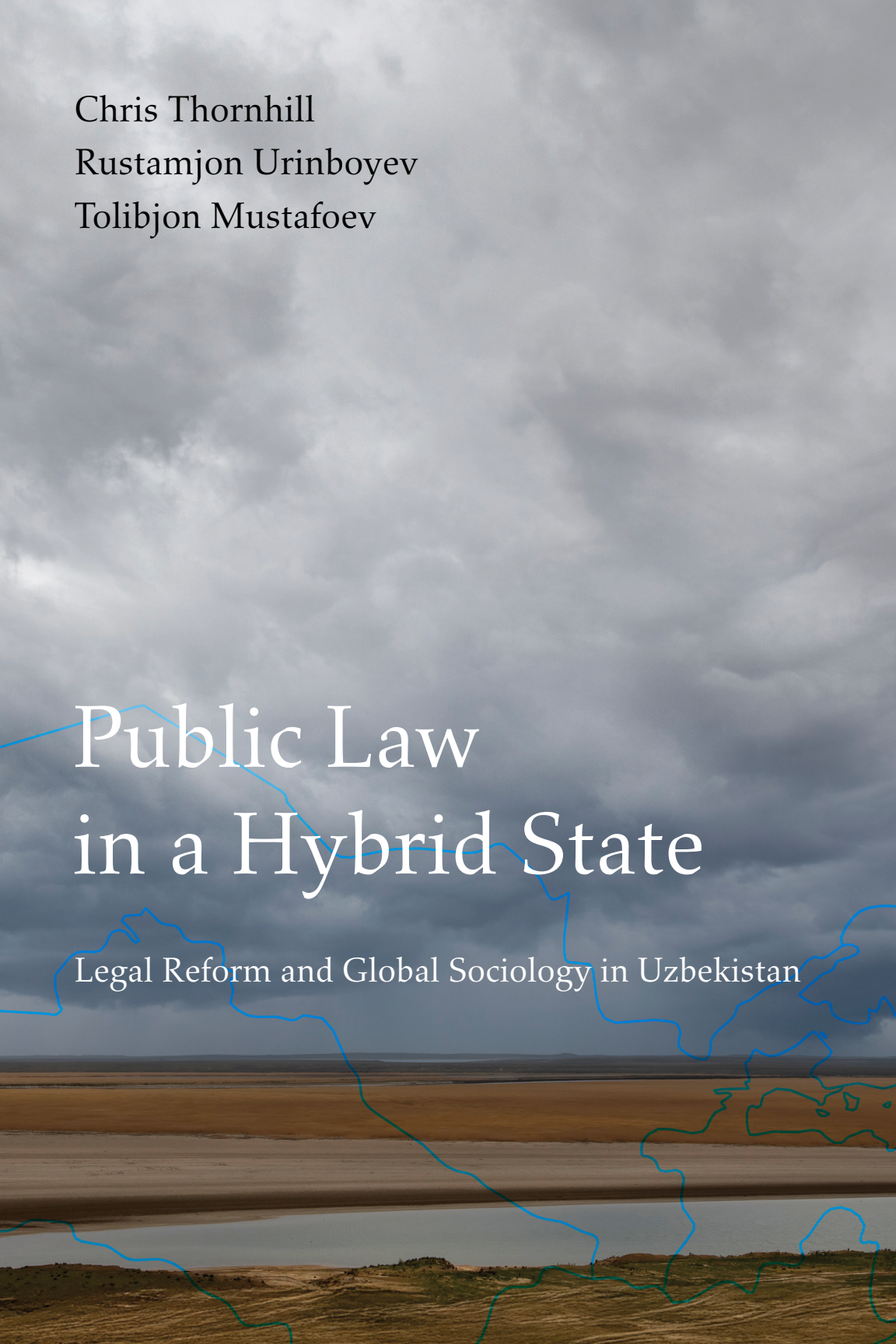


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Public Law in a Hybrid State

Legal Reform and Global Sociology in Uzbekistan



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Chris Thornhill, Rustamjon Urinboyev,
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The writing of this book revolved around a series of exchanges, conducted in many locations. It began in summer 2018, when two of the authors met, for the first time, in Uzbekistan, not long after the end of the repressive Islam Karimov regime. They traveled by car from Tashkent to Fergana, attended a wedding in a mahalla (a local self-governing body), walked along the Uzbek–Kyrgyz border, and explored the Tajik mahalla in Rishton. The onset of the transformation of Uzbekistan was already tangible at that point, and the authors pooled their insights and methodological experience to conceive a joint research project. The insights gained during this initial field trip proved to be the seed of ideas developed in this book. As the group of authors expanded to three, conversations moved from place to place, from Tashkent, to Bukhara, to Khiva, to Fergana, to Urgench, to Istanbul, to Lund, including interactions with many colleagues and relatives. The book is thus part of a web of conversations, in which three authors with divergent life histories sought to make sense of a changing society in a changing world, at a critical point of world history. The methods used in the book are a synthesis of the approaches and experiences brought to the discussions by each author. In writing the book, the research removed each author from his familiar academic territories, so that all were confronted, through collaboration, with new ways of thinking, interpreting, and gathering data. Along the way, different authors partly changed their minds about important questions, including religion, militarism, imperialism, and art.

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Introduction

Uzbekistan in Context

GLOBAL BACKGROUND

The years since circa 2010 are widely perceived as a period of global political history in which arrangements for democratic constitutional government have been subject to intense challenge. During this period, many polities that embarked on constitutional experiments in the 1980s and 1990s weakened their commitment to constitutional norms. In some cases, this has occurred through the shift to full authoritarianism. In others, constitutions acquired modified functions, in which governments have altered primary laws, but some accountability mechanisms have been retained to constrain government actions. As a result, many polities exist in an uncertain space between constitutional democracy and authoritarianism. Such changing constitutional forms are frequently discussed in academic research. For example, one body of research has taken shape that observes *constitutional backsliding* as a common phenomenon, explaining how some states accepted universal constitutional templates for democratic rule, but then abandoned central aspects of such templates.¹ This model has often been applied to states such as Poland, Hungary, Brazil, Argentina, and Serbia, which have periodically swung away from democratic rule. Similarly, an important body of literature has also developed that addresses different types and subtypes of “authoritarian constitutionalism” or “hybrid constitutionalism,” resulting from the partial reversal of constitutional experiments initiated in the 1980s and 1990s. Such research explains how, in some polities, the role of constitutions is to sustain regimes that lack democratic legitimacy or to provide formal smokescreens that conceal this deficiency.²

Typically, different lines of such research observe the production of legitimacy for government as a uniform process, in which popular consensus is the sole valid

source of governmental authority. Accordingly, the emergence of constitutional systems supporting authoritarian or semiauthoritarian governments is assessed in binary terms. That is, leading analysts examine the formation of hybrid constitutions as a sign of democratic decline or rejection, and they view democratic elements in hybrid constitutions—primarily—as chimeras.³ For this reason, such research pays limited attention to both the precise functions of hybrid constitutions and the ways that such constitutions may generate real resources of legitimacy. Such inquiries are mainly focused on questions of institutional design, and their concern with the societal forces that shape hybrid constitutions is limited.

Against this background, this book investigates recent legal changes in Uzbekistan, which have mainly been conducted through administrative law reforms starting in 2016–17 and in the implementation of a revised constitution in 2023. It promotes such analysis, in part, to add complexity to global assessments of the patterns of constitutional formation in contemporary society. Taking Uzbekistan as a case study, it partly alters the emphasis in research on constitutional systems that deviate from classical conventional designs, and it examines this case to interpret hybrid constitutionalism from a new perspective.⁴ In strict terms, Uzbekistan still belongs to the category of authoritarian states, and the effects of constitutional law in supporting free political representation are limited. However, recent reforms have established a constitutional order that has expanded legal protections for citizens in some domains, and they have placed the polity as a whole on a liberalizing trajectory. In consequence, the case of Uzbekistan illuminates the fact that, although most constitutions classified as “hybrid” were created in states that had reached a relatively high level of democracy and then fell below this level, some states have adopted hybrid constitutional features for different reasons. In some instances, this has occurred as part of a trajectory of liberalization, and authoritarian governments have adopted semiconstitutional forms to increase their legitimacy in distinctive sociopolitical environments. Close to Uzbekistan, a further example of authoritarian constitutional reform can be seen in Kazakhstan in 2022. However, this process marked an attempt by a repressive regime to co-opt reformist constitutional semantics used by activists and opposing parties, following violent repression of opposition movements.⁵ It also occurred in a security environment that posed a more ominous and immediate threat to the government. In interpreting constitutional reforms in Uzbekistan, the book aims to identify multiple, less tangible reasons why authoritarian governments may be motivated to establish hybrid constitutional forms. It assesses how, in this setting, constitutional principles—such as basic rights and individual protections from coercion—perform diverse legitimational functions, which cannot easily be captured under simple or categorical distinctions between authoritarian and liberal-democratic states.

In addressing these phenomena, the book adopts a more sociological approach to constitutional law than many works on nondemocratic or hybrid constitutions.

At a strategic level, recent legal reforms in Uzbekistan had some simple motives. After the death of the first president, Islam Karimov, in 2016, the new president, Shavkat Mirziyoyev, who came to power without the conduct of genuinely competitive elections, introduced policies to place the legitimacy of his government on new premises. In this process, he used constitutional reforms to secure his hold on power, so that—in part—the reforms created a mirage to obscure policies of regime solidification. However, the reforms have functions beyond the mere construction of a legal façade, and their effects penetrate deep into Uzbek society. Analysis of the reforms can help to explain how, in some conditions, governments devise hybrid constitutional systems because such legal orders perform deep and varied social functions, allowing them to adapt national institutions to complex societal challenges, and they produce some legitimacy for government in the face of generic pressures, reflecting the formative pathway on which society has developed. Accordingly, the book indicates that the legitimacy arising from constitutional organization is not always a simple universal phenomenon, defined in immovable external categories. On the contrary, governments may require legitimacy for specific adaptive purposes, and they may use constitutional law to manufacture it in particular forms and for particular ends. In some cases, this may occur without the full endorsement of democracy, yet constitutional measures to protect citizens may still have genuine legitimational outcomes, serving complex imperatives. On each count, this book outlines an approach to hybrid constitutionalism that situates this phenomenon in a broad social context and considers the multiple tasks effectuated by constitutional laws.

