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Islamic legal culture in Uzbekistan

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ABSTRACT

There was a widespread euphoria in the 1990s that introducing Western-style legal institutions and traditions would play a pivotal role in promoting the rule of law and democratization in post-Soviet societies. Like other post-Soviet states, Uzbekistan has become a 'laboratory' for testing various global (Western) good governance and rule of law initiatives. As a result of these interventions, Uzbekistan's legal system represents a peculiar blend of Western and Soviet legal cultures: Western" from the "law in books" perspective (when we analyze its written laws and regulations) and "Soviet" from the "law in action" perspective (when observing how laws are applied and enacted by state institutions and officials). However, one dormant but highly salient legal order overlooked in the literature on Uzbekistan is the legacy of Islamic legal culture. With this in mind, this article explores the legacy and context of Islamic legal culture in Uzbekistan. I argue that the more the focus moves from state-centered understandings of law to ethnographic analyses of everyday life and micro-level social processes and structures, the more it becomes discernible that Islam serves as a legal order in Uzbekistan. These processes will be explored through the ethnographic study of mahallas (neighborhood communities) in Ferghana, Uzbekistan.

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Introduction

The demise of the Soviet Union in 1991 paved the way for a rapid proliferation of West-backed reform initiatives in Asia, Africa, and Latin America, primarily focused on good governance, the rule of law, and democratisation (Ajani 1995, Daniels and Trebilcock 2004, Frasheri 2011, Bromley and Powell 2020). The Soviet collapse was proclaimed by the Western world as a victory for freedom, a final triumph of democracy over communism, and proof of the superiority of legal traditions of Western culture over socialist (Soviet) law based on Marxist-Leninist ideology. There was a widespread euphoria in the 1990s that the introduction of Western-style legal

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systems and governance institutions would play a pivotal role in promoting the rule of law and democratisation in non-democratic regimes (Putnam 1993). It is not then surprising that, over the last three decades, policymakers, international development agencies, law enforcement authorities, civil society organisations, academic researchers, advocacy groups, and individual activists have all produced countless strategies and approaches to modernise (i.e. Westernize) the legal and governance systems of developing countries. This is based on the understanding that law and governance reform was a technical, managerial and financial matter (Carothers 1998, Otto 2008), which, in turn, implies that the export of laws and the transplantation of legal and administrative structures would produce the rule of law and good governance in non-Western societies.

However, despite the unrelenting efforts of international development organisations and the billions of dollars they expended on the rule of law and good governance programmes, the building of Western-style legal and governance systems is proving to be a dauntingly difficult and complex task (Carothers 1998, 2002, Ahmed 2007, Otto 2008, White 2010, Tamanaha 2011, Ikejiaku 2014). Notwithstanding the failure of these efforts, law and development initiatives continue to rely on Western-centric, “one-size-fits-all” approaches that fail to consider the uniqueness of individual countries and the contextual factors and indigenous institutions and traditions that determine the nitty-gritty of everyday life in non-Western societies. Consequently, there has been a growing call to rethink the existing approaches, maintaining that law and governance reform processes in Africa, Latin America, and Asia should be “country-owned” and fit the local social fabric in order to succeed (Yilmaz 2002, Newton 2007, Ahmed 2007, Grajzl and Dimitrova-Grajzl 2009, White 2010, Tamanaha 2011, Drechsler and Chafik 2022). Such an alternative (to dominant Western-centric models) approach emphasises the need to reckon with indigenous institutions, norms, customs, social fabric and power geometries in designing legal, governance and economic reforms. This rests on the understanding that externally imposed laws and institutions do not enjoy local legitimacy and authority in non-Western societies and are often manipulated, reconstructed or rejected by local actors on the ground.

This article situates itself within these “law and development” debates and explores the socio-legal context of Uzbekistan, a post-Soviet Muslim country that represents a peculiar blend of Soviet, Western and Islamic legal cultures. After gaining independence in 1991, like other newly independent post-Soviet countries, Uzbekistan has become a “laboratory” for testing various global (Western) good governance and rule of law initiatives. The political leadership of Uzbekistan proclaimed their strong commitment to promoting democracy, the rule of law and the market economy, as well as their intention to introduce a Western-style legal system (Karimov 1992). In turn, these official proclamations were reflected in institutional and legal reconfigurations, which, among many other changes, included the establishment of a Western-style constitution, parliament, judiciary, human rights ombudsman, and an anti-corruption agency. At the same time, as a nation-building strategy, the Uzbek leadership made it clear from the early years of independence that Uzbekistan’s governance and legal system, whilst adhering to Western models, would also capitalise on its centuries-old traditions and indigenous (pre-Soviet) governance institutions (Karimov 1993).

More than three decades have passed since Uzbekistan embarked on its nation-building journey. Yet, many commentators now argue that Uzbekistan made little progress in introducing Western-style legal structures and that many formal institutions of government have achieved a mere showcase quality (Ilkhamov 2007, Adams, Svensson, and Urinboyev 2018, Anceschi 2019, Lasslett 2020). The international indicators of the rule of law and state capacity, such as the World Justice Project's Rule of Law Index (WJP 2022), Freedom House's Democracy Index (Freedom House 2023), and Transparency International's Corruption Perceptions Index (TI 2022) consistently portray Uzbekistan as a paradoxically "strong-weak state", that is strong when it comes to using coercive strategies but weak in terms of implementing rule of law and good governance. In other words, the Soviet-style governance methods involving the extensive use of coercion and surveillance remain persistent in the actual practices of state institutions and actors, while the application of laws is selective and arbitrary. One possible inference from these observations is that Uzbekistan's legal system looks "Western" from the "law in books" perspective (e.g. when we analyse its written laws and regulations) and "Soviet" when observing how laws are applied and enforced arbitrarily by state institutions and officials (law in action). This means it is possible to glean the patterns of two dominant legal orders shaping Uzbekistan's legal landscape: Western and Soviet legal cultures.

Academically, there is a wide array of research addressing Uzbekistan's legal reforms and governance trajectories. Much of the literature focuses on authoritarianism and the persistence of Soviet-style governance (Fane 1996, Kubicek 1998, Melvin 2004), kleptocratic elites in the upper echelons of the state organisation (Ilkhamov 2007, 2017), malfunctioning public administration structures (Melvin 2000, Ergashev et al. 2006), administratively commanded economic policies (Zettelmeyer 1998, Pomfret 2000, Kandiyoti 2007, Ruziev, Ghosh, and Dow 2007), clans and regional patronage networks (Luong 2002, Ilkhamov 2004, Collins 2006), inefficient post-Soviet agricultural reforms (Wegerich 2006, Trevisani 2007), corrupt law-enforcement agencies, and inadequate ways of dealing with corruption on the part of state authorities (Markowitz 2008).

The conclusion of previous research seems clear: the bulk of scholarly literature examining Uzbekistan's legal environment and governance system tends to focus on macro-level topics and state-centred approaches, analysing the struggles and alliances among multiple state actors operating at the central, regional, and local levels. This approach, however, runs the risk of aggrandising the state's role as the only source of legal order in society, which can determine the main parameters of everyday social behaviour. Within the sociology of law and legal anthropology, there is an understanding that the state and its laws are constructed and reconstructed, invented and reinvented when they come into contact with informal legal orders (Moore 1973, 1978, Griffiths 1986, 1992, von Benda-Beckmann 2002). Hence, states face enormous resistance from social forces in enforcing their order since their laws and regulations must compete with the informal norms of other social structures that promote different versions of how people should behave (Migdal 2001). Such struggles and interplay between different legal orders are particularly evident in traditional Central Asian societies where a large portion of society, especially the rural inhabitants, still preserve its devotion to traditional values and customary norms (Poliakov

1992, Khalid 2003, Pashkun 2003). This leads me to suggest that, when studying the interplay between law and society in Uzbekistan, one should focus not only on the formal legal institutions and norms but also examine informal norms and rules (e.g. customs, religious values, moral codes), which play a more salient role in everyday life than the state's law.

