
The Legal and Political Confrontation between the Safavids and the Shaibanis in the Legal Structure of Transoxiana

Ismoilov L.E¹, Gubaydullin A.Y²

¹Kazan Federal University,

Candidate of Historical Sciences, Associate Professor,

Department of Oriental, African and Islamic Studies, International Studies Institute, Russia, Kazan

(ismoilov-62@mail.ru)

²Kazan Federal University,

Assistant Professor, Department of Oriental, African and Islamic Studies, International Studies Institute, Russia,

Kazan agubaydullin1@rambler.ru

Abstract

By studying comparative law from the oldest written law to the development of comparative law, one can gain the important legal experiences of countries, and by studying those works, one can apply the same experienced laws according to the necessary conditions in the country in question. Because the events of history are considered as a connected chain and the previous events are the origin of the subsequent events, it is not possible to divide the history of relations between nations into historical periods. But in order to facilitate the study of historical events, they have inevitably separated historical periods so that one can easily comment on historical phenomena. Described is the military, political and social situation in Transoxiana and Khorasan during the invasion of nomadic Uzbeks on the one hand and the offensive of Safavids on the other hand. It is the intention of the author to show the fall of the Timurid state and encroachment by Uzbek nomadic tribes on their possessions. The role of the Islamic religion in the unfolding political events is researched. The relevance of the topic is as follows. The emerging social and political situation in the area is giving rise once again to the idea of an "Islamic Caliphate". Thus, this idea, under favourable historical conditions and successful organizational and ideological activities of the parties concerned, will once again arouse the minds and moods of certain categories of people. Recent events in Syria and Iraq attest to this.

Key words: Comparative law, Legal Confrontation, Transoxiana, Timurids, Shaybanids, Safavids, Islam, religious conflict

Introduction

From the historical point of view, the turn of the 16th century for Transoxiana became a critical, momentous and rather controversial period of development. The fall of the Timurid state happened at this time. Whereas the collapse of any state entails general political chaos, which in turn gives rise to class, religious or ethnic wars, events in the region under consideration are no exception. A more detailed description of the historical events of this period is given in a number of brilliant works by A. Semenov [1, pp.111-150; 8, pp.39-85].

The 16th century in the history of Transoxiana began with the invasion of nomadic Uzbeks and their complete looting of land. Indeed, as a result and consequence of the Shaybanids' dominance (*mustawli*), they gained political power in the region, which led to a new redistribution of property and new allocation of sources of wealth. Naturally, many former owners were either killed or became refugees or dispossessed of their property. According to A. Semenov, when the nomadic Uzbeks first captured Samarkand, they robbed and tortured every person, more or less well off. The looting of the city and its surroundings resulted in famine. Residents were forced to eat dog and cat meat in violation of the religious ban. Following the second capture of Samarkand by Uzbeks (following the escape of Zahir al-Din Babur), a sweeping massacre and looting of residents began. Those who managed to escape fled to the mountainous regions of modern Tajikistan, Khorasan and other places [2, p.55]. However, the rich and easy profits gained by the nomadic Uzbeks encouraged them, and the invasion began to reach formidable military, political, demographic and religious proportions, which the Shaybanids themselves did not expect.

Not only nomadic Uzbeks, but also their fervent enemies, unscrupulous and treacherous Mughals (allies of Zahir al-Din Babur) also looted, raped and killed residents of the central areas of Transoxiana. In a short period, they almost wiped out the population of Gissar. Let us not forget the moral standards of "warriors": they set them themselves. As permissiveness emerges during armed hostilities, moral values become often forgotten and cruelty and violence occur. The nomadic Uzbeks and Mughals were no exception.

The conflicts listed above had brought unbelievable suffering to the local people. War is the worst of human manifestations. It is accompanied by death, destruction, unimaginable devastation and ravage. Its course and direction are always unpredictable.

Results and discussion

At the beginning of the 16th century, another important event took place that had an impact on the further development of the region's history and the destiny of its peoples: the Shiite-Sunni controversies intensified. The emergence of new players in the military-political arena – Shaybanids and Safavids who intended to seize the Timurid political legacy is regarded as the main reason for this confrontation. These mutually exclusive factors, which were alien to the history of the region, had aggravated social tensions and uncertainty in the development of the country. Behind the scenes of this hostility were political motives, the centerpiece of which was the attempt to acquire military and political hegemony in Transoxiana and Khorasan. The main differences between the parties concerned territory, religion and probably trade.