In addition, the book shows how, in evaluating hybrid constitutional systems, the focus of analysis cannot be restricted to constitutional law alone. It explains how administrative law often plays a vital role in polities with hybrid constitutions, shaping the architecture of government and constructing procedures to manage exchanges between government and citizens.⁶ In this respect, administrative law is understood as a legal domain that sharply defines principles of accountability for public agencies and creates avenues for securing the rights of individual persons, through which persons acquire knowledge of the norms and practices constitutive of citizenship. In this sense, the book addresses constitutional law and administrative law as legal forms that, in some circumstances, are constructed to accentuate experiences of citizenship and solidify a domain of formal citizenship to support governmental institutions in society. For this reason, in some contexts, administrative law may absorb some functions of norm consolidation usually assigned to constitutional law, and it may replace constitutional law as the legal domain in which basic constructs of citizenship are determined and elaborated.

Much inquiry in the book turns to questions of citizenship formation and the social conditions that affect it. Following classical sociological accounts, citizenship is conceived here as the set of legal relations that attach national institutions to the persons subject to them. These relations have a strong lateral dimension, in

that they connect different members of society in everyday activities, but they also attach social actors to governments through vertical structures and procedures. Citizens appear as agents who are obligated to public legal-political institutions in the vertical dimension of society, usually in a distinct regional-administrative space. Public institutions allocate common rights and obligations to citizens as a condition of their legitimacy and their power to integrate society, and, in doing this, *institutions cement their sovereignty in society through techniques of vertical integration*.⁷ Citizenship, thus, is the *legal substructure of the sovereign nation state*, expressing obligations between governments and citizens that supplant those inscribed in other organizations, such as local, familial—or, above all—religious associations. For this reason, citizenship forms a domain in which the rights and duties that connect persons to government constitute the primary focus of authority, loyalty, and sovereignty. The argument is advanced in this book that citizenship is often constructed by strategic means, to create a vertical foundation for the government, enabling government bodies to assume primary control in society.

An idea of citizenship is generally implicit in constitutional law, and, from their first development, constitutions derived legitimacy from their claim to express the interests of citizens through public law. On the basis of the above definition, however, this book explains that in some hybrid polities, governments do not simply develop constitutions to transmit the interests of citizens into law. On the contrary, they may deploy public-legal procedures, deliberately, as instruments to create and reinforce the attachments that sustain citizenship, in order to consolidate their own functions. Legal procedures may be enhanced as part of a particular strategy of vertical integration. The integration of citizens as litigants may be promoted to compensate for the weak historical construction of citizenship and the limited integrational power of the polity. In such processes, constitutional law and administrative law often become interchangeable.

RECENT REFORMS IN UZBEKISTAN

The book is concerned with legal reforms that have been implemented in Uzbekistan since 2016–17, under the presidency of Mirziyoyev. These reforms have initiated a multifaceted process of institutional change, with elements of liberalization. After Mirziyoyev assumed power, he rapidly adopted a raft of policies to transform government and society, which identified priority development areas for Uzbekistan in its entirety. By early 2017, Mirziyoyev set out a five-point Development Strategy Plan, which presented a series of policy priorities for the coming period. Adopted by presidential decree, this plan contained some objectives regarding international economic orientation. It outlined extensive provisions to liberalize the economy and promote foreign investment, so that Uzbekistan quickly became a very proinvestment country.⁸ Alongside this, it contained extensive social-welfare objectives. Points 4.2 and 4.3 envisaged reforms to increase material support for vulnerable

strata, reform public healthcare, increase the sociopolitical activity of women, and build more affordable homes. As discussed below, this plan had vital security functions, and, in point 5, it pledged to reinforce the constitutional order, strengthen national security and sovereignty, create better conditions for coexistence between faith groups, and improve the image of Uzbekistan internationally. This plan also included provisions for the rationalization of the fiscal system (point 3.1), as, in implicit terms, it foresaw measures to reduce fiscal corruption, increase incentives for compliance in the payment of taxes, and maximize use of fiscal yields. At the heart of this plan was a policy of augmenting GDP size to increase public revenue, without increasing personal taxation duties.⁹

One priority area in this plan was the rule of law, and it foresaw legislation to reform core elements of the judicial system. Reforms in this sphere began immediately after the death of Karimov, and, at first, the judicial reforms were introduced via presidential decrees. For example, in late 2016, Mirziyoyev issued a decree on “Measures on Further Reforming the Judicial System and Strengthening the Guarantees of Reliable Protection of the Rights and Freedoms of Citizens.” This was followed by a series of measures to reinforce judicial independence and to heighten public respect for the courts, using international practices as guidelines to realize this. By February 2017, the president promulgated a decree “On Measures to Improve Significantly the Structure and Efficiency of the Judicial System of the Republic of Uzbekistan.” This expansion was flanked by measures to regulate the procuracy, previously seen as a repressive public agency.¹⁰ In April 2017, a law providing for the creation of a Supreme Judicial Council was passed, with responsibilities for ensuring the independence of judicial bodies. This period also saw the increased opening of the government to international law. Uzbekistan became a member of the UN Human Rights Council in 2020–21. Subsequently, the government launched a second development strategy, the Development Strategy of the New Uzbekistan (2022–26), approved by presidential decree in January 2022.¹¹ The revised strategy of 2022 amplified some earlier commitments, and its second part was titled “Making Justice and the Rule of Law the Most Basic and Necessary Condition for Development in Our Country.”

At one level, the legal reforms had clear economic goals, as they created regulatory structures to steer business practices away from the shadow economy that had developed since 1991. This formed a response to the prevalence of informal justice in society, as the shadow economy created a shadow legal order, and citizens were often reluctant or unable to use formal procedures in legal disputes. However, these reforms placed particular emphasis on transforming administrative law. Previously, administrative procedures governing interactions between citizens and the state were marked by inefficiency and bureaucratic opacity. This situation often led to arbitrary decision-making and official corruption, undermining public trust in government institutions. According to official statistics, the number of persons prosecuted for crimes related to corruption increased from

2,164 in 2020 to 7,414 in 2022.¹² This followed a resolution of the Cabinet of Ministers in late December 2020, which facilitated the prosecution of corruption-related crimes. Despite this, Uzbekistan remains among the countries with the highest levels of corruption. Many anti-corruption measures merely curb petty practices without affecting the systemic roots, such that high-level corruption is unaffected. This is seen, for instance, in the fact that several officials compromised by large-scale cases have resumed key government positions.¹³

In response to these conditions, the government adopted a body of measures to codify administrative procedures, standardizing practices across various government agencies and ensuring that citizens could engage with the administrative system more effectively. In 2017, the president passed the decree “On Approval of the Concept of Administrative Reforms in the Republic of Uzbekistan,” which paved the way for the improvement of the administrative justice sector. Early 2018 saw the introduction of a new Civil Procedure Code and a new Code on Administrative Judicial Proceedings, which regulated procedures for proceedings against public bodies and agents.¹⁴ Article 4 of the latter code formally guaranteed rights of access to an administrative court for citizens. Importantly, the code stated that constitutional law could be taken as the basis for proceedings in administrative law, so that primary norms of constitutional law became directly justiciable. Further, article 1 of both codes declared, “Where an international treaty of the Republic of Uzbekistan establishes rules other than those provided for by the legislation of the Republic of Uzbekistan on administrative proceedings, then the rules of the international treaty shall apply.” In parallel, the Law on Administrative Procedures was adopted in late 2017, which was designed to regulate the conduct of public officials.¹⁵ This law gave direct effect to international treaties as sources of principles regulating administrative acts, and it created an obligation for public agents to act in accordance with constitutional law (art. 6). It also established a duty for public agents to interpret legislation in favor of affected parties in cases of doubt (art. 11), placing inclusive rights at the core of the state-citizen relation. These laws created extensive mechanisms to facilitate individual applications against governmental agencies, to resolve complaints against actions or inactions of public agents. They led to the establishment of administrative courts, as previously complaints about the actions of state officials had been directed to civil courts.¹⁶ These laws also created a new petition system, in which citizens could initiate individual rights claims against government actions. By 2019, online records were kept of public law cases. As a result, the legal behavior of citizens changed in a pronounced way, and the number of administrative-law applications submitted to courts increased.¹⁷ The reforms also brought important changes to the status of judges. Before the reforms, judges had worked on a commission basis, obtaining payment for the outcome of cases. The reforms did not resolve all contractual uncertainties regarding judicial tenure, but they set fixed salaries and promoted greater independence for judicial personnel.

At this point, it needs to be clearly noted that the reinforcement of the judicial branch does not inevitably signal democratizing intent. Many commentators have shown how authoritarian governments may reform their judiciaries for purposes of regime stabilization. For instance, Tamir Moustafa has explained how, in different contexts, judicial reform has enabled rulers to depoliticize divisive questions. Importantly for Uzbekistan, he has explained how judicial reform can be used to tighten governmental control over local bureaucracies (Moustafa 2014: 284). This phenomenon has been examined in post-Soviet regions.¹⁸ In some countries, court reform has served mainly to stabilize external investment (Moustafa 2008: 132). The reforms in Uzbekistan partly corroborate such analyses, and their functions are not unequivocally liberalizing. For instance, initially, administrative courts served as instruments to penalize citizens for administrative violations. Up to 2021, these courts handled both public law disputes and administrative violations in the narrower sense. Furthermore, until March 2023, they enforced a time limit for filing administrative lawsuits, often dismissing cases on procedural grounds without reviewing the legality of the administrative acts. Subsequently, the courts modified their approach to time limits, adopting a more flexible interpretation of filing deadlines.

