority.

Another scholar who transitioned from being an ʿālim in Şahin Giray’s court to serving in a Russian colonial administration was Seyyid Ahmed Efendī. He was a qādī of Karasu for the year 1779. He was an influential figure in Crimean society and supporter of Şahin’s claim to the throne. We know from an account that he was sent with a delegation of other Crimean officials to the Ottoman empire with a report (magzar) which was opened and read at the Ottoman court on September 9, 1779. The delegation was responsible for declaring that Şahin Giray was selected by the Crimean people to the throne and for requesting the Ottoman sultan to send investitures in recognition of his authority.\(^4\) Another scholar, by the name of Muslihiddin Efendī b. Ibrahim Efendī, is noted as the qādī asker in the list of personnel in the administrative apparatus of Novorossia. He was part of the Crimean provincial government (Zemskoye provitelstvo) which was—as mentioned earlier—in existence for only one year (from 1783 to 1784) and was based in

\(^1\) Discussion on his appointment to the muftiship see Z. Z. Khairedinova, “Rol’ Pervykh Tavricheskikh Muftiyev i Problemi Integratsii Musul’manskogo Naseleniya Kryma v Sostav Rossi (1783-1830 gg.),” Vesting Kemerovskogo gosudarstvennogo universiteta, 2016 No. 1 (65), 67; PSZ, vol. 23, No. 17174.

\(^2\) Dubrovin, Prisoidenenie, vol. 4, pp. 595.

\(^3\) OR RNB f. 917, 115:62a:149.

the city of Karasubazar.¹ Muslihiddin Efendî is also identified as the qādīasker in a Sharî’a court case dating to March 18, 1784 and earlier for the year 1782.² Russian sources show that he was, in fact, selected by Şahin Giray as his qādīasker in 1777.³ The Sharî’a court records corroborate this point, noting that he was the qādīasker in May 1777 after Şahin Giray came to the throne in April 1777.⁴

There are other examples of high-ranking Crimean ‘ulamā’ from Şahin’s administration who joined the Russian state bureaucracy. For instance, Mehmed Efendî was a qādī in the city of Gözleve under Şahin Giray⁵ and then a qādī of Bahçesaray under Russian rule, starting in September 1783.⁶ Similarly, Seyyid Mehmed Efendî was noted as the qādīasker in a Sharî’a court case dating to August 1784.⁷ Russian sources corroborate the fact that he was the qādīasker of the Russian Tavrida in a decree promulgated on April 24, 1784.⁸ Later, on June 18, 1792, he was appointed as a muftî of Tavrida after Musalar Efendî passed away and served in that office until his death in 1806. According to Potemkin’s account, Seyyid Mehmed Efendî worked diligently in the process of incorporating Crimea into the Russian empire.⁹

Another notable Islamic scholar in the history of Russian empire-building in Crimea, especially in the later phases of Russian colonialism, was Murtaza Efendî. Initially he served as a

---

¹ Makidonov, Personal’nyj sostav, 173.
² OR RNB f. 917, 116:176b:82; OR RNB f. 917, 113.
³ Dubrovin, Prisoidenenie, vol. 1, 599.
⁴ OR RNB f. 917, 101.
⁵ OR RNB f. 917, 110.
⁶ He bought a house in Cami mahallesi for 250 rumi kuruş in OR RNB f. 917, 115: 83b:46; he also bought a house early August 1783; The fact that he is buying a house might suggest that he was not planning to leave Crimea in OR RNB f. 917, 116:150b:337/175b:90.
⁷ OR RNB f. 917, 116:158a:279.
⁹ P.A. Ivanov, “Iz del Moskovskago otdeleniya arkhiava Glavnago Shtaba,” ITUAK 19 (1893), 76.
qādī in Gözleve, as it was noted in a court case dating to November 4, 1785. He was appointed as a mufīṭ of Tavrida on January 19, 1807 after his brother, Seyyid Mehmed Efendī, passed away. Murtaza Efendī served as a mufīṭ from 1807 until 1816 and was in active communication with the Russian imperial authorities in Crimea and in the Russian capital in an effort to establish a formal institution for the MSA.

To give another example, Osman Ağā was a kaymakam and later became a judge in a Russian court. Under Şahin Giray, he served as a kaymakam of Perekop and Yedisan but during his service there he faced violence from the rebels first hand. Rebels insisted that Osman Ağā was unjust as a judge and that he was involving himself in the affairs of the Nogay tribes. Şahin Giray was asked to remove and replace Osman Ağā with another judge named Halil Efendī. From the Russian accounts, it is clear that he was on good terms with Şahin Giray, who calls him a friend. This fact notwithstanding, Osman Ağā apparently spied on behalf of the Russian authorities, reporting information on the movements of the rebels and the Nogays in the Kuban during the period of conquest and annexation. Under Russian rule, on December 17, 1783, Osman Ağā was appointed as a kaymakam of Kefe and on January 9, 1787, he was dismissed and replaced with a captain Osman Mirza. About a decade later, in 1790, Osman Ağā was appointed as a judge in a Russian district court (uezdnii sud') in Perekop where he served for three years.

---

1 OR RNB f. 917, 117.
3 Ibid., vol. 4, 136-138; 142, 151, 188-89.
4 Ibid., 259, 272-3; 307. Osman Ağā was eventually replaced with Ali Ağā as a kaymakam of Yedisan, Ibid., 336.
5 Dubrovin, Prisoidenenie, vol. 4, 316.
6 ITUAK 6, 6.
7 Makidonov, 173 and 199; Uezdni sud' were the lowest in the judicial rank for the examination of civil and criminal cases for the nobility in Wortman, The Development of a Russian Legal Consciousness, 238-9.
A similar fate followed another scholar, Ali Ağa, who initially served as a kaymakam of Yedisan under Şahin Giray in early 1781, then as a kaymakam of Gözleve after the annexation. On July 21, 1783 Knaz Potemkin officially confirmed him as a kaymakam of Gözleve for his “good qualities and prudent behavior.”

It appears that, later, he was appointed as an assessor at the local court (niznii zemskii sud’) at Perekop, starting in 1796. Similarly, Seyyid Ibrahim Ağa Taşıoğlu was appointed as a kaymakam of Perekop and Yedisan in September 1783 and served in this capacity until 1787. After this, he continued his legal career in the Russian lower district court as a police officer (ispravnik) of second rank—which was commensurate with the office of kaymakam in the khanate’s legal structure—for one year in 1787 and then in the upper district court as a prime major starting in 1793. Likewise, Kutlu Şah Ağa Kiyatov was a kaymakam of Akmescit in 1783 and had previously served as a defterdar (finance minister) under Şahin Giray. On December 13, 1784, the Senate appointed Kutlu Şah Ağa Kiyatov as an advisor to the Tavrida Chamber of Criminal Court. Similar data show that most of the posts in the upper and lower district courts were occupied by young Crimean Tatar mirzas, notables, and former legal officials.

In direct contrast to the above instances, the ‘ulamā’ who opposed Şahin Giray’s rule were likely to leave Crimea after the annexation. A notable scholar, Feyzullah Efendi, served as

---

1 ZOOID 12, 276.
2 Ali Aga replaced Osman Aga as a kaymakam of Yedisan on 25 October 1781 because of the complaints from Nogays but he arrived in Yedisan on November 29 in Dubrovin, Prisoidenienie, vol. 4, 336-7 and 362; his service as a kaymakam at Gözleve in OR RNB f. 917, 116:96b:615, 117:12a:67/15:77/78a:419/16a:94/35a:168/43b:235/50b: 250/52a:254. His position as the kaymakam is evident in the Russian sources, where he is identified as Ali Ağa Huseyin Beyoğlu, Makidonov, 173; in the list of assessors for the the local court (niznii zemskii sud’) at Perekop he is identified simply as Ali Ağa, Makidonov, 199.
3 ZOOID 12, 284.
4 Makidonov, 199 and 181.
5 Makidonov, 173 and 175.
6 GARK f.799. op. 1. d. 5, pp. 9-11; Prohorov, “Krymskie Tatary,” 283.
the mufti and the qāḍīasker during the short reign of Devlet Giray, who was an earlier contender to the throne and represented the main opposition to Şahin Giray in 1775. Feyzullah Efendī apparently wrote a fatwā saying that anyone who supported Şahin Giray violated the sacred law. The former mufti, Ahmed Efendī also signed this fatwā.¹ To declare their allegiance to Devlet Giray and to the Porte, a delegation including Feyzullah Efendī left for the Ottoman Empire. When Devlet Giray’s attempts to seize power in Crimea fell apart, Feyzullah Efendī left for Rumeli with Devlet Giray and his other supporters.² By May 1783, it appeared that he was no longer in Crimea.³

Russian and Ottoman sources both mention another ‘ālim named Zahid Efendī who was a qādī of Kefe. During the most volatile period of Şahin Giray’s rule, Zahid Efendī apparently arrived in Istanbul in 1782 with a letter from Şahin’s other contender, Arslan Giray, with a complaint about the ruling khan addressed to the Ottoman court. In the letter, Zahid Efendī included a report describing the dire situation in Crimea and urged the Ottoman Empire to quickly name a new khan as a replacement. The qādī suggests that anyone other than Şahin Giray will be a better option for the Ottomans and the Crimeans.⁴ Zahid Efendī neither appears in the list of Crimean personnel serving the Russian administration nor in the court records dating to the period after the annexation. His absence from these sources strengthens the argument that ‘ulamā’ who sup-

¹ Dubrovin, Prisoidenenie, vol. 1, pp. 376, 385.
² Ibid., 537, 585.
³ His house, which was in the list of houses in Khan câmi mahallesi, is noted to have been run down in OR RNB f. 917, 116:157b:292.
⁴ Dubrovin, Prisoidenenie, vol. 4, 647-655; BOA. AE.SABH.I 16-1455 (April 6, 1789). In the Ottoman archives, the letter is wrongly dated to April 6, 1789. However, by 1789, the Crimean peninsula was already under the Russian control.
ported Şahin’s right to the throne stayed in Crimea and joined the Russian colonial administration, while those who did not likely left to the Ottoman territories.¹

Based on the aforementioned examples of the social and religious elites who transitioned from Şahin Giray’s administration to the administration of the Russian imperial state in Crimea we can draw three conclusions. First, some ʿulamāʾ who served as judges during the reign of Şahin Giray were later employed in Russian courts after the courts were introduced in 1787. Second, a class of Crimean ʿulamāʾ under Russian rule (i.e. those who occupied the top religious positions in the provincial government and later in the MSA) were not always the traditional Islamic legal scholars, but previous state officials and former social elites. Third, many Crimean social elites and former state officials were also employed in Russian courts after their introduction in 1787 despite the fact that they had no training in imperial law or any other legal traditions to prepare for their service as Russian judges. In sum, the legitimacy of the Crimean ʿulamāʾ as a social class with an ultimate legal and religious authority was weakened as a result of (a) Şahin’s rule, (b) the immigration of some members of the Crimean ʿulamāʾ, (c) the Russian annexation, and (d) the 1787 provincial election.

While it may seem odd that Russian judges appointed inexperienced jurists to their courts, a letter from a Russian official named Kahovsky sheds light into their predicament and subsequent solution. In it, he complains about the insufficient number of additional Crimean mirzas who would be willing to take positions of service in the Russian courts in Crimea. He continues, saying that the success of new courts depended on the employment of these elites to

¹ O’Neill notes that the elites “who remained in Tavrida tended to enjoy lesser political and economic status than those who left.” The Crimean elite who enjoyed the highest prestige had, indeed, long established ties with the Ottoman empire and therefore could easily transition into social and economic life found in the Ottoman territories, Claiming Crimea, 194-196.
the posts as judges, assessors, and councils. Kahovsky laments the fact that many of these mirzas were already employed in other courts or governmental positions and therefore could not take on additional work.\(^1\) To address the dearth, Russian officials hired Crimean elites regardless of former court experience. Among the most influential members of the Crimean government hired into Russian courts were members of the nobility including such tribes as the Şirins, Argins, and Sucuks who previously served in the khan’s administration.\(^2\) Undoubtedly, their experience and authority among the Crimean population helped strengthen the position of the Russian administration in the region despite their lack of experience with Russian law and Russian administrative practices. Regardless of that inexperience, the colonial administration sought to rule the newly annexed territory through them. Those who were selected to key judicial positions in the Russian administration as part of the 1787 provincial elections were approved and appointed by the imperial government.\(^3\) Incentivized to serve with the provincial government was monetary compensation and numerous other benefits within the colonial state. These privileges were secured through the Russian legal framework.

By becoming involved in the administration, the Crimean nobility hoped they would gain a place at the table and recognition for their elite status within Crimean society. In other words, mirzas, ‘ulamā’, and other Crimean Tatars who remained on the peninsula and joined the Russian administration thought they could continue to hold the same level of political and social influence as they held over society in the past. It appears that the Russian administration accommodated this need and recognized their appeal to such status. However, the Russian imperial

---

\(^1\) ZOOID #10, 235-238; Prohorov, “Krymskie Tatary,” 289.
\(^2\) ITUAK #30.
\(^3\) RGIA f.1286, op. 1, d. 132, l. 14.
administration would only accept the authoritative status of the Crimean elites, especially the ‘u-
*lamā’, on their terms and by slightly modifying the elites’ function within society. The imperial
state officials delegated the ‘ulamā’’s role within society according to the imperial vision of law
and religion. The following section will explore issues of political legitimacy, the role of law, and
how the imperial perception of law as being separate from religion differed from the traditional
Islamic notions of law and legality.

Imperial Visions of Law and Religion

As mentioned above, a letter was sent with Zahid Efendi to the Ottoman court during the volatile
period of the Crimean history when Şahin Giray ruled as a khan. The private discussion that the
letter sparked between the Ottoman reis-Efendi and the Russian envoy to Istanbul—Bulgakov,
who reported everything that was said during this meeting to his superiors— evoked the funda-
menta* principles of what it meant to be a ruler in the two empires. The discussion between the
two officials concerned the issue of faith and political obedience. The Russian official stresses
that it is the ruler who reigns over the law. On the other hand, the view advanced by the Ottoman
vizier, who speaks on behalf of the Crimean rebels, reiterated the sentiment expressed in the let-
ter: in the rhetoric of the Ottomans and the Crimeans, the value of *ijmā’—as in the consensus of
the entire Islamic community—prevails over the principles of loyalty and obedience to the ruler.

Not knowing how to respond to the letter from the Tatar delegation, Bulgakov declared to
reis-Efendi that he could not distinguish truth from falsehood in “the complaints of the insur-
gents.” This word choice sparked a disagreement between the Ottoman and Russian state repre-
sentatives. Bulgakov reported:
when my speech was translated to him, reis-Efendī, upon hearing the word ‘insurgents’ declared that [Crimean] Tatars are free people and at this moment are speaking in unison and therefore cannot be defined as ‘insurgents’ in the matters in which the (Küçük Kaynarca) peace treaty granted to them freedom, and specifically in the matters of religion.¹

Bulgakov objected, explaining that the critics of Şahin Giray represented only a small portion of the Tatar population: “not an entire nation, but a small part of the inhabitants, motivated by greed and ambition, have gathered a party of people and forced many others to sign a letter they wrote.” Yet, later on Bulgakov added that, “judging by the fickleness and recklessness (sumas-brostvo) of Tatars, it is no surprise that they are dissatisfied with Şahin Giray and same will happen even if an angel is appointed as their sovereign.”² Bulgakov’s last remarks suggest that he was not particularly concerned about the size of the dissenting political group, but rather objected to the fact that the Crimean people, as a whole, had the right to oppose a sovereign—a revolutionary idea that challenged the paradigm of enlightened absolutism associated with the Russian Empire during this period. Within this paradigm, the Emperor or the Empress was the ultimate guarantors of rights.³ The Russian rulers alone recognized particular traditions of legal practices, meaning the law did not hold them accountable nor did it legitimize their right to the throne.

Transgression against the tradition and the teachings of the Sharī‘a was a central point of criticism against Şahin Giray. This criticism was advanced by most of the Crimean ‘ulamā’.

¹ Dubrovin, Prisoidenenie, vol. 4, pp. 651.
² Ibid., 654.
though a small percentage of religious scholars supported his rule. Central in Islamic and Ottoman political thought is a conviction that adherence to *Sharīʿa* law and its implementation in securing order are the duties of a just ruler.¹ Chapter 2 of this dissertation argued that, throughout the history of the Crimean khanate, adherence to Islam and defense of *Sharīʿa* were central factors in granting legitimacy to all major political players in the khanate. Because Şahin’s innovations destabilized the Crimean polity, he was not qualified to receive support from his subjects according to the tradition of *Sharīʿa* justice. Şahin had failed in his central role as a ruler, and, therefore, the rebellion against him was justified.

A similar sentiment about the decline of the religious order in Crimea can be seen in the writings of a scholar of this period, Kutb ad-Din Al-Kırımî, who left the peninsula after 1783. He considered the decline of the Crimean khanate and its eventual annexation by the Russian Empire to be a result of religious innovation, specifically among the Sufis. In a short treatise (*Rāḥah al-Ummah fī Dār al-Muʿminah*) written in 1789, he criticized the spread of immorality and corruption as an indication that the Day of Judgement was coming, which was manifested in the occupation of the Muslim Crimean people by a Christian empire. In the treatise, al-Kırımî discusses the qualifications of a just ruler, stating that a just ruler’s primary objective is to maintain social order. Yakubovych, summarizing the epistle, observes that for al-Kırımî, struggle against evil (*munkar*) is an obligation of not just political leaders but also of each individual believer.² According to al-Kırımî’s vision, the decline of religion and deterioration of the *Sharīʿa* way of life

---

¹ Alp Eren Topal, *From Decline to Progress: Ottoman concepts of Reform 1600-1876* (PhD diss., Bilkent University, 2017), pg. 28-34.

led to the destruction of society. This was indeed true in the Crimean khanate, where *Shari‘a* served as an ideological foundation whose legitimacy emanated not from the state, but from religious scholars whose authority in deriving and implementing law was intricately linked to their knowledge of central Islamic texts. In other words, in the *Shari‘a*-centered society, the legal structure was fundamentally linked to all aspects of “religious” and “secular” life.

The transformation of the legal structure in Crimea was impacted by the Russian imperial perception of law, which assumed a separation between the two domains of social life—religious and legal, as well as their corollary dichotomies of private and public. This impact is evident in the slow but steady change in the composition of the traditional *‘ulamā‘* as central practitioners and theoreticians of law. The migration of the well-established *‘ulamā‘* to Ottoman territories was one of the incentives for many Crimean social and political elites as well as those from non-elite groups, to acquire for themselves the status of the *‘ulamā‘* within the Russian imperial state. A contemporary Russian historian, Ildus Zagidullin, writes that, after the annexation, the increased migration of the local population in the eighteenth and nineteenth centuries resulted in the decline in the number of clergymen in Crimea. The number of vacant religious positions increased in Crimea, leading many “low class (petty bourgeois) to identify themselves in the Russian registry documents in 1795 and 1811 as ‘clergy’.”1 The fact that these non-*‘ulamā‘* members of Crimean society were able to acquire the status of religious-legal scholars suggests that Russian officials held a different understanding of the definition and composition of the *‘ulamā‘* class.

According to Russian imperial perception, the *‘ulamā‘* were merely religious people and devotees of faith, devoid of legal authority. In the initial phases of the annexation, the Crimean

---

'ulamāʾ's connection to the legal sphere was not considered (or perhaps was simply ignored) because, in the Russian legal culture, clergy did not have the same role as the 'ulamāʾ in the process of deriving law and adjudicating justice. Although there was a close connection between the church and the state in the Russian imperial history, the Russian Orthodox Church and its clergy were under the supervision and control of the imperial state, especially beginning in the reign of Peter the Great (1682-1725). Projecting the same perception of law and religion onto the newly conquered Islamic society, Russian officials treated the Crimean 'ulamāʾ according to the imperial model of law and religion. Furthermore, the fact that many of the state judicial appointments were occupied by officials without legal or religious backgrounds suggests that the Islamic and Russian imperial perceptions of law and society were distinct. The imperial perception of law, it seems, assumed that the process of adjudication did not require years of training nor an intimate knowledge of sacred texts, but equated to a simple implementation of decrees issued by the state.

This perception of the legal structure in terms of its division between law and religion was also evident in the fact that the imperial state sanctioned the formation of so-called family courts within Russia’s Islamic communities of the Volga-Ural region. The primary function of these courts was to resolve family-related disputes among Muslim inhabitants. Russian officials reasoned that the family issue was part of the religious aspect of an individual’s life and therefore could be treated by lower-ranking imams within a local mosque. Thus, this division between family and civil law within the Islamic legal tradition was not implemented first in Crimea. Rather, in the early eighteenth century, Russian officials introduced such divisions in Bashkiria.

