

# Legal Basis for the Functioning of Confessional Schools of Muslims in the Middle Volga Region in the Post-Reform Period

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**Abstract.** The article analyzes the legal foundations of state policy in relation to confessional schools of Muslims in the inner provinces of Russia in the second half of the 19th - early 20th centuries. In accordance with this, the goals and essence of such fundamental documents as the Rules “On measures for the education of foreigners inhabiting Russia”, “Rules on the establishment of an educational qualification for clergy of the Mohammedan confession in the district of the Orenburg Spiritual Assembly” are considered in detail. Attention is paid to the attempts and features of establishing control by state bodies over the mektebe and madrasah. The mechanisms of their implementation and the attitude of the Muslim population towards them are shown.

## 1 Introduction

The scientific problem presented in the article has long and firmly been the object of study by domestic and foreign researchers. The works of pre-revolutionary authors can be divided into two groups. The first one, of a conservative-protective orientation, is represented, first of all, by the works of missionaries and a number of officials [1-3]. They influenced the formation of appropriate approaches to the Muslim Tatars of the central authorities and the public. In the works of the liberal-democratic direction, there are attempts to objectively and critically analyze certain aspects of the life of the Muslim Tatars [4-7].

In the Soviet period, the problem under study could be interpreted only from the point of view of criticism of the autocracy, as well as the national (in this case, the Tatar-Muslim) bourgeoisie and the clergy. Such an approach to the coverage of this problem by Soviet historians, however, does not reduce the scientific merit of their works [8–11]. For example, they present rich factual material.

The perestroika years and the post-Soviet period were characterized by the liberation of the domestic humanities from the ideological dogmas of the Soviet era, the emergence of historians' access to previously closed archival documents, and the use of new approaches in interpreting past events. All of the above aspects were characteristic in the analysis of the history of the scientific problem under consideration [12-14].

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Foreign historiography has developed its own specific traditions and approaches to the study of the legal status of the Muslim Tatars in the post-reform period. They were largely due to the originality of political, ideological and socio-cultural conditions, which, of course, was reflected in the interpretation of historical sources, assessment of events and processes[15-19].

## 2 Research Methodology

The methodological basis of the work was general scientific methods - analysis and synthesis, as well as private scientific methods - formal legal and comparative legal. The use of these methods made it possible to reveal the stated topic and identify certain patterns in the development of legal and legal norms of the Russian state in the field of functioning of confessional schools of Muslims of the Middle Volga region in the post-reform period.

## 3 Results and Discussions

Bourgeois-democratic transformations of the 60-70s. XIX accelerated the development of capitalism and created the conditions for the formation of civil society. This actualized the need to expand literacy and spread the Russian language as a universal communication tool, including among Muslim peoples.

Along with an approach that linked school policy to the needs of a developing bourgeois society, one should take into account the imperial nature of the Russian state. By the second half of the XIX century. along with the traditional elements based on the preservation of the socio-political stability and external security of the state, in the imperial policy there was a tendency towards administrative and cultural unification [20]. This implied more active intervention by the authorities in the life of indigenous peoples, including Muslims, and their integration into the Russian sociocultural space, in which the cultural characteristics of the peoples were seen as obstacles to unification.

The key positions of school policy towards non-Russian peoples were outlined in the Rules "On Measures for the Education of Non-Russians Living in Russia" approved by Alexander II on March 26, 1870. According to them, the assimilation of Muslim peoples was to be carried out only through the spread of the Russian language through Russian-Tatar schools and Russian classes at the mektebe and madrasah. Russian-Tatar schools were financed from public funds. Russian classes at the mektebe and madrasah were proposed to be opened at the expense of the Muslim communities. Attendance at these classes was mandatory for all students of the mektebe, as well as for students under the age of 16 in the madrasah. Without a Russian language teacher, the opening of new confessional schools was prohibited. Russian-Tatar schools and Russian classes at the mektebe and madrasah were subject to the control of inspectors of public schools [21]. Subsequently, control over the Russian-Tatar schools was entrusted to a special inspector of the Tatar Bashkir and Kirghiz schools.