Despite this, the reforms in Uzbekistan responded to distinctive social pressures, and their effects cannot easily be explained through simple political taxonomies.¹⁹ One of their purposes, manifestly, was to place the exchanges between citizens and government on formal legal footing, and accustom citizens to using formal procedures of legal redress in their communications with public agents. This strategy reflected a political attempt to expand consciousness of public law among citizens in Uzbek society and encourage citizens to conceive their relationship with the government in public law terms. Importantly for discussion in this book, however, these laws tied the increase in legal formalization to the insistence that officials should not utilize legal formalism to their own advantage. For example, the Law on Administrative Procedures stated that officials could not deny rights to applicants under the pretext that this was justified by strict dictates of formal legal compliance (art. 12). As such, the reforms instilled new principles of legal formalism in society, and they provided an apparatus in which relations between citizens and officials were subject to stricter justiciable norms. Yet, this emphasis on formal procedures contained an anti-formalist crosscurrent. Moreover, such policies entailed the conferring of unusual duties on judicial personnel. Judges were required to undertake field trips to speak to citizens about public law, increase levels of legal education among users of law, and promote a broader knowledge of law through open information programs. This role of judges was partly circumscribed in 2021 with the passing of the law “On Courts.” Article 9 of this law underlines the need for judicial independence, and it states that judges shall not assume duties not related to the administration of justice. However, the Ministry of Justice attaches great importance to the enhancement of

legal education, and judges engage in outreach work, in the name of the administration of justice. As discussed below, this was determined by the perception that, conventionally, legal relations between citizens and public office holders were ill-defined, and customary legal practices prevented citizens from observing themselves as subjects of public law. Different actors in this reform process declared that, prior to the reforms, neither regular citizens nor lawyers knew much about administrative law. In fact, one result of these policies was that some legal cases were heard in informal environments such as field courts and public fora, so that societal access to law was widened in procedures that had both formalizing and informal aspects.

The implementation of these reforms is currently at a precarious juncture, and some parts of the governmental system display signs of renewed authoritarianism. As mentioned, reforms in administrative law have been accompanied by parallel reforms in constitutional law, which have both reinforced and, in some dimensions, weakened the accountability functions conducted by the reforms in administrative law. Indicatively, the year 2022 saw the drafting of a revised constitution by a commission of constitutional experts, and the final text, approved in 2023, contained a number of provisions relating to the rule of law and the position of judicial bodies.

The reformed constitution clearly strengthened some legal principles that were central to the administrative law reforms. For instance, chapter 7 of the new constitution widened the catalog of basic rights for citizens, including a state obligation to protect personal data and the confidentiality of communication (art. 31). The constitution guaranteed individual rights in accordance with international law, stating that international law shall be “an integral part” of constitutional law (art. 15), and it stipulated that the rights contained in general international law were subject to full legal protection (art. 19). It expanded the rights of persons undergoing criminal prosecution (art. 28) and established the right to legal counsel for those engaged in legal proceedings (art. 29).

Under the new constitution, the Constitutional Court was reorganized and a new procedure for electing judges to the court was introduced. Article 132 of the constitution states that the Constitutional Court is to be elected by the Senate following the submission by the president of a list of professionals recommended by the Supreme Judicial Council. All judges are to serve a single ten-year term without the right to reelection (art. 132). Importantly, the constitution now gives strong protection to the independence of the judiciary, such that judges cannot be sued for their legal rulings or their outcomes (art. 136). On this basis, both regular laws and the executive are increasingly subject to judicial scrutiny, and constitutional law can be directly applied as a standard to assess the legitimacy of legislation. Expert members of the constitutional commission are at times co-opted to scrutinize laws for constitutional conformity. These reforms brought a close alignment between constitutional law and administrative law, and constitutional law became

the basis for sanctions in administrative law. Constitutional law and the rights contained in it acquired immediately directive force for all organs of state.

In parallel, however, the constitutional revisions reflected other imperatives, partly liberalizing and partly more authoritarian. In some ways, the constitution enhanced the democratic order of government, as it technically increased the separation of parliament from the presidency and created a new electoral system for parliamentary elections. The period after 2023 saw increased competition between parties in parliamentary elections, as different parties used differentiated manifestos during political campaigns. The constitution also conferred a positive obligation on government (art. 58) to ensure that women were able to exercise the same rights as men. This was flanked by policies to guarantee representation of women on parliamentary lists, and councils with responsibility for gender issues were installed in all public bodies. However, the new constitution was approved by a stage-managed referendum in 2023, and it contained provisions that extended individual presidential terms. The new constitution allows the sitting president, Mirziyoyev, to stand for election again, enabling him to hold office for a further fourteen years. Although establishing formal political rights, the revisions did little to guarantee effective political competition. Although the constitution technically provides for government under a mixed semipresidential system, real executive power is concentrated around the president. The prime minister leads the cabinet of ministers, which forms the primary executive organ (art. 114), but the cabinet is formally directed by the president and the prime minister is nominated by the president (art. 118). Moreover, the capacity of parliamentary organizations to provide opposition to the president is very constrained. Indicatively, the build-up to the parliamentary elections of October 2024 was marked by simulated ideological competition between parties, in which different parties committed themselves to distinct manifestos. However, party leaders do not act in accordance with strict ideological commitments, and they have limited scope to oppose the president.

Against this background, the recent reforms in constitutional and administrative law can be interpreted as reflecting a pattern of *selective authoritarian modernization*. That is, the reforms contained a strategy to alter the structure of a (still) authoritarian polity and to modify the procedures in which it produces and explains its legitimacy. However, they did not actually transform the polity in fundamental fashion.²⁰ In this, a distinctive system of constitutional law was created, in which (a) citizens were strongly encouraged to interact with government through individual judicial procedures; (b) constitutional provisions assumed salience in administrative law, so that citizens gave articulation to constitutional norms via administrative law; (c) administrative law was framed as a vital point of exchange and legitimation between government and citizens. Through this, administrative law was used to interpose a new, formal fabric of rights-based procedures between single citizens and the state. To this end, the reforms advanced a strongly individualized and proceduralist construction of legitimacy, in which law

itself was deployed to tie government more closely to actors (citizens) in society, to imprint constitutional norms in society as a formal grammar of interaction, and enhance the social authority of the government.

As examined below, the use of administrative law to establish heightened proximity between the government and citizens reflects deep structural challenges that affected Uzbek society from 1991. However, at an immediate level, the legal reforms that commenced in 2016 were intended to break with the institutional system established by Karimov. His policies had largely been legitimated by imperatives linked to regime stabilization, which meant that political and social citizenship roles were weakly institutionalized, and the regime's emphasis on internal security to secure compliance was dominant.²¹ By contrast, the post-2016 reforms involved a societal plan to modify the sources of governmental legitimacy, and they utilized legal interactions in the judiciary as central elements in this process. This was clearly evident in the reforms to the system of administrative law after 2017. Then, the section on judicial bodies in the revised 2023 constitution was shaped by the view that the reinforcement of the judiciary was vital for consolidating legitimacy. This opinion was partly based on the observation of the effects of administrative law in other hybrid polities, where litigation was also promoted as a supplementary means of legitimacy production.²² Underlying the reforms was the assumption that the promotion of immediate, individual, and procedurally controlled articulations between citizens and government would consolidate the authority of government, and that public functions would be more effective if they were applied to social agents as bearers of individual rights. This involved a strategic decision to construct legitimacy for government on individual legal premises, based in immediate procedural exchanges between public bodies and single citizens.

UZBEKISTAN AS A CASE STUDY

This book examines these lines of reform, assessing both their seemingly liberal and their manifestly authoritarian dimensions. Analysis of these reform processes has clear intrinsic importance. Uzbekistan is a polity that can claim obvious significance because of its position as the most populous state in Central Asia, located in rapidly changing security environments and economic contexts that characterize the region. These factors are also relevant for recent reforms in Kazakhstan. In addition, analysis of constitutional transformations in Uzbekistan has implications that extend beyond a single case study. Such analysis is important because it adds new dimensions to our understanding of constitutional phenomena in global perspective. It allows us to observe, in paradigmatic form, the societal pressures that inform constitutional construction in specific regions, and it brings into focus the determinants of hybrid constitutional reform in a larger group of societies, with shared features.

For example, first, Uzbekistan possesses obvious explanatory significance because it throws light on constitutional developments in the former Soviet region. Before gaining independence in 1991, Uzbekistan was one of the largest Soviet republics, and its institutional structure was shaped by Soviet policies in vital policy domains, including economic production, education, religion, and military strategy. After 1991, there followed a short period of democratic experimentation, as, in 1992, Uzbekistan became one of the first post-Soviet republics to establish a separate constitution. However, as indicated, the system constructed by Karimov assumed a repressive form, at times moving close to the highest negative values on the Freedom House index. In 1990, the security services were expanded, and the decrees that accompanied independence included measures to re-create a special services unit for state security.²³ After 1991, Karimov invested proportionately more in security than had the Soviet government (Pogódek 2017: 128). In this process, Uzbekistan mirrored other states in Central Asia, as both Turkmenistan and Tajikistan moved, diversely, toward extreme authoritarianism. In this setting, analysis of recent reforms necessarily raises questions about, and in turn illuminates, the political trajectories of post-Soviet societies, and it helps us to explain obstructions to constitutional rule in many post-Soviet regions. At a more general level, analysis of Uzbekistan helps to clarify the reasons why some authoritarian states liberalize in certain social conjunctures, why authoritarian governments may, under specific conditions, promote legal reform, and why they may elect to attach their authority to increasing provisions for constitutional accountability through law. In Uzbekistan, the decision to liberalize after 2016–17 occurred in a very unusual situation, which was not induced by any large countermovement, revolutionary shock, or exogenous pressure, so that intrasocietal motives for this choice need to be identified.²⁴

Second, Uzbekistan has importance as a case study because it is a society in which legal reforms have taken shape in social conditions partly rooted in legacies of imperialism. In consequence, the reforms possess general importance as they illuminate the challenges of constitutional rule in postimperial situations.