---

1 Lindsey Hughes, *Russia in the Age of Peter the Great* (New Haven, Conn.: Yale University Press, 1998), 332-56.
(a region in Russia between the Volga river and the Ural mountains with a large Islamic community, which gradually came under the Russian imperial control around the middle of the sixteenth century). In 1735, Russian officials in Bashkiria aimed to reduce the number of religious and legal figures known as ākhūnds (who were essentially muftīs with additional expertise in sometimes adjudicating cases) and their influence in society by co-opting them into the government. This imperial policy encroached upon the ākhūnds’ judicial autonomy, reducing their legal authority to disputes over marriage, divorce, and inheritance, while “other legal matters—such as thefts, debts, fights and property issues—fell to arbitration tribunals headed by Bashkir elders (who could follow Islamic law in their decisions) or Russian civil courts.”¹ This separation between religious/family and secular/state law in 1730s Bashkiria later served as a model for the formation of the MSA in various regions of the empire with a large Islamic communities, including Crimea.²

The institutionalization of religious authority in the form of the MSA and the head of which was the muftī was done for the purpose of controlling the Muslim communities in the unfamiliar and distant provinces of the Russian Empire. Historians have observed that the Russian Empire, before Western European colonial entities, incorporated official Islam into its governmental structures with creation of muftiship at the end of the eighteenth century and an Islamic organization called the MSA starting in 1788. In contrast, Britain and France incorporated official Islam into state institutions through the courts and in legal practices, with Britain codifying the local laws in India in the mid-nineteenth century and France creating a “centralized Islamic

---

² Spannaus, “The Decline,” 164.
court system in Algeria” in 1854. Moreover, the process of institutionalizing the ‘ulamāʾ and pushing them into the central state apparatus in the Russian Empire was not all that different from the transformations and processes that took place in the Ottoman Empire’s scholarly community centuries before. The ‘ulamāʾ in the Ottoman domain had been in the process of becoming a more defined and institutionalized group since the fifteenth and sixteenth century when the empire was in the process of centralization.² Towards the middle of the sixteenth century, the ‘u-lamāʾ had deepened their roots as guardians of social life, culminating in a hierarchical learned establishment, called the ilmiyye system. This system consisted of scholars whom the Ottoman state appointed to judicial and educational positions, thus granting them numerous privileges and exemptions.³ The Russian state intervention into the MSA of the late eighteenth century echoes the ilmiyye that had been developing in the Ottoman Empire since the middle of the sixteenth century.

From the end of the eighteenth century, the tsarist government began to build a system of MSAs with a muftī as their chairmen in various Islamic regions of the empire. In biographical dictionaries composed by scholars from the Volga-Ural region of the late eighteenth and nine-

---

teenth centuries, the MSA is referred to as *al-jami‘iyya al-islamiyya*.\(^1\) In European Russia, Siberia, and parts of Transcaucasia, Muslims were under the auspice of the Orenburg MSA (established in 1788). The Tavrida MSA organized over a long period, from the year 1794 to 1831, and functioned separately from the Orenburg MSA. Likewise, the Transcaucasian Sunni and Transcaucasian Shiite MSA organizations were formed much later, in 1872, and were also separate from the Orenburg and Tavrida MSAs. The two MSAs were not fully established until 1872 because of the region’s specific geo-political positioning with respect to neighboring Turkey and Iran.\(^2\) In the steppe territory (present-day Kazakhstan), the regulation of the spiritual life of Muslim Kyrgyz was decentralized.\(^3\)

*The Muftī*

The formation of a *muftiship* as the head of the MSAs was directly linked to the annexation of Crimea and the subsequent religious-judicial transformation in the Tavrida province. Before the decree of 1788 created the first MSA in Orenburg, the title of a *muftī* was not found in any official records for the Volga-Ural region of the Russian empire. In fact, there are no indications that the title of a *muftī* was ever in use in any Muslim-majority regions of Russia proper, except for in Crimea.\(^4\) In the Volga-Ural region, the responsibility of issuing *fatwās (iftā‘)* was the prerogative

---

of religious scholars known as ākhūnds. Ākhūnds’ scope of authority went beyond composing *fatwās* since they also fulfilled the role of a *qāḍī*. Spannaus elaborates:

ākhūnds were in many ways the embodiment of traditional forms of law. As legal specialists, they were tasked with upholding and administrating the *Sharīʿa*; both *qadaʾ* (judgement) and *iftaʾ* (issuing *fatwās*) were the duties of the ākhūnds, who were considered the highest authorities on the law. As such, they served as essential social function, as did *fuqahaʾ* elsewhere in the Muslim world. This social function relied on their extensive legal expertise to determine the law. Fulfilling the role of *qāḍīs* and *muftīs*, it was ākhūnds’ duty to interpret and apply the *Sharīʿa*, a process by which they made the law manifest…Their legal knowledge and expertise was necessary for the continued existence of traditional *Sharīʿa* practice and the application of the law.¹

Russian imperial authorities first encountered the title of a *muftī* as the highest spiritual rank among the Islamic communities during the conquest of Crimea. The religious official position of a *muftī* as the highest religious authority in the Crimean khanate inspired Russian officials to create a hierarchical structure that would organize the Islamic religious scholars throughout the rest of the empire.

Although the adaptation of the office of the *muftī* into the Russian imperial state apparatus was superficial, it hints at a shift in the imperial state relations with its Islamic communities around the empire. The adaptation of the title and office of the *muftī* into Russian imperial policy as a way to organize its Islamic communities was superficial in the sense that the law did not give a precise definition of the *muftī*’s responsibility. Rather, the Russian authorities saw the rank of a *muftī* only as an honorary title for the position of a chairman of the Spiritual Assembly.² Nevertheless, the incorporation of some Ottoman and Crimean legal structures—albeit in a su-

---

¹ Spannaus, “The Decline,” 204-205.
perficial fashion—is an interesting example of the process of entangled legal formations. Through the process of incorporation and entanglement, a particular legalistic term, a judicial concept, or a legal practice traditional to a specific legal culture undergoes a transformation in meaning in a new cultural setting. In this way, the muftī, traditionally a jurist in the Islamic legal system, became a central figure in the Russian imperial state structure and policy in dealing with foreign religions. In this process of adapting the office of muftiship into its official discourse the Russian imperial state transformed its approach with respect to its Islamic community. The muftiship—in its diluted, Christianized, and Russianized form—became a central medium for the process of organizing an Islamic community within its imperial domain. In this modified form, muftiship appears to be simultaneously native—to the Ottoman, Russian, and the Crimean legal and religious cultures—and foreign to those very same traditions.

The traditional role of the muftī changed in the Russian imperial context, for example, with respect to issuing fatwās. Traditionally, muftīs had a prerogative in producing fatwās as non-binding legal opinions based on an informed interpretation of religious texts. After the formation of the MSA in 1788, however, the imperial state treated fatwās issued by the muftīs of the Orenburg Spiritual Assembly as binding. These binding fatwās also functioned as a precedent for all future family-related legal disputes as well as for disagreements that were adjudicated in state courts for members of the Islamic community. In the early nineteenth century, the first muftī of the Orenburg MSA, Muhammedjan, declared that “anyone scorning a fatwā from the muftī should not be considered a Muslim.”¹ With the reinvention of the fatwā as binding, imperial state intervention into Islamic communities was intensified. The control over Muslims increased due

to the fact that muftis as state officials, issued fatwā to address the most critical aspects of Muslim religious life within the empire. It is important to note again, however, that the imperial state authorities did not consider muftis’ legal expertise and knowledge of Islamic texts when granting them the right to issue religiously and legally binding fatwās. Neither did the state prioritize legal and religious knowledge as central categories in selecting a mufti as the supreme religious authority of the Islamic community. Rather, his recognition by the imperial and provincial officials was sufficient as a source of legitimacy.

In fact, the most important factor for selecting muftis was loyalty to the imperial state. In 1817, Alexander I signed a decree regarding the formation of the Ministry of Spiritual Assemblies, which determined that the mufti should be elected by the Muslim society. This provision was included in the Charter of the Department of Spiritual Affairs of Foreign Confessions, approved by Nicholas I in 1836. However, these legislative acts were not enforced, and the muftis continued to be appointed by the Emperor based on the proposal of the Minister of Internal Affairs. In September 1889, the Council of State made the appropriate changes to the legislation, and the practice became law. This practice made the selection of mufti permanently the prerogative of the state, thereby reducing the importance of traditional criteria for the status of the mufti and other ‘ulamā’ such as knowledge of the texts, understanding of the law, and recognition of a candidate’s legal acumen and religious piety within the community. With the creation of the MSA, the muftis that came to occupy the highest religious positions in Ufa and Simferopol also
became state bureaucrats.¹ By 1865, in the Orenburg MSA, muftīs were no longer of the traditional ‘ulamāʾ rank:

Mufti Salimgaray Tevkilev (r. 1865-1885), an Orenburg landowner and former officer in the Imperial army, had little religious or legal education and often sought answers on sharīʿa-related questions from Russian Orientalists. His successor, Muhammadyar Sultanov (r. 1885-1915), also a former military officer, had even less knowledge, knowing neither Arabic nor even Tatar. The last tsarist-era mufti, Muḥammad Ṣafā Bāyāzīd (r. 1915-1917), by contrast, was educated in a Kazan madrasa and later worked as an official imam in St. Petersburg, yet he also studied at a Russian gymnasium and then spent several years as a student at the Institute of Oriental Studies at St. Petersburg University. He was removed from his post by Muslim reformers just six days into the February Revolution of 1917.²

Likewise in Crimea, muftīs were more representatives of the state interests than legal scholars devoted to Islamic religious and legal learning. During the early nineteenth century, the state officials not only appointed the muftīs and other religious officials to the MSA board in Tavrida but also played a role in sanctioning the formation of the ‘ulamāʾ families as a professional class, as it was done during the khanate.³ The transformed role of the muftī was the consequence of the Russian state policy of making the muftī and other official ‘ulamāʾ imperial representatives whose primary loyalty was the state.

² Spannaus, “The Decline,” 238.
³ In 1835, the muftī of Tavrida Seyyid Cemil Celebi requested imperial officials to accept his sons into the service of the state as part of the Spirit Assembly. The Minister of Internal Affairs suggest to the Senate to accept the progeny of these religious officials into religious positions, in Opisaniye, #625, pp. 413 (3 October 1835—12 March, 1836).
Russian authorities constantly monitored *muftīs*’ loyalty to the state through a series of bureaucratic checks. The officials (secretaries and office employees) of the MSA were responsible for this monitoring. These officials were appointed by the state based on proposals submitted by another imperial department called the Spiritual Board of the Provincial Government and approved by the Main Department of Spiritual Affairs of Foreign Confessions. In particular, the secretary of the MSA was entrusted with the functions of monitoring *muftīs*’ compliance with imperial laws.¹ Such imperial control ensured that *muftīs* complied with state policies and continuously performed their role in advancing the imperial interest. For example, in the Caucasus, the *muftī* played an active role in securing the loyalty of the native inhabitants to the Russian Empire. Likewise in 1792, the *Muftī* of Orenburg was sent to persuade the Circassians to accept Russian rule. Around the same time, he was also sent Kuban to convince a group of people from switching their allegiance to the Turkish side after Russian officials there intercepted a *firman* from the Ottoman sultan sent to incite opposition against the Russian rule.² Since the creation of the office of *muftiship*, a *muftī* was instrumental in ensuring the loyalty of the Muslim community to the Russian Tsar.

The history of *muftiship* in Crimea differed from the Orenburg experience. While the title of *muftī* was exogenous in the Orenburg region, *muftīs* had always existed in Crimea. Russian officials took note of their existence and sought to incorporate them into the state structure as soon as the region was brought under the Russian scepter. Accordingly, the position of the Tavri-

---


² M. Bronevskiy. *Istoricheskiya vypiski o snosheniyakh Rossii s Persiyeu, Gruzii i voobshche s gorskim narodom, na Kavkaze, vedushchimi so vremen Ivana Vasil’evicha donyne*. RAN. Institut vostokovedeniya SPb, 1996, 213.
da muftī was recognized as a state office immediately after the annexation: the muftī was appointed to the temporary Crimean government, Zemskoe Pravlenie, which was created on November 7, 1783.¹ In 1783, this office belonged to the muftī Seyyid Mehmed Efendī, who, according to Potemkin, showed “great diligence in the process of incorporating Crimea into the imperial state.”² In addition to the muftī, Zemskoe Pravlenie, also included the qāḍīsasker and his deputies, all of whom, were in agreement in regards to their loyalty and diligence to the imperial state.³ Similar to the Volga-Ural region, the ‘ulamāʾ in Crimea—which included the muftī—accommodated to their new institutionalized role and continued to cooperate with the state on imperial terms. State decrees, for example, would often be communicated through the muftī to the Islamic communities.⁴ Furthermore, muftīs provided reports to the ruling colonial authorities regarding Islamic life in Crimea. The intrusiveness of the state into the affairs of Muslim communities through co-optation of newly created Islamic institutions to keep record of these communities was common throughout tsarist Russia and not just in Crimea. The practice of “document production (deloproizvodstvo)” intensified in the 1830s. Reports and documents including “sworn testimonials, affidavits, petitions, and other notarized documents” became a desideratum for Muslims in Crimea as they secured various state benefits and exemptions but they also exposed the lives of Crimean Tatars to the imperial state.⁵ Muftīs were essential in this process.

In Tavrida, a muftī was a medium through which the Russian state could control the composition of the ‘ulamāʾ. Acting upon the directive of the imperial state, muftīs were responsible

¹ see Chapter 2.
² ITUAK 19, pp. 76.
³ ZOOID 10, pp. 243.
⁴ Spannaus, “The Decline,” 230; Tuna, Imperial Russia’s Muslims, 37-56, 91-4; Crews, For Prophet and Tsar, 293-349; Werth, At the Margins of Orthodoxy, 4; Kirmse, Lawful Empire, 43-44.
⁵ O’Neill, Claiming Crimea, 65; PSZ II, vol. 9, no. 6,774 (February 2, 1834).
for weaning out less favorable candidates and, in the process, weakening the authority of those ʿulamāʾ who were outside of the state apparatus. For example, in Tavrida, the muftī was responsible for selecting religious officials of lower ranks such as the imams, hatips, muderris and others to appointments in mosques and madrasas. A muftī suggested the names of potential appointees to the MSA board for an examination, and if they had proven themselves to be knowledgeable, then the MSA would advance their names to the provincial government for final approval. One of the efendīs that sat on the Tavrida MSA board administered the oath (taken in the name of the Russian Empire) for the selected ʿulamāʾ. The chosen scholar were then admitted to the position once the government signed and stamed a document that certified his rank and title.¹

The potential power of this process became evident when Seyyid Mustafa Celebi, who was appointed as a muftī in 1807, decided to revise the composition of the clergy. In 1811, he remarked that during the formation of the MSA, there were many among the clergy, who despite their ignorance of Islamic sciences, were appointed as clergy nonetheless.² To address this concern, the muftī ordered every county efendi to personally visit every village on the Crimean peninsula and conduct an examination of the clergy there. Only those who proved themselves worthy to be reinstated as an official clergy were spared. The individuals who could not pass the examination were reported in front of the village assembly and the village chief was required to record their names under the category of state-owned villagers, not in the category of the clergy. Although Mustafa Celebi as a muftī threatened to take punitive measures against efendīs who vi-

---

¹ This is according to the document prepared by the governor Mertvago in 1805 that outlined rules and duties of the MSA found in Ivan Aleksandrov, “K istorii uchrezhdeniia Tavricheskago Magometanskago Dukhovnago Pravleniia,” ITUAK 54 (1918), 332-334.

² Zagidullin, Musul'manskoye Dukhovenstvo Tavricheskoy Gubernii v Kontse XIX veka. Raport V. V. Vashkevicha: sbornik dokumentov (Kazan, 2016), 124.
olated his order, he failed to fully implement his plan. This was due mainly to the fact that the 
muftī provided no particular criteria on which to test the clergy. Moreover, the oral exams were 
held one-on-one without the examiner taking notes during the sessions. It is also very likely that 
the efendīs, themselves, were not well trained in religious sciences to test these clergy. The next 
muftī after him, Seyyid Cemil, continued the project initiated by Mustafa Celebi. Seyyid Cemil 
planned to radically renew the composition of the clergy by attempting to examine every single 
ʿālim and replace them with qualified scholars if necessary, especially those that came from non-
taxable estates (i.e. from ‘ulamāʾ families). He was concerned with reaching out to the scholars 
who came from the traditional scholarly families because it, in a way, guaranteed their religious-
ly-oriented upbringing, which could slow down the decline of Islamic scholars in Tavrida.¹

In the process of reducing the number of poorly educated ‘ulamāʾ, the muftī Seyyid 
Cemil was acting upon the interests of both the state and the Islamic community. As part of his 
state-interest, the muftī Cemil sought to reduce the number of non-taxable religious estates within 
which the ‘ulamāʾ was part, thereby increasing the pool of taxable subjects for the benefit of the 
state treasury. As part of his interest to improve the quality of Islamic life in Crimea, the muftī 
sought to grant the title of the ‘ulamāʾ to only those who were scholastically qualified. However, 
his dual objective in revising the composition of the ‘ulamāʾ was not fully approved or appreci-
ated by state officials.

When the muftī Cemil appealed to the minister of Interior Affairs, Bludov, on December 
23, 1831 with a proposal to update the composition of the clergy, he was rejected. In his letter to 
Bludov, the muftī explained that during the creation of the MSA, little attention has been paid to

the abilities of those individuals who were appointed to the ranks of the ‘ulamā’, especially with respect to their level of Islamic education. Individuals, unqualified to be counted among the ‘ulamā’, were wrongly attributed to such an estate in official documents. The total number of individuals who were likely not qualified to be part of the clergy, but rather should have been counted among the taxable subjects, was 864 imams and hatıps—a third of total number of ‘ulamā’ in Crimea in the year 1835. The muftī suggested examining all members of the clergy so that all those who were qualified to be classified as taxable subjects, rather than a religious estate, would be removed from that status, and to allow all those who come from traditional ‘ulamā’ families to run for office and be included in the religious estate if they were elected. In response, the minister Bludov decided, that since there were no complaints from common Crimeans against these imams and hatıps, all 864 members of the ‘ulamā’ would remain in their position until the end of their service. In the same decree, he outlined the procedure for all future appointments: all future ‘ulamā’ would be first elected in their community and then would be approved by the higher clergy and the provincial government. He also emphasized that the 864 individuals named in Cemil’s complaint were personally ranked among the clergy, but their descendants would be recorded as a taxable estate without any special advantages.¹ This incident demonstrates that the imperial state was the ultimate arbiter in determining the composition of the ‘ulamā’ and the muftī was the mediator between imperial officials and the Islamic community.

*The MSA*

¹ PSZ 2, vol. 8, no 6466.
Although the Tavrida MSA was not recognized as an official institution until mid-nineteenth century, a congregation of various judicial officials representing the central religious authority was incorporated into the provincial government from the time of the annexation. As noted earlier, the office for the ṭufmtī, with the qāḍīaskets, the naib of qāḍīaskets, and five efendīs were created as the legal-religious authority known as the spiritual government (*dukhovnoe pralenie*) in 1783. These religious officials were granted an official position in the provincial government (*Zemskoe Pravlenie*) and allocated a regular wage. These religious officials were instrumental in the process of transitioning the Crimean society from the Crimean khanate into the Russian empire.\(^1\)

As noted earlier, after the annexation, the Crimean ʿulamāʾ were responsible for keeping record of the population under their jurisdiction, transmitting decrees, and securing oaths to the Russian empress. Later, in 1794, this religious organization as part of the provincial government was made into a separate MSA, following the example of the Orenburg Spiritual Assembly in 1788. Continuing their previous, pre-MSA, responsibilities as imperial officials, the state ʿulamāʾ recorded the number of births, deaths, marriages, divorces and other demographic information of Tavrida Muslims and submitted that information directly to the Ministry of Interior Affairs.\(^2\) As described earlier, the practice was greatly enforced and became more systematic after 1832 when it was required for the Islamic representatives to maintain such record in metrical books (*matricheskie knigi*).\(^3\) Muftīs, judges and other ʿulamāʾ of the MSA were a window to the newly acquired society that the Russian empire wished to understand and manage.

---

1 *ITUAK* #19, 76; *ZOOID* 10, 243; *ITUAK* #2, 20-21; *ITUAK* #51, 212; *PSZ* vol. 22, no. 15988; *PSZ* 1, vol. 23, pp. 482.

2 *Opisaniye*, #662 pp. 432.