The latent religious differences within the two denominations of Islam became more notable at the beginning of the 16th century, when the Safavids declared Shia Islam as their state religion [3, p.78]. Initially it was a local religious disagreement. But soon it crossed its natural geographical boundaries and, on the grounds of rivalry between two denominations within Islam, became a long lukewarm conflict during most of the 16th century in the east of the Safavid state. The confrontation became particularly intense and violent when fanatical supporters joined their two respective parties. This military and political struggle was dressed in religious clothes. The parties to the conflict, both the Kizilbash (Safavids) and their opponents, nomad Uzbeks, considered themselves *ghazi* (fighters for faith). Religious conflicts, though like any other conflicts, are known to be unpredictable. Both conflicting parties were characterized by erroneous assessments of situations, exaggeration of their capabilities, as well as excessive, uncontrollable emotions.

Supporters of the new Shaybanid regime sought needful and useful versions of the history of Islam that could legitimize the rule of the new Shaybanid dynasty. Thus, the term *imam-az-zaman wa kalif-ar-rahman* (Imam of the time and Caliph of the Merciful) became introduced into widespread use. The title was held by Muhammad Shaybani Khan himself [4, p.370], who, despite his dubious reputation (in particular because of his war crimes) and the lack of an alternative, was raised as an example of a spiritual renovator. Naturally, pro-Shaybani historians and authors embellished his real story. It is worth noting that the deep religious devoutness of Shaybani Khan was combined with his belief that he had a special mission. He probably tried to respect the well-known principle of Muslim State law, the *Imam-Caliph*, and sought to show himself in the eyes of the Muslims as a successor not only of the traditions of the Muslim Caliphate (i.e. the secular ruler), but also the Imamah – the spiritual leader of the Muslim community [5, p.178]. Pro-Shaybani historians understood by this the restoration of a just Islamic way of life and the embodiment of true Islamic norms therein. To all that has been said, it should be added that the court poet Mullah Shadi in his work "*Fath-nameh*" (The Book of Victory) calls Shaybani Khan *Mahdi* (messiah), *Hadi* (the Muslim leader on the right path) and by these titles confirms his right to the title of spiritual leader of the Muslim community [6, p.46]. The author of this work (as well as other court historians) was obsessed with the idea of a special place and special merit of his patron in the history of Islam in general and in the history of Transoxiana in particular. He contrasts the *Mahdi* title attributed to Shaybani Khan with "Shia messianic beliefs in which the idea of the impending Imam Mahdi, at which the universal kingdom of the Shiites will come, takes first place"[7, p.70].

According to A. Semenov, Shaybani Khan's acceptance of the title of *imam-az-zaman wa kalif-ar-rahman* was an immediate response to the messianic calling emanating from the Kizilbash. When he obtained his new status, he immediately translated his response into action: he attacked the defenseless population of Kerman, killing many people and plundering the city.

History shows that in times of domestic and international crises, when religion and religious sentiment become their cornerstone by coincidence, clarity of thought all too often gives way to emotions and hasty conclusions. Shaybani Khan was an opportunist and adventurous man and his entourage displayed unpredictable behavior, which led the country into a great conflict. Shaybani Khan, under pressure from his entourage and other active nomadic groups, often made erroneous political and military decisions.

It is known that during the first decades of the 16th century religion was the cause, or at least the justification, of numerous wars in Transoxiana and Khorasan [8, p.55]. The warring parties, Shaybanids and Safavids, were distinguished by their religious identity. This religious conflict was associated with bloodshed, treachery, bribery, and looting. The people involved in this conflict were not only motivated by religious considerations, but also took proprietary and financial interests as their guide. In most cases, certain circles used the Sunni-Shiite discord as an excuse not only to enrich themselves, but also to enrich the conquerors. It was not so much denomination as financial status that often led to looting and confiscation of people's property. Many rich Sunnis were killed. False witnesses called them Shiites. There were also opposite examples. Thus, the looting was carried out under the cover of religious slogans. Even bandits and highway robbers accused their victims of belonging to some polar denominations under contrived pretexts

The religious conflict was most pronounced in the major cities of Khorasan, where the Shiites initially emerged as a “sleeping element”, but were “awakened” by external factors and showed themselves as an “active minority”. According to A. Boldyrev, the Shiite-Sunni controversies took place in the main town of Khorasan, Herat, before the arrival of the Safavids, but were relatively harmless. Sunnism prevailed, but with the advent of the Safavids, Shia fanaticism, murder and intimidation of Sunni people in the streets of Herat got widespread. Fanatics did not even spare the dead. For example, they burned down the grave of the famous Persian poet Abd al-Rahman Jami (died in 1492). Thus, the confessional peace and balance of interests in the region were violated; the worldview and religious principles were undermined. Gradually, the balance of confessional ideas among people changed: Mashhad (although there was a religious consensus before the arrival of the Safavids) was already considered a purely Shiite city. The idea of Iran as an invariably Shiite region (*wilayat-e kizilbash*) was formed.