The extent to which the Soviet Union can be classified as an empire is a contested question in historical inquiry.²⁵ The Soviet system may have been an atypical empire,²⁶ and its leadership certainly legitimated itself by claiming to endorse decolonization in other global regions. However, the grounds for classifying the Soviet Union as an empire are extremely strong, and arguments against this classification usually rely on the assumption that other European empires embodied a uniform model of imperial domination. In Central Asia, Soviet institutions were built on institutions created through acts of military annexation conducted by the Tsarist government, and, after 1917, the Soviet leadership repeatedly deployed military aggression to impose authority in annexed regions. Muslim subjects of the Soviet system in Central Asia were subject to protracted repression, typical of colonized regions, as patterns of Soviet identity were imposed on

society to weaken established social attachments. As in other empires, therefore, inhabitants of Central Asia were integrated by force of arms into a regime from which they could not unilaterally withdraw, and they were compelled to accept a citizenship regime that negated some of their primary values. Further, there is strong evidence that by 1917, many members of the Uzbek elite had elaborated a national consciousness that was very similar to that displayed by elites in other emerging nation states, as they expressed growing antipathy to colonialism.²⁷ For example, the period after 1900 saw the flowering of a distinct Muslim intelligentsia in Central Asia, associated with Jadidism, which promoted the growth of national identity through Islamic education and social reform. Many Jadids initially saw the Russian Revolution as an opportunity for independent nation building, and some provided regional support for Bolshevism. By the late 1920s, this movement had been suppressed by violent external persecution. Ultimately, many Jadid leaders were either summarily executed in the 1930s or forced into exile. In this process, the Soviet system was consolidated by techniques that duplicated the repressive measures used by other European empires, wherever they encountered nationalistic anticolonial movements.

In central points, Soviet-era Uzbekistan can be classified as an example of *total imperialism*, in which social structure was deeply pervaded by colonial institution building, originating in, and upheld by, military force.²⁸ This term captures the reality of a colonized territory that was comprehensively locked into the colonizing system, such that its political autonomy was strictly limited and colonizing elites were constantly present in everyday life. Algeria under French rule forms a partial analogue to the Uzbek case. Both regions were mainly inhabited by Muslims, and both were conquered by occupying armies in the middle decades of the nineteenth century. In both regions, a colonizing dynasty collapsed (France in 1870–71, Russia in 1917), but both regions were then subject to rule by a republican government whose expansionist ambitions at least matched those of its imperial predecessor. Inhabitants of both regions were structurally integrated into the polity of the colonial power, and they were subject to intermittent extreme repression. This repression was often manifest in religious policies; at different points, the French empire and both the Tsarist and the Soviet empires adopted a strongly secularist concept of legitimacy to underscore their power, and they drove religious practices into marginal social domains. In post-1871 France, policies to promote secularism were central to imperialist programs, and this was emulated in post-1917 Russia. In both cases, the legal order and the rules of citizenship were externally defined, and roles likely to support public political identities were subject to imperial control, to support imperial authority.²⁹ In pre-1991 Uzbekistan, many common determinants of national consciousness, such as national education, military service, and even collective memory, were controlled by political actors whose authority had a partly external imperial character. This meant that traditional forms of national citizenship were weakly institutionalized.

Owing to these factors, post-1991 Uzbekistan demonstrated many features typical of other postimperial societies, and the constitutional challenges faced by the government in Tashkent after 1991 can be observed through a strict postimperial lens.³⁰ In particular, the postimperial character of Uzbekistan was reflected in the fact that public institutions had originated in acts of external intervention, and their attachment to embedded affiliations in society was limited. Karimov partly extracted legitimacy from anti-imperialist rhetorics, and he presented his government as the successor to the imperial regime imposed by Moscow.³¹ However, long after 1991, Uzbek society was marked by powerful social attachments of a lateral nature, mainly linked to religion, locality, and language, which were not expressed in simple or vertical constructions of citizenship.³² Both before and after 1991, the willingness of citizens to engage with public institutions was limited, and reliance on informal legal practices in the resolution of disputes was entrenched. As a result, as in other postimperial settings, the public institutions created after independence preserved aspects of the colonial disjuncture between government and society. Moreover, religious dispositions among many citizens remained at odds with official ideals of national identity, and, partly on these grounds, resistance to centralized institutions remained strong after 1991. Indeed, during the Soviet period, the Uzbek government assumed a form that had some similarity to indirect rule, typical of other empires. Under the Soviet system, full employment in the managed production process formed an important bond between system and citizens, in all regions. However, Soviet rulers relied on personal and regional networks to co-opt actors into the bureaucratic apparatus, partly employing functionaries from rural communities to extend support for the system. As a consequence, patrimonial structures became central to regime coordination, culminating in the diffuse patronage-based system that took shape under Leonid Brezhnev.³³ In doing this, Soviet leaders also exploited the existing authority of mahallas (local self-governing bodies) to integrate social groups and to direct religious activities.³⁴ Elements of such arrangements persisted after 1991.

As discussed below, Uzbekistan is a society in which we can observe the motivations that drive constitution making in societies that have been deeply structured by imperialism. In this light, Uzbekistan forms one variant of a broad spectrum of postimperial state formation, and it throws particular light on the emergence of state institutions in previously colonized societies with primarily Muslim populations. Distinctively, however, the case of Uzbekistan also deviates from more widespread patterns of postimperial constitutional reform. In many cases, postcolonial legal ordering was closely connected to the army, which frequently constructed a secular legal basis for national citizenship and the national political system. This military emphasis often typified societies with majority-Muslim populations whose governments promoted secularism as the basis for government.³⁵ In Uzbekistan, by contrast, recent legal reforms have definitely reinforced the position of the military in fiscal and organizational terms. Yet, they have promoted

patterns of legal authority of a pluralistic nature, in which, even as it is transposed onto formal premises, law articulates complex, multivalent norms. In this regard, analysis of Uzbekistan allows us to see why some governments react to their post-imperial contexts by promoting liberalization, and why they may do so by making use of judicial reform, by extending the scope of administrative law, and by positively favoring the use of law as a mode of societal communication.

Alongside this, third, analysis of Uzbekistan has the great significance that it creates an opportunity to observe how constitutional reform is affected by powerful and often threatening external factors. The influence of security concerns on constitutional law is particularly discernible in postimperial societies, where the creation of constitutions has often involved not only the elaboration of public legal norms for government, but also the formation of institutional supports to enable the basic assertion of state sovereignty.³⁶ In addressing this point, the book extends aspects of existing research on security and society in the post-Soviet context, and it appropriates some elements of research on security challenges in lower-income (sometimes called “Third World”) societies. Throughout, the book rejects the use of the concept of the “Third World,” and, even if the concept were to be accepted as having validity in certain settings, it rejects the inclusion of Uzbekistan in this category.³⁷ However, the body of research that was developed to analyze the impact of security pressures on postcolonial states contains some principles that can be applied to Uzbekistan. Notably, such research has assessed how, in many postcolonial societies, states often have weak institutional structures, their sovereignty is uncertain, and as a result, they are marked by the fact that internal and external security prerogatives directly converge. That is, first, such states often focus their security capacity on internal institutional protection, to insulate institutions against countersystemic threats. In turn, second, the foreign policy preferences of such states reflect domestic uncertainties, and the preservation of internal regime stability lies at the heart of external policy choices.³⁸ States in this category tend to organize their security policies in dependency on an external security system over which they have limited control, and they often utilize benefits gained from external dependency to allocate resources among internal actors to purchase domestic legitimacy (through patronage or rentierism).³⁹

In some respects, Uzbekistan possesses paradigmatic status in this respect, as it is a state in which, at the surface level, external and internal security questions converge in the fashion noted in such research. However, the book adds a substantial new dimension to this literature, and it does not simply reproduce a stock narrative regarding the dependency of postimperial states in international relations. To this extent, the book responds to a call for the decolonization of international relations in analysis of Central Asia.⁴⁰ Using the case of Uzbekistan, we explain how, in some postcolonial contexts, the governmental pursuit of primary goods in interstate relations—such as sovereignty and national security—is a process that engages many aspects of the society in question. The assertion of sovereignty

or agency at interstate level is not a simple formal phenomenon. Rather, it is an occurrence that impacts transformatively on society, resonating internally through different domains—including education, religion, and law—and it shapes social interactions in their totality. As such, the endeavor to explain the international position of a postcolonial state may require multilevel observation of the society in question. The book explains how, in some states, the convergence of international and domestic policies follows unpredictable and multilinear paths not covered by traditional accounts of weak international agency or strong domestic repression. In this focus, as discussed in chapter 1, Uzbekistan embodies a distinct convergence of the internal and the external security domains. In particular, in Uzbekistan, the law forms a prismatic element in society, and the interpretation of legal institutions brings visibility to the implications of external security pressures. The book thus rejects the account of the international domain as a socially detached stratum of interactions between sovereign bodies, and it shows how, in less formally differentiated societies, interstate interactions generate unpredictable institutional reactions, traversing different social domains. Constitutional law forms an especially important prism for decoding the internal effects of external security choices.

Some discussion in the book focuses on the precarious security landscape in which Uzbekistan is positioned, and it observes how governmental policies are defined by complex balancing acts in international relations.⁴¹ Naturally, Uzbekistan is affected by its proximity to major international powers such as Russia and China. It is influenced by the changing position of Turkey, NATO's second-largest standing military force, whose willingness to collaborate with non-Western states has recently increased, and which enjoys great influence in Uzbekistan. It is affected by the regional and cultural proximity of Iran, and by the rising power of India, underpinned by increased Hindu nationalism.⁴² It is also surrounded by other post-Soviet states, which have recent experiences of volatility and are marked by residual dependence on Russia. One semiclassical position in research on global security policies has declared, indicatively, that Uzbekistan's international role is defined by the fact that it is an actor in a Central Asian security subcomplex. As such, it is seen as part of a subdivision of a larger security region, which is overshadowed by Russia and binds Central Asian states together in a set of relations that include some cooperation, yet which reflect (at times) reciprocally balanced hostility. In this perspective, the entire region is described as "a weak subcomplex whose internal dynamics are still forming and in which the involvement of Russia is strong" (Buzan and Wæver 2003: 423). This analysis has been widely reproduced in analysis of Central Asia.⁴³

Some elements of this regionalist interpretation are surely correct. In Central Asia, there have been some plans for increasing unity between states in the region. For example, the Central Asian Union was founded in 1994, which changed its name several times after its foundation until its operations ceased. This body was

mainly intended to serve the defense of regional sovereignties against Russia, and it was supported by Western powers, who strongly encouraged regional integration. However, the regionalist perspective has limited explanatory value for Uzbekistan. The security policies of Central Asian states have not led to their deep convergence, and interstate relations are mainly conducted via a traditional bilateral and multilateral treaty system (see Musioł 2015a: 141). In fact, plans for greater regional unity have often been stymied because different states have favored strategies to protect their sovereignty or to pursue hegemonic ambitions. It is often noted that Karimov had aspirations to regional supremacy, based not least in the fact that, after 1991, Uzbekistan had a larger and more professionalized army than other states in the region.⁴⁴ The treaty system has not created a reliable security framework, and it has often rearticulated existing conflicts at the transnational level.⁴⁵ Arguably, the main security outcome of interstate cooperation in the region is that it has established transnational legitimacy for repressive security policies toward regime opponents, as shared insecurity has bolstered internal legitimation for official violence. As discussed below, these factors partly frame recent reforms, as, since 2016–17, Mirziyoyev has repeatedly advocated increased regional integration, and he has placed security policies within a new regional vision of Central Asia.