The formation of a religious hierarchical institution of the MSA in the late eighteenth century represented a novel approach in dealing with the Russian Muslim community of the empire.\(^1\) The idea of incorporating the Islamic religious establishment within the imperial government had its roots in the volatile history of Russian imperial rule in Bashkiria. In the span of fifty years, there were five uprisings in Bashkiria: “in 1662-1664, 1675-1683, 1705-1711, 1735-1740 and 1755...During the 1705-1711 uprising, rebels attacked Orthodox churches; by 1709 they had burned 75 of them.”\(^2\) An adviser of the Ufa governor board, D.B. Mertvago (served 1787-1797), proposed a project to create a special governmental body to control the clergy. This government body, composed of the ‘ulamāʾ, would counteract any teachings against the imperial state disseminated among the Russian subjects in the region. Through this body of government, imperial officials employed the region’s ‘ulamāʾ to instill pro-imperial propaganda and warn the provincial administrators of possible rebellions.\(^3\) The formation of the MSA had roots in this conundrum. Thus, the imperial state made the ultimate decision regarding the composition of the ‘ulamāʾ in the MSA board. Although the imperial state granted rights to the Muslim community to elect their own clergy to the MSA, the central authority retained control over the board’s composition through Russian provincial representatives who attended the assembly’s elections. These

---


representatives checked candidates’ loyalty to the Russian state and approve the elected ‘ulamā’ to the position while demanding from them an oath of allegiance to the state.\footnote{1}{Tur, “Adaptatsiya,” 253.}

In lockstep with the increasing incorporation of the ‘ulamā’ into the imperial state bureaucracy through its various policies and mechanisms employed through the muftī and the MSA, the scholars’ autonomy in the field of production, dissemination, and perpetuation of religious and legal knowledge and practice declined throughout the nineteenth century. For example, the body of literature on which the MSA in Tavrida relied has significantly shrunk in comparison to the pre-annexation state of literature that existed during in the Crimean khanate. Lashkov notes in the late nineteenth century that the Tavrida MSA relied on Mülteka and Dürer as central law books for teaching and adjudicating law. However, during the khanate, numerous other Hanafi books were central among the Crimean ‘ulamā’ including the works of Kuduri and Hidâye as it was also true in the Ottoman ilmiyye structure.\footnote{2}{Lashkov, “Divan,” 38-41; Molla Hüsrev’s Gürer ve Dürer (d.1480) and İbrâhim el-Halebî el-Muhtâr’s Mülteka’l-Ebhr (d.1549) were central fiqh handbooks in the Ottoman Empire. However, more research is needed to explore the importance of these handbooks in the Crimean khanate and the Tavrida MSA and what does the reliance on the same literature say about the entanglements between the two.}

Furthermore, the senate’s decision to restrict all newly appointed officials to the MSA from serving as independent scholars also encroached upon the independence of the Crimean ‘ulamā’. In 1834, members of the Tavrida MSA appealed to the Minister of Internal Affairs with an explanation that the Tavrida provincial government refused the MSA in their request to appoint two officials from among the Muslim population into their office. In their appeal they explained that without additional workers, the MSA would not be able to perform their duty in serving 2,000 Muslim inhabitants who could only communicate in the Tatar language. The min-

\footnote{1}{Tur, “Adaptatsiya,” 253.} \footnote{2}{Lashkov, “Divan,” 38-41; Molla Hüsrev’s Gürer ve Dürer (d.1480) and İbrâhim el-Halebî el-Muhtâr’s Mülteka’l-Ebhr (d.1549) were central fiqh handbooks in the Ottoman Empire. However, more research is needed to explore the importance of these handbooks in the Crimean khanate and the Tavrida MSA and what does the reliance on the same literature say about the entanglements between the two.}
ister of Internal Affairs handed this request to the senate. In response, the senate approved the appointment of two officials with a condition that the new appointees would be Tatars whose fathers had a right to hear cases and serve in mosques. Moreover, the new officials were to be approved by the Senate and forever be excluded from the ranks of the ‘ulamā’ (navsigda dolzni iskluchatsa iz duhovnogo zvaniya). The decree from the Senate sent a message that once a scholar has entered the service of the state, he can no longer act independently from imperial supervision.

Furthermore, the imperial state defined the limits of the Islamic religious leadership and its impact on the Muslim community in Crimea through restricting the MSA in the legal sphere. Although the division between family and civil law was already implemented with respect to Sharī‘a law in Bashkiria in the mid-eighteenth century, the Crimean ‘ulamā’ first encountered these changes after the 1787 provincial election and truncation of the Sharī‘a courts authority over the issues of marriage and family relations. Following this change, the Islamic religious scholars continued to face an even greater suppression of their rights to adjudicate cases according to Islamic law. This right would repeatedly undergo additional restrictions and modifications initiated by the provincial government or the senate in the following century.

A great example of the imperial state pushing the boundaries of the MSA’s judicial powers is a divorce case dating to 1831. Having terminated his marriage with his wife, the Karasubazar bourgeois Shakir decided to recover from his estate for the benefit of his ex-wife 1,200 rubles he promised her as a wedding gift and 300 rubles as payment for the debt he owed to her.

---

1 Opisaniye, case #587 pp. 396-397.
father. The MSA approved of his decision to extract the necessary amount from his property. The Tavrida provincial government, however, overturned this ruling, stating that only the decision to terminate the marriage was part of the MSA’s jurisdiction, while the issue related to plaintiff’s property was under the control of the civil court.¹ The imperial state, taking into consideration the challenge of identifying where family matters end and where of a civil dispute begins, required the MSA to be in regular communication with the civil and criminal courts of the Tavrida province from then on. This example shows that the administrative center sought to reinterpret the function of the MSA court as a judicial body only suitable for amicable settlement where *Sharīʿa* rulings, even in cases of family law, would be partially implemented.

Increasing restrictions of the ‘ulamāʾ’s legal authority paralleled the imperial efforts to discipline the Islamic religious community through the formation of the MSA in Crimea and elsewhere in the empire. From its inception, the formation of the MSA was for the purpose of restricting anti-government propaganda and to instill the ideals of a good Russian subject among the peoples inhabiting the volatile and unstable regions at the borders of the empire. Although imperial officials retained vocabulary familiar to the Islamic communities in the process of forming the Spiritual Assembly, at a deeper level, the imperial state had no intention of preserving and protecting the Islamic communities nor their religious establishment. In fact, the formation of the hierarchical and highly bureaucratized body of the MSA weakened the Islamic community and

---

¹ *Opisaniye*, case #593 pp. 399-400 and case #619 pp. 410; according to the rules on regulations and obligations of the MSA that the governor-general, Mertvago, outlined in his proposal in 1805 states that the *mufīt* was required to send delinquents to the court of the MSA and their decisions would be approved by the provincial government in Aleksandrov, “K istorii,” 332-334; Kirmse discusses similar case but dated several decades later (May 1878) and after the introduction of circuit courts in the Tavrida province and the formation of the civil code in the Russian empire. In the court case examined, Kirmse concluded that Islamic judges of the Spiritual Muslim Administration could adjudicate but only in the case of divorce where both parties agree to division of property. If there is a dispute, then the case would go to the Russian circuit court in *The Lawful Empire*, 207; also see in *PSZ* vol. 11, part 1, #1399.
attenuated adherence to the Islamic way of life. However, through this process, the state also transformed. The impact of reform was mutual in the sense that the imperial state also underwent changes—specifically in the process of acquiring new mechanisms of control which had not existed in the past—as it attempted to manage the affairs of foreign religions. Indeed, the encounter with Crimea and its large Muslim population, fundamentally transformed the notion of the Russian Empire, its place in the world, and especially its relationship with its Muslim subjects.

De-Islamization of the Religious Authority

The imperial state implemented the vocabulary, official titles, and positions familiar to Islamic legal practice in parallel to modeling the MSA on the structure and vision of the Orthodox Church. Observing the similarities between the Church bureaucratic structure and the MSA, scholars have noted that the initial inspiration for organizing the Muslim religious authority in Crimea and other Russian borderland regions was its own relationship with the Orthodox clergy.  

Like the Orthodox church, which functioned as an instrument for implementing state policies and for establishing contact and, to some degree, control over its Christian population, the officially sanctioned Islamic institutions allowed the Tsar similar control in Muslim communities. The repeated comparisons of the ʿulamāʾ to Christian Orthodox clergy are evident throughout official texts. For example, in an effort to allow children of the MSA members be incorporated into state service like their fathers, the Minister of Internal Affairs explained that the children of the “Mohammedan religion” should be brought into the state-sanctioned religious administration “on the

1 Crews, For Prophet, 50, 92-93, 106-7; Spannaus, “The Decline,” 220; Peter Waldron, “Religious Toleration in Late Imperial Russia,” in Crisp and Edmondson (eds.), Civil Rights in Imperial Russia, 103–19, 106; Meyer, Turks across Empires, 61; Tuna, Imperial Russia’s Muslims, esp. 50–2; Kirmse, Lawful Empire, 44.
same grounds on which these rights were assigned to children of spiritual Christian denominations.”¹ The comparison of the MSA to the Orthodox Church was so ingrained in the composition of the Islamic Assembly that the first muftī of the Orenburg Assembly, “Mufti Muhammadjan (r. 1788-1824), assumed (wrongly) that his official standing was equivalent to that of the Metropolitan of Moscow” as his position existed in the hierarchy of the Orthodox Church.²

The de-Islamization of the Islamic religious authority structure was evident not only in references to the Orthodox Church but also in the formation of pseudo-Islamic administrative positions within the MSA. During the process of forming the Tavrida’s MSA, Major General Zhegulin submitted a proposal to St. Petersburg to create a religious administration consisting of a muftī and six efendis to “make up the spiritual consistory” in the likes of the Russian Orthodox Church. A peculiarity of Zhegulin’s proposal in respect to traditional Islamic legal practice was his request to abolish the position of qāḍī asker, who was known as the chief qāḍī in the Crimean khanate and the Ottoman Empire. Zhegulin suggested creating in its place the position of “efendīya” which did not correspond to any traditional Islamic religious or legal position.³ The creation of exogenous religious and legal offices within the Islamic administrative authority was part and parcel of the state’s efforts to draw the Islamic community and its religious leadership into the state structure. The hybrid-nature of the MSA (as both Islamic and non-Islamic) echoes the two-sided transformations that had taken place within the Islamic community and within the imperial state structure following the Crimean annexation.

1 Opisaniye, case #625, pp. 413 (3 October 1835—12 March, 1836).
2 Spannaus, “The Decline,” 220; Azamatov, Oregnburskoe, 40-69; Azamatov, “Muftis.”
3 ITUAK #51, 212-215.
Although there was some opposition to the encroaching presence of the imperial authorities, the ‘ulamā’ in Russian Crimea primarily sought to achieve a recognition of their rights and entitlements within the state structure like other social estates had within the empire. The Russian archival sources show that the Crimean ‘ulamā’ pushed for a greater institutional representation of their group in the Russian imperial bureaucracy in the late eighteenth and early nineteenth centuries. Robert Crews points out that, “as the privileges of the Orthodox clergy became more distinct, and as the regime increasingly assigned Muslim clerics analogous duties, Muslims pushed for a legal status roughly paralleling that of the Orthodox clergymen.” The ‘ulamā’ began to exert efforts in presenting themselves as a distinct estate: a Muslim clergy.¹ Their new image was reconfigured within the context of colonial Crimea as an institutional religious group, who now depended on the state not only to receive privileges, but also on the right to call themselves the ‘ulamā’. Their status and respect within their community no longer derived from their ability to expound the Sharī‘a and uphold justice in society according to its legal principles; rather, their status depended on their ability to consolidate a bureaucratic, organizational quality within their establishment that fit within the system of the imperial state. Yet, for more than a half a century, the Russian imperial state was not fully committed to the vision that the Crimean ‘ulamā’ had constructed for themselves since the annexation, despite the fact that the initial policies aimed exactly at enforcing the institutionalization of the Islamic authority.

Russian officials’ lack of commitment to recognizing the rights and privileges of the Islamic religious authority was evident in the vagueness of state policies regarding the limits and powers of the MSA. This was as true in Crimea as in other MSAs within the imperial domain.

¹ Crews, *For Prophet*, 106.
Spannaus notes that in Orenburg “the relationship between various levels of the government and the religious hierarchy was never firmly delineated, and the ill-defined character of the latter’s authority persisted throughout the nineteenth century.”¹ Likewise, in Tavrida, the Russian imperial authorities recognized that it was important to establish specific details and protocols regarding various institutions. However, when it came to the MSA, the project was not finalized until the latter part of the nineteenth century but it was already in the making since the annexation. Overshadowed by other political concerns, such as the second war between the Russian and Ottoman Empires (1787-1792), projects devoted to MSA were regularly derailed.²

Although the muftis, the qadiaskers, and the district efendis were appointed as spiritual administrators for the MSA already in 1794, the MSA was officially recognized as an independent administrative institution only in 1831. One of the main reasons was the fact that several departments were involved in the affairs of the Tavrida Muslim community. This included the Committee of Ministers, the Police Department, and the Ministry of Justice. In September 1802, the Ministry of Internal Affairs established a branch called the Main Directorate of Spiritual Affairs of Foreign Confessions. The functions of this department included overseeing the affairs of the Catholics, Armenian-Grigorians, and Protestants, including the affairs of Muslims, Jews, Karaites and Buddhists.³ Lack of commitment on the part of the imperial state to establish specif-

¹ Spannaus, “The Decline,” 220-221; Azamatov, Oregnburskoe.
² In February, 1784 Governor General Knaz Potemkin submitted to Catherine a proposal for an establishment of an administrative structure in the Tavrida region. He included a list of possible administrative institutions such as the police, judicial and financial bodies to be formed immediately after the annexation. A year after the annexation, many specific details about the formation of the Crimean provincial government, down to the uniforms for the nobles and regional officials serving in the administration, has been determined, Ivanov, “Iz del,” ITUAK 19, 71-76; Prohorov, “Krymskie Tatary,” 282; PZS 1830b, pg. 93 rules on uniforms for the nobility and officials were issued on April 9, 1784.
ic details for the MSA as an organization, in fact, resulted in a more concerted effort on part of the Islamic authority to fight for state recognition.

Earlier efforts to consolidate its status and organizational presence in Crimea took the head of the pseudo-official MSA on a long journey to the Russian capital without satisfactory results. The second muftī of Tavrida, Seyyid Mehmed Efendī, appealed to the provincial administration in 1794 to create a physical office or a building to house MSA meetings and court hearings. A few years later, in 1801, Seyyid Mehmed Efendī arrived in Saint Petersburg to petition the tsar directly for a place to house the spiritual authority and presented other requests on behalf of the Muslim community.¹ The issue was not resolved. Thus, on February 21, 1809 a newly appointed muftī, Murtaza Efendī, addressed the Governor Lieutenant General, Borodin, regarding the housing situation for the spiritual authority. Borodin followed through and presented the Ministry of Internal Affairs documents in response to the muftī’s request.² Despite these small steps, the MSA remained without an official quarter for the next several decades. As another example of state’s delayed act in regard to the MSA, only on December 23, 1831 did Nicholas I approve the "Statute on the Tavrida Mohammedan clergy and the affairs subject to their supervision," which detailed the functions of the Tavrida Mohammedan spiritual government, its activities within the framework of the laws of Russia and the state.³ In 1840 the Senate ordered that the Ministry of Internal Affairs to transfer to the MSA a translation of the decree issued in December 1831 regarding the status of the MSA.⁴ This means that almost a decade passed after the formu-

---

¹ ITUAK #54 pg. 316-320; Khairedinova, “Rol’ Pervykh,” 67-68.
² Khairedinova, 67, 70.
³ PSZ vol. 6, ch. 2, #5033.
⁴ Opisaniye, #815 pp. 493.
lation of rules and obligations of the MSA before those rules were handed to the MSA members in a linguistically accessible version.

These vignettes show that the MSA in Crimea struggled to achieve an institutional articulation of their rights and privileges as new subjects of the Russian Empire. They further demonstrate that the Islamic clergy were not passive subjects under a colonial administration, but persistently advocated for them. Although, this story reveals how the Crimean ‘ulamā’ aspired to reinvent themselves by finding an institutional identity within the context of an imperial state that was in the process of centralization and modernization.

Conclusion

The chapter examined how the annexation resulted in entanglements between the Russian imperial state and the ‘ulamā’, as demonstrated in the Russian state. Scholars’ migration from the peninsula facilitated the transformation of the legal structure of Crimea as a new colonial space. A deficit in the number of qualified scholars in Crimea led to the emergence of a new class of ‘ulamā’ who were more so state functionaries than legal scholars. State policies led to the weakening of traditional sources of authority such as knowledge and expertise in religious sciences, as a qualification for belonging in the ‘ulamā’ class. Instead, the state came to determine the composition of the ‘ulamā’. Russian authorities determined not only the position of the religious figures but also restricted the application of law. An imperial state, driven by an ideological perception of law and religion as being distinct entities, reduced the power of the Islamic judges and mufīts who were now part of the state-sanctioned MSA: the enforcement of judicial decisions within this system depended on the colonial authorities rather than legal scholars. Furthermore,
the imperial state depreciated the meaning of the traditional religious roles in the process of appropriating the traditional legal vocabulary into the state apparatus.

Through the process of appropriating the traditional vocabulary native to the Islamic social and legal structures and introducing new structures modeled on the Orthodox Church, the imperial state also transformed at its core. One of the most important transformations of the Russian imperial state is its approach and mechanisms in dealing with its Islamic subjects within the empire as a whole and not just in Crimea. It was the Crimean experience, particularly its legal-administrative structures, which impacted the way the Russian state organized other Islamic communities and their respective religious authority within the imperial domain. Through this process of implementing new vocabulary, mechanisms, and practices, the Russian imperial state was transforming as well. Through the struggles of building an empire in this newly annexed region, the Russian state was becoming more modern, bureaucratized, and uniform. The imperial state was thus transforming as much as the Islamic religious and legal leadership. This mutual transformation is what one could characterize as entangled formations that impacted both entities simultaneously.

The ‘ulamāʾ, too, was transforming due to pressure from the state. The vagueness regarding the role and importance of the Crimean clergy within the imperial state forced the ‘ulamāʾ to fight for their rights on the terms of the colonial power and within the state institutions. This inevitably drew the ‘ulamāʾ closer to the Russian imperial administration. The transformed nature of the ‘ulamāʾ as part of the entangled legal formations can be seen in the new role the ‘ulamāʾ came to occupy within their local community. While the ‘ulamāʾ came to be initially distrusted given their administrative position within the imperial state apparatus, lay Muslims eventually
began to associate the activities of the ‘ulamāʾ in the MSA with *Sharīʿa* and Islamic law-making.\(^1\) Furthermore, the Crimean ‘ulamāʾ also represented a source of knowledge for the Russian imperial objectives of building an empire in an unfamiliar province, which essentially involved understanding the social and religious structures of the khanate’s past. The imperial state’s appeal to the ‘ulamāʾ strengthens the argument that the annexation, instead of pulling away from Islamic traditions of the former khanate, had in fact, strengthened those connections and entanglements.

The next chapter, Chapter 5, will describe the state of Russian courts in Crimea, following the 1787 legal reform. It further explores the question of the transformation of the imperial state as a result of entanglements that developed from its colonial experience in Crimea.

\(^1\) It was noted by Spannaus that another unprecedented and significant impact of the bureaucratization of the *Sharīʿa* and Islamic legal and religious way of life was the fact that after some time, “Muslims came to equate the *Sharīʿa* with the activities of the Spiritual Assembly” in Spannaus, “The Decline,” 206.
Chapter 5
Legal Entanglements Prevail: Russian Legal Institutions in Tavrida

The transformation of *Sharīʿa* courts in 1787 forced Crimean Tatars to take their legal disputes to Russian courts. While Chapters 1, 3, and 4 examined the immediate impact of 1787 provincial elections on Islamic courts and the transformation of the Islamic legal authority, this chapter focuses on legal disputes over land ownership adjudicated in Russian legal venues. The following question outlines the parameters of this chapter: How did Russian courts and the imperial administration relate to the pre-existing legal culture and land ownership regime? The chapter argues that newly created Russian courts and other legal institutions continued to derive knowledge, authority, and legitimacy from local precedent.

Based on the examination of Russian court cases from the Tavrida province from the period of the late eighteenth century (approximately 1790s) to the mid-nineteenth century (approximately 1840s), the chapter unravels stories of how Crimeans and settlers—struggling to define ownership rights—navigated the local and imperial legal landscape. Their stories show that Russian courts often referenced local precedent when resolving disputes in Russian legal institutions that had no genealogical connection to local traditions. Thus, the Russian Empire did not exclusively draw on Western colonial practices and concepts for solutions to govern the newly annexed region. Russian imperial officials also relied on pre-existing property regimes and legal practices from the time of the Crimean khans. This reliance on prior local structures demonstrates that entanglements between the two legal traditions were being forged and strengthened throughout the period of Russian rule in Crimea.
The first section of the chapter explores factors that led to the curtailment of Crimea’s legal plural system, which developed when numerous Russian courts were inaugurated in 1787. Second, using land dispute cases as a lens of analysis, the chapter investigates the functioning of the legal system in Crimea, particularly from the perspective of gender. Gender is a useful analytical angle which reveals that apparent social divisions were not, in fact, so clear cut within colonial Tavrida. Third, the chapter discusses how land disputes are more than simply a window into the operations of the legal system in the empire’s province. Indeed, they also signaled an important moment in imperial Russian history. These legal disputes dovetailed with ongoing debates about imperial identity and the empire’s commitment to uphold Crimean particularity, especially with respect to its legal precedent and established property regime.

Legal Pluralism or Legal Chaos? Limitations of a Plural Legal System

A contemporary legal historian of Crimea in late imperial Russia, Stephan Kirmse classifies Crimea as an example of “interior peripheries”—a term borrowed from Leonid Gorizontov to mean empires’ borderland regions in both a figurative and literal sense. Throughout Russian history, these interior peripheries maintained their unique social organizational structure with minimal supervision from the imperial center. However, by the end of the mid-nineteenth century, such independence was gradually replaced with empire-wide practices and greater efforts to incorporate the region into the empire’s center. ¹ This meant that many legal practices that had characterized the rest of the Russian Empire were also implemented in the interior peripheries, like Crimea. This process of ending the unique regional social organizational structures was offi-

¹ Kirmse, “‘Law and Society’ in imperial Russia,” 115; Leonid Gorizontov, “The Great Circle of Interior Russia: Representations of the Imperial Center in the Nineteenth and Early Twentieth Centuries,” in Russian Empire, 79-80.
cially initiated in the southernmost periphery of the Russian Empire with elimination of Crimean Sharī‘a courts in 1787 and the concurrent introduction of provincial elections for the selection of judges in new Russian courts. As Crimea ceased to be an “interior periphery,” multiple forums were introduced into the region to emulate the legal pluralism that existed in the rest of the Russian Empire.