As noted in previous sections, Uzbekistan's legal system appears to reflect a peculiar blend of Western and Soviet legal cultures, especially when seen through the lens of Roscoe Pound's Pound (1910) "law in books and law in action" perspective. However, one covert/dormant but highly salient legal order overlooked in the scholarly literature on Uzbekistan is the legacy of Islamic legal culture, which can be visualised when observing everyday life in micro-level social arenas. This oversight is somewhat surprising given that Uzbekistan has a Muslim majority and was the "heartland" of three Sharia-law-based independent states (Khiva and Kokand Khanates and the Emirate of Bukhara) until the early twentieth century. One reason for not recognising the legacy of Islamic legal culture could perhaps be the ambitious policies of the Soviet Union and the current Uzbek regime to curb Islam's role as a political and legal force. If Islamic context is mentioned within research, the emphasis is usually placed on: (a) the repressive policies of the Uzbek government in relation to ordinary believers (Kendzior 2006, Khalid 2014); (b) Islam's deployment as a means of state legitimation (Khalid 2003, Luong 2004); (c) radical Islamic groups (Allison and Jonson 2001, Naumkin 2005), and (d) Islam's role in shaping the moral context of people's lives (Louw 2007, Rasanayagam 2011). Hence, the context of Islamic legal culture in Uzbekistan is neither well-researched nor understood and is generally ignored due to the over-emphasis on Uzbekistan's formal legal system and/or the legacy of the Soviet legal culture.

The analysis of these scholarly debates thus raises the question of whether social norms and moral codes stemming from Islamic values and principles can be seen as a parallel legal order in Uzbekistan and, if so, how it is manifested in everyday life situations and what role it plays vis-à-vis the state law. Drechsler (2013) argues that one of the most important determinants for governance in Muslim-majority countries would probably be Islam, regardless of whether or not the state in question is secular. Social scientists studying Muslim societies have shown that everyday interaction is given moral significance through being placed within an Islamic frame (Bowen 1993, Eickelman and Piscatori 1996, Krämer and Schmidtke 2006). Drawing on her extensive anthropological fieldwork in Uzbekistan, Maria Louw (2007) shows that Islam is an important marker for identity, grounding for morality, and a tool for everyday problem-solving in post-Soviet Muslim societies like Uzbekistan, where the state fails to secure the basic needs of its citizens. These insights thus suggest that Islamic legal culture is manifested not only in religious rituals and prayers but also in the flow of everyday life and social interactions.

Based on the above considerations, in this article, I argue that the more the focus moves from state-centred understandings of law to ethnographic analyses of everyday life and micro-level social processes and structures, the more it becomes discernible that Islam serves as a parallel legal order in Uzbekistan despite the Uzbek regime's zeal to limit Islam's role as a social force. These processes will be explored through the ethnographic study of *mahalla* institutions (neighbourhood communities) in

rural Ferghana, Uzbekistan, illustrating how Islamic legal culture manifests itself and is enacted within the flow of everyday *mahalla* life and social relations. More specifically, I will demonstrate how customary norms, religious practices, actors, values, and principles stemming from Islam shape everyday mahalla life and social relations, offering workable solutions for local-level problems and serving as an alternative (to the state law) dispute resolution mechanism. By exploring how Islamic legal culture emerges within the flow of everyday life and social relations in *mahallas*, the article aims to engage with and contribute to scholarly debates focusing on the synthesis of Islamic jurisprudence (Sharia law), local sociocultural norms or custom (*urf*), and official (Western-style) state law in secular Muslim states.

The rest of the paper is organised in the following manner. The next section, part two, presents the brief history and main features of *mahalla* institutions in Uzbekistan that is crucial in understanding the socio-legal context of the country, how Islamic values and rituals shape social relations and community ties within *mahallas*, and the reason why I focus on *mahallas* as an embodiment of Islamic legal culture. Part three provides the theoretical framework of the study by using concepts of legal culture and living law. In part four, I discuss methodological issues and present the results of my ethnographic fieldwork conducted between 2009–2022 in rural Ferghana, Uzbekistan. Finally, part five draws out the implications of the ethnographic material for broader socio-legal debates and highlights the most important findings of the article.

Political and administrative life of Mahalla during Pre-Soviet, Soviet, and Post-Soviet times

In Central Asia, there are different terms (e.g. *mahalla*, *guzar*, or *qaym*) used to refer to neighbourhood communities. *Mahalla* is the most commonly used term, particularly in Uzbekistan (Geiss 2001a). The term *mahalla* comes from the Arabic word “*mahali*,” which means “local” (Noori 2006). In contemporary Uzbekistan, *mahalla* is commonly used to describe the (local) residential neighbourhood community uniting residents through common traditions, language, customs, moral values, and the reciprocal exchange of money, material goods, and services (Urinboyev 2013). Most Uzbeks identify themselves through their *mahalla*. For example, if a native is asked where s/he lives, the answer will be “I live in *mahalla* X” (Noori 2006). This implies that everyone in Uzbekistan technically belongs to one *mahalla* (Sievers 2002). Today, there are 9361 *mahallas* in Uzbekistan (Urinboyev and Eraliev 2022), and, on average, each *mahalla* may contain between 500 to 10,000 residents (Noori 2006).

There has been a wide array of research on *mahalla*, investigating its historical context and administrative transformations during pre-Soviet, Soviet and post-Soviet periods (Sukhareva 1976, Abramson 1998, Geiss 2001a, Sievers 2002, Kamp 2004, Noori 2006, Rasanayagam 2009, Urinboyev 2011, Dadabaev 2013). However, despite a diversity of scholarly approaches to and explanations for *mahalla*, there is one common dilemma for scholars studying *mahalla*. As Sievers (2002, pp. 103–104) notes, this dilemma can be explained by the fact that “*mahalla* are neither regionally

uniform nor static, nor are the types of public goods available to *mahalla* residents.” Moreover, Sievers states that *mahallas* have changed for centuries due to the establishment/collapse of empires and/or the arrival of new ethnic groups or tribes. Reckoning with these historical transformations, Sievers suggests that any analysis of *mahalla* in modern Uzbekistan should include some account of *mahalla* in the Soviet and pre-Soviet periods. Hence, before describing the role of *mahalla* in contemporary Uzbekistan, a brief historical overview of pre-Soviet (Islamic) and Soviet *mahalla* may be in order.

The origin of the *mahalla* institutions in Central Asia dates back to the pre-Mongol period, the 11th or 12th centuries – Central Asia’s Golden Age when the region was ruled by Turko-Muslim dynasties, such as the Seljuk Empire, Kara Khanid Khanate and Khwarazmian Empire (Geiss 2001a, Sievers 2002, Starr 2013). Pre-Soviet *mahallas* were usually a community of several hundred people organised around Islamic law (sharia), rituals, and social events (Geiss 2001a). It was common for many *mahallas* to have a *hovuz*, an open pool of water, especially in situations when a stream or canal did not run through a neighbourhood. Many *mahallas* emerged along professional lines, specialising in trades such as metalworking, music, or food production. Even though there were some ethnically exclusive *mahallas*, such as Jewish or Arab *mahallas* in Bukhara (Sukhareva 1976), an ethnically homogenous *mahalla* was a rarity in medieval Central Asia due to inter-ethnic marriages, economic conditions, the hiring of mercenaries for security, and other factors (Sievers 2002). Olga Sukhareva (1976), a Russian anthropologist specialising in the study of *mahallas* in medieval Bukhara, notes that *mahallas* possessed their separate mosque, teahouse (*choykhona*), bazaar, cooking areas, water supplies, cemetery, and other facilities, which were accessible only to their residents. Due to their proximity to people, *mahallas* served as a mechanism through which charitable institutions’ (*waqf*) services reached society’s most economically vulnerable groups. From this perspective, the study of pre-Soviet *mahallas* allows us to understand the history of public service provision in medieval Central Asia, showing how public goods flowed primarily from *mahalla* and *waqf* while the state played a marginal role in service provision (Sievers 2002, McChesney 2014).

