

The Robbing of the Property of the Madrasas in Samarkand by the Russians.

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Abstract

This article explores the confiscation of waqf and the financial weakening of the waqf supported madrasas of Samarkand following the Russian occupation of 1868. It describes how colonial reforms of taxation and administrative control over khiraj and tanob, were detrimental to the traditional Sharia based waqf system and resulted in economic constraints for religious educational institutions. While waqf revenues support mosques, schools and madrasas, few studies meticulously reconstruct how certain taxation decisions, such as property seizures, materialised through state legislation and archival practice in the Zarafshan district.

This study employs qualitative historical methodology based on archival document analysis, supplemented by source criticism and comparative legal interpretation, with source criticism and comparative legal interpretation respectively used to analyze collected documents from the National Archives of Uzbekistan. The chronology of policy shifts tentatively outlined in the first paragraph traces Kaufman's 1868 taxation measures and the 1870 announcement, to the more formally institutional regulation in the 1886 "Regulation on the Administration of the Turkestan Region."

The results illustrate that, in Russia, the authorities intentionally distanced the waqf courts from the direct administration of their incomes, introduced tax regulations inconsistent with the expression of will in the waqf deed, expropriated documentation related to waqfs, and diverted the revenues from madrasas, caravanserais and other waqf properties to the state treasury. For instance, the case details the confiscation of property belonging to the Yusufboy madrasa and the diversion of profit generated from previously protected income streams.

These results indicate that extracting revenue was not their only purpose, but that the gradual undermining of Islamic institutional sovereignty and local autonomy was also a key goal. Using the case of Samarkand, the article asserts that waqf property policy was a primary colonial mechanism for economic domination, cultural control, and the foundation of a colonial indifference to the future of traditional educational infrastructure.

Keywords: Samarkand, waqf properties, mutawalli, Nizam, khiraj, tanob, Kaufman, Gippius.

1. Introduction

After the occupation of Samarkand by the Russian army in 1868, the measure, which declared that the "khiraj" and "tanob" taxes payable to religious courts would be one-fifth (5/1), applied only to waqf lands [1]. The tax paid to the state treasury was left as it was. This measure contradicted the Sharia laws and the requirements of the waqf deed. Therefore, the owners of waqf property and the beneficiaries of the waqfs argued that the 5/1 tax for waqf

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courts would not cover the expenses of their schools, mosques, madrasas, and waqf institutions, and that the measure should be determined in relation to the tax payable to the state treasury. However, their requests were not taken into account [2].

In 1868, the mullahs of the Sherdor and Tillakori madrasas, who were already in a difficult financial situation, revolted against the tsarist government's policy of invasion and plunder in Samarkand. The mullahs of the madrasas who fought against the invaders and demanded their rights were executed by the Samarkand bey [3]. Unfortunately, no detailed information about this uprising has been preserved. By 1870, before General Kaufman's invasion of Khiva, the original nobles and qazikalons of Samarkand were summoned to Jizzakh. At the same time, Kaufman announced that the amount of the khiraj tax paid by the local population had been set at 10 to 1 (10/1) by order of the emperor [4]. When the people of Samarkand learned of Kaufman's above-mentioned measure, the mutawalli and the owners of the waqf property again appealed to the government. Considering that this would put the waqf courts in a difficult situation, they requested that the tax be reduced to one-fifth (5/1) as before. However, their request was also rejected.