Scholars of Russian legal pluralism note that multiple legal institutions in imperial Russia were connected to each other in one way or another. This mirrors an interesting phenomenon that began in Crimea after Sharī‘a courts were restricted to private family matters in 1787 and ordinary Muslims began to consult Russian courts for civil disputes in increasing numbers. However, despite the fact that imperial authorities limited the jurisdictional capacity of Sharī‘a courts to family matters in 1787, they recognized the validity of local legal traditions in the larger context of the imperial legal system and encouraged engagement with the restricted Sharī‘a family courts. This recognition alone maintained the connection the imperial judicial center had with local Islamic legal forums, constituting one of the features of legal pluralism. Jane Burbank, for example, in her research on Central Asia discovers that “rural township courts were linked with higher judicial instances” and that “Russian state law consciously legalized and thus appropriated, local courts, establishing a legal system for the Empire that deliberately included different procedural and normative orders.”¹ Her research shows that despite the theoretical and practical distinctions of numerous legal institutions, different forums, in a way, validated each other, making legal pluralism a common feature of the Russian Empire. These observations about legal pluralism strengthen the argument forwarding the existence of entangled legal formations, showing

that various legal institutions in the Russian Empire were entangled not just in Tavrida but also in other parts of the empire. A court constituted a unique place for “multiple forms of cooperation” among different social groups. Opportunities for forming such bonds and relations did not exist in any other social settings, except for the courts.¹

For all its connections and potential points of interaction that the system creates, a pluralistic legal order is vulnerable to transformation. The existence of legal pluralism in a newly conquered territory where judicial culture is in the process of being established allows litigants to venture into the legal field and demarcate the boundaries and limitations of that system through various procedural instances. The limitations of a certain judicial forum can cause litigants discontentment that ultimately pushes those litigants to explore other judicial institutions. In this process, they are able to fix the identity, function, and a boundary of a legal institution that could not provide a judicial solution to their problem. In other words, in the process of forum shopping, litigants themselves create demarcations of legal spheres through precedent, thereby curtailing the legal pluralism that allowed them to search for different legal institutions in the first place.

As the court cases show, the choices and action of individual litigants curtailed the legal pluralism present in the Tavrida province in the early nineteenth century. For example, in December 1815, officials at the Tavrida conscience court (созвестнii суд’) during a trial over debt requested that the higher judicial authorities suggest how to proceed when a defendant in a case wished for the trial to be examined in a conscience court, while the plaintiff demanded that the

case be heard in a different judicial institution. The senate had postulated that the conscience court could only proceed with a trial under the condition of mutual desire of the litigants.¹ This decision, promoted by one litigant’s dissatisfaction with a particular legal institution, thereby limited the authority and judicial boundaries of conscience courts for all future cases. The decision further limited the flexibility of the legal pluralism—at least from the perspective of one legal institution—that existed in the Tavrida province in the subsequent years.

Along with the litigants, higher judicial authorities also limited the jurisdictional capacity of courts and, in the process, solidified their limitations and boundaries. In 1824, the Tavrida provincial prosecutor submitted a report to the Minister of Justice with an explanation of his disapproval of the decision made by the conscience court in Simferopol’ for the case involving Feodor Evsenko, a sailor who apparently confessed to killing his wife. The conscience court concluded that Evsenko murdered his wife unintentionally because he was acting in madness and confusion. However, the provincial prosecutor rejected this decision and requested that it be forwarded to the senate for further investigation.² These examples show that allowing multiple legal venues to operate autonomously without restrictions from the state can also create limitations to the endurance of legal pluralism. Indeed, as these two examples demonstrated, constraints over legal autonomy within such a system were initiated by authorities as much as it was generated through individual litigants.

State-imposed limitations on legal pluralism are also evident in the state’s continuous encroachment upon the already-curtailed Islamic family courts, which were under the authority of

---

¹ *Opisaniye*, case #347 pp. 218 and #350 pp. 219.
the MSA. Before the empire-wide legal reforms of the 1860s, the Crimean Tatars took their family disputes to Russian local courts (*niznii zemskii sud’*), thereby bypassing the official legal hierarchies, which dictated that family disputes first had to be adjudicated in the MSA courts. Interestingly, the fact that the actual practice of family law strayed the formal regulation was tolerated by a decree. Due to frequent appeals to Russian courts in the early eighteenth century, Russian imperial authorities decreed in 1836 that Crimean Muslims were not obliged to appeal to Muslim courts within the MSA structure in issues of family law and could “approach the state judiciary” immediately.¹ In this, the action of both the litigants and the higher governmental authorities curtailed MSA jurisdiction: forum-shopping allowed these users of the law to reduce the legal authority of the MSA, while a state-imposed reduction of legal plurality also factored into that curtailment. Thus, the process of limiting the jurisdictional capacity of the MSA and other legal forums in Tavrida had already begun in the first part of the nineteenth century, only to intensify in the 1860s.

However, such limitations were initially applied unsystematically. The outright imposition of separation between legal venues based on methodical legal proceedings did not take place until the judicial reform of 1864. Before the reform, less attention was paid to the jurisdictional boundaries since the imperial government recognized multiple judicial institutions as autonomous or semi-autonomous bodies of law with a laissez-faire attitude.² The existence of so many institutions can be traced back to Catherine’s decrees, which aimed at reorganizing legal and administrative structures in the mid-eighteenth century, strengthened the legal pluralism that

² Kirmse, *Lawful Empire*, 73.
already existed in the Russian empire. The decrees issued as part of Catherine’s project produced a broad spectrum of new legal venues, leading to an inefficient, fragmented, and cumbersome system. At the crux of the problem was the system of multiple legal venues that reflected Russian social estates (soslovie), with the nobility as well as other factions that constituted the Russian social structure having their own courts. The awkwardness of the legal order during Catherine’s rule could be seen in the ponderous legal procedure in which, for example,

a case originating in district court might be appealed to the civil or criminal chamber and then to the Senate whence, should the senators of the appropriate department fail to come to an agreement, it would proceed to the general assembly, the Ministry of Justice, State Council, and eventually, the emperor.¹

This cumbersome and fragmented legal system, with legal authority divided among numerous court venues, hindered an easy and fast legal process from taking place.

The inflexible legal proceedings inherent in the Russian legal system were just one element of the legal chaos that unfolded within the layered and fragmented structure that characterized the Tavrida province during this period. Another important factor in reducing the efficiency of the courts’ proceedings were the officials of the courts themselves. The poor quality of the court personnel made it evident to imperial officials that the solution to the slow legal process was to continue relying on local elites and local precedent. Local traditions and imperial official procedures mingled and intertwined through the courts and local actors because of internal shortcomings of Russian courts.

The Shortcomings of the Russian Judicial Venues in Tavrida

When Pavel Sumarokov was appointed to serve in the Land Commission of 1802 to solve property disputes between Russian landowners and local Tatars in the Tavrida province, he set out on a long journey from Saint Petersburg to Crimea, which he records in his memoir. Once he reached Crimea, he continued to record his experience as a judge and make observations of Tavrida’s culture and landscape as a foreigner in a new land. Interspersed with long passages about Crimea’s natural beauty and oriental society, Sumarokov expresses some of his thoughts about empire, law, and morality among other ruminations. In his writings, Sumarokov notes that a judge is a representative of a monarch and a glue between the tsar and his people. The title of a judge is sacred, he writes, because it “brings you in alliance with your Monarch, with his people, and gives you the law to mediate between them.”¹ In his memoirs, Sumarokov depicts law in liberal colors and defines a judge as an “echo” (otgolosok) of law, who is fully committed to impartiality and to promoting equality among the subjects: “a nobleman and a slave are equal in his eyes.”²

As a representative of Russian imperial ideology, Sumarokov’s perception of an ideal judge contrasts with the stories of corruption seen in court cases. The corruption of judicial officials proved to be one of the biggest obstacles in implementing Russian law in the newly annexed territory. According to Sumarokov, a judge held the responsibility to present an ideal example of upright morality and integrity, embodying the principles of strict discipline. A judge “unravels the knot of lies and deceit, he takes away, he gives. He is an employee of the Scepter

¹ Sumarokov, Dosugi, 117-118.
² Ibid.
holder, a friend of humanity, and a guardian angel on earth.”¹ Sumarokov’s carefully worded memoir is written in honor of the tsar and presents a point of view in favor of the status quo that speaks highly of imperial authorities. However, Sumarokov’s rosy presentation of Russian law and courts stands in contrast to the words of another Russian official, Bechich, who served in a Russian navy in 1812.

We find Bechich’s observations in the series of court cases he brought against judicial officials on the account of injustice against him.² In these observations, Bechich explains that the injustice against him transpired because of the corruption and wrongdoings in the courts. He submitted his uniform to higher imperial authorities, along with a book entitled “Life and Adventures of Cain” noting that this book truly reflects the reality of justice in Tavrida.³ Also included in the collection of Bechich’s observations is a poem he composed to express his dissatisfaction with the Russian courts and the justice system, in which he declared that Russian law in Tavrida and its institutions were not places of justice and morality.⁴ Bechich was not alone in this complaint. Indeed, from the late eighteenth to the mid-nineteenth century, numerous complaints were initiated against judicial personnel who had allegedly violated their official duties. These court cases from 1798 to 1841 show that effectiveness of the Russian judicial institutions in Crimea was questionable. Adherence to the rule of law varied from venue to venue and from an individual to individual.

¹ Ibid.
² For further details about his case see Opisaniye case #186 on pp.113-114, #279 on pp.179, #329 on pp. 206-208.
³ The book was apparently about a legendary thief turned detective, popular in the mid to late eighteenth century.⁴ Ibid., #329, pp. 206-208.
As discussed in previous chapters, a common reason for hiring legal officials during the earlier years of Russian courts’ establishment was their loyalty to the imperial authority rather than their competence in law. Moreover, personnel were often appointed to the positions at the courts through recommendations and as a form of a reward for good service to the imperial state, rather than for their knowledge of the law. For example, in August 1786 Potemkin recommended Abdulhamid Ağa to the position of a judge in both conscience and district courts. Earlier, Abdulhamid demonstrated his loyalty to the imperial government by submitting to the provincial governor a report on all state lands of the former khanate. Other than completing this task, Abdulhamid had no specific legal training to qualify as a judge in Russian courts.\(^1\) The fact that many court officials had no previous legal education is reflective of what law really was in the Russian Empire: chaotic and unprofessional. Its application, therefore, did not require a deep understanding of the law. After the legal professionals under the Crimean khanate, the ‘ulamā’, began to leave the peninsula, newly appointed legal functionaries often had no understanding nor expertise in any field of law for which they were appointed. Allegiance to the Tsar was a sufficient prerequisite in adjudicating justice in the monarch’s name. Lack of professionalism and the inconsistent nature of Russian law in Crimea reveals the inaccuracy of Sumarokov’s observations that a judicial profession in the Russian Empire required deep understanding of legal statutes.\(^2\)

Starting in the early nineteenth century, there was a decline of mirza participation in the official judicial positions, which can partially explain the chaos that took place in these various

---

\(^{1}\) ITUAK #4, pp. 7-8; Prior to the annexation, Abdulhamid Ağa served as a collector under Devlet Giray. Abdulhamid assisted the collegiate assessor, Karazenov, in gathering the information about lands that belonged to the former khan and his retinue see in Opisanije, #116 pp. 70-72.

\(^{2}\) Writing about the special status of judges in the Russian Empire, Sumarokov observes that “not everyone is capable of being an interpreter of the statutes [like a judge]; not everyone’s mind is suitable for this” in Dosugi, pp. 117-118.
Russian judicial venues during this period. The decline can be attributed to a prolonged fight waged by the Russian nobility (dvoranstvo) to bar Crimean Tatar elites from nobility status. Excluding them from the nobility meant they could not participate in the Noble elections, which would consequently prevent them from holding administrative offices. Such exclusion was motivated by the fact that imperial officials—especially those suspicious of the local nobility—blamed the presence of Tatars in judicial institutions for the incompetence of the local administration and local manifestation of imperial law. Thus, in 1818, Governor A.S. Lavinskii recommended that all positions in district courts, including judges, be available as a result of an appointment by the provincial governor rather than an election. He complained that “the people [elected to] these offices, neither knew the rules nor possessed the competency” to enforce them.

However, Governor Lavinskii recognized that the problem lay beyond the make-up of the nobility. The Russian landed nobility (pomeshchik) were equally inept in some of the judicial duties as the Tatar elites. Nevertheless, he vehemently “insisted that the problem in Tavrida was that natives still made up the majority of the ‘Russian (rossiskoe) nobility.’” In order to successfully apply the Russian law and smoothly incorporate the new region into the empire, there needed to be a shift in the make-up of the local nobility as well as in the composition of the officials who were elected among the elites to judicial positions.

This conviction about the threat of local nobility to Russia’s stability in Crimea was at the heart of the efforts by the senate, imperial officials, and Russian notables in Crimea to transform Tavrida into a regular province. The Senate’s decree of 1802 aimed at precisely that. It declared

---

that instead of mirzas holding top judicial appointments, which were previously conferred through noble elections, the governor would be the one to select officials to the upper courts (verhnii zemskii sud’).¹ After 1804, this ruling also applied to local courts (niznii zemskii sud’) and to the positions of police chiefs (zemskii ispravnik), but the governor continued the trend of selecting Tatar nobles to those offices regardless of the decree. The governors overlooked the decree because they realized that mirzas had more social standing and ties “to the networks through which many local issues were resolved” than any Russian or other foreign officials.²

The barring of the Crimean Tatars from noble positions did not alleviate the challenges of the judicial and administrative institutions. In 1829, Provincial Marshal S.E. Notara argued on behalf of the Tatar nobility. In a request to Naryshkin (the governor at that time) the Noble Assembly, under the direction of the provincial Marshal, argued that appointing Tatar nobility was essential for the smooth functioning of the bureaucracy and law in the region because of their familiarity with its society. The members of the Noble Assembly noted that the officials (chinnovniki) that were invited from other parts of the empire to serve in the Russian courts of the Tavrida provinces lacked the necessary understanding of the “Tatar customs or language” and relied on translators to conduct court sessions. Their lack of familiarity prevented the law from being applied properly in the region and negatively impacted its overall quality of life in the region. When the provincial administration did not comply with the Assembly’s request, the Interior Minister, Dmitrii Bludov, compromised to allow Tatar nobility to serve in local courts (niznii zemskii sud’) on the condition that they learn basic Russian. Nevertheless, the Russian nobility

¹ O’Neill, Claiming Crimea, 70-71; PSZ I, vol. 27, no. 20,449 (October 8, 1802); Rudnev, “Lichnii sostav,” ITUAK #52, 228-229;
were not satisfied and sought to limit the presence of Muslim Tatars in the Noble Assembly all together. Because the office of elected nobility generally carried substantial authority, Russian nobility fretted over the prospects of a competition with mirzas who held that power.\textsuperscript{1}

In 1831, an imperial decree was issued that aimed at regulating the nobility and their assemblies in all regions of the empire. In response to the growing number of nobility across the empire, Tsar Nicholas I (r. 1825-1855) decreed that the nobility be divided into a hierarchy of three groups with varying degrees of power. An association with a specific tier depended on the wealth of a noble and his position within the imperial administration. In Crimea, the regulation caused an outrage among mirzas. Before the 1833 election began, the Crimean Tatar elites appealed to the leader of the Noble Assembly to protect their right to vote and participate in the election. With assistance from Notara along with the military governor, Pahlen, and then later Prince Vorontsov, the barring of mirzas in local elections was partially prevented. The governors agreed that the native elites constituted the bulk of the Noble Assembly and were therefore part and parcel of the noble estate in Tavrida. Despite this advocacy on behalf of the mirzas, appointments to deputy positions through noble elections were only enforced theoretically. In reality, the offices were staffed with officials sent by the imperial government and the local elites had a right to be appointed to only two courts: conscience and local courts. In this way, the local elites had lost power and diminished their presence as elected officials by the late 1830s.\textsuperscript{2}

Notwithstanding the push to remove the Crimean elites from positions in the court and administration, judicial appointments were not always held by individuals with better qualifica-

\textsuperscript{1} O’Neill, Claiming Crimea, 71-72.
\textsuperscript{2} Ibid., 72-74; PSZ II, vol. 6, no. 4,989 (December 6, 1831); PSZ II, vol. 10, no. 8,676 (December 17, 1835).
tions to adjudicate the law. In fact, the majority of officials in the courts did not have legal train-
ing. For example in August 1806, the chairman of the civil and criminal court of Tavrida, the
state councilor Pavel Nikiferovich Sharoy (1751-1832), was removed from office, allegedly due
to his poor performance.\(^1\) Sharoy was initially a medical professional, serving as a head physi-
cian in the city of Kremchuk (present-day Ukraine) from 1774-1783 before his appointment and
arrival to the civil and criminal court of Tavrida.\(^2\) Besides his extensive experience in the medical
field,\(^3\) Sharoy served for many years in legal departments as well: from 1784 to 1795, he worked
as an advisor in the chamber of civil court in the city of Kremchuk and from 1795, he served as a
chairman of the criminal court chamber in the city of Voznesensk (also present-day Ukraine).\(^4\) A
dismissal from the Tavrida criminal and civil court must have been a surprise to him. He per-
ceived his work in the Tavrida court to be worthy of recognition rather than a dismissal. Just six
months after his appointment there, Sharoy submitted a petition to the minister of justice with a
request to be awarded a rank for his service in the court, attaching with it various certificates and
track records.\(^5\) However, higher officials perceived his employment in a court to be problematic

\(^1\) There was no resolution to his request, see *Opisaniye* #191 pp. 116.

\(^2\) *Opisaniye* case #102 pp. 55-56; *Personal’nyi sostav*, pp. 46, 63, 110. Throughout his career as a civil servant, he
held a number of other positions. From 1788 to 1797, he served as a general dictator in a general hospital in the city
of Elisavetgrad and from 19 April 1793 he was also a general director of several other hospitals such as in the cities
of Epiphany, Kherson, Sokolovsky and Kryukovsky hospitals (*Personal’nyi sostav* pp. 166). From 1788-1795, he
served as an inspector in a medical school, specializing in surgery (*Personal’nyi sostav* pp. 167). In parallel to his
service in court, he continued to be an inspector of hospitals and medical schools: 1795-1797 in the city of Elisavet-
grad (*Personal’nyi sostav*, pp. 215).

\(^3\) Indeed he was a highly respected professional in the medical field. Over ten years in service of medicine, he re-
peatedly received verbal and written approval for his skillful leadership of the Elisavetgrad school and the economi-
cal use of funds. The new governor-general of Novorossia, Zubov, recognized Sharoy’s achievements and promoted
him in ranks. In the eighteenth century, Sharoy became the only doctor in the Russian empire to have received the
rank of state councilor (*statsky sovetnik*) in Rudaya, “Catherine II and the formation of higher medical education in
Ukraine” in *Catherine the Great: the Epoch of Russian History*, pp.51.

\(^4\) *Personal’nyi sostav*, pp. 110 & 206.

\(^5\) *Opisaniye* #133 pp. 80; throughout his career he had collected two accolades for his service to the empire: colle-
giate councilor (kollezhsky sovetnik) and state councilor (statsky sovetnik), titular ranks 5 and 6 in the Russian table
of ranks.
and in fact, an obstacle to the court’s success. In fact, as noted earlier, the military governor of Kherson, Duke de Rechelieu, personally wrote to the minister of justice in June 1806 and requested that among other officials, Sharoy be replaced with another employee. De Rechelieu suggested Vremen for the position of chairman of civil and criminal court in Tavrida, who he believed would improve the quality and speed of the court procedures. Although Sharoy was a highly educated professional, he did not have any legal training to improve the depressing state of affairs of the Russian courts in Crimea. Nevertheless, it is astonishing that he was appointed as a judge in the first place. Perhaps this was due to the fact that very few Russian officials were willing to serve in the imperial administration in regions away from the capital’s center. Moreover, the fact that Sharoy was literate (which already distinguished him from the flock) and his expertise in such a complicated field as medicine served as an indication that he would easily understand the law and its application in a borderland society such as Crimea. Moreover, he was already familiar with the “frontier” culture of Russian society through his service in other borderland regions. However, his skills were clearly not sufficient to carry out legal procedure in the courts.

Inadequate training and the low productivity of judicial officials plagued Russian judicial institutions. On June 6, 1805, the military governor of Kherson, Duke de Rechelieu submitted a report to the judicial minister (minister iystitsie) regarding the incompetence of the officials serving in the civil and criminal courts, citing their inability to quickly and adequately carry out a

---

1 Opisaniye #181 pp. 111.
sentence.\(^1\) Other reports described incidents of court officials who utilized unacceptable means of conducting extrajudicial procedures such as torture for the retrieval of confessions.\(^2\)

Beside the insufficient stock of employable legal professionals, disease was another factor in slowing down procedures in courts and other judicial institutions in the Tavrida province. Many Russian officials simply refused to serve in Crimea due to health concerns. In his letters, Kakhovski writes that many considered Crimea unhealthy.\(^3\) During this period, some judges were fired because of their poor health, which often prevented them from performing their duties in office.\(^4\) For example, in September 1788 the city secretary in Perekop, Vasily Bozhko, was removed from office due to prolonged illness.\(^5\) Others perceived Crimea to be too hot and therefore uninhabitable. In his letter to the Minister of Justice in November 1824, the Tavrida prosecutor Mihno explained that the warm climate of Crimea was harmful to his health and requested that he be transferred to the same position but in a more northern part of the Novorossia province.\(^6\)

In addition to concerns about their poor qualifications, some legal professionals were dismissed due to their poor behavior. Some judicial officials abused their power and harassed local residents and settlers. In 1816, the Kherson military governor submitted to the Minister of

\(^1\) In 1839, a state official, Hartulari, complained that his case had prolonged for too long (for over 4 years). He was accused of spending state funds. The case was under the investigation on criminal charges in the Senate and by the minister of finances in \textit{Opisaniye}, \#771 pp. 467 and \#657 pp. 430; similar cases of dismissal due to lack of properly maintain finances and record keeping in \textit{Opisaniye}, \#703 pp. 442 (May-September 1838).