As Geiss (2001a) writes, the governance of pre-Soviet *mahallas* was based on Islamic values and traditions. The most important public space in the *mahalla* was the mosque, where residents met daily, exchanged news, and made decisions. The devotion to Islam and the acknowledgement of the demands of Islamic law (Sharia) was a prerequisite for acquiring a full *mahalla* membership. In other words, one could acquire a membership if the *mahalla* community agreed to a newcomer’s purchase or construction of a house within its territory. But, most importantly, the position of a newcomer was not contingent on having a kinship or genealogical connection to descent groups/families in *mahalla*. Rather, one gained *mahalla*’s full membership and acceptance by participating in the communal and religious activities of the community and by leading an Islamic way of life. This implies that *mahalla* was not a community of relatives since people from different areas, professions, and ethnicities could acquire a house and, consequently, the status of a resident and full member if they contributed to communal activities and pursued an Islamic way of life. Geiss (2001b) argues that the development of *mahallas* into such all-encompassing

neighbourhood-based structures largely resulted from the Islamization of societies in Central Asia and the subsequent increase of the role of Islamic (Sharia) law in *mahalla's* governance, which led to the gradual erosion of kinship and tribal affiliations.

Traditions and norms (*urf-odatlar*) around life-cycle rituals and community celebrations were strictly enforced in everyday *mahalla* life. As Geiss (2001a) describes, all *mahalla* residents were expected to participate in and contribute (financially or materially) to *mahalla*-based life-cycle rituals and ceremonies, such as circumcision, weddings, and funerals. This rule applied even to those residents living in *mahalla* temporarily. This was because *mahalla* membership did not depend on kinship but on having a resident status in *mahalla*. As a result, family feasts, circumcision, marriages, and funerals involved the participation of all residents of *mahalla*. These processes illustrate that *mahalla*-level group solidarity was maintained primarily through residency and neighbourhood relations rather than kinship ties or ethnic affiliation. Hence, *mahalla* has historically been one of only a few effective traditional institutions that united diverse social groups by creating a common identity based on a shared residence (Dadabaev 2013).

The *imam/mullah* and the *oqsoqol* (a leader of the *mahalla*, literally translates as “whitebeard”) played a crucial role in the administration of the *mahalla* by providing advice and direction to the local community. The *imam* served as a religious leader and provided religious and spiritual guidance to *mahalla* community, while the *oqsoqol* was responsible for the day-to-day governance of the *mahalla*, which included the implementation of various duties and tasks such as the collection of taxes, welfare provision to needy families and orphans, dispute resolution, the preservation of order and security in *mahalla's* territory, common maintenance and cleaning of water and irrigation infrastructure and other common facilities, as well as the organisation of communal celebrations and ceremonies. In getting community members to fulfil all these duties and tasks, the *oqsoqol* did not have any means of coercive power. Still, he exerted considerable influence on residents’ behaviour by harnessing the power of traditions, social norms and popular opinion of the collective, as well as by relying on his charisma and personal authority as a *mahalla* leader (Sievers 2002). The *oqsoqol* was elected by residents with the assistance of the *imam* in the mosque. To be elected as an *oqsoqol*, the candidate was expected to come from a reputable family and possess personal integrity and wealth. Possessing such personal qualities allowed the *oqsoqol* to maintain influence and authority in the *mahalla*. In case internal or external disputes occurred, *mahalla* residents usually contacted him to settle conflicts peacefully. Given that the *oqsoqol* enjoyed respect and authority, no *mahalla* member could easily ignore his opinion, advice, or decisions. *Oqsoqol* was thus a man of the community and represented *mahalla's* interests both internally and externally, when interacting with the government authorities (Sukhareva 1976, Geiss 2001a).

Following the onset of Soviet rule in Central Asia, there were numerous interventions by Soviet policymakers to eradicate religious and traditional structures. As Sievers (2002) describes, these interventions were driven by the understanding that only a homogenous set of institutions across the entire space of the USSR could create the supranational Homo Sovieticus. This approach signalled the end of

traditional and religious structures, such as nomadism, Sharia-law courts, mosques, and *waqf* institutions. As a result, the Soviet government attacked many religious and traditional practices and structures and replaced them with state courts, schools, hospitals, and baths. However, as an exception to this forced modernisation campaign, *mahalla* was not targeted for dissolution. There were serious concerns within the Soviet government circles that efforts at eradicating *mahalla* would produce social unrest. Realising that *mahalla* constituted the core of Uzbek social organisation and a centre of power, the Soviet government changed its strategy towards *mahallas* and, instead, adopted a series of laws and policies aimed at co-opting and incorporating them into the Soviet system of administration (Abramson 1998). Reflecting a colonial administration pattern, the Soviet policymakers were content to leave *mahalla* with its traditional features as long as it served the Soviet regime and ideology (Kulchik, Fadin, and Sergeev 1996).

These developments had significant repercussions for the role and autonomy of *mahalla* institutions. While Soviet-era *mahallas* carried the same name as medieval *mahallas* and looked similar on the surface, they had been transformed into fundamentally different institutions (Sievers 2002). While pre-Soviet *mahallas* exercised a certain degree of autonomy from rulers, the Soviet regime actively used *mahallas* to disseminate community ideology (Abramson 1998). As Dadabaev (2013) writes, *mahalla*-based social spaces such as *choykhonas* (teahouses) were a particular target of the Soviet administration. Given that *mahalla* residents gathered at these social spaces daily, the Soviet authorities tried to transform them into “red *choykhonas*” by creating in each *choykhona* special reading corners consisting of magazines, books, and posters in various scripts and languages (Roosien 2021). In addition, the Soviet authorities also established a “women’s group” in each *mahalla*, which was tasked with resolving women’s issues and changing traditional lifestyles. To maintain law and order, Soviet authorities established several parastatal organisations such as the “neighbourhood watch” and “comrade courts,” which served as *mahalla*-level extensions of the police, the public prosecutor’s office, and the court (Dadabaev 2013).

Another administrative intervention included the establishment of a Soviet assembly and executive committee in cities and districts. The main task of these executive committees was to implement the state’s resolutions in local government settings. A *mahalla* representative committee was established under these committees’ direct control and jurisdiction. Each *mahalla* representative reported to the executive committee once or twice a month on how he/she implemented assigned tasks and instructions. Even though the official purpose of the *mahalla* committee was to create a dialogue between *mahalla* residents and Soviet authorities, in practice, the *mahalla* committee served as a *mahalla*-level extension of the Soviet administration. In doing so, the Soviet authorities tried to shift power away from religious and traditional authorities to the executive committees in each district (Dadabaev 2013). This intention was reflected in the legal framework regarding *mahallas* adopted in 1932¹, which created a precedent for the *mahalla*’s twin functions: social control and state service delivery (Noori 2006). The 1932 legislation assigned numerous administrative functions and tasks to *mahallas* which ranged from collecting fees and government taxes, supporting women’s emancipation, assisting in military

recruitment to providing financial and organizational support to local schools, assisting in the local distribution of state funds, supporting local government bodies in service delivery, registering marriages, births, and deaths, and many other service delivery tasks which are usually implemented by the state institutions in modern states.

Consequently, the excessive state intervention significantly changed the nature of everyday *mahalla* life and social relations. The interventions weakened *mahallas'* welfare and public goods provision capacity. While pre-Soviet *mahalla* residents primarily relied on their *mahalla* and *waqf* to gain access to public goods (and expected almost nothing from the state), late Soviet *mahalla* residents began to see the state as the primary provider of education, health care, water, and law and order (Sievers 2002). Another pernicious effect of these interventions was that residents' attachment to their communities, especially their trust in the authority and legitimacy of *mahalla* structures, was seriously undermined (Dadabaev 2013). The *oqsoqol* became a symbolically elected leader of the *mahalla*, whose appointment was strictly controlled by the local party apparatus. The premises of the *mahalla* committee often resembled a typical Soviet building filled with Soviet symbols and portraits of Soviet leaders (Sievers 2002). Hence, *mahalla* committees functioned as a direct affiliate of the local branch of the Communist Party (Noori 2006).