2. Research Method

Utilizing a qualitative historical research design grounded in archival document analysis, this study explores the state-led seizure and redistribution of waqf properties in Samarkand following the Russian occupation in 1868. The methodology is based mainly upon the systematic review of original archival materials archived in the National Archives of Uzbekistan, such as фонд, опись, дело and лист references, which demonstrate direct taxation decisions, administrative correspondence with regard to taxation and records of waqf property transfers. The following archival sources are assessed via a source critical approach; specifically, by assessing authorship, administrative aim, and historical context, this analysis aims to reduce bias and differentiate between official legal claim versus lived colonial practice. Comparative legal analysis is also applied as the juxtaposition of the Russian colonial practices on the management of khiraj, tanob, and waqf with pre-existing Sharia norms and waqf deeds can reveal contradictions between religious legal obligations and imperial policy. Likewise, both methods of chronological reconstruction are used to follow the trajectory of policy shifts from 1868 through the 1870s and the later regulatory framework codified in the 1886 "Regulation on the Administration of the Turkestan Region" and eventually demonstrate an incremental institutionalization of state appropriation of waqf revenues. Thematic content analysis is then applied to identify key themes, including fiscal pressure, administrative coercion, expropriation practices, and religious institutional erosion [5]. The approach situates conclusions in legal and textual terms, grounded in documented transactions and official decisions, as opposed to narrative inferences, through the integration of archival evidence and contextual and legal interpretative measures.

3. Result and Discussion.

As if the above measures were not enough for the colonists, by 1872 the Yusufboy madrasah in Samarkand and its 22 cells and 470 tanobs of land were seized by the invaders and turned into a city hospital. As a result, the endowment income belonging to the madrasah was 300 tanga - 60 soums - taken for the benefit of the state [6]. This madrasah was actually founded by Yusufboy, and 450 tanobs of land were allocated for the madrasah in the village of Bakhshitepa and 20 tanobs in the village of Qazi-Kurgan. With the conversion of the

madrasah into a hospital, the endowment lands were also seized by the colonists [7]. As a result of leasing this endowment land by the administration of the Turkestan Governorate-General, a rent of 260 soums was received. By 1873, a profit of 302 soums and 26 tyns was received from this endowment land.

The mutawalli in the waqf court had 26 soums in 1872 and 30 soums and 22 ts in 1873. The funds received were to be spent on educational work. However, the waqf court itself did not exist here, only its land existed. Of course, the tsarist government did not need the local people to learn and become enlightened, and it was easier to control and exploit the illiterate people. It was for this purpose that the waqf property of the Ulugbek madrasah in the bazaar, which was bringing in 600 soums a year, was organized for the benefit of the state at the time of the capture of the city of Samarkand [8].

Tsarist Russia had started this process earlier, in 1869, and according to the instructions of the then head of the Zarafshan district, the income from the waqf properties, such as caravanserais, baths, mills, and stalls, was also transferred to the state treasury [9]. They used various excuses for this, namely, the lack of students in the madrasahs, and the fact that there was no education in the madrasahs after the city fell into Russian hands. In fact, all this was carried out by the tsarist government with foresight. The fact that the documents of most waqf courts were collected by the tsarist government in 1870 and were not returned to their owners until 1879 and even after that is a clear proof of our opinion. It is clear from this that by confiscating the foundation documents, the tsarist government also deprived these courts of the evidence they had in their possession.

On March 25, 1867, General Kaufman developed a draft law on the administration of the Syrdarya and Yettisuv regions [10]. Article 295 of this draft directly relates to endowment properties, which states, among other things, that "After reviewing the endowment documents relating to lands in the regional administrations, they are divided into those exempts from taxes and those not exempted in accordance with the existing procedure. The newly established endowment courts must pay taxes and property taxes on a general basis." This single article, adopted, led to a different attitude towards the endowment courts in the administration of the tsarist government. In the years that followed, the administration of the Turkestan General Governorate under the leadership of General Kaufman prepared the Regulation "On the Administration of the Turkestan Territory," which was approved by the tsarist government in 1886.