\(^2\) \textit{Opisaniye}, \#183 pp. 112-113 and \#216 pp. 128.

\(^3\) Prohorov, “Gosudarstvennye,” 13.

\(^4\) \textit{Opisaniye}, \#562 pp. 386.

\(^5\) He appealed to Knaz Lopukhin for assistance in a favorable resolution of the request sent to the governing Senate to leave him in his office. Unfortunately, Lopukhin, in his response, gave no definite answer and advised Bozhko to await Senate’s decision in \textit{Opisaniye}, \#21 pp. 11.

\(^6\) \textit{Opisaniye}, \#473 pp. 314.
Justice a report on the unseemly behavior of the Perekop district solicitor Demidovich, who apparently beat up a man in the process of getting a confession.\footnote{Opisaniye, #257 pp. 224.}

Another common complaint against the efficiency of the judicial system in Crimea was the deficient number of officials working in these institutions.\footnote{There was an insufficient number of officials in other departments such as the land surveying departments or the Crimean commission of land disputes in Opisaniye, #206 pp. 135 (May 14, 1806).} In February 18, 1835, the Minister of Internal Affairs informed the Minister of Justice regarding the opinion of Tavrida’s governor, who, in his report to the former, noted the sluggishness in the activities of the district courts (uezdni sud’).\footnote{Uezdni sud’ was first opened in Simferopol on November 11, 1811 and in Evpatoria on November 30, 1811 in Opisaniye, #289 pp. 182 (August 9, 1812).} He attributed this sluggishness to the insufficient number of employees serving in these institutions. The Minister of Justice responded to the governor, referencing the Highest Decree to assure him that it would be possible to increase the number of employees to the necessary amount.\footnote{Opisaniye, #610 pp. 407.}

Officials serving in these legal institutions knew firsthand that most of the problems their institutions faced were due to the fact that there was not a sufficient number of them to meet the high demand for justice in the new province. However, far from the province and apart from the daily affairs of the court, the problem appeared to be in the ability of the officials to follow the right procedures as they were outlined by the center. When taking office, the Chairman of the Tavrida Criminal Chamber, Muravyuv, discovered a number of problems in his new department. In March 1836, he noted that the chamber had failed to reach a verdict in 56 pending cases, had not delivered a number of awaiting documents, and had not reported to the senate in over nine months. Moreover, it had failed to fulfill a number of other tasks and those tasks it had fulfilled...
were mostly done incorrectly and not according to protocol. To the men from the center the problem seemed to have laid in the wrongful adherence to the protocol. However, the provincial prosecutor disagreed and requested a special investigative committee to look into the affairs of the criminal chamber. The prosecutor suggested that the reason for all these shortcomings and problems in the chamber is not so much due to negligence of the officials as to their insufficient number.\(^1\)

However, the governor general of Novorossiya in his correspondence with the minister of justice sided with Muravyuv. Considering all the remarks made by Muravyuv, the senate also denied the request for a special committee made by the provincial prosecutor and agreed with his suggestions and list of amendments.\(^2\) Imperial officials at the top refused to recognize that the issue with application of Russian law in Tavrida was the lack of imperial infrastructure in the region rather than the superficial issue of protocol adherence. In February 1837, the chairman Muravyuv reported to the Minister of Justice that all the shortcomings noted in the previous year had been corrected, yet he also noted many of these legal institutions were still falling behind on work and failing to provide proper legal procedure to the constituents.\(^3\) Only two years after Muravyuv’s first encounter with Tavrida’s criminal chamber did the higher imperial officials recog-

---

\(^1\) Opisaniye, #636 pp. 419.

\(^2\) Opisaniye, #636 pp. 419; It appears that the Senate’s decision has impacted the professional opinion of the provincial prosecutor because he also began to single out incorrect bureaucratic practices as the source of problems in the chamber of criminal law. On August 28, 1836, provincial prosecutors of Tavrida reported to the minister of justice that the chamber of criminal law had incorrectly submitted the paperwork for the case about a Tatar named Samedin whose throat was cut. The opinion of the assessor and the advisor regarding this case, the provincial prosecutor reported, was not included into the chamber’s protocol but was rather attached to the protocol separately. He explains that this act alone does not comply with the law. Following this, his report was handed to the senate on November 12, 1836 in Opisaniye, #650 pp. 425.

\(^3\) On June 15, 1837, the ministry of internal affairs provided to the minister of justice a report from the governor in which it was stated that all six district courts were falling behind on their work. From the total number of 3,798 cases, the courts were able to resolve 1701 cases. The minister of justice prescribed to the governor prosecutor to take appropriate measures to solve this problem, Opisaniye, #669 pp. 434.
nize the problem for what it was. Thus, on October 14, 1838, the Minister of Justice seemed to have accepted the idea that the unsatisfactory turnout record in the district courts was a scant number of officials with the skills and experience required by the court proceedings.¹

The creation of a district court (uezdii sud') in the district of Yalta traces its origin to the crisis of judicial stalemate that plagued the Tavrida province during this period. In an 1838 report from Tavrida’s civil governor to the the Minister of Justice, the governor explained that the slow progress of district courts (uezdii sud’) throughout the region was due to the fact that there was an insufficient number of qualified personnel, lack of financial support, and accumulation of old cases. A joined district court (uezdii sud’) of Simferopol and Yalta districts, in fact, took on cases from other neighboring districts such as Bahçesaray, Karasubazar and Balaclava.² In a report, the governor of Tavrida sought out a solution with the Committee of Ministers. As part of this discussion, the Tavrida provincial prosecutor suggested that the best solution was not to enforce penalties upon the employees who failed to follow the protocol, but to open an independent district court (uezdii sud’) in Yalta. The new court would not only speed the productivity of court procedure but also provide comfort to local residents. In fact, there had been plans of creating a county court in Yalta two years prior, but those plans were denied due to lack of funds. The Minister of Justice had earlier objected to the idea of opening a separate county court, reasoning that because the district of Yalta was underpopulated it was more reasonable to improve the competency of the Simferopol’s district court (uezdii sud’) employees rather than establishing a new legal institution.³ In 1839, the Minister of Justice had a change of heart and informed the Minis-

¹ Opisaniye, #724 pp. 450.
² In the list of funds of the pre-revolutionary period stored in GAARK notes that the joined court of Simferopol and Yalta was formed in 1787 and functioned until 1869.
³ Opisaniye, #683 pp. 437-438 (November 26, 1837).
ter of Finances, Voronzov of his new plans requesting an amount for the formation of the district court (uezdnii sud') in Yalta. Following this, the district court (uezdnii sud') in Yalta was founded on October 22, 1841.

Expansion of space and allocation of finances to these newly created courts were the most effective ways of solving the low productivity of judicial procedure in Crimea. The potential solution of allocating funds for training new legal personnel was readily ignored in favor of a more superficial and immediate fix. Imperial authorities eschewed such measures and instead recycled old professionals into new bureaucratic positions or dispatched them to other regions in the empire. This approach is in fact an example of the type of technologies that the imperial center implemented or lacked, in creating an empire and extending its rule through Russian courts. For example, in July 1839, the Tavrida provincial prosecutor informed the Minister of Justice about the wrong actions of the chairman in the Criminal Court Chamber, Kolomitzev. Instead of training Kolomitzev to adopt professional conduct in office, the Minister of Justice along with the civil governor of Novorossia, and after the approval from the Senate, agreed to move Kolomitzev to a different district and office.

Another major factor in preventing due process of law in Crimea was corruption and bribery, which governors and the ministers worked hard to eradicate. During this period in Russian history (i.e. prior to the legal reform of 1864) the eradication of corruption applied more to lower level officials than those in the higher administrative ranks. Writing about legal reforms, Kirmse noted, “in the late 1820s, the head of the Russian security police could still publicly

1 Opisaniye, #713 pp. 444 (August 1838), #753 pp. 461-463 (1839-1842).
2 Kolomitzev attempted to prevent the dismissal of two clerical officials. He also prohibited the secretary of the chamber from delivering reports to the prosecutor without the latter’s permission. Moreover, he expressed intolerance toward people with opinions that were contrary to his in Opisaniye, #763 pp. 465-466 and #794 pp. 487.
claim that ‘laws were written for subordinates, not for the authorities.’

A good example of this bias in the legal structure is an incident that took place in Crimea at the dawn of the nineteenth century. In 1798, Estafi Natara (the leader of the nobility and a collegiate counselor) successfully collected 214,566 rubles from local Tatar residents in donations for the building of barracks for the Russian army. At that time, Natara was awarded an honorary rank for such a successful operation and was named a chairman of the commission to build the barracks. However, in the early 1802, it was becoming increasingly clear that many of these project funds were lost and the project was going awry mainly because of Natara’s oversight. The money was gone without a trace and yet, the senate decided that Natara was not guilty of stealing government funds. He was merely found to be responsible for the disorderly implementation of the building project. In fact, most of these cases recorded in the Senate Affairs involved prosecution of lower level officials.

The difficulty of fighting such cases of corruption among state employees was due to the lack of clarity regarding which judicial institution would be responsible for following through with cases of bribery or abuse of office and executing justice. Cases of bribery would be dragged out through several departments, lasting years on end until a final decision would be reached. For example, a case about extortion of money in the early 1800s by a land surveyor went through seven different institutions and offices for a duration of sixteen years before reaching a conclusion. Those who submitted complaints about official wrongdoings would often be

---

1 Kirmse, Lawful Empire, 10.
2 Opisaniye, #9 pp. 17.
3 The military governor, Michelsohnen, even suggested striping him of his title, Opisaniye, #96 pp. 63–64 (January 6—August 1, 1802).
4 Opisaniye, #211 pp. 126 (July 30—August 13, 1806); #224 pp. 136 (July 25, 1807).
5 For example, see Opisaniye, #376 pp. 244.
6 For example, see Opisaniye, #201 pp. 120-121.
investigated by the police and put on trial for the very same crime for which they alerted the authorities.\(^1\) In a similar case, just a few years later, in the region of Perekop, a chief of police by the name of Izumski apparently had appointed Mengli Ali as a district head (volostnoi golova) to collect on his behalf cattle and money as unlawful taxes. Having appealed to the governor and then to the civil and criminal court, the villagers could not convince the court of Izumski’s wrongdoings. The court, concluding that Izumski’s collection of goods and money from Tatars was within the law, released Izumski without charges. Instead, the court officials ordered police to imprison Karabai and others from his village for slander.\(^2\)

It was also true that submitting a complaint to the police would often be ignored\(^3\) or implicate the accusers rather than allow them to reach justice. The system seemed to lack checks and balances to ensure that law would be served for the public’s interest. For example in 1811, a merchant from Evpatoria, Konstantin Kaligi reported to the police that he was attacked and robbed during the night. Without investigating the case, the police accused him of heresy and disobedience. The last accusation probably followed the police’s refusal to help him. Following this encounter with the law enforcement, he was summoned to a magistrate court by the Tavrida civil governor, where he was ordered to pay fees. From the magistrate court his case was transferred to a civil and criminal court, which did not reach a conclusion until the Minister of Justice

\(^1\) For example, Opisaniye, #49 pp. 27-28 (1800-1802), #199 pp. 119 (January 6, 1806), #190 pp. 115-116 (August 8, 1805-August 14, 1806).

\(^2\) Later, however, the Senate reversed this decision and fined the court for a mistrial. On the basis of the results of the investigation, the senators in the 6th department found the fact of Izumski’s wrongdoing fully proven. It was decided to deprive Izumski of his rank and nobility for unlawful action and to sentence him to ranks of a soldier or to exile him in Opisaniye, #222 pp. 133-135 (April 4-18, 1807 but the case first began in 1803).

\(^3\) A court clerk serving in the court for the nobility (dvoranskaya opeka) complained against the oppressive treatment of some of the members of that court. The provincial authorities there did not respond to his request and when the minister of justice forwarded his letter to the general governor of Novorossia, the later wrote that his request could not be respected or be satisfied in Opisaniye, #759 pp. 464-465 (June 28, 1839—April 22, 1841).
interfered in response to Kaligi’s request. During this long process, the merchant claims that he lost his good reputation and wealth, which he could never regain.¹

Similarly, in the region of Perekop, several Tatars filed a number of complaints against officials serving in the courts and the local police starting in early 1810. The court found all petitioners guilty of false and defamatory statements. They sentenced some of those who complained to military service and others were banished to Siberia. They were only released because of the interference of the Minister of Justice before the start of the trial. The minister, in turn, instead of reversing the order of the court and starting a new investigation on the corrupt officials, found a legal solution in a recent manifesto—promulgated just a few months prior—to guarantee the petitioners a pardon and forgiveness.²

Sometimes those who reported on officials were not only persecuted for defamation but were themselves pinned with a conviction of bribery. This was the fate of a merchant of Feodosia, by the name of Venger, who was held in custody for 18 years until his case was finally tried and at the end of which he was found guilty of defamation and extortion of money. It appears that the merchant had threatening information about a number of officials, including an intendant in the 2nd army. He was apparently arrested in the city of Berdechev, in current-day Ukraine, although he was a resident of the city of Feodosia on the Black Sea Coast and his wife remained there without any information on his whereabouts. During his arrest, his estate was taken under custody of the police and by the end of the trial period all of his possessions were

¹ Opisaniye, #265 pp. 170 (August 31, 1811).
² For further details about the case see Opisaniye, #246 pp. 153-154; Article 16 of the August 30, 1814 decree states that all those who are not under custody of court or police for an accusation of a petty crime such as murder or robbery to be released from the court and set free.
either stolen or lost.\(^1\) There was also a threat that those who gave bribes, who would often be the ones to report on the bribery to higher officials, would also be punished along with the officials who accepted bribes from them.\(^2\)

Bribery and abuse of office were rampant during the first few decades of the nineteenth century, which forced some members of the court to reconsider their service in Crimea. In August 1816, a solicitor from the county of Dneper, Doroshevsky, submitted to the Tavrida Minister of Justice a request for resignation, which was complicated by the fact that he was also being sued at that time.\(^3\) Throughout his career in office, he had witnessed and reported on a number of unpleasant incidents that resulted in the dismissal of several court officials.\(^4\)

Corruption and lack of sufficient training for the legal personnel was rampant not just in Crimea but in other parts of the Russian Empire as well. O’Neill notes that illiteracy was widespread among presiding judges, who did not make up for their poor reading skills with judicial training and legal know-how. In fact, judges had “the low-ranking court officers known as stri-apchie” do most of the legal write-ups, keep records, argue cases, provide a background of a le-

\(^1\) Opisaniye, #393 pp. 261-262 (June 2, 1818—June 8, 1826). As a background to this case, #361 pp. 225 reveals that a merchant from Feodosia, Venger, who was a former Austrian resident and now a Russian subject, submitted a petition for a travel pass (podorozhnaya gramota) to arrive to Saint Petersburg and present to the Emperor a secret message that purportedly could benefit the nation. The minister of justice forwarded his request to an official in Saint Petersburg but Venger was arrested on his way to Saint Petersburg. There is a possibility that Venger might be suffering from some form of an illness as the case #466 gives further details about the tragic fate of the Feodosian merchant. In that later case, it turned out that Venger was disabled because he apparently received stipends from the disabled fund.

\(^2\) An evidence pointing to the fact that bribers would be condemned as much as the officials who took bribes is noted in Opisaniye, #381 pp. 249-250 (March 24-May 29, 1817). This case describes how Tavrida’s civil and criminal court found a village clerk, Roman Krivun, and an elected official, Vasiliei Dubovic in the village of Polovki of the Miltopol district guilty of taking bribes from the village residents on the pretext of releasing them from military recruitment. While the villagers were released from any punishment due to their lack of knowledge, the two aforementioned officials were sentenced to 10 lashes and hard labor. Upon receiving information about this case, the prosecutor found that the severe punishments allocated for Krivun and Dubovic do not correspond to the generous treatment of the villagers although both parties came from the same social estate. The prosecutor suggested easing the severity of Krivun and Dubovic’s punishment and forwarded the case to the Senate for reconsideration.

\(^3\) Opisaniye, #366 pp. 237 (August 5-22, 1816).

\(^4\) Opisaniye, #320 pp. 207-209.
gal issue, and other legal-administrative tasks. In 1786, Potemkin dismissed the collegiate secretary, Nikolai Gerbasev, serving in the upper *zemskii* court from his office because of his “incapability in the written matters.” Potemkin suggests returning him to the military service in which he is more capable.

The court cases examined in this section show the tenuous extent of authority of Russian legal institutions in the Crimean province. The inchoate legal system along with its numerous forums and hierarchy of officials struggled to maintain law and order within its own structure let alone in the relatively recently incorporated region. The imperial legal system, with a few moorings in local society, stood no chance to alone resolve one of the most debilitating problems of the Tavrida region. Land disputes constitute the most important issues in Russian Tavrida that impacted not only the legal system but also the entire imperial political machine. The Russian legal system, with personnel who were not familiar with traditional local practice and its history, had to resort to local process in order to deal with searing struggles over land and property. In this process, Russian officials inadvertently validated the legitimacy of local precedent.

**Land Disputes and Gender**

It appears that many land dispute cases involved women, especially widows of former military or civil officials, who received property in return for service for the benefit of the Russian imperial

---

state. 1 Their well-respected names and status in society procured positive responses to their requests among political personnel, and yet their status as women placed them in the vulnerable position of losing rights over ownership that had been granted to their families through their merited husbands. It appears that these women had little luck in confirming their property rights in local legal institutions. Although they persistently appealed to local legal venues, following the right protocol in presenting all the required documents, their appeals to higher political authorities produced more effective results. Other scholars of Russian imperial history have noted that it was common in the period prior to the Legal Reform of 1864 for provincial governors to interfere in judicial processes and to personally to step in to resolve prolonged disputes of any kind. 2

For example, in the case involving a wife of a former warrant officer (michman), Beyazi, the governor of Novorossia, Seletzki, himself wrote to the general prosecutor, knaz Kurakin, asking for his assistance in approving her request to be granted land that once belonged to her husband. The land was apparently taken by knaz Potemkin, who ordered it for the use of the Balaclava Greek Battalion. The governor noted that, according to the relevant inquiries and the investigation, the land in the amount of 34 dessiatines really did belong to her late husband. Ultimately, the general prosecutor procured a decree granting Beyazi land equivalent in size but located in another region of the Tavrida province. 3

---

1 For example, for a case of a widow, Mrs. Benton, see Opisaniye, #64 pp. 34 (October 1, 1800—February 21, 1801); a case about a widow, Madam Borshanin, see case #192 pp. 116 (October 17, 1805), #99 pp. 54-55 (February 21—August 11, 1802), and #442 pp. 293-294 (January 9—July 11, 1823).
3 Opisaniye, #6 pp. 4 (April 4—October 14, 1798).
The vulnerability of women in property disputes in early nineteenth-century Crimea is evidenced in another case, which took place on August 28, 1802 and continued until February 22, 1804. A widow of a former cornet by the name of Sofia Filiopovskaya was a daughter of a wealthy and well-respected mirza, Devlet Bey Sucuk. After the death of her father, she wrote a request to the imperial powers complaining that mirzas and the muftī of Karasubazar usurped her estate. She explained that the estate was left to her by her father, Devlet Bey, and complained that no solution had been reached regarding her case although she had consulted multiple Russian judicial authorities and venues regarding its resolution for some time now. After the chief provincial prosecutor investigated the case, it was discovered that the reason why the case had not reached any resolution was because Sofia Filiopovskaya did not provide substantial documentary evidence to prove her rightful ownership over the estate, nor did she have a representative to bring this case to a conclusion.

After the Chief provincial prosecutor issued this report, she wrote a second request to imperial authorities, in which she included an account given by Titular Councilor, Lashorev, testifying to her rightful ownership of the estate. Her appeal to the higher authorities shows the process of colonial law becoming solidified and further grounded in the newly conquered region through regular appeals to these institutions by local actors. Sofia’s second request also gives a background story to the ownership dispute, explaining that after the death of her father, Devlet Bey, in 1788, the muftī of Karasubazar, appointed as a guardian of the estate, had given part of it to her mother, Melek Sultane, and handed the rest of the estate to Sofia’s third cousin, Devlet Bey Ahmetşah Mirza Sucuk, who was married to Sofia’s sister. He did not grant Sofia any part of the
estate because of his anger towards her for converting to Christianity in 1787. In 1788, she presented the Civil Governor, Gablitz, a complaint against mufti’s division of property. Gablitz, in turn, set out to seize a portion of Devlet Bey’s estate which the mufti allocated to Ahmetşah mirza. Two years later, Sofia’s mother granted Sofia the power of attorney over the entire estate and appointed her as a guardian over her sister. The mother also recorded all of this in her will.