It should, however, be noted that the aforesaid Soviet interventions did not fully eradicate *mahalla's* traditional and religious structures. On the one hand, Soviet interventions led to the emergence of formal *mahalla* committees, which acted on behalf of the state and assisted the local government bodies in law-and-order provision and public service delivery. On the other hand, despite Soviet interventions, *mahallas* turned out to be resilient institutions. They were able to retain many of their informal features, an array of covert strategies visible in the emergence of informally-elected *oqsoqol* and *imam*, covert funerals and praying in the congregation (*jamoat namozi*) in private domains, and informal dispute resolution practices that relied on the traditional authority (Abramson 1998, Sievers 2002, Dadabaev 2013). In his study of Soviet-era *mahallas*, Dadabaev (2013) illustrates that during the Soviet period, both an official and an unofficial *mahalla* existed within the same locality. But, despite their shared geographic location, there were significant differences between these two types of *mahallas* with respect to the participation of residents in local governance. As Dadabaev notes, in contrast to official *mahallas* that acted as a sub-unit of the executive committees/local government, unofficial *mahallas* were relatively autonomous, more focused on community concerns and needs, and relied on moral and religious values in organising mutual support and welfare provision activities. Nonetheless, unofficial *mahallas* maintained a very low profile due to Soviet authorities' intolerance towards religious and traditional practices.

With the dawn of an independent Uzbekistan in 1991, *mahallas* became a buzzword in Uzbek policymaking circles. Almost all major reform initiatives touched upon *mahallas* (Noori 2006). Uzbek authorities presented *mahalla* to the general public and international community as an authentically Uzbek, indigenous form of self-government, which could serve as the basis for building a civil society in Uzbekistan (Karimov 1993). *Mahallas*, which served as sub-units of the district executive committees during the Soviet period, received a new legal status in

independent Uzbekistan following the adoption of “*Mahalla* Law – The Law on Institutions of Self-Government of Citizens” in September 1993. As a result, part of *mahalla*’s informal functions have been formalised (through legislative codification and executive incorporation), and now *mahalla* activities are largely regulated by state law. Under the Law on Institutions of Self-Government of Citizens, *mahallas* are now responsible for implementing an extensive array of administrative tasks, ranging from monitoring the religious practices of residents, preventing divorce, allocating state subsidies and bank loans to low-income residents, to assisting law enforcement in halting drug and alcohol abuse, job creation and developing *mahalla*-based (*mahallabay tizimi*) small businesses and rehabilitating former prisoners. From a legal standpoint, *mahalla* is defined as a citizens’ self-government institution tasked to represent the interests of their residents before state institutions. In December 2021, Uzbek authorities further increased *mahalla*’s administrative responsibilities by introducing a new system dubbed “*mahalla beshlik*” (“*mahalla five*”) in all 9361 *mahallas* of Uzbekistan, which led to an increase in the number of state officials operating in the realm of *mahalla* governance: (1) formal *mahalla* leader, (2) the assistant of hokim (mayor), (3) women’s activist, (4) youth leader, and (5) crime prevention inspector/police officer. The analysis of the latest legislative processes in the Uzbek Parliament indicates that the number of state officials operating in *mahallas* further increased in September 2023², from five to seven officials (tax officer and social protection officer), thereby resulting in the emergence of “*mahalla yettilik*” (*mahalla seven*). Hence, when considering the magnitude of the administrative tasks assigned and the drastic increase of state officials in *mahalla*’s governance, it is quite obvious that *mahallas* have simply become sub-units of the local state administrations (*hokimiyat*) throughout Uzbekistan. Thus, post-independence legal interventions can be viewed as a continuation of Soviet-era policies and closely incorporated *mahallas* into the public administration system (Noori 2006).

However, despite the Uzbek authorities’ attempts to incorporate *mahalla* into the public administration system, *mahallas* continue to preserve their traditional nature in which people are tied to each other and maintain everyday relations through common (Islamic) values, traditions, informal exchange and reciprocation of money, material goods, and services. With few exceptions (Louw 2007, Dadabaev 2013, Urinboyev 2014, Urinboyev and Eraliev 2022), much of the previous research concentrates on analysing the “formal/official” *mahalla* system, which operates within the realm of the *Mahalla* Law (Abramson 1998, Sievers 2002, Kassymbekova 2003, Massicard and Trevisani 2003, Kamp 2004, Masaru 2006, Noori 2006, Warikoo 2012). This approach is quite understandable, given the coercive nature of the authoritarian regime in Uzbekistan. The state is indeed an omnipotent actor in terms of using coercion and extensive surveillance in regulating the activities of the “formal” *mahalla*. Yet, the state and its coercive structures have a limited role in shaping “micro-political operations” that take place at the level of the informal *mahalla*. We cannot confine the analyses of *mahallas* to merely being the “eyes and ears” of the authoritarian regime. Rather, *mahallas* are dynamic institutions and constantly evolve to respond to the changing socio-political landscape. As Dadabaev (2012, 2013) argues, even during the Soviet era, despite the Soviet government’s zeal to eradicate religious and traditional structures, *mahallas* were able to preserve their “unofficial”

self-governance functions cantered around an informal network of residents who engaged in information sharing and a voluntary mutual support system. Therefore, when discussing the effects of the Uzbek government's legal intervention on the *mahalla*, there is a need to distinguish between the "formal" and "informal" faces of the *mahalla*.

The above considerations indicate that *mahallas* have become a hybrid institution with formal and informal features, which I categorise in this paper into (1) administrative/formal *mahalla* and (2) social/informal *mahalla*. The formal *mahalla* functions in accordance with the Mahalla Law (and other legal acts and decrees adopted by the President and Cabinet of Ministers of Uzbekistan) and represents the long arm of the state within local communities, serving as a sub-unit of the local government and, increasingly, as the (state) mechanism of social control. In contrast, the informal *mahalla* operates in accordance with Islamic values and principles and acts on behalf of residents of communities, as they collectively mobilise around alternative (to the state) welfare and service provision activities to fill the vacuum left by the retreat of the state from service delivery. This distinction is especially important when analysing the legacy of Islamic legal culture in Uzbekistan, which can be visualised when observing how informal *mahalla*-based practices and interactions are given moral significance by being placed within an Islamic frame. These processes become particularly visible when we ethnographically attend to everyday life, inquiring into mahalla residents' perceptions of just and fair legal order, the strategies they employ when interacting with one another, and the moral frame into which they place their actions and events. Hence, the study of Islamic legal culture in the context of everyday *mahalla* life could provide useful insights for improving the current state of research on law and society in Uzbekistan, as well as offer new insights for better understanding the intersection of religion, governance, and legal culture in secular Muslim societies like Uzbekistan. These processes will be illustrated through the case of informal *mahalla* and everyday life in rural Fergana, Uzbekistan. Before moving on to the empirical section, I describe the theoretical framework used to analyse the empirical data.

Conceptualising Islamic legal culture

In analysing the legacy and context of Islamic legal culture in Uzbekistan, I draw upon the concept of legal culture and the "living law" framework. There are two dominant approaches to understanding the concept of legal culture. Within legal science, legal culture is understood in relation to the state/formal legal system, thereby focusing on facts about institutions such as the number and role of lawyers, various forms of behaviour such as litigation and prison rates, and the ways judges are appointed and controlled (Blankenburg and Bruinsma 1991, Gessner, Hoeland, and Varga 1996, Feldman 2000, Johnson 2001, Bell 2002). This implies that legal culture is dominated by professional groups such as lawyers, members of parliament, and others whose work is governed by state law. Another account gleaned from scholarly works claims that there is a need to distinguish between the legal culture of "those members of society who perform specialised legal tasks" (internal legal culture) and that of other citizens (external legal culture) (Friedman 1975). For

example, Friedman (1975, p. 194) asserts that legal culture may also be “bodies of custom organically related to the culture as a whole.” Nelken (2004, p. 1) defines legal culture as “relatively stable patterns of legally oriented social behaviour and attitudes.” As such, the legal culture can be understood as a dynamic process which shapes individuals’ and communities’ worldviews on proper social behaviour. Following Friedman, in this paper, I will make a distinction between the legal culture of “those members of society who perform specialised legal tasks” (1975, p. 223, the internal legal culture) and that of ordinary citizens and their accustomed ways of behaviour in daily life situations (external legal culture). Thus, in this article, the concept of legal culture will be used in broader terms that encompass not only the traditional legal institutions (formal legal system) but also various informal (non-legal) forms of normative ordering that mould people’s behaviour in everyday life. From this perspective, mahalla-level customs, social norms, and traditions stemming from Islamic values and sensibilities can be viewed as a form of everyday normative ordering, i.e. Islamic legal culture that influences social behaviour as much as, or possibly more than, state law affects social behaviour.