In this setting, Uzbekistan has been exposed to *sui generis* challenges, which have resonated deeply through its constitutional system. Uzbekistan has not experienced interstate war since gaining independence. However, it did not benefit greatly from the post-1991 cooling of international antagonisms. Its release from the Soviet security system brought great dangers, which required strategic adaptability, internally and externally, and its sovereignty long remained precarious. Although Russia is much the most tangible threat to Uzbekistan's security and sovereignty, neither Karimov nor Mirziyoyev distanced themselves entirely from the Russian sphere of influence. For example, Uzbekistan was signatory to the Russian-led Collective Security Treaty until 1999. As discussed below, Uzbekistan then rejoined the Collective Security Treaty Organization in 2006, which, partly shaped by anxiety about militant Islam in Tajikistan, emulated aspects of the NATO model in some former Soviet states. At this time, Karimov announced a plan for Uzbekistan to pursue closer relations with both Russia and China; he left the system again in 2012, detaching his government from Russian-led initiatives. In addition, Uzbekistan is strongly affected by the fact that it has a border (although short) with Afghanistan. This means that it has often been of interest for the US-led security community, as it has been perceived both as a state with high-risk potential for "Islamicist" violence and as a state that offers convenient geographical access to Afghanistan. Neighboring Tajikistan experienced more civil violence than other post-Soviet states after 1991, and its dependence on Russia remains substantial.

In each respect, Uzbekistan is one of the most important cases globally for examining how security concerns interlock with internal constitutional organization, and it allows us to investigate interactions between international forces

and domestic legal processes. In general terms, throughout history, most states developed their constitutional architecture because of security pressures, defined in broad terms. This is especially pronounced in postimperial societies, marked by uncertain relations to former imperial powers and other new states. The constitutional order of Uzbekistan clearly illuminates such realities, and it has evolved in the face of fluctuating and at times intense external and internal challenges. The use of constitutional law as an instrument for managing securitization has produced quite distinctive legal forms, reflecting complex articulations between internal and external factors.

At one level, Uzbekistan is a relatively typical example of a postimperial state in that its constitution has a primary emphasis on the preservation of national sovereignty in the international arena. In parallel, however, internal and external security pressures in Uzbekistan are closely attached to religion, and the regulation of religion has intensified the constitutional nexus between these domains. Externally, questions concerning religion shape Uzbekistan's relations with Russia. Further, as discussed in chapter 1, the securitization of religion links the United States to the Central Asian security environment. Internally, the stabilization of government in the face of challenging religious practices is an important imperative for constitutional law. As discussed below, the Karimov government was nearly forced to convert to Islamic rule at an early stage in its formation. From this point, Karimov projected his legitimacy through repressively secularizing, anti-Islamic policies.⁴⁶ To this degree, Uzbekistan also shows how constitutional law, security, and religion are frequently related, such that the constitutional administration of security necessitates the constitutional management of religion. As discussed in chapters 1, 3, and 5, Uzbekistan throws important light on the endlessly troubling linkage between constitutional law, Islamic beliefs, patterns of secularization, and national security. In addressing this, the book forms a regional chapter in a wider global history of legal developments in majority-Muslim societies after imperialism. The analysis presented below supports and extends the view that we can reconstruct a "global history of Islamic law under colonial rule," in which Islamic legal orders acquired common features in different imperial and postimperial regions (Ross and Sartori 2020: 3).

Overall, the case of Uzbekistan raises many questions with global implications. Most obviously, legal developments in Uzbekistan pose questions about the reasons why repressive governments select internal liberalization as a policy option, and why the heightening of accountability functions in the legal system may be constitutionally useful in such settings. However, these developments raise further questions about the effects of security pressures for constitutional decisions, and they allow us to observe how governments stabilize their legitimacy in the face of external security challenges. As examined below, these two questions are closely connected. The selection and administration of formal constitutional roles for citizens in such circumstances is not simply a matter of deliberate public choice. Legal

designs also reflect the deep structure of society and the deep impact of persistent external pressures on society, such that the interpretation of legal phenomena facilitates the comprehension of society in its internal and external dimensions.

Beneath the surface of these problems are questions about the nature of state sovereignty. The period in which Uzbekistan gained independence was dominated by debates regarding the essence of sovereignty within the rapidly collapsing Soviet system. In 1990–91, the fragmentation of the Soviet Union was marked by a process of accelerated constitutional devolution, in which the government in Moscow encouraged leaders of the constituent republics of the Soviet Union to demand increased sovereignty for their states, not least because Russia itself declared sovereignty in June 1990. This period witnessed the “parade of sovereignty,” in which politicians in the Soviet republics arrogated increased sovereign powers of self-government, either within or outside the Union.⁴⁷ In this context, it is often argued that Central Asian states were reluctant to assume full sovereignty.⁴⁸ This claim ignores the fact that Uzbekistan had two large opposition parties in the early 1990s, *Birlik* and *Erk*, which called for independence from the Soviet Union and demanded recognition of Uzbek as an official language of Uzbekistan. What is largely beyond doubt, however, is that, after 1991, the social foundations of sovereignty were initially uncertain. To be sure, Uzbekistan possessed a long-standing system of public administration, and the state-building tradition in Central Asia preexisted that in Russia. Yet, after 1991, new institutions were partly grafted onto existing Soviet structures, and, as examined throughout the book, Uzbekistan became a state in which national sovereignty was treated as an anxiously guarded commodity. The space between reality and rhetoric in this matter is always substantial, as, by any reasonable measure, Karimov reached high levels of state solidity at an early stage. For example, since 1991, criminality in Uzbekistan has been extremely low, and the state’s ability to exercise infrastructural power across different regions is high. Nonetheless, the maintenance of sovereignty figured centrally in the self-justification of Karimov’s regime.⁴⁹

As explained below, legal and constitutional reforms introduced in Uzbekistan since 2016–17 have been shaped, either immediately or less directly, by strategies to manage and preserve national sovereignty. Indeed, these legal reforms reflect distinct decisions concerning sovereignty and security, whose implications reach far beyond the narrow spheres of defense and military risk reduction. As a result, the case of Uzbekistan illuminates the behavior of a state that has concentrated political resources on the stabilization of its sovereignty, and whose sovereignty is (or is perceived as being) exposed to recurrent external challenges. In addressing this, the book adopts a broad sociological construction of sovereignty. It assumes that sovereignty is secured neither as a formal title nor as a simple attribute of government, but as an institutional reality in which government requires deep foundations in order to exercise power. The effective exercise of sovereignty by a government is reflected in broad experiences of vertical societal integration, in which citizens are

bound to recognize the authority of state institutions and are motivated to order their actions in practices likely to reinforce such authority.⁵⁰ This is likely to occur as institutions claiming sovereign powers institutionalize citizenship roles that link them closely to members of society, such that they are sustained by social dispositions that help to preserve and to reproduce their authority. In many settings, constitutional law is a vital component of sovereignty, and states have tended to devise constitutions as they endeavored to solidify sovereignty-enhancing attachments to their citizens. Accordingly, it is argued throughout this book that sovereignty can be arrived at and strengthened by different channels. The exposure to external security pressures is the most frequent determinant of sovereignty formation. However, such pressure can be reflected and internalized in different ways. In some settings, the strategic liberalization of constitutional law and the expansion of administrative law may form a strategy to reinforce the social premises for government, and such reforms may act as a mechanism for solidifying state sovereignty.

RESEARCH LANDSCAPE

In discussing these phenomena, this book positions itself in relation to different bodies of research in a complex landscape.

First, this book engages with research on constitutional reform since the 1980s, especially research focused on the post-Soviet sphere, which accentuates the post-imperial features of states in the region. Legal research on political systems that have undergone transformation since the 1980s is almost invariably concerned with the strictly constitutional dimensions of reform. In the post-Soviet context, this focus has given rise to extremely important research on comparative constitutional law.⁵¹ However, this book presents a perspective that both complements and challenges existing research on constitution making in the post-Soviet sphere. It explains how, in post-Soviet polities, in which democratic participation is often weakly institutionalized, administrative law frequently emerges as a vector that supplants some classical functions of constitutional law, and it establishes procedures for enhancing governmental legitimation and managing social integration.⁵² In this focus, it explains how some governments advance administrative law reform and establish stronger channels for legal redress in order to switch points of social interaction from political institutions to the courts, which form less contentious legal sites, with lower potential to radiate conflicts through society. In such settings, administrative law becomes an important semiconstitutional conduit for social communication. The book identifies Uzbekistan as one example of a distinct brand of hybrid constitutionalism, which is best understood through the analysis of individual legal practices, especially in administrative law.

Second, this book positions itself in relation to the general literature on hybrid or authoritarian constitutionalism. As mentioned, such research is almost invariably devoted to assessing the causes of constitutional erosion in societies experiencing

increasing authoritarianism. There are good reasons for this. Up to 2022, the weakening of democracy, especially in polities established as democracies since the 1980s, reached alarming global proportions. However, this book both adds to and diverges from the main emphasis of research on authoritarian constitutional law. In addressing Uzbekistan, it evaluates a state that, although essentially authoritarian, is engaged in selective liberal reform. Through this, some legal practices and structures for ensuring accountability are reinforced, and citizens acquire increased individual rights in their exchanges with public officials. It also accentuates the role of courts in hybrid systems. As mentioned, important research exists that explains why authoritarian governments may accept judicial autonomy and even encourage litigation as a regime-stabilizing device (Geddes 2018). However, the view advanced in this book is that analysis of courts in authoritarian polities needs to go beyond the simple explanation of regime strategy, and it needs to show how courts contribute to the formation of citizenship. In each regard, Uzbekistan is observed as an important, at times countertypical instance of hybrid regime construction. As mentioned, the book offers a sociological study of an alternative trajectory on the spectrum of hybrid constitutionalism.