Sofia narrated in her request to the governor that in response to her mother’s will, Ahmetşah, with the support of mirzas and the mufti, began to harass Sofia. One of Ahmetşah’s supporters, a Russian official—the Court Councillor, Yusovich—entered Sofia’s house, tied her husband, and proceeded to beat him, stabbing him three times with a dagger. After the attack, Sofia submitted a complaint to the court of Feodosia. In the same year, 1790, Ahmetşah mirza sent the police captain (kapitan ispravnik), Taşioğlu Sayyit Ibrahim, to pressure Sofia’s mother with threats to relinquish her will. Taşioğlu was able to secure a signature from the mother. Yet despite this, the signature appeared to be unsatisfactory, forcing Ahmetşah and his supporters to fake the signature. They subsequently submitted the fake documents to the district court (uezdni sud) that decided to deprive Sofia of her father’s estate.

After Sofia’s husband Filipovski returned from the army in 1793, Sofia’s mother along with Sofia and her husband appeared in the upper court (verhniy zemski sud) and submitted a

---

1 According to Sharī’a, a person loses a right of inheritance upon conversion to another religion. However, the fact that the inheritor is an apostate needs to be proven in the court of law. It is not clear how Russian officials perceived the issue of inheritance for converts to Christianity, i.e. whether or not it was part of family law or subject to state law, Gianluca P. Parolin, “Equality before the Law,” Ashgate Research Companion, 130.

2 Yugovich was a court councilor for the year 1787 to 1788. Batyr Aga was a court council from 1787-1793, Ivanovich from 1790-1795, Mehmetşah Argin from 1789-1795 were all court councilors in various departments, see Personal’niy sostav, 176. The court case does not specify in which department Yugovich was a court councilor.

3 From May 1787 to March 1788, Sayyit Ibrahim Taşioğlu served as a second major at the local court (nizdni zemski sud) see (in Personal’niy sostav, pp. 174). Earlier, in September 1783, he was a kaymakam at Perekop (in Personal’niy sostav, pp. 199) and starting in 1793, he was promoted to the position of the first major at the upper court (verhniy zemski sud) (Ibid., pp. 181). There is no information in Personal’niy sostav as to what position Taşioğlu occupied from 1790 to 1793.
written request to dismiss her earlier will (the one that was signed under pressure of Taşoğlu Sayyit Ibrahim). At the same time, four Shirin mirzas and inhabitants of 20 different villages testified on behalf of Sofia, stating that her father’s estate always belonged to her ancestors and that it should belong to her. However, Sofia could not use these testimonies as evidence because another police captain (kapitan ispravnik), Azamat mirza, did not complete his task of confirming the veracity of their testimonies. The captain Azamat appeared to be on the side of Ahmetşah mirza as he too reproached Sofia for converting to Christianity. He also shamed all those witnesses who were testifying on Sofia’s behalf and seized the property in question for himself. In the end of her narration, Sofia added that because she had found no support for her troubles with the local Tavrida authorities, she resorted for help in Saint Petersburg.

Although Sofia’s acceptance of Christianity was mentioned in this case on several occasions, it was not confirmed by Sofia herself. Nevertheless, it drew criticism from the local mirzas and the clergy and served as a justification for excluding her from her father’s inheritance. Sofia, however, continued the fight with the Islamic authorities and mirzas to have her property be returned to her despite her alleged conversion. This fact alone opens a gate of questions on what constituted conversion in the context of colonial Crimea. Perhaps it was Sofia’s marriage to a Russian military officer, Cornet Filipovski, that constituted an apostasy in the eyes of the Islamic authority. Nevertheless, the fact that she continued the fight for the estate suggests that she either

---

1 There were two Azamat Mirzas: one from the Shirin and the second from the Argin tribe. From 1790 to 1795, Azamat Mirza Argin served as a 2nd in rank of the chief police for the local court (niznii zemskii sud’) and as a first in rank after 1793 (Ibid., pp. 186). Later, starting from 1798, he was a member of the Commission for Solving Land Disputes in Crimea (Ibid., pp. 230). Azamat Mirza Shirin served as the police officer for the local court (niznii zemskii sud’) from 1793 to 1794 but prior to this was a juror in the same court from 1787-1789 (Ibid., pp. 191).
did not consider herself a convert or that she thought that the Islamic ruling on inheritance and conversion could be bypassed in the context of imperial legal order.

In fact, conversion was a useful tool in the context of colonial Crimea for gaining status and additional privileges within the imperial administrative apparatus. A historian, Kelly O’Neill writes that “in June 1826 the State Council concluded that baptized individuals must be fully integrated into Christian society, relieved of taxes for three years, and permanently exempted from military recruitment.” Moreover, “conversion was a critical step on the part of a successful career in Russian service.”

Beyond career advancement, conversion to Christianity was a clever maneuver in the court of law presumably used by some litigants or the accused to lead to lighter sentences. In 1835, for example, a woman suspected of killing her husband suddenly converted to Orthodox Christianity right before the end of her trial. This move caught the attention of the senators who entered into a long and heated debate about her fate and yet, despite her changed religion (and apparent repentance for her crime), still sentenced her to lashes and exiled to Siberia.

Conversion to Christianity brought an additional layer of complexity to the issue of property rights in a landscape of plural and somewhat chaotic legal institutions. For example, when another Tatar woman—a daughter of Selimci bey Shirinski from an ancient noble Crimean family like the family to whom Sofia (from earlier example) belonged—converted to Christianity, she reported that she had lost all means for survival. Only when Notara (the leader of the nobility) petitioned the prosecutor general and later the tsar himself in September 1801 for additional as-

---

1 O’Neill, Claiming Crimea, 93.
2 Opisaniye, #613 pp. 407-409 and #627 pp. 414.
istance was Selimci Bey’s daughter granted a monthly stipend of 1,000 rubles.\(^1\) Sometimes assistance was offered from imperial authorities to members of the local nobility who converted to Christianity. Nevertheless, conversion was risky especially for women as it triggered a number of problems in their immediate social environment.

Local hostility toward converts—especially toward female Tatar women converts—did not mean that Crimean society was simply divided between two camps: local Tatar Muslims and Christian Russian colonialists. Looking at the Crimean colonial social context through the gender lens reveals that divisions between Muslims and Christians were not at state. Perhaps aggression towards converts and their subsequent economic and social marginalization became more obvious (i.e. obvious in the sense that they reached the court of law) when it involved women who converted as opposed to converts in general. Although there is no sufficient evidence at this point, we can speculate that women were seen as central in the preservation of social order under threat of extinction at the pressures of imperial domination like the Crimean Islamic society.

Women’s exit from the Crimean Islamic society through conversion suggested to the Crimean elders that those women had agency and autonomy in their decision making. It helps to analyze Russian court cases of this period through the gender lens to realize that coalitions often occurred between Russian officials, serving the imperial state, and the local power holders and not necessarily between Muslims and Christians since both collaborated to deprive Crimean women converts from owning property. As we can see in the case above, Ahmetşah collaborated with the Russian police captain, who served in the imperial government, to pressure a newly-converted Tatar elite woman. Although it is difficult to judge the validity of the statements presented in this

\(^{1}\) Opisaniye, #88 pp. 49.
case, we can conclude from the sufficient amount of information that colonialists often allied with local Tatars to achieve the objectives of the native inhabitants (who were often men) through manipulation of Russian courts.

To conclude with the case of Sofia Filiopovskaya, it is interesting that neither the local Islamic authorities nor the Russian courts could offer a satisfactory conclusion to Sofia’s troubles. While on the one hand, her conversion excluded her from the right to inherit the estate of her late father according to Islamic law, her lack of satisfactory documentary evidence as required by Russian judicial venues excluded her from justice in the Russian courts on the other. This legal conundrum raises a question about belonging and the issue of rights in two different jurisdictional structures. In the Islamic legal structure—in their curtailed form after the 1787 reform—rights were granted to those who were part of the ’umma. In the Russian legal structure—which was solely responsible for civil disputes—rights were not based on whether one belongs to the community. Rather, in the Russian courts, receiving one’s rights depended on the ability to prove one’s claim to property through documentary evidence or, in some cases, through oral testimony from witnesses who would testify to the litigants’ right to ownership. However, Sofia had severed ties to that past which would have guaranteed her rights in Russian courts with the alleged conversion. In a sense, she became an outcast—legally speaking—in both legal traditions and institutions. Sofia’s case further demonstrates that serving justice in Crimea was intricately linked to the past and those who had broken those ties or links found difficulty in securing a favorable outcome in the Russian legal institutions. This case further demonstrates how the two legal systems were linked.
Property Disputes, Russian Courts, and Land Commissions

The diversity of legal institutions that characterized the Crimean legal landscape echoed the fragmented terrain of Tavrida’s property regime. This fragmented terrain was a product of the diverse land ownership practices that existed on the peninsula. A wide-array of different ownership styles coexisted in a layered and interspersed fashion. Multiple land regimes consisted of joined ownerships (such as village and community owners), pious endowments, and small private individual ownerships that included peasants, small family farms, and large estates. Unlike in other parts of the Russian Empire, small peasant landowners were recognized in Crimea. Kirmse notes:

> in comparison with Tatar peasants in the Volga region… Crimean peasants had not only been more exposed to state officials and their efforts at cataloguing and measuring, but had also been recognized as landowners (individually or collectively) for a long time.¹

Furthermore, there was a scarcity of state lands in Crimea an abundance of small private lots that grew in number during Russian rule.² This scattered and fragmented landscape of property regime further exacerbated the property disputes that were rampant during the first half of the nineteenth century.

> Initially, land disputes arose because Russian colonial authorities misunderstood the fragmented ownership practices that existed on Crimean land. Immediately after the annexation, the Russian imperial administration began a massive distribution of state lands to Russian landowners, local officials, and the Crimean Tatar nobility loyal to the empire.³

³ Sumarokov, *Dosugi krymskago sudʹi*, vol. 1, 161.
lands that were brought under the state treasury included former khans’ land possessions and lands—labeled as ‘empty’—belonging to former mirzas and beys who emigrated from Crimea after the annexation. In reality, the so-called empty lands were often in use or possessed by local Crimean farmers—some of which either privately or collectively owned the land while others traditionally had maintained a usufruct right over these lands. Russian imperial authorities failed to realize this initially but tried to redeem the situation by initiating a project to map out each type of land ownership to get a better view of the Crimean property regime landscape. Thus, in 1787, governor Potemkin requested Abdulhimd Ağa (former tax farmer during the reign of Khan Devlet Giray) and M. Karatsenov (a Russian official) to prepare a survey of all state lands. Unfortunately, the final product of the survey turned out to be inaccurate in presenting the right measurements of land and their actual owners. The survey maintained a category of the so-called empty lands, majority of which were in reality in possession or use of Crimean peasants and farmers. Thus, the initial state attempt in solving the crisis failed because local particularity was ignored.

The land ownership disputes lingered, culminating into one of the central challenges of the Russian imperial rule in Crimea. In the long run, these disputes had a positive outcome for the imperial project in the region. The land ownership crisis that lasted from roughly the late 1790s to 1830s gradually grounded the empire in Crimean society. The imperial institutions and ruling mechanisms employed to resolve the disputes reinforced the presence of the imperial state in the region. However, it was not only the image of the state that transformed within the region.

1 Konkin, “‘Mneniye otnositel'no Kryma’ N.S. Mordvinova: vzglyad russkogo pomeshchika na zemel'nyy vopros v Krymu (konets XVIII – nachalo XIX vv.),” Crimean Historical Review, no. 3 (Bahcesaray, 2015), 33-35.
2 Ibid., 33-34.
Just as important was the image of the region, itself, that changed for the imperial state. Thus, the flip-side of these disputes was its impact on the Russian officials’ perception of Tavrida and its landscape. In the early years of annexation, land in Crimea was seen as abstract and distant in the minds of imperial officials in Russia’s center. However, the prolonged disputes changed the imperial perception of Crimean land from being abstract and idealized into being concrete. In the minds of imperial officials, Tavrida’s terrain gained the quality of being a real place with names and dimensions as the land came to be associated with existing humans and their histories and became contextualized in genealogies of the quotidian challenges of the conquered region. The introduction of colonial courts, which were at the center of land disputes, were instrumental in transforming this relationship and strengthened the rooting of the empire into its colony. Similar to Crimea, in the British, French and Spanish colonial experiences, the introduction of an imperial legal order was intertwined with “struggles to redefine mechanisms for the distribution of property rights.” In this view, the empire is defined by the imperial perception of what constitutes this right and to whom this right can be bestowed.

Land Disputes and the Entanglement of Legal Traditions

By attending to the searing disputes between local inhabitants and new Russian landowners, the imperial state officials delineated property rights by consistently incorporating local precedent and practices into its definition of ownership. Recognizing the local particularity and tradition

1 O’Neill, Claiming Crimea, 202-203, 214.
2 O’Neill expresses similar views that the disputes tied Crimea closer to being part of the empire: “the painstaking process of sorting out rival claims and deeds of ownership—of simultaneously demarcating legal and absolute space—fundamentally altered the way Russian officials viewed Tavrida and its relationship to the physical space of the empire,” in Ibid., 180.
also proved to be the most effective approach in resolving the crisis of ownership. In the late eighteenth century, two official decrees endorsed local Islamic legal practices and Crimean customs when it came to determining property rights: the Annexation Manifesto (1783) and Zubov’s Rescript (May 1796). As discussed in chapter 2 of the dissertation, the Annexation Manifesto openly declared that the Russian imperial state was committed to upholding the local practices. In the same tone, the rescript issued to knaz Zubov—a successor of Potemkin and the new governor-general of Novorossia—confirmed the rights and obligations previously granted in the manifesto.¹ The Zubov Rescript reinforced pre-existing land ownership regimes and legal practices dating to the khanate. For example, the rescript again enforced the legitimacy of the Islamic law of inheritance to be used in Sharīʿa courts for Crimean-owned property. Furthermore, it reinforced the official position of the imperial state in Crimea that Sharīʿa was just as authoritative as imperial law and that it complemented and even strengthened “the efficacy of imperial legislation.”²

According to this official stance, the Zubov Rescript of 1796 declared that all land incorrectly categorized as unoccupied should be immediately returned to its former Crimean owners.³ Thus, as part of this decree, Zubov initiated an investigation into illegal land acquisition that occurred when supposedly empty lands that were granted to Russian nobility and state officials.⁴ The decree of 1796 was an attempt to suppress numerous abuses against Tatar peasants. Russian

¹ In 1794, he wrote an opinion that expressed the support for earlier rights granted by the manifesto and it was approved by Catherine in 1796, O’Neill, Claiming Crimea, 178-179; PSZ I, vol. 22, no. 17,266 (November 9, 1794); The rescript also enforced an earlier ruling on Tatar exemption from military recruitment, taxes, and from quartering Russian soldiers in their homes, ITUAK #25.
² O’Neill, Ibid., 179.
³ Opisaniye, #85 pp. 45; O’Neill, Ibid.
⁴ The imperial rescript for November 17, 1796 in ITUAK #25.
landowners, for example, demanded corvée duties from peasants supposedly living on their lands. Land surveyors, too, would often carve out crumbles of state land to the detriment of Crimean farmers for the benefit of their colleagues and friends. The 1796 decree outlawed inequities and exploitative practices committed against natives and their natural rights of property.

Another example of the state’s effort and commitment to incorporate local legal and property regime practices into its imperial policies can be seen in land survey reports requested from Biiarslanov in 1798. In July 1798, a new military governor of Tavrida, M.V. Kakhovskii, ordered that a new land commission be formed to resolve the lingering land crisis. Kakhovskii turned to Mehmet Aga Biiarslanov, a former treasurer during the khanate, to prepare a report on the land tenure system that existed before the annexation under the khan. His appeal to Biiarslanov in preparing this report represents another effort of the imperial administration to understand former legal and property structures as a way to implement some of its elements into the imperial administration.

In his report, Biiarslanov essentially concludes that land ownership was one of the foundational identities of Crimean Muslims during the khanate and that it should continue to be upheld by Russian imperial officials. Although Biiarslanov’s characterization did not resonate well with the ideological views of some imperial officials and Russian landowners, it represented an important example of the Russian Empire looking to the past in an attempt to incorporate tradi-

1 A captain Nemkovich complained to the minister that a land surveyor had allocated additional land to one of governmental officials and allowed another, a leader of the nobility, to occupying state lands. This petition was submitted to the chief prosecutor in the department of land surveyors to prepare a report to be forwarded to the Senate in Opisaniye, #299 pp. 186 (July 27, 1813).
2 Kirmse, Lawful Empire, 105-106.
4 O’Neill, Ibid.
tional Crimean land regime systems and legal practices into the imperial administration. Russian imperial officials from the time of Catherine the Great realized that the desire to successfully build an empire in the newly conquered region naturally inclined the empire toward incorporating local pre-existing practices as one’s own, i.e. toward entangled legal formations as I argue in this dissertation.

The land commission of 1802 was created to resolve land disputes according to this imperial logic of incorporating pre-existing practices. The purpose of the new commission was to determine which lands in Crimea should be recognized as belonging to the indigenous owners, and which were truly empty. Also vested with judicial power, the commission was instructed to adjudicate according to the principle that land belonged to Tatars (with a right to sell and inherit it) if they lived on it, even if it was khan’s property previously or belonged to mirzas that left Crimea. The Tatars themselves remained free to dispose of their lands at their own discretion. Only abandoned land (that had no documentation of sale) would be considered state property, and peasants remaining on such land without documentation of ownership would be considered as tenants rather than owners. Based on these instructions, it would appear that the new land commission was disposed favorably toward the local inhabitants and yet one of the guidelines given to the commission maintained the notion of abandoned land to mean any part of the land that was left empty even if other parts of the village population remained on it, thus rendering it possible for Russian state to claim that land as part of the treasury.

1 Opisaniye, #105 pp. 62.
3 PSZ I, vol. 27, no. 20, 276, pp.149; PSZ I, vol. 28, no. 21,275, pp.288.
4 O’Neill, Claiming Crimea, 186.
Thus, the commission eventually deviated from its original task of undoing wrongs with respect to the native property. The commission was run mainly by Russian landowners\(^1\) who had a conflict of interest in protecting their own estates and thus, actively championed to dispossess native inhabitants and alienate their landed property. As part of this approach, traditional land regime practices were often ignored by commission members. In fact, members did not have much information about the land and its size. Neither did they have a clear understanding of the Tatar documents written in Ottoman, which took year to translate.\(^2\) Moreover, the commission also lacked access to valuable documents, and even when they tried to gain access to them, their requests were denied. For example, in November 1802, the military governor of Yekaterinoslav appealed to the provincial government and the treasury chamber to quickly recover the cases and information needed by commission, specifically the “cameral description of Crimean peninsula” which was made when the peninsula was incorporated into the Russian Empire. However, the documents were never recovered.\(^3\) In the end, the commission fell behind miserably and could not efficiently address the growing number of cases. By 1803, the new land commission of 1802 had solved only 20 out of 607 disputes, and in 1804, Senator Lopukhin resigned as its chairman.\(^4\)

---


3 As noted earlier in the dissertation, immediately after the annexation the Crimean provincial government was temporarily set up in Bahçesaray and was staffed with Russian and Tatar officials. During this period, “the description of Crimea” was completed. As noted earlier in the chapter, after the Crimean provincial government was abolished and the Tavrida region was set up as an administrative unit in its place, members of the Tavride treasury chamber (Karatsenov and Abdulhimd Ağğa) were dispatched to inspection of everything that remained from the khanate, including the list of persons who were left Crimea. Having compiled a statement about the Cameral Description of the peninsula, Abdulhimd forwarded them to the Tavrida governor. The first and the second descriptions of the peninsula were always kept in the possession of the governors and references to them were constantly made throughout this period. For example, local officials made references to these lists and descriptions when they were petitioning the governor in granting them land. However, when the commission was set up, the documents went missing and were only discovered in the end of the nineteenth century as it was kept in the archive of the Tavrida governor and later forwarded to the Tavrida Scientific Archive Commission in *Opisaniye*, #116 pp. 70-72 (November 17, 1803—August 24, 1804).

Nevertheless, the special land commission continued its operation until 1848 in solving disputes at a slow rate.¹

The situation for the commission improved when cadastral surveying was incorporated along with the work the commission has done on its own. With the opening of the “Tavrida Survey Department” in 1804, the adjudication of land disputes was combined with the production of survey documents, which would “become a collaborative and binding element of the dispute process.”² Even with the introduction of scientific methods of measuring and mapping the land used by the cadastral surveyors, the land commission, along with the land survey department, often relied on traditional methods of attesting litigants’ property. For example, in the process of adjudicating a land dispute case,

one member of the commission would travel to the site along with deputies representing the parties involved in order to review the disputed property...In order for the resolution to go into effect, the party to whom ownership was awarded then had to present property documentation of either purchase, inheritance, or imperial grant; or swear a traditional oath (uç talak) in the presence of all who had gathered to approve the survey (along with a Muslim cleric if not already present).³

Thus, imperial officials combined the so-called scientific method of measuring land with accepted Islamic legal practices as part of the imperially sanctioned administrative and legal approaches in solving the land ownership crisis in Crimea. The imperial practice of incorporating some of the existing Islamic legal practices into the imperial state apparatus continued in the same manner through the course of the nineteenth century. For example, the decree of 1827 recognized lo-

¹ Kirmse, Lawful Empire, 106; Zavadovskii, Ibid.; Voroponov, Ibid., 152.
² PSZ I, vol. 31, no. 24, 349 (September 10, 1810).
³ O’Neill, Claiming Crimea, 190.
cal land regime practices by further confirming the rights of ordinary Crimeans (of non-elite ranks) to own, bequeath, and sell landed property. The decree also recognized collective ownership (camaat) as a legitimate form of ownership, which was previously unrecognized. It reinforced the ruling of the Zubov Rescript of 1794 in guarding the integrity of the region’s legal precedent and social particularity. Likewise, the decree of 1833 recognized the landownership practices for Tatars residing in the mountainous part and on the southern coast of Crimea, and particularly their rights to sell or bequeath those lands. Most importantly for our study of entangled legal formations, these decrees did not only encourage closer ties between the imperial administration and the Muslim inhabitants in Crimea through translation of decrees’ text, for example, but also through decrees, themselves, that recognized the former land practices in the imperial system.