The positions of teachers of Russian-Tatar schools and Russian classes at Muslim schools "until such a time as there are a sufficient number of people among the Tatars who thoroughly know the Russian language" [22], could be occupied by Russian teachers who knew the Tatar language. Later, the Kazan Tatar Teachers' School was established to train teaching staff from among the indigenous peoples.

The "Rules" of March 26, 1870 predetermined the need for the subordination of Muslim educational institutions to the management of the Ministry of Public Education (hereinafter referred to as MNP). The fact is that the accountability of the mektebe and madrasah and their teachers - mullahs to the Orenburg Mohammedan Spiritual Assembly (hereinafter - OMDS), acted as a deterrent in the organization of Russian classes at confessional schools, control over their activities, due to the fact that the decisions of the MNP bodies did not

were mandatory for them. OMDS, in turn, did not have the right to hold them accountable for opposing the establishment of Russian-Tatar educational institutions. The transfer of Muslim schools to the MNP made it possible for the educational department to make decisions independent of the OMDS and the Ministry of Internal Affairs (hereinafter referred to as the Ministry of Internal Affairs).

Based on this, the Minister of Public Education D.A. Tolstoy, having received preliminary approval from the Ministry of Internal Affairs, in March 1874 submitted the issue of transferring Tatar, Bashkir and Kazakh schools to the MNP for consideration by the State Council. When discussing the project in the State Council, the question arose: is it legal to subordinate the Muslim schools, which were financed from the private funds of the Muslim community, to the educational department [23]. But the members of the State Council came to the conclusion that all educational institutions should be under the control of state power, exercised primarily by the MNE, and the confessional nature is not the reason for the exclusion of Muslim schools from this procedure. Moreover, the teaching of the Muslim religion, which forms a certain worldview and covers all aspects of public and private life, should not have been left without state control. Also, statesmen were alarmed by the fact that the educational practice of the madrasah was not limited to the study of religion and included other disciplines.

Members of the State Council supported the project of transferring to the management of the MNP all existing, "as well as subsequently open foreign schools and colleges: Bashkir, Kyrgyz (Kazakh - Ch.S.) and Tatar, under various names (including mektebe and madrasah), containing from the treasury or local funds" [24]. Persons engaged in private teaching activities were also subject to the control of the bodies of the MNE. The decree of the State Council, having received the approval of the emperor on November 20, 1874, extended to the Ural, Turgai regions, the Inner Kirghiz Horde; acted in the Nizhny Novgorod, Kazan, Simbirsk, Samara, Saratov, Astrakhan, Penza, Vyatka, Perm, Orenburg, Ufa provinces.

But before the adoption of a special instruction aimed at regulating the procedure for managing Muslim educational institutions, direct observation of the mektebe and madrasah was prohibited. The preparation of the instruction was entrusted to the management of the CMO. On December 28, 1874, the project prepared in the administration of the KUO was sent to the MNP, which, after agreeing it with the Ministry of Internal Affairs, in May 1876 submitted it to the Committee of Ministers for consideration. According to the decision of the Committee of Ministers, the ratification of the instruction was entrusted to the Minister of Public Education, however, only after the proper conclusion of the Ministry of Internal Affairs, which, in turn, should have been based on the relevant reviews of the administrations of the territories inhabited by Muslims. In accordance with this, the draft instruction was sent for conclusion to the heads of the Kazan, Vyatka, Simbirsk, Samara, Saratov, Astrakhan, Penza provinces and the Orenburg Governor General. Based on their feedback, on June 3, 1881, the Ministry of Internal Affairs informed the MNP that the instruction in its present form could initiate unrest among the Muslim population. It is possible that the mass protests of the Tatar peasants of the Kazan province in 1878 - 1879, caused by the "Instruction for rural communities to fulfill the duties assigned to them by law" dated January 27, 1878, had a decisive influence on the above conclusion of the Ministry of Internal Affairs [20]. However, in 1881, A.P. Nicolai believed that it was inconsistent and premature to establish requirements for Muslim schools similar to Russian educational institutions, accustomed to the corresponding procedure. The innovations could be interpreted by the mullahs as a restriction of their rights in the field of religious education of parishioners, and "mullahs deprived of freedom of action in Muslim schools will arouse complaints and grumbling among the Muslim population, and perhaps even open resistance" [25]. Based on this, A.P. Nicolai recommended, refraining from issuing instructions, to start monitoring Muslim schools. The observation should have boiled down to the fact that officials of the educational department were obliged to "visit schools with

due care, delve into their situation and structure, collect statistical data about them, give verbal advice where possible, without making any mandatory requirements” [25].