In the "Regulation on the Administration of the Turkestan Region", Articles 265-266-267, 286, 289 and 299 directly related to the issue of endowments [11]. Article 265 of this "Regulation" states: "The endowment properties that are part of rural communities and are recognized by the government and inhabited by the population shall be left at the disposal of the population of that community in accordance with Articles 255-261, 263 and 264. The properties of the "endowment generation" that are not inhabited by the population recognized by the government shall be left at their disposal until the end of this generation." Article 266: "New endowment courts shall be established only with the special permission of the Governor-General." Article 267: "The approval of endowment documents, their management and control of endowment income, as well as their audit shall be the responsibility of the Regional Administration." "Initially, the inspection of waqfs and the determination of their rights shall be entrusted to the temporary land tax commission." Article 286: "If the income received in waqf documents is designated for a mosque, school or other institution, the state shall not levy taxes." "Newly established waqf documents shall not be exempt from taxes." Article 289: "Non-

resident waqfs, part of whose income under waqf documents is allocated to a school, madrasa, mosque or other private individuals, shall pay the state the amount allocated from their income to the waqf court." As can be seen from the above evidence, the waqf courts, which had previously been fully supported during the reign of the emirs and khans, were deprived not only of their previous care, but also of their rights and property during the reign of the tsarist government [12].

This is what its prominent colonel Gippius said about this measure of the tsarist government: "By offering our mediation and promising a lot on paper, the direct contact of the foundation courts with the tenants living on the lands of the foundation courts or with the people in general was immediately stopped, and the amount demanded from the treasury by the foundation courts for their initial real dissatisfaction with the taxes or the privileges granted was returned [13]. However, in order to completely settle this issue, it was required to submit all foundation documents by July 1, 1887, and those that were not submitted were declared invalid." Despite this, 90% of the submitted documents were not considered, and of the remaining 10%, only a part of them was recognized by us as an exception. All the foundation courts that trusted us and presented their legal arguments were ultimately deprived not only of their previous income under Russian rule, but also, legally speaking, of their right to operate in the future.

1. Because of this mood, the government has been delaying the verification of the collected waqf documents. This has led to chaos in the work of the waqf courts. Of course, at first glance, these laws and regulations seem perfect. However, the rights, feelings, traditions, and national values of the local people were being violated [14]. The Regulation, prepared under the leadership of General Kaufman and revised several times, was approved only in 1886, when it coincided with the goals of invasion and plunder of Tsarist Russia. It is worth noting here that changes were made to the issue of waqf properties in this Regulation from year to year. By 1887, General Shpisbergornyi Arendarenko was appointed governor of Samarkand. After that, the waqf properties were reviewed again and the rooms of the Sherdor and Tillaqori madrasas, which were confiscated by the Russian government in 1873, were returned to their owners. Seeing this truth, the owners of the waqf properties and the mutavvalis asked the regional governor Arendareko to re-measure their lands, saying that the "Volost" administrators were using the waqf income due to their position [15]. However, in response to their request, he openly told the mutavvalis and the waqf property owners that he was also aware that the waqf courts were actually collecting a lot of taxes from their lands, and that no order had been given to measure the lands a second time.
2. It is clear from this that the Turkestan Governor-General was forcibly breaking off relations between the waqf court and the local population, even going beyond the law.

4. Conclusion.

In conclusion, it should be said that the first goal of eliminating the waqf courts was to take possession of the wealth under their control, and the second was to weaken the representatives of the Islamic religion financially, destroy their authority among the people, and in this way to forcibly introduce Christian-Russian traditions, language and culture instead of Muslim traditions and culture. They also wanted to strengthen the influence of the Russians in this country and turn the local population into their obedient slaves. The invaders achieved their goals, although not completely, that is, most of the waqf properties were declared the

private property of the population. Over the years, a certain part of the population also began to recognize these lands as their private property. Of course, the first reason for this was that these lands were passed down from generation to generation as inheritance, and the second and main reason was that the lifestyle of the local population became difficult as a result of the excessive taxes imposed by the invaders. However, the colonialists could not completely subjugate the waqf courts. Their attempts to teach Russian in madrasas and gradually transform these institutions into Russian-style schools for adults also did not yield any results, or, to put it another way, the local population did not want this, which is why the waqf courts survived until 1917 and even after, and under the leadership of representatives of the Islamic religion, they resisted the invaders' policy of Russification of the local population and the elimination of scientific institutions.

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