The Tajik writer Zayn al-Din Wosifi (died in 1556) as an eyewitness to the events and as a victim of them, tells in great detail terrible facts about the Shia-Sunni conflict in Herat on the eve of the Safavid invasion in Khorasan. As we have already noted, it was initially a “sleeping conflict” that was waiting for its resolution. This proves that in any region or large city, where there are different confessions, the drama begins because of external interference, and then the more “affected” side exhibits excessive destructive activity. Indeed, the conflicting parties showed extremes towards each other. After the capture of Herat by the Kizilbash, city residents were forced to live according to strict religious regulations imposed by the new authorities. In the captured territories, Sunnis were probably forbidden to express their denomination not only in public but also in private. Otherwise, they risked facing heavy punishment. Many were affected by accidental non-compliance with the new religious regulations. The new persons who supervised the implementation of these rules also punished the innocent as an example, i.e. exceeded the authority assigned to them. For example, Zayn al-Din Wosifi was persecuted for having too short a mustache. It is known that the Kizilbash themselves wore long mustaches. In the era of religious fanaticism, external attributes – a mustache, beard, clothing, headdress, etc. – indicate a person's belonging to a particular social group. According to written sources, signs of fanaticism were expressed in the imposition of religious dogmas, procedures and behavior on the people around them, as well as tolerance for facts and forms of religious violence against representatives of another Islamic denomination. According to Zayn al-Din Wosifi, the opponents shed each other's blood, believing that their idea of Islam was the truest. Many sacrificed their lives for some or other interpretations of the history of the first decades of Islam. Both parties to the conflict considered their cause true and sacred (*ghazot*) and called their supporters *ghazi*. The nomadic Uzbeks were particularly intolerant towards adherents of different faith, which, combined with their wild temperament, led to atrocities.

Numerous persecutions in the vast expanse of the newly formed Safavid state forced many Sunni adherents to move to Transoxiana. Major Khorasan cities such as Herat, Mashhad and Merv were particularly affected in this interfaith confrontation. Based on the data provided by Zayn al-Din Wosifi, we understand that many Sunni refugees witnessed murders, experienced arrests of loved ones or their persecution, exile, betrayal of some friends, and looting of houses. Not everyone had the opportunity to emigrate to Transoxiana. It was necessary to pass the customs and cross the border but first get an official permission to go ahead. Those who left their homeland, lost close relatives, sources of livelihood, and managed to emigrate to Transoxiana, here faced difficulties of a social, ethnopsychological, regional nature, i.e. emigrants faced social and economic rejection. In other words, this movement did not become for them a “search for faith and hope.” According to researchers, the theological and bureaucratic circles of Transoxiana did not conceal their hostility towards the arrived Khorasanians under the binary “us and them” principle. Representatives of these regions ridiculed each other with obscene words. Zayn al-Din Wosifi writes in this regard:

*Wafowu mardumi dar Mowarounnahr kam boshad
Agar khokhi, biraw, ey Wosifi, ruy dar Khuroson kun.
Good faith and humanity are few in Mawarannahr
If you want to leave Wosifi, go to Khorasan* [9, p.117]

Many newcomers, with difficulty finding a place for themselves, remained in Transoxiana until the end of their lives, others, in search of a better life, went to India. For example, the famous poet Shahidi-i Iraki after a long wandering around Transoxiana went to India and settled in Gujarat, where he died at the age of 100. Not all emigrants found what they wanted because of the dangers on the roads and crossroads. Most wanted to go to India, but few succeeded. Emigration to India was not only politically and economically motivated. It was promoted by cultural as well as a variety of social reasons. It is noteworthy that in the historical records of this period there is no clear allusion to the subject of *Muhajirism* - leaving because of the restriction or oppression of faith.

New events, i.e. the invasion of nomadic Uzbeks, the appearance of this alien and semi-savage element (*gul-i biyobon-i*), as well as the appearance of the Safavid troops (*kizilbash*) in Transoxiana, caused a hostile reaction among the local population. The records of this period mention the facts of the destructive consequences of the

prolonged stay of nomadic Uzbeks and Mughals near agricultural regions in the absence of a strong central authority in Transoxiana [10, p.119].

Zahir al-Din Muhammad Babur (died in 1530) as a direct participant and eyewitness of the events writes in his memoirs that once, when he was surrounded by Shaybanid troops in Samarkand (1497), the ordinary people expressed their deep solidarity and voluntarily launched daring attacks against nomadic Uzbek troops. Another case: in 1500-1501, when Babur seized Samarkand for the second time, the city dwellers offered thanksgiving prayers. He wrote: "Our people and citizens were overtaken by an extraordinary joy and excitement; they killed Uzbeks in the streets with stones, sticks"[11, p.100]. The latter became targets of hatred and violence from the local Tajik and Turkic population. A sense of community and collective behavior is always triggered by certain dramatic events. The source of spontaneous aggression is general panic. The dark, irrational forces of the people showed terrifying cruelty towards the "sources of evil".