It was not just the official Russian decrees that recognized and reinforced local legal and landownership particularities but also Russian local courts. An ambitious landowner, Nikolai Anastasyev learned through numerous litigations that the local legal institutions in Crimea accepted pre-existing property structures and ownership rights granted by khans, as well as sales or inheritance that took place prior to the annexation in the Russian court of law. For example, in 1805, Anastasyev was involved in a lawsuit over landed property located in Barkut, in the district of Perekop. Anastasyev petitioned the Senate asserting that the land in the amount of 2000 de-

---

1 Kirmse, Lawful Empire, 225, 106; O’Neill, Ibid., 183; PSZ II, vol. 2, no. 1,417, pp. 850 (September 28, 1827).
2 O’Neill, Ibid., 213.
4 O’Neill writes that “the Asiatic Department of the Ministry of Foreign Affairs bent over backwards to translate the full text [of the decree] into Tatar within two months,” in Claiming Crimea, 212, 313; PSZ II, vol. 2, no. 1,417 (September 28, 1827); PSZ II, vol. 3, no. 2,444 (November 22, 1828).
satins were granted to him by the Tsar Emperor himself in 1801.\textsuperscript{1} Anastasyev claimed he had not received the property because the Perekop marshal of the nobility, members of the local court (zemskii sud’) and district courts (uezdii sud’), and other the local judicial places ruled that the property belonged to an Anatolian Pasha, Batal Bey. To his chagrin, Anastasyev was denied the request because imperial authorities also sided with the Anatolian Pasha, granting all lands located near Burkut to Batal Pasha’s son, Tayar Pasha.\textsuperscript{2}

\textbf{What Is an Empire? Property Rights and Empire}

The imperial commitment to recognize Tatars’ right to ownership was not easily accepted by a group of Russian landowners (pomeshchik) who strongly believed that at its core, the Russian imperial order depended on strict divisions between social classes into one that could own property and another that could not. In fact, throughout Russian imperial history, the right to own land “was intimately bound up with social status.”\textsuperscript{3} However, the Crimean land ownership disputes introduced new possibilities in thinking about empire and its relationship to land and property rights. From the early phases of the annexation, Russian landowners in Crimea felt threatened by the two decrees (the 1783 Manifesto and the Zubov Rescript of 1796) promulgated in the late eighteenth century and the subsequent policies that followed in the decades after. Some pomeshchik disagreed with Zubov’s rescript on the grounds that it granted Tatars property rights

\textsuperscript{1} Opisaniye, #60 pp. 31-32 (July 24, 1800—March 18, 1803).
\textsuperscript{2} Anastasyev, was given a right to choose any plot for himself in another place but again, he was unable to fulfill this because the Minister of Internal Affairs ordered to suspend allotment of all land in the Crimean peninsula until final investigation of land disputes that were exhausting the provincial government at that time in \textit{Ibid}, #120 pp. 73-74 (March 8, 1803 —March 18, 1805).
\textsuperscript{3} O’Neill, \textit{Ibid.}, 180.
they never had before the annexation. There was also discontent with the acceptance of collective holdings (cemaat), which was seen to be unfitting with the Russian notion of ownership.\(^1\)

Continuous disputes over land between old Tatar inhabitants and newly-made Russian landowners further rippled into intellectual arguments among Russian officials at the imperial center. These debates evoked the question of what it means to be an empire. For many elites, the principles of the Russian Empire depended on a restricted notion of landed property. For example, Admiral Nikolai Semenovich Mordvinov (1754-1845)\(^2\) vividly expressed this view. A member of the 1802 land commission, he was one of the largest landowners in Crimea and represented the most edifying voices on behalf of Russian estate owners on the peninsula. In his written cri de coeur to the Tsar, he wrote that granting property rights to Crimean Tatar peasants opposed the principles on which the Russian Empire was based. Most importantly, Mordvinov argued that some forms of property regime traditional to Crimean society contradicted the modern concept of property which was constituted by an individual as opposed to group ownership. He argued that Crimean traditional forms of property and ownership should not be recognized in now-Russian Crimea writing that, “property is the rock upon which all statutes are founded. Without it, and without a firm set of rights defending it, all other laws, the fatherland, and even the sovereign are meaningless.”\(^3\) In his ideological view of the world, only the Russian nobility should have prop-

---


\(^2\) Mordvinov became famous not so much as a naval officer but—to a greater extent—as a statesman, public figure, and initiator of numerous projects on economic and political transformations in Russia. Mordvinov was seen as an “intellectual heir” of Potemkin’s legacy. He received accolades from the empress during her journey, including the title of counter-admiral. However, by 1798 he fell out of favor with the higher authorities, especially with the new tsar, Paul I. In Russian society, Mordvinov was considered a supporter of liberal political philosophers such as Adam Smith and Jeremiah Bentham. In his perception regarding land dispute issues in Crimea, he was a clear supporter of individual private property rights as it was understood in the liberal sense of bourgeois economic and political freedoms, see Konkin, “‘Mneniye’,” 32; Zorin, “Eden in Taurus,” 115-116.

\(^3\) quoted from O’Neill, Claiming Crimea, 184 based on the personal archives of Mordvinov’s family.
tery rights to land. Thus, the refusal of the Crimean Tatars to accept this view and the subsequent rise of complaints from the native inhabitants expressing claims to ownership represented an ideological blow.¹ Mordvinov argued so vehemently because he had personal interest in the matter.

By the end of the eighteenth century, Mordvinov had become one of the largest landowners in the Tavrida province. Because of this status and personal finances issues at stake, the problem of land dispute hit close to home. Mordvinov owned over 15000 desatin of a highly fertile land in the Baydar Valley.² In the early nineteenth century, Mordvinov was involved in a continuous legal battle over this territory.³ The valley contained 12 Tatar villages—previously unknown—who claimed ownership of the territory. In this debate, the military governor, Ivan Ivanovich Michelsohnen (né Johann von Michelsohnen) sided with the Tatar villagers. He argued that Mordvinov illegally gained possession of the entire Valley and treated the inhabitants of those villages as his subjects. In response to Michelsohnen, Mordvinov insisted that the villagers of Baydar Valley never had the right to ownership of those lands. Moreover, he argued that Tatars did not deserve these lands because they had not cultivated them nor know how to, and therefore they should be moved to the Crimean steppes.⁴

As we can see from this encounter over the Baydar Valley, Michelsohnen was an ideological opponent to Mordvinov. Unlike the Admiral who perceived the essence of the modern empire to be found in its commitment to the modern notion of property, Michelsohnen had a differ-

---

¹ Konkin, “‘Mnenie,” 39-40;
² Mordvinov acquired this land from Potemkin’s nephew Major General Vysotsky in Konkin, “‘Mnenie,” 33;
³ Besides the Baydar valley, Mordvinov was involved in many other land disputes see Opisaniye, #290, #323, #383.
⁴ Ibid., #240 pp. 146 (September 10, 1810 — March 11, 1811).
ent understanding of imperial legitimacy. Michelsohnen, by virtue of being a military governor, believed that tsarist power depended on order and stability. Michelsohnen believed that this stability was compromised by actions when Russian landowners took land from Tatar peasants. As early as 1802, Michelsohnen expressed this view at a State Council session on April 17. After hearing statements from key statesmen including Mordvinov, the Council upheld Michelsohnen’s position. The senators reasoned that the majority of the population in Crimea were Tatars, whose number counted to approximately 75,000 people, while the number of colonists was around 700. They also agreed that the twenty-year experience after the annexation has shown that relocating foreigners to the Crimean lands would be in vain and it was important for the wellbeing of the region to support the rights of Crimeans and return their property to them. Based on these statements, the senate and tsar approved the decision to form the aforementioned Land Commission, under the guidance of I.V. Lopukhin, in May 1802.¹

Mordvinov was indignant with the imperial decision to return the lands to the Crimean Tatars without paying attention to the difference between the pomeshchiks who received these lands as a gift and those who acquired it through purchase. Often these lands were sold, he argued, by the Crimean Tatars themselves, Mordvinov objected.² He also vehemently opposed collective ownership and ownership of small parcels of land. Regarding the latter, he criticized that the so-called “striped ownership” (cherespolositsa) prevented economic development in the mountainous region of Crimea, where “striped ownership” was most popular. Lands and gardens

---
¹ In April 1802, Pavel Sumarokov (traveling judge mentioned earlier) was appointed to serve in a newly created Land Commission that replaced earlier Land Commission (from 1797) for the purpose of resolving land ownership disputes between Tatars and colonial settlers in Opisaniye, #105 pp. 62; PSZ I, vol. 27, no. 20,270 (May 19, 1802) and no. 20,276 (May 19, 1802).
belonging to the entire village in striped patterns are vulnerable to quick deterioration.\(^1\) In other words, Mordvinov preferred these regions in Crimea—and in Crimea as a whole for that matter—to be organized into mega-estates under the ownership of a single owner, preferably a Russian noble or a foreigner (i.e. a European). The development of the mountainous part of Crimea, Mordvinov argued, could become promising only if foreigners moved there.\(^2\)

Other arguments against Tatar ownership also advocated for Russian ownership through the language of cultivation. While Mordvinov argued for a single-ownership, individual private property, Karl Gablits, who was both a civil servant and a man of science proposed to allocate most priced lands to those who were capable of improving them through cultivation. In order to encourage landowners to cultivate land, rather than letting it stand fallow, Gablits suggested taxing individual property based on the size of the land. This suggestion—based on an assumption and a racial bias that Tatars were neither capable of nor interested in cultivating land—was targeted at weeding out Tatar domination over the Crimean lands.\(^3\)

Like Mordvinov and Gablits who linked the possibility of transformations and development of Crimea exclusively with foreign settlers and large landowners of Russian stock, another active pomeshchiks in the region, Nikolai Anastasyev,\(^4\) also believed that Tatars were an obstacle to the economic development of the region. He was mentioned earlier in the chapter for a land dispute case involving an Anatolian Pasha. In addition to that dispute, he and his brothers were regularly involved in numerous litigations over property in this time period. Like Mordvinov and

---

\(^4\) He was a leader of the nobility in the Evpatoria district.
Gablits, Anastasyev had vested economic interest in the newly annexed territory. Along with them, Anastasyev vehemently argued against Tatar possession of Crimean land precisely because it blocked their Russian project of transforming and developing the economy of the newly annexed region. In the mid-1815, Anastasyev presented to the Minister of Justice a copy of his petition to the Senate, in which, expressing his zealous commitment to benefiting his new fatherland, Anastasyev suggested ways to improve the welfare of the Crimean peninsula.

According to Anastasyev, the wellbeing of Crimea could be improved with more foreign settlers, especially those who specialize in agriculture and gardening. He urged the imperial government to allow such foreigners to freely visit Crimea and advocated for his fellow-believers and fellow-tribesmen, the Greeks to be considered most strongly, as he considered them a group with the most love for Russia and a desire to resettle within its borders. Anastasyev further explains that these Greek settlers only need to be provided land in proper quantities for the realization of this goal. In an effort to realize the project of resettling a large number of Greeks, Anastasyev suggested reexamining the land, which, in his view, the Tatars had unjustly seized. In order to redeem this loss, Anastasyev suggests to the sovereign to establish a special committee that would coordinate a return of these lands to the treasury. From his and Mordvinov’s writings, it becomes apparent that land ownership, property rights, imperial identity, and the use and incorporation of local precedent into imperial state structure as well as economic development of the region were issues that related to one another.

1 Greek by origin, his father was a British general consular in the Archipelago and brought assistance to the Russian navy during an attack in the city of Caron Opisaniye, #60.
2 Opisaniye, #323, pp. 197-200 (May—14 October, 1815).
One cannot help but notice that at the core of these debates was a racial bias that perceived the Crimean natives as obstacles to the objectives of the imperial state and some of its nobility. Like Anastasyev, Mordvinov also was of the opinion that “the Crimean Tatars detracted from the beauty of that landscape [the Crimean landscape] and reduced the luster of Russia’s image as a great imperial power.”¹ In “An Opinion Related to Crimea” dated 1802, Mordvinov wrote: “Crimea went into decline as soon as Christians were sent out of the hilly region and Tatars took over their gardens and homes.”² The imperial commitment to recognizing the existing local legal and ownership practices was in constant battle with its own intelligentsia. Nonetheless, the declaration manifesto and the oath seem to rein supreme despite the constant efforts to turn the course of imperial policies in a different direction. The voices from the provinces were also impactful in forcing the local precedent to continue fusing with imperial practices. Anastasyev along with Mordvinov began an active campaign against Tatar ownership of land by sending petitions and appeals to various ministries and to higher political authorities, including the Senate and the tsar himself. With these appeals, these active pomeshchikis thought to expose Tatars’ wrongful ownership of lands and other “cunning deceptions of the Tatar nation.”³

Unlike the pro-pomeshchiks group, Michelsohnen strongly believed that lands left vacant from the time of the Khanate had to be redistributed to those who were committed to cultivating them. Thus, neither the Russian landowners nor the imperial government, Michelsohnen asserted, were justified in seizing the property of ordinary Crimeans currently in their possession and use. According to Michelsohnen—and this is the main point of distinction with his ideological

¹ O’Neill, Claiming Crimea, 203.
³ Opisaniye, #323 pp. 197-200 (May-October 14, 1815); #377 pp. 244-245 (December 8, 1816-January 29, 1817).
opponents like Mordvinov, Anastasyev, Natara and others—the source of legitimacy for the Russian state was in its ability to secure law and order and mainly by ensuring that Tatars’ right of ownership would not come under threat. Michelsohn suggested returning the land that was seized unjustly to Tatar peasants and compensating the Russian landowners with new empty lands. In his observational essay, written in 1802, Michelsohn criticized Russian landowners, who, instead of widening the agricultural capacity in the newly acquired lands, began to appropriate lands that were cultivated by Crimean peasants. Moreover, Michelsohn also suggested ending the tenure of the Tavrida land commission because the majority of its members had conflicts of interest. Most of the officials serving in the commission were *pomeshchiks* whose primary objective was to expand their landholdings at the expense of Tatar peasants.¹

Perhaps it was for this reason that land disputes were instructed to be resolved in the local judicial venue, thus pushing the courts at the forefront of the property battles. In relation to the aforementioned dispute between Mordvinov and the villagers of the Baydar Valley, the State Chancellery asked the Ministry of Justice to solicit from the land survey department a map of the Crimean Peninsula, made under the supervision of Prince Potemkin. The Chancellor hoped to see the original marking and boundaries depicted on the map in order to resolve the dispute. In response to this request, the minister of justice sent an atlas of the former Novorossia Province, including a map of the Akmescit district, divided into parts. The first of these divided parts of shows the Baydar Valley with demarcations of its boundaries but without the specification of which land belonged to whom.² Unable to find a solution through survey documents, in 1812, the

---


² *Opisaniye*, #240 pp. 146 (September 10, 1810 — March 11, 1811).
Senate concluded that the case should be solved in the Simferopol district court (*uezdnii sud’*), rather than appealing to higher officials or to the land survey department.¹ Other cases—also involving property near Baydar Valley—confirm this conclusion: that land disputes should be dealt with in the court of law rather than appealing to the minister of justice or to the survey department, as they, could not resolve the disputes.²

The Senate confirmed that all cases of land disputes involving disagreements about ownership, rather than on border disputes of the owned property should be dealt with in the civil court, rather than in the Land Survey Office, which only dealt with recording property borders. The question about the jurisdiction of the Land Commission Office was linked to a particular case (dated to May 1806) involving a nobleman Haji Kaza and a clergyman of Khalli Kadi accused of seizing the lands of a nobleman by the name of Kurt mirza who had gone abroad. The senate concluded that because the question was about the appropriation of Kurt mirza’s land, and not about its borders, it could not be resolved in the Land Commission Office.³

Through analysis of these cases, it becomes clear that the imperial administration began to encourage petitioners in land dispute cases to seek a solution not with higher judicial and administrative officials like the Ministers of Justice, prosecutors or the governors, but with the local and district judicial institutions. This encouragement proved to be key in resolving and shaping the property regime in Crimea. Through continuous disputes, appeals, and petitions, the fight between Russian and Crimean nobles, Russian landowners and Crimean peasants or villagers, or

---

¹ *Ibid.*, #287 pp. 193 (July 3, 1812—September 23, 1813). It is clear from other sources that Mordvinov continued to be the landowner of the valley but the tension with the neighboring villagers persisted. The villagers regularly destroyed the harvest to prevent Mordvinov from profiting of the land in Sumarokov, *Dosugi krymskago sud’i*, vol. 2, pp. 29-32.

² *Opisaniye*, #290 pp. 194-195 (September 12, 1812).

even between two Russian colonists demarcated not only the lands and property but also the limits where the newly established legal institutions ended and began. In the midst of these disputes, the legal culture and tradition was setting its roots and thus in the process shaping the property structures among the inhabitants of Crimea.

Hierarchies of Proofs

The acceptance of both forms of evidence, land survey documents and pre-existing local legal practices in authenticating ownership over land can be viewed in a case dated 1815. The Tatar and Karaite (Jewish) Society of Bahçesaray filed a petition to the Minister of Justice, in which they complained about a fraudulent claim over their land. A landowner named Madam Ofreinova submitted the fraudulent claim. The territory in question was a plot adjacent to the so-called Jewish City (Chufut-Kale), which was assigned to the Tatar and Karaite Society by a yarlık of Khan Murad Giray in 1675. After the annexation of the peninsula in 1783, the Land Survey Office and the Commission on Land Disputes ruled in favor of the Tatar and Karaite Society. However, in the meantime, Madam Ofreinova cunningly persuaded an attorney affiliated with the Society to sign a settlement that would grant her half of the designated plot. Having secured his signature, she hastened to testify this land at Simferopol’s district court (uezdnii sud’). After the court processed her request, she proceeded to present the court certificate to the Tavrida provincial government, requesting that a surveyor be sent at this time to conduct a measurement of her lands as a way to solidify her possession over the territory.¹

¹ Ibid., #339, pp.212-213 (September 25, 1815 — June 7, 1817).
Having learned of these developments, the Bahçesaray Tatar and Karaite Society protested and filed an objection. In response, the Minister of Justice ordered the Tavrida provincial prosecutor to immediately resolve the case, at which point it was concluded that the peaceful settlement conducted with the attorney of Bahçesaray Society to be invalid. The prosecutor ordered that the land be seized from Madam Ofreinova and be transferred back to the Bahçesaray Tatar and Karaite Society, stating that it should be done “according to the principles of Khan Murad Giray’s yarlık.”1 This case illustrates and confirms that the Russian imperial judicial system frequently recognized documents from the time of the Crimean khanate such as the yarlık from the year 1675. The yarlık was authenticated despite the fact that Madam Ofreinova went to the extent of securing a survey document for the property in question.

Although both types of evidence in authenticating ownership were accepted in the Russian courts, there was an informal hierarchy of proofs present. Survey documents were favored over written records from the time of the Crimean khanate or oral testimonies. Although Russian forums were instructed to adjudicate according to local customs and already existing structures, the courts would, nevertheless, rule in favor of those who presented a more authoritative form of documentation. In an 1821 court case involving the land of Captain Messer in the Chorgun village, for example, the Yevpatoria magistrate and the Tavrida civil and criminal court accepted a claim made by the merchant Stieglitz who corroborated his claim over the same property with property deeds procured from Gablits, from whom he purchased the villages under dispute. Captain Messer’s only proof of purchase was a product of an Islamic court, a hüccet, dating to 1784 and 1785 that was granted to his wife’s deceased first husband, Captain Rayan of the British

1 Ibid.
Navy. Captain Rayan had purchased the territory in Tavrida upon his acceptance of the Russian subjecthood (discussed in Chapter 3). Hüccets were, in fact, used by Russian and other colonists in Crimea before the introduction of Russian purchase deeds (*kupchaya krepot*) in 1786.

