



CONFERENCE ARTICLE

LAND TENURE CATEGORIES IN THE BUKHARA EMIRATE (BASED ON THE ANALYSIS OF M. A. ABDURAHIMOV'S WORKS)

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ABSTRACT

This article analyzes the land tenure system and agrarian relations in the Bukhara Emirate during the eighteenth and nineteenth centuries based on the works of M. A. Abdurahimov. It examines the legal nature of major land categories such as amlok (state lands), mulk, mulk-i hurr-i khalis, mulk-i kharaj, mulk-i ushr, and waqf lands, as well as their tax obligations and the economic conditions of peasants. The study also highlights the reclamation of "dead lands," the rates of kharaj and ushr taxes, and the practical mechanisms of the rent-tax system as reflected in the letters of Amir Haydar. Through Abdurahimov's research, the article provides a scholarly reconstruction of the feudal agrarian structure of the Bukhara Emirate.

KEYWORDS

Bukhara Emirate, land tenure, agrarian relations, amlok lands, mulk lands, mulk-i hurr-i khalis, mulk-i kharaj, ushr system, waqf property, Amir Haydar letters, M. A. Abdurahimov.

INTRODUCTION

In the Bukhara Emirate, land tenure and agrarian relations during the sixteenth to nineteenth centuries constituted one of the key factors shaping the country's economic life and social structure. Lands were classified into several categories—amlok (state-owned land), mulk (private property), mulk-i hurr-i khalis, mulk-i ushr, mulk-i kharaj, and waqf—each with distinct legal status, tax obligations, and rules of usage. This classification emerged from the interaction of Islamic legal norms, state policy, and long-standing local economic traditions.

The diversity of land tenure forms directly influenced peasants' agricultural activity, the rights of landowners and officials, and the revenues of the state treasury. The collection of taxes from state lands, the functioning of the kharaj and ushr systems, the reclamation of "dead lands", and the administration of waqf properties all contributed to the complexity of the Emirate's agrarian structure.

This article examines the nature of land tenure categories in the Bukhara Emirate, their legal foundations, and associated tax responsibilities, while also analyzing their practical application through Russian Orientalist studies and local primary sources.

Literature Review. M. A. Abdurahimov is the leading researcher on land tenure and agrarian relations in the Bukhara Emirate. His articles published in 1961 and 1963 examine the legal nature of land categories such as amlok, mulk, mulk-i hurr-i khalis, mulk-i kharaj, mulk-i ushr, and waqf lands, along with the tax obligations imposed on peasants. His fundamental two-volume work published in 1966 and 1970 provides a comprehensive analysis of land and water relations, forms of feudal rent, the reclamation of "dead lands," the system of tenancy, and tax policies reflected in the letters of Amir Haydar. Abdurahimov's research serves as a primary and indispensable source for reconstructing the agrarian structure of the Bukhara Emirate.

The study also draws on the works of A. A. Semyonov, I. P. Petrushevskiy, P. P. Ivanov, O. D. Chexovich, and L. N. Sobolev,

whose contributions provide valuable comparative and contextual insights.

Research Methodology. This research is based on the methodological approaches employed by M. A. Abdurahimov and relies on primary sources such as the letters of Amir Haydar, archival documents, and fiqh-based legal texts, analyzed through source-critical methods. Various forms of land tenure are compared using the historical-comparative approach to identify their legal and economic characteristics. In addition, the study employs historical reconstruction and socio-economic analysis to elucidate the practical functioning of the agrarian system in the Bukhara Emirate.

Analysis and Results. According to the findings of M. A. Abdurahimov, the following categories of land tenure existed in the Bukhara Emirate [Abdurahimov, Essays on Agrarian Relations in the Bukhara Khanate, vol. 1, 1970, p. 11]: 1. State lands (zamin-i mamlakat, zamin-i amlok, zamin-i podshoh, araziyi podshoh, mulk-i podshoh, mulk-i devoni). 2. Privately owned lands, also known as kharaj lands (mulk-i kharaj). 3. Mulk-i ushr lands. 4. Tax-exempt lands (mulk-i hurr-i khalis). 5. Waqf lands (zamin-i waqf), endowed for the benefit of religious institutions such as mosques, madrasas, Sufi communities, shrines, and state-run charitable institutions.

