Cahiers du
MONDE RUSSE

Cahiers du monde russe

Russie - Empire russe - Union soviétique et États
indépendants

45/3-4 | 2004
Varia

Vladimir O. Bobrovnikov, Musul'mane Severnogo Kavkaza

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Electronic version

URL: <https://journals.openedition.org/monderusse/4221>

DOI: 10.4000/monderusse.4221

ISSN: 1777-5388

Publisher

Éditions de l'EHESS

Printed version

Date of publication: 1 July 2004

Number of pages: 747-749

ISBN: 2-7132-2009-2

ISSN: 1252-6576

Electronic reference

Allen J. Frank, "Vladimir O. Bobrovnikov, Musul'mane Severnogo Kavkaza", *Cahiers du monde russe* [Online], 45/3-4 | 2004, Online since 03 June 2009, connection on 03 September 2022. URL: <http://journals.openedition.org/monderusse/4221> ; DOI: <https://doi.org/10.4000/monderusse.4221>

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Vladimir O. BOBROVNIKOV, **Musul'mane Severnogo Kavkaza : obyčai, pravo, nasilie. Očerki po istorii i etnografii prava Nagornogo Dagestana** (Les musulmans du Caucase Nord : coutumes, droit, violence. Essais d'histoire et d'ethnographie du droit du Caucase Nord). Moscou, Vostočnaja literatura RAN, 2002, 367 p.

- 1 In his excellent monograph, Moscow-based scholar Vladimir Bobrovnikov sets before himself the task of examining the evolution of legal culture among the Muslims of the North Caucasus, with particular emphasis on Northern Daghestan. Chronologically his work extends from the eighteenth century down to the current period, resulting in a highly informed and instructive examination of North Caucasus legal culture. His sources include Russian archival documents and extensive ethnographic fieldwork in the North Caucasus, including the Daghestani Avar language. However, it is his use of Islamic, specifically Arabic, sources that is particularly impressive (it needs to be pointed out that there are still many “specialists” on the Islamic history of Russia, both in the West and in Russia, who neglect Islamic sources). Bobrovnikov examines a wide range of Arabic sources, such as compendia of customary law (*adat*), epigraphy, and legal documents, most of them unpublished manuscripts.
- 2 The monograph addresses Muslim legal culture in the North Caucasus by focusing on two related phenomena. The first section of the book addresses the institution of “*abrek*” banditry among the North Caucasus highlanders in the nineteenth and twentieth centuries. Bobrovnikov examines the genesis of banditry in the North Caucasus in five separate chapters. He analyzes the cultural background of banditry, suggesting that it became a “tradition” largely as a political and especially cultural response to the Russian conquest of the region in the eighteenth and nineteenth centuries, and especially the

heavy-handed Russian attempts at pacifying the highlanders. Bobrovnikov examines the transformation of the conception of the term “*abrek*”, from a customary legal term (similar in many respects to the medieval Icelandic conception of outlawry, that is, expulsion from one’s native community), to the more generic term of “criminal,” largely informed by Russian imperial legal conceptions, which eventually were adopted by the highlanders themselves in their evaluation of *abrek*. As Russian administration of the region became more intrusive over the course of the nineteenth century, the line between acts of blood revenge (that had been formerly sanctified by local customary law) and outright criminality became blurred in both highlander societies and in the view of the Russian imperial authorities. Thus, the distinction between socially legitimate violence and outright criminality became difficult, if impossible, to determine. The author also examines how increasingly criminalized acts such as blood feuds and raiding were also addressed in local Islamic *shari’a* courts, where tensions arose between the norms of *shari’a*, which typically condemned such activities, and the need for Muslim jurists to balance customary legal norms with those of the *shari’a*.

- 3 Touching upon more recent history, Bobrovnikov successfully deploys informed and original arguments to examine the terrible violence that has occurred following the collapse of the Soviet Union, and that continues to occur in Chechnya today. He places the Chechen wars of the 1990’s in the context of the regular reemergence of *abrek* banditry at times when central authority in Russia was weakened or collapsed, specifically the war and rebellion of 1877, the 1905 Revolution, the Civil War, the Second World War, and the 1990’s.
- 4 The second part of the book addresses customary law (*’adat*) and Islamic (*shari’a*) courts during the turbulent era of the eighteenth and nineteenth centuries. Bobrovnikov dispenses with the ethnographic evolutionist approach to the phenomenon of legal practices in the North Caucasus, an approach which emerged in the nineteenth century and is still commonly encountered in Russia both in scholarly and popular publications. Rather, making use of a rich body of local Islamic sources, including *’adat* collection, Shafi’i codices, and inscriptions, he manages to present an informed picture of a highly complex and constantly evolving legal practice among the highlanders in which customary law and Islamic law coexisted and complemented one another. The author also examines the interplay between native legal systems and Russian-derived legal codes, both imperial and Soviet. His attention is especially focused on the village level. Bobrovnikov in fact finds much in common between Russian legal administration and French legal administration in Algeria. He is also interested in how competing ethnographic schools of thought in Russia influence Russian imperial administration following the Great Reforms of the 1860’s. Whereas Geraci describes the role of evolutionist ethnography in shaping Russian conceptions in nineteenth century Kazan, Bobrovnikov skillfully demonstrates the influence of the same ethnographic conceptions on the North Caucasus highlanders and Russian observers in the twentieth and twenty-first centuries.
- 5 The third part of the book addresses the relationship between Islamic and customary law on the one hand, and Soviet rule on the other. The author demonstrates that Soviet legal reforms and collectivization in the 1920’s and ’30’s in fact strengthened communal legal institution and land holding at the expense of private holdings. Specifically, in the 1920’s, partially as a result of the highlanders support to the Bolsheviks against the Whites in the Civil War, the Soviet authorities recognized *shari’a* courts throughout the

North Caucasus. Similarly, during collectivization kolkhozes were organized largely on the basis of the communities (*jama'at*) legally defined as such by Islamic *shari'a* courts. Curiously, the Soviet authorities, including evidently Stalin himself, sought to replace customary law (which they saw as a legal code favorable to feudal lords), with Islamic law in the North Caucasus, viewing the latter as essentially more in keeping with the interests of the working class. Bobrovnikov sees the same revitalization of Islamic legal institutions following the collapse of the Soviet Union, and he concludes that the emergence of an Islamic insurgency in especially Chechnya in the 1990's could in part be seen as a Soviet legacy.