Third, this book proposes a unique analysis of the social processes shaping the development of public law more widely. As set out below, the book explains how certain historical circumstances that have determined the original construction of public law in many societies are currently displayed, in a distinct manner, in Uzbekistan. Using comparative historical material, it shows how, in different environments, governments have utilized elements of public law as part of a strategy for managing social interactions in a form that consolidates national sovereignty, both internally and externally. As mentioned, in Uzbekistan, a system of public law has been constructed from a low starting point, and basic forms of shared legal consciousness have been fabricated to underpin the new legal order, as subjects often did not identify themselves as possible subjects under public law. In distinctive fashion, the strategic reinforcement of public law has acted to cement an immediate relation between government agents and members of society, and ensure that this relation forms the dominant source of political identity in society. As such, the reforms replicated, in nontypical manner, a material process of legal formalization, frequently essential to national state construction, which is visible in many historical settings.⁵³

Accordingly, the research presented here assesses how the Uzbek case reproduces deep-lying historical tendencies, which possess a generally observable character. It assesses the ways that reform in public law is utilized as a means to modify legal consciousness in society, alter interactions between citizens and between citizens and governments, and create new modes of legal subjectivity—all of which are intended to build more robust foundations for sovereign state institutions. In so doing, it evaluates, more functionally, how the construction of public law impacts on the social position of institutions and the actions of holders of official

power, and how rising access to law shapes the societal substructure of political institutions. It sets this analysis against a broad historical background, discussing how phenomena occurring in contemporary Uzbekistan display features that characterized many other legal reform processes, often occurring at earlier historical junctures. It also places this analysis in the context of postimperial societies, using theories of law and imperialism to identify the effects of public law reform in the specific Uzbek context.

In this focus, the book proposes a new sociological approach to the development of public law, interpreting Uzbekistan as a case that makes evident certain features in the construction of public law at a general level. It also assesses how legal reforms interact with other reforms, especially in education, and links the state-reinforcing functions of public law to wider policies promoting national integration and state penetration. On each point, Uzbekistan is assessed as a society where the formation of public law was historically impeded by a range of factors, partly connected to imperialism. The accelerated promotion of public law reforms in recent years illuminates how, at different social and behavioral levels, the development of public law is tied to dynamics of nation building, infrastructural reinforcement, and individual inclusion. Notably, the book argues that, seen holistically, the Uzbek government ascribes unusual prominence to the legal system, and it calls on the legal system to transmit societal values and perform integration functions that compensate for its historical weaknesses in other structural domains of society, notably the military and the education system. In this case, legal reform—with some democratic elements—is used to rebalance social integration and to intensify the state's sovereignty, under precarious external conditions.

Fourth, the book contributes to research on legal pluralism, which typically addresses legal realities in social spaces standing at the margins of formal legal systems, mainly in societies where the dominant legal form was dictated by imperialism.⁵⁴ As such, Uzbekistan belongs to the classical model of a society marked by informal legalities. Such research usually argues that centralized state institutions impose patterns of citizenship and legal obligation on society that flatten out organic laws. Yet, despite this, formal legal identities remain shadowed by the tenacious force of Indigenous customs, religious imperatives, and unsystematic moral or practical codes, which often shape factual life horizons. Both classical legal anthropology and the more recent scholarship concerned with legal pluralism emphasize the persistence of plural laws in the form of semiautonomous social fields or nonstate forms of normative ordering, with their own modes of regulation and obligation. From the pluralistic standpoint, most importantly, state law merely represents one among many normative orders in society.⁵⁵

In contrast, this book widens the scope of research on pluralism. On one hand, in interpreting legal reforms, it shows how state-directed norms in Uzbekistan clearly lose some force in the face of existing, more informal legal structures. On the other hand, it examines how, in some spheres, informal legal practices

mesh unpredictably with more formally controlled practices prescribed through legal reforms, concentrated around state officials. Indeed, the reforms in Uzbekistan have struck a strategic balance between legal formalization and acceptance of informal legal structures, especially in domains affected by religious practices. For example, recent legislation has conferred increased powers on relatively informal bodies such as mahallas, and it has created new latitude for religious practice and teaching. In some ways, the government has implicitly accepted that some degree of pluralism in law is necessary for the implementation of policies to reinforce the sovereignty of the state. The book shows how the implementation of the new system of public law in Uzbekistan has moved some legal interactions into a *sui generis* zone, such that they combine formal and informal elements of legal practice and legal integration. The book examines how, in this hybrid context, legal persons frequently present themselves to the government in terms that fuse formal and informal legal practices.

RESEARCH METHOD

In setting out these analyses, the book employs a distinctive methodology, which it characterizes as *global legal sociology*. This approach is applied to, and elaborated through, the prism of Uzbekistan. However, by design, this method can be put to further use, and it can be extended to other regions. Global legal sociology is conceived here as a multifocal approach, which is used to observe legal developments simultaneously at the global, national, and local levels. This approach reflects the assumption that, in contemporary society, most phenomena are shaped by forces in each of these dimensions. This three-tier framework is deployed to interpret changing legal forms in Uzbekistan as part of a global constellation, driven by global factors and pressures. Yet, it is also used to assess how changing legal forms are shaped by microlevel practices and by embedded social perceptions. In short, global legal sociology, as presented here, means three things. It is an approach to legal occurrences that (1) isolates the global-systemic forces that drive legal transformation in Uzbekistan; (2) provides a broad sociological reconstruction of the historical path dependencies that underlie the legal reform trajectory, paying attention to the global position of Uzbekistan and comparative developments in similar states; and (3) observes and situates the culturally distinct practices and legal interactions in Uzbekistan, which influence the everyday conduct, the perception, and the outcomes of legal reforms. Together, this approach shows how, at each level, phenomena interact to produce a complex reality of legal transformation, in which policies at the global level trigger reactions that are worked out at the local level, and the local level in turn conditions constitutional reactions to international imperatives. This method presupposes the use of different techniques for analysis and data collection at each level, but it primarily aims to construct legal developments as convergent phenomena. To some degree, this method overlaps with theories of *interlegality*—with theories that analyze the interlocking

of different legal orders, in which norms assume a valence distinct from their original design.⁵⁶ Distinctively, however, it isolates deep structural causes of interwoven legal phenomena, and it sets out a global explanatory framework for assessing hybrid legal forms. In each regard, the book aims to redirect the focus of legal research in broad terms, and it uses its multifocal methodology to capture the causes and consequences of legal and constitutional reforms in the specific context of Uzbek society.

First, the global legal-sociological methodology involves analysis that addresses the acts of the Uzbek government in different spheres, including economic, military, educational, and religious policy, showing how domestic reform processes in the legal domain respond to global conjunctures in each of these policy areas. For example, the book assesses external economic strategies that shape domestic legal policies. Distinctively, however, the methodology will be used to examine the ways in which international security landscapes have shaped the formation of constitutional law in Uzbekistan. In this respect, the book builds methodologically on historical research produced in recent years that has discussed how constitutional law is determined by external security demands, such that military imperatives are frequently expressed through constitution making.⁵⁷ Chapter 1 outlines in detail the unusual security setting in which the Uzbek government operates, and it explains how constitutional laws have been constructed to allow the government to adjust to changes in the security system. Here, the book contributes to security-related research that expands the concept of security as a sociological category, so that security extends beyond military choice making and shapes interactions at many societal levels.⁵⁸ At one level, Mirziyoyev has exploited the rhetoric of security to persuade citizens that constitutional changes, including those of an authoritarian nature, are required to ensure security.⁵⁹ However, the book examines the impacts of security on constitutional policies in ways not acknowledged by the government, showing how security prerogatives penetrate deeply into everyday legal practice. It observes how a range of social domains—including constitutional, educational, and religious domains—are configured by the effects of changing security prerogatives. In so doing, it presents a new synthesis of legal sociology and the sociology of security. It assesses why, despite the fact that the Uzbek government is exposed to a security environment that presents tangible threats to its basic sovereignty, the government has tended to favor internal constitutional liberalization.

Second, the use of historical-sociological analysis in the book helps to reconstruct the particularities of Uzbek society in two ways. First, the use of historical method is intended to illustrate how legal reforms reflect challenges that are deeply rooted in Uzbek society, partly conditioned by complex pressures resulting from imperialism. As mentioned, it is reasonable to observe contemporary Uzbekistan as a distinct variant on a postimperial society, and historical methods typically used to interpret such societies can be utilized to explain social forms in Uzbekistan. Notably, historical research on more typical postimperial settings has highlighted how the legacy of imperialism has imprinted distinct integration

patterns on societies with colonial histories. For example, characteristics of societies shaped by long-term incorporation in empires are usually seen to include the weak formation of national citizenship regimes; the relative detachment of government from social interactions; the proliferation of private authority and indirect government structures; and the presence of lateral (familial or religious) articulations as elements of social cohesion, with a strong tendency toward legal pluralism.⁶⁰ To be sure, the deep penetration of Soviet power in Central Asia meant that the basic infrastructure and military capacity of the post-1991 Uzbek government was far stronger than in most regions under imperial rule. Nonetheless, perspectives derived from global historical research regarding the formation of citizenship in former imperial environments can be used to interpret Uzbekistan.

Alongside this, the historical-sociological method has use value because Uzbekistan, having acquired independence relatively recently, has experienced processes in the past few years that mirror earlier historical stages elsewhere. Some phenomena visible in Uzbekistan appear as present-day manifestations of occurrences revealed through global structural history, displaying in contemporary form developments observed across different periods. For example, the patterns of citizenship formation and social integration that characterize contemporary Uzbekistan can be analyzed through this comparative perspective. Moreover, the links between legal, political, military, and educational reforms in Uzbekistan reflect processes that have taken shape in different societies at different points in their development. A historical outlook, drawing on analysis of different societal histories, makes it possible to capture the causes of developments in Uzbek society, linking them to more generalized social dynamics. At the same time, a broad historical perspective allows us to isolate the identifying features of Uzbek society, and it will show how social formation in Uzbekistan has been shaped by atypical forces.