In terms of taxation, there was no difference between amlok (state) lands and privately owned lands; all categories of land, except for mulk-i hurr-i khalis, were subject to taxation, although the types of taxes varied. Kharaj was levied exclusively on kharaj lands.

The socio-economic position of peasants remained largely similar regardless of whether they cultivated state lands or privately owned lands. The fundamental legal distinction between amlok and kharaj lands lay in property rights: while private land could be freely sold, gifted, inherited, or mortgaged, state lands could not be transferred in such a manner. The sale of state lands or their transfer—even as gifts—to servants,

religious elites, or even members of the ruling family was strictly prohibited, except in rare cases. Eighteenth-century sources emphasize that determining the legitimate owner of state land required official documentation; otherwise, ownership could not be established [Abdurahimov, 1970, p. 23].

Peasant-tenants received amlok land directly from the divan (state treasury), from amlokdars, or more commonly through tax-farmers. These tax-farmers often collected annual taxes ahead of schedule and then continued to extract payments, frequently abusing their authority. In many cases, the taxes they collected were never forwarded to the state treasury [Abdurahimov, 1961, p. 35]. Peasants leased only the land itself, while livestock, plowing oxen, irrigation tools, housing, and essential farm equipment typically remained the property of the amlokdar and did not belong to the tenants [Abdurahimov, 1961, pp. 35, 72].

During the early nineteenth century, under Amir Haydar, the rate of kharaj on irrigated state lands varied from one-third to one-fifth of the harvest, or one dinar per fruit tree in orchards and vineyards [Abdurahimov, 1970, p. 27].

Russian Orientalist N. V. Khanikov noted that mulk lands included abandoned lands whose original inhabitants had left them at the time of conquest. These lands were granted by the ruler to new holders as hereditary property without requiring consent from the former population. According to legal norms, valid ownership required a document or yarlik (decree) stamped by the amir; otherwise, the land reverted to the state treasury. A legitimate mulk owner was required to meet five conditions: demarcation of land boundaries, active use of the land, inheritance, sale, and the ability to endow the land as waqf [Khanikov, *Opisanie Bukharskogo khanstva*, pp. 117-118; Izarov; Logofet].

S. Izarov, relying on Khanikov, concluded that mulk lands constituted abandoned, ownerless lands redistributed by the ruler. Thus, he differentiates mulk from mulk-i hurr-i khalis and other land categories.

M. N. Rostislavov, one of the most prominent scholars of land relations in Central Asia, explains that under Islamic law lands were divided into two major categories: amlok (state-owned) and milk (private property). Private lands were further subdivided into three types: hurr-i khalis, exempt from all taxes; ushr lands, taxed at one-tenth of the harvest; and kharaj lands, taxed in grain [Rostislavov, pp. 331-332].

Rostislavov further notes that hereditary private land ownership required an official deed bearing the seal of the sovereign, confirming the exact boundaries of the land. Private lands were of two types: mulk-i hurr-i khalis and mulk-i kharaj. The latter was subdivided into ushr and daxyak categories [Rostislavov, pp. 334-336].

Although the terms ushr and daxyak both linguistically refer to "one-tenth," Abdurahimov emphasizes that their terminological meanings in the Bukhara Emirate differed significantly [Abdurahimov, 1970, p. 31].

Analysis and Results (continued)

The 528th letter from "The Letters of Amir Haydar" states:

"Be informed that Sayyid Shohmajnunkhoja, in accordance with the supreme decree, cultivated and reclaimed the dead state lands located in the village of Jaloyir in Karmana. He brought water to the aforementioned dead land through an irrigation canal. Therefore, we decree that the kharaj on this land be set at one-fifth of the harvest. You must not collect more than one-fifth from this land, and you must forbid your servants from demanding a greater share of the harvest. If your servants have collected more than the prescribed one-fifth, you must confiscate the excess and return it [to the landholder]."