Because of rapidly changing events, the religious and psychological climate of the Transoxiana society was significantly disrupted. In turn, the urban population of the region during the period under review was in a feverish social and psychological state, reminiscent of the expectation of something incredible. The worst premonitions of the citizens proved to be correct as events unfolded. The anxiety and fear that gripped the population when rumors of impending attacks arose were almost irrational. Mass panic and hysteria became commonplace. Human losses (usually reckoned among *shahids*) influenced the way people think, and the latter reacted rather painfully to any perceived threats. In the Transoxiana society itself, hidden factors showed themselves that led to rapid social chaos and fragmentation. The invasion of the nomads coincided with dynastic problems and strife among the Timurids. The destructive internal mechanisms of the state were quickly revealed: the lack of principle and corruption of the Timurid governors, their distrust of each other, and complete indifference to the events taking place. Moreover, the truthful and false stories of the Safavid atrocities complemented the picture. Fears about the capture of Transoxiana by the Safavids were greatly exaggerated. The likelihood of an enemy taking over the region and its imaginary consequences were difficult for the population to perceive.

On the other hand, over time, the local population gradually realized the mortal threat posed by the Kizilbash in the military and religious sense. At the beginning of the new century, there was a mass murder of the Sunnis (population of Karshi, 1512) by the Kizilbash led by the Safavid military commander Najmi Sani (died in 1512). A large number of Sayyid people were also killed in the massacre. The numerous accounts of Zayn al-Din Wosifi bear eloquent testimony to this. In such a controversial and troubled era, the population was on the verge of a difficult and decisive choice. It should have chosen the lesser of two evils.

A more detailed and truthful representation of that period is given by Zayn al-Din Wosifi. In particular, he writes that in 1512 the Shaybanid commander Ubaydullah-khan (died in 1540) after his famous victory over Zahir al-Din Babur and his allies, the Kizilbash, solemnly entered Samarkand. This victory was of great psychological and religious significance, as it was won during the Shaybanids' weakening, in a period of complete chaos, powerlessness and fear of the confessional enemy. The next day, in the cathedral mosque, in the presence of the khan and with a huge crowd of people, a *khutbah* was announced in his name [12, p.102-103]. When the *khatib*, while reading the *khutbah*, reached the commemoration of the first Rightly Guided Caliphs, the screaming and yelling of the people reached such a degree of loudness that no one could hear the *khatib*'s voice, people began to fall to the ground, rip their collars, many were taken out unconscious on the people's shoulders. Religious hysteria and ecstasy began after the *khatib* commemorated the Companions of the Prophet, who became the most insulted figures in the course of the ideological confrontation with the Shiites.

Summary

The main subject of the religious dispute of that era was the legitimacy of the order of government of the first caliphs. In the captured Khorasan cities, the Shiites practiced public cursing of the first three caliphs and even established a specific formulation for their curse. The Sunnis found this action extremely offensive. Due to the well-known military and political events, the society was infected with such an unusual form of manifestation of feelings as mass hysteria. The crowd's reaction in this case was a form of irrational behaviour and manifestation of blind faith.

Conclusions

Thus, historical facts testify to a systemic crisis that struck the political life of the Timurid state at the turn of the 16th century. The crisis not only eroded the internal life of the Timurid state, but its foreign policy also suffered a defeat. The state was unable to protect the external borders from the plundering raids of the Mughals and nomadic Uzbeks. In a short time, nomadic Uzbeks, the Shaybanids, captured Transoxiana. The newly arrived nomadic Uzbeks violently seized the abandoned hearths, households and crops. This creeping migration of nomadic Uzbeks continued throughout the 16th century.

Soon a powerful enemy of the Shaybanids appeared in Khorasan - Shah Ismail from the Safavid dynasty, with Shiite messianic ideas of his own. At the same time, among the Shaybanids, the idea of an "Islamic caliphate"

emerges with such key concepts as “Caliph” and “Imam”. Latent religious divisions between the two branches of Islam quickly escalated into a public military confrontation with the derived devastating consequences. The problem of religious migration emerged. Initially, the main issue between rival forces was the legitimacy of the rule of the first Rightly Guided Caliphs. The rival parties sought to justify the legitimacy of their own rule. Because of the military and political confrontation between the Shaybanids and the Safavids, the political and, within certain limits, ethnic, demographic and religious map of the region had changed.

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