In parallel, third, the global-sociological methodology used here includes micro-analytical investigations, focused on discussions with actors at different points in the reform processes. This aspect of the methodology involves ethnography in the recently established administrative courts in several regions of Uzbekistan—Tashkent, Bukhara, Fergana, Khorezm, Surkhandarya, and Samarkand regions. These regions are selected for several reasons. Some are more closely attached to the international economy than others, meaning that economic litigation assumes different importance in different contexts. For example, in Tashkent, commercial litigation is higher than in other areas. In 2020, the combined Tashkent region and Tashkent city accounted for circa 24 percent of all cases heard in economic courts. By the first six months of 2024, this proportion had risen to 37.7 percent. There are also important religious distinctions between regions. In remoter regions such as Fergana Valley, people more frequently resort to traditional and religious values when resolving disputes (see Urinboyev 2023; Sobirov and Urinboyev 2024).

Court ethnography is an essential part of the methodology used to support the book, and the ethnographic analysis accounts for the use of administrative law in

everyday practice. This part of the research is mainly based on the observation of court proceedings. However, the research comprises semistructured interviews with court users and judges, selected with a view to accommodating regional and gender variations and distinctions in court practice in different locations. One important dimension of the ethnographic work is that it includes discussions with professionals engaged in legal education—in law departments at universities, capacity-building programs for judges and law enforcement bodies, and awareness-raising initiatives intended for the public more widely.

The microanalytical methodology employed in this research is designed to illuminate the understanding of recent law reforms among judges and court users in Uzbek society more widely. This part of the book is concerned with the ways in which transnational pressures impact on social agents in their everyday interactions, and it interprets the eye-level effects of large-scale structural reforms. However, this aspect of the work is also intended to capture the behavioral interfaces that link political strategies guiding nation building and citizenship formation with the attitudes, motivations, and perceptions of political attachment among citizens encouraged to act as legal subjects by the reforms. Sections of the book using this microanalytical approach will explore the changing legal culture in Uzbek society. They will assess the divergence between the legal objectives of the reforms and the social realities of the reforms in Uzbekistan, observing how globally directed policies filter into the diffuse environments of actual citizenship practices. In these different respects, the ethnographic aspects of the research are incorporated in the wider interpretation of societal change, as they display how pluralistic legal experiences of court users are connected to overarching patterns of transformation.

Overall, the methodological basis of the book brings together elements of different sociological traditions that are rarely combined, and between which, normally, strong explanatory contradictions exist. These traditions include the sociology of world culture, functionalist sociology, and integration theory, as well as the sociology of security, the sociology of state formation, and sociological accounts of legal pluralism. The claim implied throughout this book is that all these approaches have a role to play in explaining legal-political transformation, and all serve to illuminate the domain of constitutional law.

In each point, the book advances an account of legal reform as part of a wider process of state formation, linked to complex histories of sovereignty. It shows how, in some state-building trajectories, liberalizing legal reforms may be promoted as a deliberate technique for state formation and sovereignty consolidation, in which interactions between government and society are directed away from the political system toward the legal system. The precise reasons for this will be interpreted throughout the book, but this may reflect a governmental design to reinforce institutional stability in selective fashion, expanding the societal base of the state without risking deep systemic transformation.⁶¹ Classical theories of state building of course stress the fiscal-military model of the rise of statehood, and they

explain how bargaining pressures arising from external security demands shaped both the formation of the state and the offices and the institutional roles that connected citizens to the state.⁶² Such theories typically emphasize how security pressures created states, in which internal traces of legal pluralism were eradicated, as military imperatives instilled uniform constructs of citizenship into society. The weak applicability of such theories to states outside Europe has often been noted,⁶³ and alternative theories elucidate patterns of statehood that have taken shape in social settings where states lacked military capacity, often in regions affected by the legacies of imperialism.⁶⁴ Some of these theories have identified the persistence of informal institutions as a typical characteristic of states with colonial histories, with the weak institutionalization of general citizenship norms a symptom of this (Migdal 1988: 41). In the post-Soviet sphere, some theories have observed how state-building processes initiated after 1991 had distinct features, not least because they were not determined by large-scale warfare.⁶⁵ In the context of Central Asia, some interpreters have put forward the theory of the *incomplete state* to assess the low robustness of institutions (Akchurina 2022: 17). This book builds on parts of such theories of atypical state formation. However, by presenting a multilayered understanding of state-citizen interactions, it adds a new element to research on statehood in postimperial contexts, and in the post-Soviet region in particular. It illuminates ways in which legal reforms reflect strategies for consolidating sovereign functions, and it shows how governments use diverse constitutional techniques to promote state building, which need not militate against legal pluralism.

THE LIMITS OF LIBERALIZATION

The analysis presented in the book is not restricted to the simple reconstruction of motivations for legal reform. Throughout, the book also focuses on the weaknesses of such measures, and it discusses why, in key respects, some of the recent policies have proved ineffective, or have moved in reverse. Again, this part of the inquiry considers problems that extend beyond Uzbekistan, as it addresses questions regarding the limits of authoritarian modernization and legitimacy formation in polities that do not undergo full democratization. In this regard, the sociological emphasis of the book provides a distinct perspective for explaining the obstructions that such reforms encounter. In stressing how legal reforms relate to the consolidation of sovereignty, the book provides a framework for explaining why authoritarian governments may also, under some circumstances, retreat from reform trajectories. In particular, the book argues that in cases where governments promote reforms as part of a strategy of securitization, reform strategies always contain risks of destabilization for the government that pursues them, and liberalizing measures usually have only partial effect. The limits of reform will be addressed at different points in the book.

Security and Determinants of Legal Reform in Uzbekistan

The purpose of this chapter is to examine recent legal reforms in Uzbekistan from a global perspective. This approach entails a mixture of thick description and causal analysis of legal developments in Uzbekistan. It applies aspects of global historical sociology to explain how the reforms are shaped by transnational factors, and why they may differ from constitutional trajectories in other countries. In subsequent chapters, the analytical emphasis will shift more closely to forces inside Uzbek society, but here, the impact of international pressures on the reforms will be placed in the foreground.

In research addressing the international environment of recent changes in Uzbekistan, the normal starting point is to consider the international economic climate, with a view to isolating economic motives as causes of reform. It is frequently claimed that the reforms are driven by economic strategies, and they are intended to raise trust in the legal system to secure contractual stability for investors to encourage and retain foreign investment.¹ This view reflects the wider perception that developments in Uzbekistan are affected by the state's precarious, occasionally semidependent relation to Russia, implying that Uzbekistan enters closer relations with other regions when the benefits derived from attachment to the Russian economy become unpredictable. Thus the legal opening to Western capital inflows reduces dependency on Russia. There is much evidence to support parts of such analysis. It is surely the case that improved access to law brings clear benefits for actors in Uzbekistan with international connections, and it allows the government to signal to external organizations that Uzbekistan is open for business. In research conducted for this book, our data indicate that the legal reforms have provided particular benefits for subjects representing enterprises

with links to international investors. Such subjects are highly represented among court users that we interviewed.

Despite the validity of these claims, the reforms in Uzbekistan can be interpreted from a more structural sociological perspective, and a more complex global framework is required to examine why reforms should take place at this historical moment and why they do assume their distinctive form. This approach does not exclude analysis of the political-economic context. However, it suggests that political-economic determinants are not sufficient to explain constitutional change and the features that such change displays. It indicates that constitutional reforms tend to arise because of macrosociological shifts in society, which can only be partly quantified in economic terms.

To explain this, the analysis here proceeds from two preconditions. First, it assumes that constitutional law usually takes root when a society is moving from one mode of structural organization to a different mode. Second, as mentioned, it assumes that the social conjuncture that leads to constitutional reform is normally determined by external pressures, and most constitutions have been established to reinforce national institutions in the face of imperatives in the security domain, directly or indirectly of a military nature. These imperatives typically become tangible when an external security environment forces governments to devise new means to solidify their sovereignty, such that constitutions act as mechanisms allowing a state to adapt internally to external constellations. Of course, many governments have used security as a pretext for constitutional policies of a simple authoritarian nature, and this is partly the case in contemporary Uzbekistan. Both Karimov and Mirziyoyev repeatedly projected security concerns to justify authoritarianism. This fact is not denied by any part of the arguments presented below. However, throughout history, most patterns of constitution making have been determined by security pressures, and security concerns are not solely determinants of authoritarian constitutional measures.

Seen in this way, constitutions are typically, with variations, documents that reflect and reinforce patterns of *vertical integration* in society. Indicatively, in most societies, national constitutions became established through the nineteenth century, and they were instrumental in the transformation of societal affiliations from segmentary organization toward a vertically coordinated structure, linked to formal citizenship, which typified this period.² In this context, constitutions consolidated more centralized governmental orders and procedures, by which citizens entered more immediate interaction with public agencies, such that vertical affiliations became the dominant source of obligation in society. Subsequently, different historical waves of constitutional formation occurred as states penetrated more deeply into their societies, widening their foundations through the more immediate and individualized integration of social agents. In such developments, the integration processes conducted by constitutional law normally created a societal substructure for governments that were exposed to military pressures, and

constitutions connected citizens to the state in a form that enabled governments to gain effective access to military and fiscal resources in society. Indicatively, all the earlier global waves of constitution making—in the late eighteenth century, from the 1860s to the 1890s, and around 1918—coincided with intensifying interstate conflicts, and up to the 1980s, virtually all constitutions imposed military conscription on citizens. In such circumstances, most constitutions formed part of a military bargaining system, in which governments allocated rights of citizenship in return for a security contribution from persons granted exercise of rights.³ Constitutional law originally evolved as a legal apparatus through which states integrated their citizens internally in the face of international conditions, to create a vertical basis that cemented their sovereignty. Most constitutions were formed historically by the convergence of internal integration and external security pressures. Importantly, as discussed further in chapter 4, such events were frequently flanked by a dynamic of secularization, as the inclusion of citizens in a constitutional bargaining system imposed a logic of centralization on society in which military organizations acquired central roles and religious actors lost practical and legitimational authority.