(Letter No. 528, 1222 AH / 1807-1808 CE).

Based on this document, it becomes clear that by the early nineteenth century individuals who reclaimed dead lands (mawāt) had lost their earlier privileges. Whereas in earlier periods such cultivators paid only ushr and paid kharaj only when irrigation water was supplied to them, they were now required to pay a fixed kharaj rate of one-fifth. This represents a significant change from the earlier tax regime applied to old kharaj lands, despite the fact that the cultivator himself had constructed the irrigation canal. Over time, therefore, reclaimed lands transitioned into the category of kharaj-mulk lands and were taxed accordingly [Abdurahimov, 1970, p. 38].

Abdurahimov also cites L. N. Sobolev's view:

"Ushr lands are those distributed in conquered territories on the basis of military service rights. The tax collected from such lands amounts to one-tenth of the harvest, and this tax is levied not on the land itself but on the produce (the grain at the threshing floor)."

[Abdurahimov, 1970, p. 52].

Sobolev classifies mulk-ushr lands into two categories:

a) lands where one-tenth of the harvest is allocated to a religious institution, while nine-tenths remain with the landowner;

b) lands where one-tenth is paid to the state treasury, and the remaining nine-tenths belong to the landowner

[Sobolev, *Geographical and Statistical Information on the Zeravshan District*, 1874, pp. 217-218].

Although the terms ushr and daxyak are linguistically identical—both meaning "one-tenth"—their terminological meanings in the Bukhara Emirate differed significantly. While ushr was transferred entirely to the state treasury, daxyak—though also paid to the treasury—was subsequently redistributed as stipends to madrasa students and for charitable purposes. Thus, daxyak functioned as a state-administered quasi-waqf. Students who received these stipends were known as daxyak-khuram, meaning "those supported by daxyak." Importantly, the stipend was granted only to students who had passed specific examinations [Abdurahimov, 1970, pp. 54-55].

Furthermore, after the state assumed control over waqf properties, it allocated one-tenth of their revenues to the administrators of mosques, madrasas, shrines, and similar religious institutions. For example, Letter No. 481 from Amir Haydar states:

"Let it be known that the villages of Alibek and Kabutarxona in the province of Kermine constitute the madrasa waqf of the late Khan Abdal-Aziz Khan—may God's mercy be upon him. You must warn your tax collectors and servants that they are to deliver the ushr tax (one-tenth) from the straw and vegetable crops, as well as the pigeon-feed crops in those lands, to Mirzo Khaylar in the proper manner. They must conceal nothing and must not resist this order."

Other letters indicate that amlokdars (state tax officials) at times failed to deliver the daxyak (one-tenth tax) to the treasury on time. In one such letter, Amir Haydar informs Sayyid Ahmad Khoja that the amlok of the Xushvaqf quarter has still not submitted the daxyak either in grain or in cash.

Abdurahimov also cites Amir Haydar's Letter No. 756, in which it is reported that 30 man of grain due as daxyak from the lands of Garmiston (in the Khuzar region) had not been collected by the amlokdars. Therefore, they were instructed to recover this amount from the responsible officials and deliver it to Abdudjabbor Ponsodboshi.

M. N. Rostislavov equates ushr and daxyak as taxes corresponding to one-tenth. However, regarding daxyak, he writes:

"The amirs allocated one-tenth of the revenue from amlok lands for the benefit of certain individuals—mullahs or khodjas. The

mullahs and mudarrises who received the daxyak selected from among themselves a manager entrusted with overseeing the income and distributing it accordingly. It follows that daxyak lands were not hereditary; daxyak was granted to an individual only for a specific period, typically for a year, and a predetermined amount of income was to be collected from it. The appointed manager—the mutavalli—was responsible for selecting the tenant and leasing out the land, usually for one year and for a fixed payment. He was then responsible for delivering the rental payment on time in the following year.”