Another theoretical perspective that has relevance to this article is Eugen Ehrlich’s Ehrlich (1912) “living law” – a concept that helps us to intelligibly, that is, “thickly” describe how Islamic legal culture emerges and operates in an everyday mahalla life. Ehrlich’s concept of ‘living law’ was sensitised by the legal pluralism he experienced in the early twentieth century in Bukowina, a region in contemporary Ukraine that was, at the time, part of the Austro-Hungarian Empire. In his work “Fundamental Principles of the Sociology of Law”, Ehrlich distinguishes between state law (law created by the state) and “living law” (informal norms produced by non-state social associations). Based on his observations of everyday life in multicultural Bukowina, Ehrlich argued that it is not the state law that shapes the nitty-gritty of everyday life. Rather, it is the living law that determines the basic moral order and dominates everyday life, even though it has not been codified in legal documents and propositions. For Ehrlich, there are various types of living law, such as the rules of morals, of religion, of ethical custom, of honour, of decorum, of tact, etiquette, of fashion, etc. Ehrlich suggests that if we want to glean the patterns of the living law, we should attentively observe everyday life, social interactions, and actual habits of people and inquire into people’s thoughts on proper social behaviour. Given that Islam is a living tradition and embedded in the daily lifestyle of Muslims (Bowen 1993, Lambek 1993, Ro’i and Ro’i 1995, Shahrani 1995, Rasanayagam 2011), Ehrlich’s concept of “living law” and its emphasis on the “law that emerges in the flow of everyday life and social relations” may provide useful insights and tools for gleaning the patterns of Islamic legal culture in contemporary Uzbekistan.

Thus, equipped with the legal culture and “living law” perspectives, it could be inferred that there is no single, integrated set of rules in any society, whether encoded in law or sanctified in religion or enshrined as the rules of daily social behaviour. Quite simply, there is no uncontested universal normative code that guides people’s lives – the very nature of the legal culture is determined by the outcomes of struggles and interplay between different normative orders. The state’s laws and its legal institutions must contend or coexist with other informal norm structures (e.g. social and religious), very different types of sanctioned behaviour. Such mutually transforming

interactions between different legal cultures are particularly evident in post-Soviet Muslim societies like Uzbekistan, where non-state legal orders, such as social norms originating from Central Asia's Islamic legal and administrative traditions, coexist and compete with the formal legal system. Thus, observing everyday *mahalla* life and social relations may enable us to visualise Uzbekistan's Islamic legal culture, which operates on a micro-level and moulds the nitty-gritty of everyday life.

Methodological considerations

Methodologically, I investigated these processes through an ethnographic study conducted in Uzbekistan between April 2009 and November 2022 (for a total of 21 months). The primary methods of data collection during the fieldwork were observations and informal interviews. These were conducted in the *mahalla's* social spaces and at events at which most residents come together and exchange information daily. Namely, I regularly visited such gossip hotspots as *guzar* (community meeting space) and *choykhona* (teahouse), as well as life-cycle events, rituals, and socialising events such as weddings, births, circumcision ceremonies, funerals, and monthly get-togethers (*gap*) of the *mahalla* residents. These hotspots are public and open to all *mahalla* residents and guests. Since I was a native and possessed cultural competence and extensive social networks on the field site, I had direct access to these hotspots, which enabled me to collect a variety of narratives and stories about everyday *mahalla* life and Islamic legal culture. I followed the daily rumours, gossip, and *mahalla* residents' reasoning concerning the informal practices and transactions between ordinary citizens and state officials. I also observed how *mahalla* residents resolved disputes using informal norms and mechanisms. The informants included a diverse group of people holding various social positions, representing both "people of influence" (*mahalla* leaders, religious leaders, wealthy families, local state officials) and ordinary residents. As I met more than ten *mahalla* members daily, it was difficult to keep track of the exact number of people I spoke to during the field trips. Thus, the narrative I provide in the next section can be seen as a collection of the voices of hundreds of *mahalla* residents I encountered during my daily visits to these gossip hotspots.

These strategies allowed me to collect rich ethnographic material on *mahalla*, Islamic legal culture, and state-society relations in Uzbekistan. The informants were fully informed about the purpose, methods, and use of this research. Due to the nature of the political regime in Uzbekistan, oral consent was received from all research participants during the fieldwork. To ensure maximum anonymity, I have changed the names of the informants, the villages, and the *mahallas* and provided only the most general information about any specific fieldwork site. For this paper, I have chosen to present the case study of Karvon *mahalla* in rural Fergana, where I conducted extended ethnographic fieldwork between 2009–2022.

Fieldwork context: everyday life and social relations in Karvon *mahalla*

Karvon, where I conducted my fieldwork, is a *mahalla* in the Fergana Valley of Uzbekistan. It consists of 120 households (*oilalar*) with a population of more than

1500 people. At the time of my fieldwork, Karvon *mahalla* was administered by both a formal leader (*rais*, elected according to the *Mahalla* Law) and an informal leader (*oqsoqol*, informally elected by *mahalla* residents). As residents I encountered recall, before Uzbek authorities' legal intervention, Karvon *mahalla* was led by *oqsoqol*, whom residents informally elected during a gathering at *mahalla's* mosque. In addition to *oqsoqol*, the *imam* (a religious leader) also played a key role in *mahalla's* everyday governance by providing religious and spiritual guidance and leading religious rituals during the life-cycle events. However, the adoption of the *Mahalla* Law in 1993 led to the formation of two parallel power structures in the *mahalla*: (1) the formal *mahalla* committee administered by a *rais* and his/her assistants, state-salaried employees, and (2) the informal *mahalla* administered by an *oqsoqol* whom *mahalla's* residents elect informally, without local government's interference. *Rais* had a small state-owned office space located within the territory of the *mahalla*, while *oqsoqol* utilised *mahalla*-owned infrastructure and social spaces such as a mosque, *guzar*, or *choykhona* (teahouse where residents gather daily) as an office space. Given that *rais* and his assistants worked on behalf of the local state administration (*hokimiyat*), *mahalla* residents saw them as the "eyes and ears" of the government. In contrast, *oqsoqol* and *imam*, two informal leaders of the *mahalla*, enjoyed the trust and respect of residents since they worked pro bono and represented the interests of residents vis-à-vis the state, even when the residents' actions were non-legal and often contradicted the state law. As part of their daily work, these two informal leaders also coordinated life-cycle events (weddings, circumcision, and funerals), collected donations from wealthier residents and distributed them to needy households, mediated disputes among residents, gathered money from each household for *mahalla*-based irrigation, heating, or road paving projects and organised *hashar* (community-based mutual assistance work) for cleaning and maintaining *mahalla*-owned infrastructure.

Guzar (village meeting space), *masjid* (mosque), *choykhona* (teahouse), *gap* (regular get-together), and life-cycle events (weddings, circumcision, funerals) were the main public places at Karvon *mahalla*. Since residents met daily at these social spaces, they served as a key social arena where local politics and norms were formed, negotiated, and reshaped through rumours, gossip, and reciprocal relationships. Typically, it was possible to find 10 to 15 male residents sitting in the *guzar*, regardless of whether it was the morning, afternoon, or evening. Women's socialising and information exchange activities usually took place either in the streets or inside the household. Since residents met regularly (often daily) at *mahalla's* social spaces and attended most of the socialising events, they had a relationship of mutual dependence. Having a common residence and meeting and interacting daily produced a general expectation that residents should help their *mahalla* members whenever assistance was needed. *Mahalla* residents who ignored or failed to comply with these norms (i.e. *mahalla's* living law) often faced social sanctions, such as gossip, ridicule, loss of respect and reputation, humiliation, and even exclusion from community events. Thus, money was not everything in Karvon *mahalla*: upholding one's honour, respect, prestige, and reputation was equally important. Hence, give-and-take rituals constituted an integral part of everyday interactions in Karvon *mahalla*.

