

## ITTIFĀQ AGREEMENTS IN DAGHESTAN IN THE EIGHTEENTH — NINETEENTH CENTURIES

This article examines the historical and legal content of Arabic-language agreements (Arab. *ittifāq*) in Daghestan. They were a popular genre. Several hundred such documents have survived from the fifteenth — nineteenth centuries; they were drawn up in the communities (Arab. *jamā'āt*) of mountain peoples who inhabit that small region on the outskirts of the Muslim world. The majority date from the eighteenth and first half of the nineteenth century, although they are frequently copies of earlier documents. The primary significance of these legal documents is for the study of the wars, social upheavals, and political and legal reforms in the local Muslim community that began in the sixteenth — seventeenth century and ended with the subjugation of the North Caucasus by Russia and the creation of the so-called military-popular administration (1860—1917).

The sources for the present study were Arabic manuscripts from Highland Daghestan preserved in state, mosque and private archives. The largest collection of *ittifāq* known to us is in the manuscript holdings of the Institute of History, Archaeology and Ethnography at the Russian Academy of Sciences Daghestani Scientific Centre (henceforth IHAE) in Makhachkala [1]. Private and mosque collections were used mainly in the form of materials copied by the author in the 1990s in various Avar and Andi settlements in North-West Daghestan, primarily in the Tsumadin region, where numerous large manuscript collections have survived [2]. Moreover, this study analyses *ittifāq*-genre Arabic inscriptions of a historical and legal nature from central and southern Daghestan.

Only a handful of Daghestani contracts were published in Russian translation (in rare cases together with the Arabic originals) in the 1950s—80s. The Daghestani historians M.-S. J. Saidov and Kh.-M. O. Khashaev, and legal scholar A. S. Omarov made great efforts to select and publish them [3]. In 1999, one of the best specialists on Arabic-language medieval Daghestani literature, T. M. Aitberov, published in Makhachkala Arabic texts and an annotated Russian translation of several dozen agreements from the eighteenth — nineteenth century [4]. But neither his collection, nor earlier publications, analyses the *ittifāq* genre and its characteristics in the North-East Caucasus in the late-medieval and modern period. Our predecessors limited themselves to the archaeological description of manuscripts.

What are these agreements? Before the region was integrated into the legal realm of the Russian Empire, they

were the main type of normative legal document for the local Muslim communities. They established legislative and judicial norms that combined elements of local customary (*rasm*, *'ādāt*) law and Muslim law (*fiqh*, *shar'*) of the Shāfi'ī school, which predominated in the North-East Caucasus from the Middle Ages onward. Hence, these agreements should not be seen as texts of Daghestani *'adat*, an error of most scholars who have written about *ittifāqs* [5]. They should instead be considered examples of local communal law. It is no accident that the genre's name comes from the Arabic verb *ittafaqa* 'they agreed, came to an agreement', the words that usually opened laws passed at village gatherings of the Muslim community.

One can identify four main levels on which these agreements were concluded: clan (general Dg. *tukhum*, And. *ghay*, Avar. *tlibil*, in Arab. translation *qabila*) or neighbourhood (*mahall*, *jamā'a*), community (*qarya*, *jamā'a*), union of communities (Avar. *bo*, And. *iha*, in Arab. translation *jaysh*, *nāhiya*), and, finally, the overall union of communities, or khanate (*wilāya*), ruled by a hereditary military leader, the khan, bek, *nutsal*, etc., who is called *amīr* or *sulṭān* in the texts. Using a concept that was introduced in the 1970s by the American researcher S. F. Moore and has since gained acceptance in the field, one can call these levels *semi-autonomous social fields* [6], which are understood as social spaces capable of developing their own relatively autonomous systems of law and norms of conduct.

The first type of agreement is a rarity. Among published agreements we find the decision by inhabitants of the village of Machada in 1178/1764—65 about the Darchulal *tukhum's* shift to the protection of the Khunzakh's lineage (*qabīlat Qhunderilal*) and the agreement of the Samilaq quarter (*jamā'a*) (of the village of Khunzakh) from 1239/1842 [7]. Typical examples of this second type of *ittifāq* can be seen in resolutions of the Usisha village written on the last page of an Arabic dictionary copied in 1077/1666—67, the agreement of the Assab ('*īs*) village of 1154/1741—42, and the agreement between members of the Akusha *jamā'at* from 1162/1748—49 [8]. The third level is represented in agreements published by Kh.-M. O. Khashaev. Some of them come from the union of Keleb villages in the seventeenth — eighteenth century; besides, there are contracts of the Ratlub village with Gidatl union of village communities and of the Akhvakh confederation with the village of Ratlub from 1070/1659—60