[Rostislavov, *Essay on Types of Land Ownership and the Land Question in the Turkestan Region*, p. 339.]

After receiving the rental payment, the mutavalli distributed it among the eligible recipients of the daxyak in proportion to their shares.

In 1912, when the Russian political agent in Bukhara inquired about the rules governing the sale and purchase of land in the Bukhara Emirate, the qoshbegi Nasrullo replied:

“The categories of land subordinate to the highest authority in Bukhara are: *mulk-i hurr-i khalis*, *mulk-i kharaj*, *amlak* (that is, state lands), and *waqf* lands. *Mulk-i hurr-i khalis* refers to the portions of former state lands purchased by wealthy individuals through payment in horses and livestock. These purchasers delivered two-thirds of the revenue to the state, while the remaining portion was exempt from taxation. Thus, *mulk-i hurr-i khalis* represents land entirely freed from tax obligations, and only the purchaser himself may administer such land; others cannot claim ownership over it.”

[Abdurahimov, *Essays on Agrarian Relations*, vol. 1, 1970, p. 58].

Third parties who reclaimed dead lands (*mawāt*) were required to pay a specified amount to the treasury in advance in order to convert them into private property and secure subsequent tax exemptions.

Mulk-i hurr-i khalis constituted the only truly absolute form of private ownership; therefore, such lands commanded the highest value in land transactions. Their acquisition was formalized in legal documents specifying boundary markers on all four sides—what lands bordered them to the east, west, north, and south. Public roads, irrigation canals, and passageways were recorded, and the witnesses present during the transaction were listed. The amir’s seals were then affixed, followed by a notation from tax officials (“concerning *amlak* and *kharaj*”), indicating the legal basis upon which the land had been converted into private property. Each new ruler who ascended the throne was required to reconfirm these deeds.

Drawing upon Muhammad Ya’qub Bukhari’s *Gulshan al-Mulk* and Abu Tahir Khoja’s *Samariya*, Abdurahimov notes that Shah Murad—first ruler of Samarcand and later of Bukhara—restored numerous *waqf* properties and endowed lands, thereby gaining the respect of the religious elite. However, Shah Murad was unable to fully restore all *waqf*-related documentation. In many cases individuals claimed various plots as *waqf* for their own benefit. During Amir Haydar’s reign, such claimants were compelled to swear an oath on the Qur’an in accordance with Islamic law [Letters of Amir Haydar, No. 186].

Amir Nasrullo, witnessing the widespread misappropriation of *waqf* lands and revenues by clerics, mutavallis, and others, incorporated some *waqf* properties into the state treasury and issued the previously designated payments from the divan. Nevertheless, this measure did not put an end to the abuses. As a result of administrative disorder, political instability, and the unchecked actions of religious authorities, the quantity of *waqf* lands sharply declined by the mid-nineteenth century [Abdurahimov, 1970, p. 58].

Conclusion

The research of M. A. Abdurahimov reveals the complex and

multilayered structure of land tenure and agrarian relations that developed in the Bukhara Emirate during the eighteenth and nineteenth centuries. The main categories of land—*amlak*, *mulk*, *mulk-i hurr-i khalis*, *mulk-i kharaj*, *mulk-i ushr*, and *waqf*—emerged through the interplay of Islamic legal norms, the feudal economic system, and state interests, each bearing its own specific tax obligations and rules of use. Drawing on the letters of Amir Haydar, Abdurahimov provides a clear and practical picture of the reclamation of dead lands, the determination of *kharaj* rates, the condition of peasant-tenants, and the functioning of tax policies. Through meticulous analysis of primary sources, he reconstructs the agrarian system of the Emirate and offers a coherent interpretation of the political and economic essence of land and water relations. His works stand as a foundational scholarly resource for understanding the nature of the feudal agrarian order in the Bukhara Emirate.

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