The visits to confessional schools by officials of the educational department were aimed at solving two problems. First, it was supposed to gradually inculcate in Muslims the idea of accountability of their schools to the educational department. Secondly, the collection of information was necessary to form an objective picture of the functioning of the mektebe and madrasah, which, in turn, should have helped to draw up instructions for monitoring them in the future. The above proposals of the Minister of Education, having received the approval of the Committee of Ministers, February 5, 1882 were approved by Alexander III.

At the same time, the educational department took, at first glance, a step that did not correspond to the logic of previous measures and decided to eliminate the position of inspector of Tatar, Bashkir and Kyrgyz schools in the Kazan educational district, who was the most trained official to oversee the mektebe and madrasah. According to officials, the maintenance of Muslim educational institutions under the direction of a special inspector stimulated and maintained in them a “conscience of separateness.” Supporting these arguments, the highest approved on November 27, 1889 by the decision of the State Council, the position of inspector of Tatar, Bashkir and Kirghiz schools was abolished. As a result, Muslim educational institutions came under the control of directorates of public schools. On June 30, 1892, the MNP clarified in a circular that the opening of a mektebe and a madrasah could only be carried out with the permission of the directors of public schools.

The authorities were of the opinion that religious fanaticism among Muslims was initiated and supported by the clergy. The introduction of the spiritual elite to Russian culture through the development of the Russian language was supposed to convince them, and through them the entire Muslim population, of the superiority of the “Russian civilization” and promote their assimilation. In this regard, state measures in relation to the Muslim clergy were aimed at introducing an educational qualification.

The idea that candidates for spiritual positions should be fluent in Russian received legal formalization in the highest approved journal resolution of the Council of the Minister of Public Education of February 2, 1870, which, however, did not set a deadline for innovation, leaving it to the preliminary approval of the MNP and the Ministry of Internal Affairs.

The transfer of Muslim educational institutions to the MNE has actualized this issue. It was believed that the establishment of an educational qualification was supposed to weaken the opposition of the mullahs in the organization of Russian-Tatar schools, Russian classes at Muslim schools, help increase their number and attract the clergy of a new generation to teach Russian in them. In this regard, D.A. On May 14, 1877, Tolstoy submitted to the State Council a draft law “On measures to spread Russian education among foreigners - Mohammedans.” According to it, from January 1, 1878, teachers of Muslim schools and applicants for spiritual positions were required to be able to write and read in Russian, and from January 1, 1880, knowledge of the course of Russian classes at the madrasah. These measures extended to the territories inhabited by Muslims, with the exception of Siberia, Turkestan, the Caucasus and Transcaucasia. But the members of the State Council, recognizing the correct position of the MNP, nevertheless refrained from introducing an educational qualification for the clergy. The main reason that the authorities did not dare to implement the noted measures was the Russian-Turkish war (1877 - 1878). State officials feared that any restrictive measures could provoke unrest among the Tatar population of Crimea and the Volga region.

The relative socio-political stability in the country during the reign of Alexander III allowed the authorities to bring to their logical conclusion the legislative initiatives concerning the Muslim clergy. On July 16, 1888, the “Rules on the establishment of an educational qualification for clerics of the Mohammedan confession in the district of the Orenburg Spiritual Assembly” were approved, which came into force in 1891. According to

the document, knowledge of the Russian language in the amount of one-class elementary public school; the place of the rural mullah is the possession of Russian colloquial speech and the ability to read Russian. To obtain a certificate confirming the required level of knowledge, tests were carried out at urban educational institutions. Graduates of educational institutions meeting the requirements of the law were approved for religious positions without exams.