Daily conversations in Karvon *mahalla* revolved mainly around economic problems, remittances, gas and electricity cuts, and life-cycle rituals. Given the existence of job opportunities and fairly good social welfare services during the Soviet times, residents expected that the state in post-independence Uzbekistan would continue to have a presence in their daily lives by providing welfare and public goods. Karvon residents had expected things to further improve in the post-independence period as the “wealth of Uzbek people would no longer be sent to Moscow but be retained locally and used for the welfare of the people.” Through my observations of Karvon residents’ lives over the last fourteen years, I felt that the role and legitimacy of the state diminished significantly. As the state in contemporary Uzbekistan no longer provides jobs and all-encompassing social welfare services, many residents I met stated that the state was virtually absent in their everyday lives. Many *mahalla* residents complained about unaffordable healthcare costs, unemployment, inflation, and declining public services. In the residents’ view, most of these economic problems were due to widespread corruption in the higher echelons of the government. Thus, very few *mahalla* residents reaped the rewards of independence. Instead, many households in Karvon heavily relied on migrant remittances, which were sent by their male members (husband or sons) who worked in Russia and Kazakhstan. In addition to remittances, Karvon residents increasingly relied on social safety nets and mutual-aid practices within their extended family and *mahalla* networks. These practices served as a shock-absorbing institution for many residents, enabling them to secure their basic needs and gain access to public goods, services, and social protection unavailable from the state. These *mahalla*-based mutual-aid practices created strong moral and affective bonds, enabling them not only to meet their livelihood needs but also to provide space for participation in everyday life and social interactions. Islamic values and principles played a key role in mobilising such mutual aid practices. These processes will be demonstrated in the next sections.

Informal welfare, service provision, and Debt-Based business in Karvon Mahalla

While doing fieldwork in Karvon *mahalla*, I was struck by how Islamic values and sensibilities informed everyday social life and served as a moral and regulatory framework for organizing mahalla-based welfare and service provision activities. The *hashar* tradition is one manifestation of such *mahalla*-based practices, in which residents cooperate and pool their efforts and resources, which may include reciprocal exchange of free/non-compensated labour, money, material goods, and services. The *oqsoqol* I interviewed said that post-Soviet economic decline has considerably increased the role of *hashar* as a means to stretch the livelihood risks within the community. *Mahalla* residents arranged a *hashar* for various reasons, for example, the organization of weddings, funerals, and circumcision feasts, the construction of irrigation facilities, street-cleaning, asphaltting of roads, the construction of dwellings or mosques, and many other services not provided by the state. Many residents saw their participation in *hashar* as an attempt to be a good Muslim and pursue an Islamic way of life.

Accordingly, looking closely at everyday *mahalla*-based coping strategies allows us to obtain a sense of the texture of how Islamic values and sensibilities are embedded in the daily flow of *mahalla* life. The use of *hashar* for building *mahalla*'s water and irrigation infrastructure is a relevant example in this regard. Since agricultural production is an important source of income in rural Ferghana, one of the main concerns of Karvon residents had to do with water and irrigation facilities. The local government did not provide any funding to build irrigation facilities, for example, installing a pump for getting the groundwater to the surface, which would give people access to water during the agricultural season. On the contrary, instead of securing people's water needs, the local government used a large proportion of the headwater for cotton and wheat production, effectively leaving people without access to water. In this regard, one of the biggest *mahalla*-based *hashar* projects in Karvon dealt with building a pump system for using the groundwater for agricultural purposes. As it was an expensive project, Nosir Rahmon, the *oqsoqol* of the mahalla, collected monetary contributions from each household. The amount of monetary contribution was determined based on the financial situation of each household. Wealthy households made bigger monetary contributions than low-income households, while those without sufficient financial means contributed to the pump project with their labour. Nevertheless, despite the *mahalla*-based efforts, the money collected for building the pump system was insufficient. There were several rich families in *mahalla*; however, only one of them, Aziz Hoji³, decided to finance the remaining part. When I interviewed him, Aziz Hoji explained his decision to finance the pump project as an aspiration to be a good Muslim. As he states, his assistance to *mahalla* is driven by his belief that the one who provides water to people would go to *jannat* (paradise) after death. In doing so, Aziz Hoji gave moral significance to his action by placing within an Islamic frame, a pattern which can also be observed in many Muslim societies (Bowen 1993, Lambek 1993, Rasanayagam 2011). The case of Aziz Hoji illustrates the existence of Islamic legal culture that emerges in the daily flow of mahalla life.

Another relevant example is a road-asphalting project, where residents succeeded in asphaltting the roads of *mahalla* without any financial assistance or supervision from the local government. Again, a large part of the asphaltting expenses was covered by wealthy *mahalla* residents who decided to finance it believing that their donation to such projects would give them more *savob* (spiritual merit) and thereby make them better Muslims. Hence, Islamic values and principles create a solid moral framework in *mahalla* life and everyday social relations in rural Ferghana, where people's social status and "being good Muslim" is determined by their contribution to *mahalla* projects. Hence, while attending mosque gatherings and mahalla *choykhona* (teahouse), I noticed that residents regarded the donation activities of *mahalla*'s wealthy residents as "acts of piety and charity." In the words of *mahalla* residents, sharing one's wealth with the wider community and giving *zakat* (income tax in Islam) and *ihsan* (doing good things for the benefit of others, such as helping poor people) to poor families were a prerequisite for being "a good Muslim." These observations align with the findings of Johan Rasanayagam, who, in his book *Islam in Post-Soviet Uzbekistan* (Rasanayagam 2011), also demonstrated that the sense of being "a good Muslim" is not solely interior and personal but also produced and expressed in action and relations with others. The above examples thus lead me to

suggest that Islamic legal culture is a living tradition in Uzbekistan, an everyday life practice which reminds us of the living law that Ehrlich (1912) observed in multicultural Bukowina.

Islamic values also guided the local business practices in rural Fergana. There were many *mahalla*-based groups of traders and entrepreneurs who exported Uzbek agricultural products to Russia. *Mahalla* residents referred to these groups of traders as *rassiychilar* (entrepreneurs who do business in Russia). Given that each household in Karvon possessed a small plot of land, they used their land for growing fruits and vegetables such as cucumbers, grapes, peaches, apples, cherries, and apricots. In turn, *rassiychilar* groups bought vegetables and fruits from *mahalla* residents to export to Russia. Since the price of agricultural products was quite low on the local market, all residents tried to sell their products to the *rassiychilar*. What is noteworthy here is that *rassiychilar* did not make any payment to *mahalla* residents when collecting vegetables and fruits from their land. Rather, it was a debt-and-trust-based business in that *rassiychilar* borrowed the agricultural products from residents and exported them to bazaars and supermarket chains in Russia. After selling all products in Russia, a process which may take from two weeks to one month, *rassiychilar* paid off their debts to residents. Although the economic size of these *mahalla*-based businesses was quite large, there was no written/formal contract regulating the economic transactions between *mahalla* residents and *rassiychilar*. Instead of having a written contract, parties relied on trust, Islamic values and business ethics. This meant that *rassiychilar* borrowed fruits and vegetables from residents without paying interest (*foiz/riba*). Residents and *rassiychilar* referred to Islamic terms such as *insof* (justice) and *halol* (permissible/lawful in Islamic law) when negotiating the terms and conditions of the contract. Since the relations between trading parties were based on Islamic principles and business ethics, all parties tried to comply given the heavy social interactions and social control. The party that deviated from the contractual obligations was regarded as a “bad Muslim” and was discussed and condemned by residents during prayers at *mahalla*’s mosque.

The above example shows that Islamic values served as a regulatory framework (living law) for *mahalla*-based business practices, while no recourse was made to state law when regulating these transactions. Many of those I encountered during the fieldwork reported that the cooperation between the *mahalla* residents and the *rassiychilar* resulted in significant improvements in the standard of living in rural Ferghana. Given their improved financial situation, *rassiychilar* took an active part in acts of piety and charity by giving *ihsan* and *zakat* from their yearly income and contributing to *mahalla* projects. Aziz Hoji, whom I discussed above, was also *rassiychi* and regularly contributed to *mahalla* projects. These empirical examples show that the main social policy pillars of Islam, such as *zakat* and *ihsan*, as well as interest-free business ethics, surprisingly survived long decades of Soviet atheism policy and remain an essential feature of everyday social relations in rural Ferghana. One possible inference is that Islam’s role as a parallel legal order was quite obvious in rural Ferghana, inciting people to engage in acts of piety and charity. These examples confirm Shahrani’s Shahrani (1991) view that we cannot simply depict rural Muslims in Central Asia as all being ignorant of

the fundamental Islamic teachings. Rather, local knowledge of Islam should be assessed by observing how various social groups and actors use it in their everyday life and discourse.