Gablits, on the other hand, had a decree from General Potemkin, who granted the lands to him in the first place, a plan, and a land survey booklet (*mezeyaya kniga*). Gablits transferred these documents to Stieglitz during the sale of these properties in 1808. The court, the magistrate, and the Senate accepted Russian-issued documents as opposed to those that were issued by the *Sharīʿa* courts during the early years of annexation.¹ O’Neill notes that by 1810, survey documents such as those presented by Stieglitz became more authoritative in proving ownership of property than any other documents or evidence such as oral testimony. This also marks the period when land surveys and cadastral offices were opened and began their work of measuring and mapping the Crimean property landscape. Although survey documents were viewed as being more authoritative, the preexisting legal practices continued to be recognized in the court of law and by the land dispute commission.²

As part of this implied hierarchy of proofs, on the lower tier were written documents that were products of Islamic, Crimean, or Ottoman traditions, and even below these were oral testimonies. Mordvinov insisted that proving rights of ownership should be derived only from deeds, the land surveying books, and firmans. Interestingly, even Mordvinov, who zealously supported the Russian landowners and more invasive imperial control, considered firmans—products of the Ottoman documentation—to hold an authoritative and legal value.³ According to Mordvinov,

---

² *PSZ I*, vol. 31, no. 24,349 (September 13, 1810).
land ownership should be based on these three proofs rather than oral oaths, which he deemed as less trustworthy despite the fact that he was well aware of the eruption of false documents, fake purchase deeds, and forced signatures on forged wills during this period in Crimea. Conversely, the practice of oral confession was foundational in the Islamic and Crimean legal tradition according to which written documents were deemed to have less validity.

Admiral Mordvinov argued that the main reason for the rise in litigations was the permission given to the Crimean Land Commission to recognize the practice of giving oral testimony as it was done among the native inhabitants. Prior to this directive, the practice of giving oral testimony was absent in the Russian legal structure. Thus, he argued that the Crimean Tatars did not consider perjury against Christians a crime. He suggested relying exclusively on written documents to reach a fair settlement. To the chagrin of men like Mordvinov, the Russian legal structure continued to incorporate existing legal traditions and social customs into its own practices—and not just for cases involving land ownership disputes. Imperial concerns about local laws and customs paralleled similar concerns of native inhabitants to look to Russian legal institutions for solutions to their own struggles. As discussed earlier, Crimeans voluntarily used Russian courts even when the matter dealt with family-related issues. To a similar degree, Russian judicial officials recognized pre-existing forms of evidence production such as documents from the time of the khanate and oral-testimonies that were central in Islamic court practice. This mutual collaboration shows that overlap between legal boundaries existed. The blurring of jurisdictional boundaries strengthened the roots of the empire rather than detracted from their imperial legal and po-

itical authority. This process of overlapping jurisdictions constituted the context in which entangled legal formations unfolded and fostered a cohesive system of multiple legal venues and logics of operation that resembled, but not quite duplicated their separate legal traditions.

Conclusion

The chapter examined how the Russian courts fared in the Tavrida province after the elimination of the *Sharīʿa* courts in 1787. The new Russian courts are examined with a specific focus on property and land ownership disputes that engulfed the region during the first part of the nineteenth century. The chapter has shown that the myriad of Russian courts faced numerous challenges from inadequate staff composition (with many officials without legal training) to insufficient financing and lack of directive on how to operate with respect to different cases. Another important factor was the effort of the Russian nobility to dislodge the native Crimean elites from noble status, thereby reducing their presence in the Russian legal venues as judges and assessors. Their limited presence was, thus, another factor impairing the efficiency of Russian courts.

The chapter mostly focuses on land disputes, where the poor quality of Russian legal forums was most pronounced. Land disputes constituted one of the biggest headaches for Russian imperial officials in Tavrida. As noted in the chapter, the problem was initiated because of misunderstandings about the property regime in Crimea. It turned out that plots of land that were granted to Russian landowners as gifts from the imperial authority often either belonged to Crimean Tatars or were cultivated by them. Realizing that their lands were now under possession of Russian landowners, numerous court disputes ensued.
Russian courts represented an outlet for those who sought to voice their grievances about unjust possession of land, estates, and other property. However, courts did not always offer a quick solution to land ownership problems, especially among women. In fact, a proliferation of Russian courts often produced messy results with court cases dragging out for years on end. The legal pluralism that the multiplicity of these courts constituted often appeared as legal chaos rather than a cohesive system. In parallel to imperial courts, the land commission also held legal authority to resolve land disputes. However, too often, members of the commission were, in fact, prominent Russian landowners, who had vested interest in protecting their own property.

Emerging out of these disputes, the issue that caused the greatest concern for the Russian landowners was the preservation of their social status. The land disputes hailing from Crimea shook the ideological underpinning of the imperial social order. At its core, the Russian imperial order—they argued—depended on strict divisions between social classes who could own property and those who could not. The legal wrangling in the courts rippled into arguments at the center between factions of the Russian nobility about the identity of the Russian Empire and its stability with respect to property and ownership rights.

While some Russian officials argued for the recognition of Tatars’ right to ownership and advocated for the implementation of pre-existing land regime and legal practices, others sought to achieve their economic objectives through an active dispossession of lands that were in the hands of Crimean Tatars. A campaign of undermining Crimean Tatars in favor of Russian landowners was actively taken up by the officials like Mordvinov and Anastasyev.

In parallel with his efforts to shape imperial policies in Crimea by pressuring provincial administration into transforming the property regime to be inline with practices in the rest of the
Russian empire, Mordvinov and others also advocated for expansion of foreign settlers to improve agricultural production in Crimea. He suggested to reconsider Crimean Muslim claims to the lands in an effort to grant those properties to foreign settlers instead. Not all officials and landowners, however, perceived the solution to Crimean crisis in this manner.

Many others recognized that answers were to be found in the Crimean internal social structure. This approach also constituted the underlying imperial logic that set the tone from the time of the Annexation Manifesto. Continuing the legacy of the Annexation Manifesto, Zubov’s Rescript of 1796, and the subsequent imperial decrees issued throughout the first half of the nineteenth century maintained that all land transactions, such as inheritance, would adhere to Islamic legal principles and would be heard in qādī courts according to Islamic law. This central imperial logic explains why the courts and Russian officials recognize and implement documents from the time of the khanate and oral-testimonies that were central in Islamic court practice. Just like the Russian authorities looked to Crimean legal practices and institutions to strengthen their own legitimacy and ability to rule and organize Crimean space, native Crimean Muslims also sought out Russian legal practices for their own financial and social benefits. This mutual recognition of others’ legal structures further strengthened the process of entangled legal formations that was already underway since the annexation in 1783.

The concept of entangled legal formations has shown to be a useful theoretical lens in interpreting the legal, political, and social transformations that were discussed in this and previous chapters. The concept of entangled legal formations can be applied to interpreting what O’Neill calls ‘layered geographies of authority’: 

271
Governing a province like Tavrida required establishing Tavrida’s location in layered geographies of authority that manipulated the distance between tsar and subject and defined the province as local or regional, secular or spiritual, familiar or foreign, proximate or distant, depending on one’s vantage point.¹

The concept of entangled legal formations allows one to make sense out of these contrasts. Seeing these contrasts through the process of entanglements allows one to see how the empire took shape in the course of the late eighteenth and nineteenth century through a form of wrangling—an active process of creation rather than an outright demolition of the old and heaping of new structures and practices on top of the ruins. Ideological wrangling, disagreements, and disputes constituted the process of formations and entanglements. Such disputes were most often seen in the court of law, where settlers and colonized community engaged in the most visible way. The story about wrangling and entanglements is not just about the empire forming itself in a far province but also about the province and its inhabitants. I place less confidence in the idea that the empire had a strong and committed vision of itself and how it should wield power in the newly annexed region. The practices, movements, ideas and, most importantly, local actors dictated the development of entanglements as much as imperial policies. Reading the legal disputes through the concept of entangled legal formations reveals how the process of building an empire unfolded in the new region and how that process of imperial transformation changed the region itself.

¹ Ibid., 42.
Conclusion

My dissertation brings a new perspective to the legal history of the Crimean peninsula in the period after the annexation of the region by the Russian Empire. Instead of solidifying boundaries and divisions, this perspective contends, the annexation expanded permeability and created ties among cultures, societies, polities, and people—past and present—that passed through and around the Crimean region. The chapters of the dissertation demonstrate that the objective of rooting the Russian Empire in the newly incorporated region of Crimea forced the imperial officials to recognize local legal practices and incorporate them into the imperial state apparatus. The process of incorporation not only transformed the local legal structures but also impacted the Russian Empire internally in terms of its policies, mechanisms of rule, and even its imperial self-perception. The transformation of Crimean local legal practices and the reciprocal transformation of the Russian Empire represent a process I call entangled legal formations. Through these chapters, the dissertation makes three key contributions in the fields of colonialism, studies of Islamic legal structures in the early modern period, and colonial legal history.

The first contribution in this list is the argument that the Russian Empire developed a colonial relationship with the annexed region of Crimea. The idea that Crimea became a colonial space for the Russian Empire has not been described in detail in other research works on the history of Crimean annexation including the works of such important scholars on Crimea in the American academic community as Alan Fisher and Kelly O’Neill, who present the integration of Crimea from the perspective of empire-building. These and other scholars have examined every aspect of the annexation but have not gone so far as to describe it as a colonial experience. Based
on my reading of the relevant primary and secondary sources, I argue that the annexation of
Crimea exhibits all the necessary characteristics to classify that history as a colonial experience.

On a very basic level, there are three factors that define control over a certain region as a colonial
experience: (1) the partial reliance by the imperial authorities upon traditional social and legal
order of the conquered regions, (2) the formation of departments—that come to be recognized as
colonial offices—within the imperial state apparatus for the purpose of administering the con-
quered regions, and (3) an active ideological campaign aimed to present the colonized as the in-
ferior “other.” The sources examined for the dissertation show that all three elements were
present in the history of Russian control of Crimea.

The dissertation explains in detail, how after the annexation, Crimea was gradually trans-
formed into a colonial space (Chapter 1). To root the empire in Crimea, Russian imperial offi-
cials attempted to transform the physical landscape of the newly annexed region. The physical
appearance of Crimea was altered as certain elements of its landscape were highlighted and in-
tensified. Russian political actors reconstructed Crimea by artificially and selectively emphasiz-
ing and segregating certain aspects of its geographic, architectural, and cultural whole. Bringing
out European elements in the Crimean landscape was a priority for Russian officials. Making an
accent on European elements was accomplished by building new ports, erecting Western-style
architectural structures, planting gardens, and producing an association with European flora in
scientific writings about Crimean landscape. And yet, in this transformation the East was not ig-
nored all together. For much of its early-modern imperial history, Russia struggled with its own
identity as both a Western and an Eastern empire. This internal struggle impacted the way Russ-
ian imperial officials perceived Crimea and how they eventually reconstructed that region as a
Russian colony. The process of creating Crimea as the East, which involved identifying it as foreign and unfamiliar land and as a prized possession of the Russian crown, hinted at the fact that it was being created as the inferior “other.” The Eastern elements present in the region were preserved and brought out as a reminder that Crimea was still the East in comparison to the true West (i.e. Russia). The transformation of the Crimean landscape and the meaning this new space generated vis-a-vis the Russian Empire constituted a colonial relationship.

In this process of transforming Crimea into a colonial space, the Sharīʿa courts were directly targeted (Chapters 1 and 5). The Russian Empire sought to solidify its attempts to transform Crimea into a colonial space by introducing Russian judicial and administrative institutions. In early 1787, numerous courts were introduced and later operated simultaneously in Crimea, forming a plural legal system. The new courts were meant to replace the primacy of the Sharīʿa institutions. The traditional Islamic legal institutions and practices represented an obstacle for the project of taming the cultural elements of the region into a controlled space that Russian could claim as its own. Unaltered, the nature of Islamic culture and its legal system in Crimea threatened the very constitution of the Russian Empire. Thus, in 1787 Sharīʿa was done away with. It is not surprising that this was the year when Sharīʿa courts were changed and Russian courts introduced: 1787 was a crucial year for Russia’s experimentation in Crimea. Indeed, it was the year in which Catherine’s journey and the provincial elections both happened as well as the year which marked the start of the second Ottoman-Russo War. The intervention of the imperial state into the Islamic legal sphere was, in part, a response to the visible presence of Islam on the peninsula.
The second contribution of this dissertation is its examination of the legal situation in Crimea in the period immediately after the annexation (1783) and before the aforementioned provincial elections of 1787. Although Russian and Ukrainian historians such as Prohorov, Tur, and Kul’ba have examined general institutional changes with respect to the type of Russian courts that were introduced in Crimea after the annexation, no scholar so far had examined the legal structures and practices in the period immediately after Crimea came under Russian control. My dissertation explains that this immediately succeeding period was a transitional, when the Russian imperial officials sought to temporarily maintain the old Sharīʿa courts for the purpose of building the empire in the newly conquered region. To that end, it shows that the Russian imperial center upheld the traditional Islamic religious and legal practices for its own imperial objectives and as part of its commitment to the Enlightenment ideas of upholding the rights and freedoms of the native peoples (Chapter 3). Russia’s civilizing mission was first manifested through the annexation, a benevolent act on its own when considered through the imperial perspective. Indeed, the annexation brought new subjects under the fold of the Russian Empire and guaranteed certain social rights. These rights included freedom to practice one’s own religion and keep the traditions—including legal traditions—that had dictated Crimeans’ daily lives before the incorporation. The oaths, or the musālahā ve muvādaʾa, the Russian officials made with the Crimean people laid the framework and set the tone to the process of incorporating the region into the empire, making the officials beholden to the promise of recognizing the Sharīʿa courts.

Four years after the annexation, however, in 1787, the Russian imperial officials introduced a new system to replace the old Sharīʿa courts as the imperial project in Crimea entered a new stage of its civilizing mission. Toleration of faith and legal practices did not exclude state
intervention into their internal structures and processes. Intervention became an integral element of Catherine’s civilizing mission: granting freedom, all the while organizing the religious field under state purview. After 1787, the *Sharī‘a* practices governing the questions of faith and family matters such as marriage, divorce, and inheritance came under the jurisdiction of Crimea’s spiritual government (that was later recognized as the Muslim Spiritual Assembly), which was, itself, under the purview of the imperial state. Other legal issues—including civil and criminal cases—were dealt with in Russian courts. As perceived in the Russian imperial discourse, the official Russian courts represented order and rationality in place of an uncontrolled and amorphous Islamic legal system.

This brings us to the third contribution of the dissertation: its discussion of Russian courts and the specific ways they created entanglements with local Islamic legal precedent. The secondary literature in Russian and other European languages has not looked at the impact of the Islamic legal practices on the Russian courts and imperial policies. While scholars have examined institutional change and the type of regulations that were introduced in Crimea after the annexation, there are no detailed studies of legal procedures within these newly-created Russian courts. In my dissertation, I examine Russian court personnel, describe specific stories and cases, and trace how the issues discussed in the Russian courts were related to the Islamic communities of Crimea (Chapter 5). My contribution is a discovery that Russian courts and Russian legal personnel looked to the Crimean legal structure (e.g. recognized documents and referenced land claims from the time of the Crimean khanate) in order to deal with certain legal conundrums, such as land ownership disputes. Thus, the Russian legal officials in the newly created courts inadvertently supported and strengthened the old legal institutions and practices.
This last process is what constitutes “entangled legal formations,” and it is at the heart of
the story of Crimean annexation and the fate of Islamic legal structures within the new colonial
space. The term, entangled legal formation, is a major contribution of my dissertation research
project. The term was inspired by the studies of entangled history and imperial formations to ex-
amine how law is formed in colonial settings. This term shows that law is a process in which old
judicial systems can impact new judicial systems in terms of legal personnel, procedure, and
precedent. Throughout this research project, I realized that entangled legal formations, however,
do not occur only in colonial settings. Rather, they are characteristic of any society, especially
one that is in constant interaction and exchange with diverse groups within or adjacent to that
society. A great example of entangled legal formations in non-colonial spaces is the legal situa-
tion that existed in the Crimean khanate (Chapter 2). For its applicability in both colonial and
non-colonial space, the concept of entangled legal formations is a useful theoretical lens in ex-
amining how legal traditions around the world have been formed and shaped by the cultures and
practices that come to impact them either through indirect processes of cultural and intellectual
exchange or through forced and direct interactions such as colonialism, conquest, and domina-
tion. The fundamental idea is that through entangled legal formations not only the existing legal
tradition is impacted by such interactions but also that the new subject that enters the interaction
becomes impacted by that exchange and encounter.

The Crimean legal structure was a mosaic of numerous Russian courts associated with
every possible sphere of its diverse society. Such diversity suggests that the reduction of the
Sharīʿa legal authority and other legal and religious innovations dating to 1787 did not abolish
legal pluralism in favor of state-centered uniformity of legal practice. The introduction of various
administrative and legal institutions in 1787, rather, signaled the production of state-sanctioned
legal pluralism, which was a common practice in other European colonial empires around the same time. As Russian law and institutions were introduced and developed in Crimea, the local Muslims also began to utilize Russian legal structures. The use of Russian courts by local Tatars strengthened the connections and entanglements between the two communities (the local native community and the Russian imperial agents and colonists) that did not exist in the past. Crimea as a place and an experience brought the empires into closer communication and interaction with local traditions. In order to successfully govern Crimea, the Russian Empire had to understand local traditions and incorporate them into imperial practice. Even in the context of state-sponsored pluralism, land dispute court cases suggest that Russian courts and their practices were still being informed by and referenced back to the khanate, which was inevitably connected to Ottoman and Islamic traditions. The court cases examined in this dissertation unravel how the Russian Empire did not only draw on Western colonial practices and concepts for solution in governance, but also on those of Crimean khanate and the Ottoman Empire.
Bibliography

Archival Collections

**RGIA**
- fond 1239
- fond 1286

**RGADA**
- fond 1
- fond 5
- fond 16

**RGVIA**
- fond 52
- fond 1239

**OR RNB**
- fond 917
- fond 1240

**BOA**
- KK. d., 7535
- IE. HR, 854
- C. EV 1660
- C. MTZ 1-37
- HAT 23/1108
- AE.SABH.I 16-1455

Published Documents and Document Collections


280


--------- “Pis’ma Ekateriny II-oi k Baronu Grimmu.” Russkii Arkhiv 2 (1878): 129-161.


Mordvinov, N.S. “Mneniye otnositel'no Kryma,” Russkaia Starina vol. 5, issue 2, 1872 (February): 199-214


Nikol’ski, P.V. Opisaniye senatskikh del Istoricheskogo arkhiva Tavricheskoy uchenoy arkhivnoy komissii. Simferopol’: Izdaniye Tavricheskogo gubernskogo zemstva, 1917.


Trott, F. Memoirs of the Baron de Tott on the Turks and the Tatars. London, 1785.


Published Cartographic Materials


Secondary Sources


--------------. “O musul’manskom dukhovenstve i upravlenii duk- hovnymi delami musul’man v Krymu posle ego prisoedineniia k Rossii.” ITUAK 51 (1914), 207–220.


284


Biarslanov, Murat Bey (trans.). “Firman Muhammeda IV Mitropolity (Krimskomy) Davidu, posledovavshii v 1062 gody ot hidzri (v 1652 gody Khr. let).” *ITUAK* 7 (1889), 81-82.


Bronevskiy, M. *Istoricheskiya vypiski o snosheniyakh Rossii s Persiyeu, Gruziiye i voobshche s gorskim narodom, na Kavkaze, vedushchimi so vremen Ivana Vasil'yevicha donyne.* RAN. Institut vostokovedeniya SPb, 1996.


Dal’, Vladimir Ivanovich. *Tolkovyĭ slovar’* (Dictionary of the Russian language by Dal), key term “shert’.”


Deringil, Selim. "‘They Live in a State of Nomadism and Savagery’: The Late Ottoman Empire and the Post-Colonial Debate." *Comparative studies in society and history* 45.2 (2003): 311-42.


Hughes, Lindsay. *Russia in the Age of Peter the Great*. New Haven, Conn.: Yale University Press, 1998.


--------------. “Ghazi Giray II.” *EI2*.


Kırımlı, Hakan. "Emigrations from the Crimea to the Ottoman Empire during the Crimean War." *Middle Eastern studies* 44.5 (2008): 751-73.


Kirmse, Stefan B. *The Lawful Empire: Legal Change and Cultural Diversity in Late Tsarist Russia*. Cambridge, United Kingdom : Cambridge University Press, 2019.


295


Levashev, Pavel. Kartina ili opisanie vsekh nashestvii na Rossiiu Tatar i Turkov, i ikh tut branei, grabitel’stv i opustoshenii, nachavshihisya v polovine desiatago veka i pochti bezpreryvno chrez vosem sot let pro- dolzhavshihisya. Sanktpeterburg, 1792.


Markov, E. *Ocherki Kryma: Kartiny krymskoi zhizni, i prirody* (Saint Petersburg: Tip. Tovarishchestva M. O. Vul’f, 1884.


Mikhail, Alan and Christine M. Philliou. "The Ottoman Empire and the Imperial Turn." *Comparative studies in society and history* 54.4 (2012): 721-45.


Rudaya, “Catherine II and the formation of higher medical education in Ukraine” in *Catherine the Great: the Epoch of Russian History*.


Smirnov, V.D. Krymskoe Khanstvo pod verkhovenstvom Otomanskoj Porty do nachala XVIII veka. Sankt-Petersburg, 1887.

----------. Obraztsoviye proizvedeniya osmanskoj literatury v izvlecheniyakh i otryvkakh. Saint Petersburg, 1903.


----------. "Social Fields, Subfields and Social Spaces at the Scale of Empires: Explaining the Colonial State and Colonial Sociology." The Sociological Review (Keele) 64.2 (2016): 98-123.


----------. "Considerations on Imperial Comparisons." In Empire Speaks Out: Languages of Rationalization and Self-Description in the Russian Empire, edited by Gerasimov, Uya, Jan Kusber, and Alexander Semyonov, 33-56. Leiden; Brill: 2009.


Zavadovskii, A. G. *Sto let zhizni Tavridy, 1793–1883.* Simferopol, 1885.