State in the 90s 19th century took steps to regulate the internal organization of the mektebe and madrasah. Arguing that in Muslim schools, among the educational literature, there were handwritten books propagating ideas “hostile to Russian state principles”, and people from Bukhara, Persia and other Muslim countries who “hinder the spread of the Russian language” were engaged in teaching, MNP, by prior agreement with the Ministry of Internal Affairs, on July 10, 1892, sent a circular to the trustees of the Kazan, Moscow, Orenburg educational districts, prescribing the observance of the following requirements for confessional educational institutions. Firstly, only printed books approved by Russian censorship were to be used in the mektebe and madrasah. Thus, Muslim schools were subject to the requirements that applied to other primary educational institutions subordinated to the MNE, and this, in turn, was an element of unification of management. Secondly, only Russian citizens who had received education in Russia could be allowed to teach [21]. In general, these orders were aimed at limiting the possibilities of traditional educational institutions.

The circular caused unrest among the Tatar population and numerous petitions for its cancellation. A special meeting in 1894, devoted to the use of printed and handwritten textbooks in Muslim confessional schools, decided that, despite the fact that the order on printed books should remain in force, handwritten textbooks were allowed in Muslim schools. In 1895, the MNP, having approved a list of books published abroad that were allowed for use in the mektebe and madrasahs, also deviated from the circular requirement to ban non-Russian publications.

At the end of the 19th century, the educational authorities became interested in the sanitary condition of the Tatar confessional schools. By a circular on July 31, 1891, the MNP ordered the leadership of the educational districts to pay attention to the observance of sanitary conditions in the mektebe and madrasah. With this order, the MNP took another step towards extending to Muslim confessional schools the requirements practiced in relation to other educational institutions of the department.

Muslim schools were supported by the parish and philanthropists. The state did not take any part in their financing. Nevertheless, the educational department made efforts to establish control over their material resources and in 1896, through the Ministry of Internal Affairs, ordered that the OMDS send to the administration of the educational districts the cases that came to it about donations at the mektebe and madrasah. In turn, the Ministry of Justice, by circular No. 31088 of October 18, 1896, obliged the chairmen of district, provincial and regional courts, as well as district court prosecutors, to transfer extracts from spiritual testaments made in favor of Muslim schools to the trustees of educational districts [26]. Thus, the existing laws on informing state bodies, which were in charge of the recipients of charitable donations, were extended to the mektebs and madrasahs. This procedure, mainly, was to help the local educational administration to use the funds of the mektebe and madrasah to organize Russian classes under them.

The legislation of the Russian Empire was designed to protect the dominant religion and defend the interests of its supporters. It was forbidden to convert from Orthodoxy to another religion. In an effort to preserve the baptized Tatars in Orthodoxy, the MNP ordered on November 21, 1891, forbade the admission of children whose parents had returned to Islam in the mektebe and madrasah [26].

## 4 Conclusions

Summing up the analysis of the legislative measures of the state in relation to the confessional schools of the Muslim Tatars, it should be said that in the post-reform period in relation to the Muslim peoples, a set of measures was developed to spread general primary education and the Russian language, set out in the "Rules" on March 26, 1870. These tasks were solved through the organization of Russian-Tatar schools and Russian classes at the mektebe and madrasah.

Following the policy of unifying the management of educational institutions, during the post-reform period, Muslim schools were transferred to the management of the MNE. The mektebe and madrasah were subject to requirements similar to the conditions for the functioning of primary public schools (institution, teaching staff, textbooks, sanitary conditions). The introduction of an educational qualification for the Muslim clergy was aimed at creating an additional instrument in their person for the dissemination of the Russian language and culture among the Tatar population.

Legislative measures in relation to educational institutions of Muslims reflected the internal political course of the Russian state, therefore, laws adopted in the 80s and 90s. XIX century, differed in their protective orientation. During the period of foreign political instability, local unrest of Muslims within the empire, the authorities paid closer attention to the schools of Muslim peoples and were careful in making decisions that could provoke their activity.

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