A clash between state law and *Mahalla's* living law

Karvon residents also had their own interpretation of good and bad state officials. When they talked about corrupt state officials, they usually referred to those who used their “oily position” to enrich themselves rather than share some of their wealth with *mahalla*. If the state official stayed accountable and generous to his community, he was not seen as a corrupt official. But as soon as the officials distanced themselves from the people and showed no accountability to locals, they were perceived as the other—representatives of the kleptocratic elite. This is where locals drew a boundary between “good corruption” and “predatory/kleptocratic practices.” *Mahalla* residents knew that almost all state officials were corrupt and “took” regularly. As the state failed to valorise itself in people’s everyday lives, and as its officials charged with enforcing the rule of law were themselves breaking the law, the residents felt that they, too, had no moral obligation to act in accordance with state law. They were of the opinion that state officials should “steal with a conscience” and share part of their accumulated wealth and political influence with their wider community.

The case of Ahmadboy, a *mahalla* member and director of a state-owned factory, is a relevant example in this respect. Ahmadboy was the richest resident in rural Fergana; his family owned fancy houses, expensive cars, more than 30 hectares of land, and many other properties that state officials (even high-level ones) could not legally afford in contemporary Uzbekistan. It was an open secret in rural Fergana that he would not have been able to accumulate so much wealth without engaging in corrupt practices. Despite this, he was loved and respected by many people there. In the words of many people I encountered, unlike many greedy and selfish state officials, Ahmadboy was not a self-centred official. He shared his income with both his family and the wider community. This made him known locally as *taqsir*—a title historically used to address highly respected state officials, rich people, and religious leaders. When poor families could not afford an urgent medical operation or had nothing to eat during the cold winter months, they usually visited Ahmadboy’s house for help (rather than asking for help from the local government, which was supposed to address people’s basic needs). At 6 in the morning, it was normal to see four or five people standing outside Ahmadboy’s house, waiting to be invited to a reception. In other words, Ahmadboy’s house was an informal social welfare agency from which needy villagers could obtain support. In addition to this, Ahmadboy also sponsored the *Hajj* (pilgrimage made to the Kaaba) trips of more than 70 *mahalla* residents to Mecca, Saudi Arabia. When I asked *mahalla* residents if they considered him a corrupt official, many ironically replied, “Tell us, who doesn’t ‘take’ these days? Who follows the law? Ahmadboy differs from other state officials whose wealth is *harom* [unlawful in Sharia law]. Of course, he steals from the state, but he is a “conscientious thief” (*insofli o’g’ri*) and shares his wealth with everyone in the community. Therefore, his earning is *halol* [lawful in Sharia law].”

Ahmadboy's case is a good illustration of the existence of an alternative (to state law) legal order in rural Fergana that regards illegal transactions as morally accepted and *halol* practice. These observations indicate that state law was almost non-existent in everyday life in rural Fergana. Everyday life and social relations were regulated by informal norms that promoted an alternative version of how people should behave. Hence, state law was in tension with the "inner orders" (living law) of *mahalla* where I conducted fieldwork. From a legal standpoint, Ahmadboy's practices can be classified as instances of corruption and illegality, according to the Uzbek Criminal Code. However, in the eyes of the locals and according to local needs and standards, Ahmadboy was a good Muslim who shared his wealth with poor families. Local community members were aware that Ahmadboy would not be able to accumulate that much wealth and cater to the needs of poor families if he strictly abided by state law and relied on his official salary. Nevertheless, the locals interpreted Ahmadboy's action from a religious perspective, as exemplified by their use of religious terms (*halol/harom* binaries) to justify Ahmadboy's practices. Of course, *mahalla* members' interpretation of the "good state official" and "good Muslim" was not fully consistent with the principles of Sharia law. But the fact that they used *halol/harom* binaries, terms coming from Islamic law, gives us a clue to the existence of Islamic legal culture in Uzbekistan, which is enacted and reproduced within the flow of everyday *mahalla* life.

Having said that, it should be emphasised that not all *mahalla* members utilised *halol/harom* binaries when talking about Ahmadboy. Even though Ahmadboy was viewed as a good Muslim by the majority of Karvon residents, some *mahalla* members I encountered, especially residents who did not benefit from his charity efforts, took a position and applied legal/illegal binaries when discussing Ahmadboy's enrichment strategies. In this respect, Karvon *mahalla* was not a homogeneous social space where every single member of the community unanimously adhered to Islamic culture and norms. Thus, *mahallas* should not be seen as social spaces where dissenting voices are suppressed. Rather, *mahalla* are also sites where residents are engaged in mutually transforming interactions in their daily encounters.

Energy disputes and informal Mahalla

In this section, I will present ethnographic data on everyday energy disputes and Islamic legal culture in Karvon *mahalla*. More specifically, I will show how *imam* and *oqsoqol* resolved the energy disputes by deploying Islamic values and moral codes. In Uzbekistan, the energy sector is a key social arena where the state and citizens interact daily. Although Uzbekistan is a major producer and exporter of natural gas, ordinary people in rural areas of the country are forced to endure the cold winter months with little or no gas (heating), given that the government prioritises export sales over domestic consumers. The energy shortage has led to numerous localised protests in rural areas demanding that the government allocate more gas for domestic use. As a result, the energy shortage became an important avenue for a new form of community life and state-society relations. The effects of centralised energy policies are specifically felt in popular notions of entitlements and expectations. Given the existence of extensive gas reserves and energy production

infrastructures, most Uzbeks view access to gas as a basic right, something that the state must provide to its citizens. In Uzbekistan, the formal state in this sense is “absent” since the state has limited capacity to fulfil its energy provision obligations. Considering the growing gap between central policies – which prioritise export sales over domestic consumers – and popular expectations that take access to energy for granted, we can infer that the role and experience of the state in everyday lives is changing, along with shifts in citizens’ relationships to the state’s laws and institutions. Thus, the discourse of energy is one of the key arenas where the state, as well as the idea of “what the state should provide to its citizens”, is imagined, expressed, and enacted.

In Uzbekistan, as the state retreated from its energy provision obligations, ordinary citizens responded to these changes by creating an informal *mahalla* based on its normative order (social norms and traditions stemming from Islamic values and principles). An account of everyday energy disputes in the Karvon *mahalla* illustrates these processes. Like many other *mahallas* in Uzbekistan, Karvon residents also suffer the consequences of the natural gas shortage during the cold winter months as gas pressure in the pipes declines due to heavy demand. This situation led to fierce competition between *mahalla* residents over gas distribution. One way to increase the gas supply to a household was to install a pump (“*pilesos*” in the words of *mahalla* residents) that increases the gas pressure in a household’s pipe by sucking more gas from the *mahalla*’s gas distribution system (*GRB*), which provides an equal share of gas to each *mahalla* resident. The *pilesos*, usually connected to the gas meter located inside the household, is not visible to anyone outside that specific household. Since the use of a *pilesos* was illegal, the district gas supply department (*raigaz*), in collaboration with the *rais* (the leader of the formal *mahalla*), regularly conducted raids to detect and fine households for using a *pilesos*. The *raigaz* often justified the low gas pressure by referring to the extensive use of *pilesos*. But when the *raigaz* entered the *mahalla* territory, the *oqsoqol* (leader of the informal *mahalla*) covertly informed all *mahalla* members about the raid so that they could hide their *pilesos*. The *oqsoqol* knew that he should be loyal to the informal *mahalla*, not to the *raigaz* or the formal *mahalla*, given that the previous *oqsoqol* was removed from his position by the residents for collaborating with state officials.

There are different types of *pilesos*, ranging in price from US\$5 to US\$50, depending on the sucking capacity. If one household installs the most expensive, hence the most powerful, one, other neighbouring households are left with little or no gas. This led to numerous conflicts between households. The role of the *oqsoqol* in such cases is to mediate conflicts. However, this mediation was temporary, and *mahalla* members had to create a more sustainable strategy to ensure peaceful coexistence. After several incidents, the *mahalla* residents gathered at the mosque and reached a decision that satisfied all residents: every household must use *pilesos* of the same size and capacity. The *oqsoqol*’s role was coordinating and controlling compliance with the *mahalla*’s decision. The *imam* also acted as an additional enforcement mechanism, declaring that installing large *pilesos* (“stealing neighbours’ gas”) was *harom* (forbidden, unlawful act in Islamic law). The *imam* commented that using large *pilesos* and overconsuming the community’s gas is comparable to stealing from fellow Muslims, a sinful act forbidden by Islamic law. The *oqsoqol* and *imam*,

accompanied by several *mahalla* activists, visited every household daily to monitor the implementation of the *mahalla* decision.

However, during these visits, it turned out that 11 households did not abide by the *mahalla* decision. This was because these households were the wealthiest and assumed they could ignore the *mahalla's* decision given their higher social status. The members of those 11 households were described as bad Muslims who did not hesitate to use *harom* gas. This disobedience led to frustration among many low-income households, who demanded that the *mahalla* decision apply equally to everyone regardless of their financial situation. After wealthier households repeatedly ignored the *mahalla's* call for compliance, a decision was made at the mosque that these households would be disconnected from the *mahalla's* GRB. The next day, upon the *mahalla's* request, a welder (also a *mahalla* resident) disconnected these 11 wealthy households' pipes from the GRB, an illegal action according to state law but a morally justified practice according to the informal norms (living law) of *mahalla*.

Although members of the 11 wealthy households disagreed with this decision, they could do nothing since most residents insisted on disconnecting them from the GRB. Rather than challenging the *mahalla*, however, the 11 families bribed the *raigaz* and connected their separate gas pipes to their households, bypassing the *mahalla's* GRB. These developments resulted in a new social group, dubbed by the *mahalla* residents as 'the rich 11'.

While these initiatives allowed the *mahalla* to exert some degree of control over the use of gas, they required constant raids and monitoring of *mahalla* residents' behaviour. Despite regular raids, it was impossible to fully control the size of *pilesos*. Some households covertly used larger *pilesos*, an uncertainty that led people to accuse each other of noncompliance with the *mahalla* decision. To prevent further escalation, the *oqsoqol* and *imam* initiated another meeting of residents at the mosque. During the meeting, a decision was made that (1) the use of *pilesos* is strictly forbidden; (2) each household's gas meter should be moved to the street so that it is visible to everyone, rendering the use of *pilesos* impossible; and (3) all residents would demand that the *raigaz* increase the gas pressure given that all gas meters would be placed outside the household, visible to the *raigaz* inspectors. As a result, all households installed their gas meters on the street and were no longer able to use *pilesos*. This new situation provided leverage for the *oqsoqol* and *imam* to strike a deal with the head of the *raigaz* on increasing the gas pressure.

The above-presented case of gas disputes in Karvon *mahalla* shows us how daily mundane and spontaneous interactions informed by religious and traditional practices enabled the community members to resolve disputes and establish order without resorting to formal dispute resolution mechanisms or formal *mahalla* leadership. Rather than facilitating people's disputes or addressing their grievances, formal *mahalla* leadership served more like a surveillance mechanism on behalf of the local government. It was the informal *mahalla* leadership that innovatively mediated the disputes and found a workable solution to people's daily needs, even though these strategies were not necessarily in line with the state law. Accordingly, these micro-level power dynamics and negotiations,

particularly *mahalla* residents' use of religious terms ("bad Muslims using *harom* gas") and the welder disconnecting "the rich 11" from the *GRB* (an act which contradicts the state law but approved by *mahalla*'s religious and traditional authority), illustrates that *mahalla* is a site where the patterns of the Islamic legal culture can be gleaned and reified.

Concluding remarks

The primary aim of this article was to explore whether social norms and traditions emerging from Islamic values and principles can be seen as a parallel legal order/culture in Uzbekistan. It was argued that the patterns of the Islamic legal culture are visible not only in religious rituals and prayers but also in the flow of everyday life and social interactions. In doing so, I suggested that the more the focus moves from state-centred understandings of law to ethnographic analyses of everyday life and micro-level social processes and structures, the more it becomes discernible that Islamic legal culture operates as a parallel legal order in Uzbekistan despite the Uzbek regime's zeal to limit Islam's role as a social force. Accordingly, when studying the role and rule of law in legally plural societies like Uzbekistan, where the state faces enormous resistance from informal legal orders, one should focus not only on the formal legal system and institutions but also examine informal norms and rules (e.g. customs, religious values, moral codes), which play a more salient role in everyday life than the state law.

Empirically, these processes were explored through the case study of Karvon *mahalla* in the Fergana Valley of Uzbekistan, demonstrating how customary norms, religious practices, actors, values, and principles stemming from Islamic law shaped everyday *mahalla* life and social relations, offering viable livelihood strategies and serving as an alternative (to the state law) dispute resolution mechanism. Theoretically, in analysing the legacy and context of Islamic legal culture in Uzbekistan, I drew on the concept of legal culture and the living law framework. These two theoretical concepts, particularly their emphasis on the "law that emerges in the flow of everyday life and social relations," allowed me to conceptualise *mahalla*-level customs, social norms, sensibilities, and traditions as a manifestation of Islamic legal culture in Uzbekistan. My analysis shows that the *mahalla* is a legally plural social arena where different legal orders and power geometries, such as social norms originating from Central Asia's Islamic legal and administrative traditions, coexist and compete with the formal legal system, thereby shaping the basic parameters of everyday life. The existence of two parallel power structures in *mahalla* (formal and informal leadership) clearly illustrates these processes.

My findings have implications for broader scholarly and policy debates on why Western-backed rule of law and democratisation initiatives failed to produce their expected outcomes in non-Western, Muslim societies. This can be explained by the fact that many Western-backed legal reform initiatives hardly reckon with the socio-legal context in non-Western societies where informal norms and rules are

more salient than the state's laws in everyday life. This implies that the state and its laws are constructed and reconstructed, invented, and reinvented when they come into contact with competing informal norms and unwritten rules. Hence, the place to look for the sources of power to enforce the order is specifically in society's norm structures; and the very nature and outcomes of social and political order are determined by the struggles and interplay between different normative orders (legal, social, religious, etc.). These points lead me to suggest that there is a need to reckon with indigenous institutions, norms, customs, social fabric and power geometries in designing legal and governance reforms in non-Western societies.

Such struggles and interplay between different normative orders are particularly evident in Central Asian societies such as Uzbekistan, where people still maintain strong devotion to traditional Asian values, such as ethnocentrism, primordialism, the sanctification of ritual and custom, communalism, ascriptive authority, customary rather than contractual obligations, supernaturalism, and social rather than legal sanctions (Poliakov 1992, Gleason 1995). When looking at the magnitude of *mahalla*-based informal coping strategies, it becomes obvious that the state in Uzbekistan has not been able to valorise its laws and symbols, while *mahalla*-level informal rules and norms ("living law") has developed into a parallel system of governance in everyday life. One possible inference from these findings is that we need to go beyond the state-centred and legal centralistic perspectives when studying law and society in non-Western, Muslim societies like Uzbekistan; additionally, we should also focus on bottom-up law-and-order-making processes. Although these micro-level legal operations pose no direct challenge to the state, they can redefine state-society relations and even the everyday social order in the longer term.

Notes

1. Polozhenie o makhallinskikh (kvartarl'nykh) komitetakh v gorodakh UzSSR. 17 April 1932.
2. Gazeta.uz. 2023. "Bizni bitta narsa qutqaradi—sadoqat, vatanga muhabbat va fidoyilik." (One thing can save us – loyalty, love to homeland and devotion). Gazeta.uz. September 27, 2023. <https://www.gazeta.uz/uz/2023/09/27/hearing-state/>.
3. Hoji is a holy title which is given to a Muslim who has successfully completed the hajj (pilgrimage) to Mecca.

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