Using this global constitutional framework, it is possible to explain constitutional developments in different societies by isolating the causes of the integrational functions that constitutions are required to promote. On one hand, it is possible to reconstruct the origins of a constitution by isolating elements of the international environment in which it was created, such that constitutions reacting to different security environments will typically have different legitimational outcomes for the governments that they structure. On the other hand, the constitutional effect of international pressures will also be determined by internal factors, as constitutions are likely to concentrate their functions on parts of society which, at a given moment, are critical for ordering internal responses to changing international pressures. The form of a constitution is likely to be the result of external security pressures, but it is also likely to organize internal institutional structures in a form that helps government adapt to external pressures. In this light, the specific features of the reforms in Uzbekistan can be explained, not solely as the result of conscious design choices or economic decisions, but as the reflection of a global environment that has distinctively affected the formation of national society and that has created particular requirements for heightened vertical integration. As outlined above, Uzbekistan has been shaped by a very unusual security constellation, linked to the enduring effects of imperialism. Externally, this is visible in the new proximity of the former colonial power, currently expressing renewed colonial ambitions. Internally, this is perceptible in the persistence of informal power structures, and in the weakness of institutions that normally promote citizenship roles. As examined below, this means that security pressures outside Uzbekistan resonate in constitutional provisions regarding military security, but they are also tangible in the organization of other social institutions, such as bodies with

religious and educational functions. As discussed in chapters 2 and 4, the constitutional reforms are flanked by changes in these domains, which are also vital for the consolidation of citizenship roles. In each point, this chapter examines how reforms have been implemented to manage problems arising from these conditions. At one level, it shows how, in official policies, security imperatives influence constitutional law, partly shaping formal discourses of constitutional legitimacy and providing justification for the extension of presidential powers. But it also observes how these imperatives take effect at a more submerged, less articulated level, affecting different aspects of institutional design.

POST-COMMUNIST CONSTITUTIONAL REFORMS: PRIMARY DISTINCTIONS

The causes of legal reform in Uzbekistan can be partly explained by analysis of the constitutional transitions that occurred globally in the 1980s and 1990s. In this respect, the most obvious point to note is that, in some characteristics, the Uzbek situation is not unique, and that some constitutional developments in Uzbekistan reflect a common trajectory that emerged at this time. In certain respects, the reality in Uzbekistan can be attributed to general features of the wider reform processes of that era, and it can be compared with conditions in other polities.

Much time has been devoted to interpreting the constitutional transitions that began in the 1980s. Obviously, these transitions took place in very different geopolitical environments, so that it is not easy to present a fully synthetic reconstruction of their causes. However, across the four main transitional locations—in Eastern and Central Europe, Africa, South America, and the former Soviet region—one relatively uniform phenomenon appears in the separate constitution-making processes: namely, that most transitions were initiated in contexts that were not primarily defined by war, and in which military organizations did not exercise dominant roles. Naturally, there were important exceptions to this. For example, the transitions in some former Yugoslav states were shaped by extreme military violence. In Latin America, where democratic transitions replaced military regimes, military organizations sometimes played important roles in shaping some constitutional reforms. In Colombia, the 1991 constitution served as both a document of public law and an (ineffective) peace treaty in a long-standing civil conflict. Close to Uzbekistan, both Afghanistan and Tajikistan experienced high levels of violence, before and after the transitions had begun. The Soviet war in Afghanistan in the 1980s was an important determinant of regional and national identities in Central Asia, and it had intensified Muslim opposition to the Soviet system before the onset of the transition. This meant that loyalties formed by warfare were expressed in the process of regime change. In Tajikistan, the constitution was passed (1994) and amended (1999) during and after the civil

war. For all such caveats, nonetheless, most constitutional transitions beginning in the 1980s had the distinguishing feature that they were not the immediate results of warfare. In this characteristic, they differed from previous waves of democratic transition.

These factors had immediate implications for constitutional rule, and, in different ways, they preconfigured later constitutional developments, including those in Uzbekistan. From the early 1990s, the absence of war clearly did not eliminate the impact of security policies on constitutional law. On the contrary, the place of transitioning states in the global security system remained decisive in determining whether a particular state would convert to democracy at this time. Accordingly, a long-range and multifocal view of the law/security nexus is vital for explaining constitutional law in the post-1991 context. The sections below aim to elucidate how security challenges shaped constitutional development in Uzbekistan in a trajectory that did not lead to democratization. This throws new light on the persistence of authoritarian systems in Central Asia, and it may help to explain the phenomenon of nontransition more widely.

Constitutions Before the 1980s

Before the 1980s, globally, it was common for constitutional reform processes to take place in contexts in which military actors had played a salient role and military experiences affected interactions between government and citizens. The typical conjuncture in which stable constitutional orders were created was closely linked to warfare or military mobilization, or at least to contexts in which military organizations had assumed salience. Moreover, many constitutions were established because of wars caused by interimperial tensions or by the fragmentation of empires. This link between militarism and constitutionalism began in the late eighteenth and early nineteenth centuries, as constitutions created in the United States, France, and Spain responded to pressures from war, often imposing harsh military duties on constitutionally integrated citizens. Later, the long wave of constitution making that occurred in Austria, Germany, Italy, France, and different states connected to the Ottoman Empire between the 1860s and the 1870s was fundamentally impacted by wars and the rising threat of war. Importantly, constitutions created at this time included or were flanked by provisions that imposed mass conscription on citizens. The years around and after 1918 saw the formation of new constitutions in Germany, Austria, Poland, Czechoslovakia, Lithuania, Turkey, and Yugoslavia, all of which reflected societal reactions to war. Then, the first period in modern history that witnessed a large-scale wave of constitutional reform in which several states became democratic and then remained democratic was the era directly after 1945. The formation of democratic government was carried forward by three patterns of institutional construction, each of which was directly affected by warfare.

First, constitutions established after 1945 were typically deployed for purposes of social pacification, especially in societies that had previously been authoritarian (Japan, West Germany). For this reason, some constitutional democracies were created around international templates, in which international norms were used to reduce the military proclivities of national governments.⁴ Second, at this point, constitutions tended to reflect solidarities galvanized in society during warfare, and they grew from shared societal experiences of violence and shared exposure to external risk. As a result of this, warfare defined essential qualities of constitutional citizenship, and the interactions between citizens and governmental bodies were directly structured by war. This military background is visible in many constitutional systems that took shape at this time. This legacy typically became manifest in the fact that, since the end of World War II, constitutional systems placed their populations in increased proximity to government bodies, and they tended to reduce legal partitions between social groups. By way of illustration, some constitutions implemented at this time promoted the heightened integration of minorities (especially those that had served in war), and they reduced discrimination against single groups on socioeconomic grounds.⁵ Alongside this, constitutions increased the planning functions discharged by governmental executives, and—vitaly—they augmented the permanent fiscal burdens placed on citizens, as they extended wartime taxation levels to peacetime public economies. For example, the new constitutions established in West Germany, France, Italy, and Brazil after 1945, as well as the revised constitutions in much of Western Europe, created states with more expansive fiscal systems, which maintained increased levels of public spending. Perhaps most importantly, constitutions of this period installed a framework in which collaboration between political parties traditionally divided by economic hostilities increased, such that convergence between historically opposed constituencies was reinforced. In each respect, World War II was a profound constitutional event, in which groups in national populations obtained expanded constitutional rights as a consequence of their common exposure to military hardship during the war.⁶ In most societies that acquired constitutions after 1945, this meant that the war created a heightened conjuncture of vertical integration, as pressures of warfare forced different social sectors closer together and placed all social sectors in a position closer to the state. The post-1945 wave of democratization was typically built on this substructure.

At the same time, democratic constitutions created after 1945 tended to transfer solidarities created during warfare onto pacified premises, and they extended modes of social interaction configured by war into organizational forms that, at least in part, were detached from conflict. This was reflected in the fact that after 1945, states that embarked on successful reform created constitutional systems that were supported by robust welfare systems—including greatly increased education investment. In virtually all cases, the construction of welfare states was understood as a national undertaking, giving expression to solidarities generated by military

conflict. This meant that most constitutionally ordered societies after 1945 were formed through a twofold process of vertical integration; first through war, and then through increased welfare/education investment. Post-1950 India is perhaps the strongest exception to this. Yet, at least at a declaratory level, the independent polity in India did not lack commitment to welfare provision. In most successful constitutional states that were cemented after 1945, it is possible to observe a dialectical process in which the basis for national integration was formed by solidarities instilled in society through warfare. However, at the same time, these national solidarities were reformed through the creation of welfare states, in which militarized solidarities began to give rise to alternative solidarities, establishing the basis for relatively stable democracies.

Importantly, states that entered constitutional reform processes after 1945, which were not the products of war, almost invariably experienced periods of deep democratic regression, often resulting from the fact that military actors took control of the state. This was characteristic of many political systems that had been situated on the colonized side of transregional imperial polities, and which had acquired independence from European empires after the war. In such contexts, constitutional reforms were less strongly shaped by the societal legacies of war, and the transformative effects of war were weaker than in states that had possessed full sovereignty before 1945. A typical feature of such postimperial societies was that, during and after decolonization, military units performed the nation-building functions that they discharged in other societies in the context of warfare, such that the integration of society by armed means occurred without an actual war. This is evident in much of Africa after the failure of decolonization-era attempts to create constitutional systems. It is also evident in parts of the Middle East, as former mandate states became fully independent after 1945. In most postcolonial settings, military actors quickly took hold of the instruments of government, and they promoted reforms to expand national solidarity and national consciousness by methods that included military-led strategies for economic developmentalism and social secularization.

Constitutions After the 1980s

In contrast, a new transitional paradigm appeared in the late 1980s and 1990s, which greatly altered the typical foundations of constitutional rule. As mentioned, this was the first historical period in which constitutional reforms were initiated across a range of states that did not reflect shared experiences of warfare. Salient in this process was the fact that many transitions occurred in contexts where international organizations with strong normative authority had acquired influence. In both Europe and Latin America, the pressure of international normative expectations, often transmitted into national societies by transnational organizations promoting the enforcement of international norms, was a common determinant of constitution making. Indicatively, in the broader Soviet sphere of influence, many

constitutions were written through consultation between national politicians and external experts and commissions.⁷ In Hungary, the existing constitution was revised by judges, using regional human rights law as a normative guide. In Chile, the constitution was amended in 1989 to include heightened protection for international human rights. This meant that rather than war, powerful external incentives provided direction for prodemocratic constitutional reform, and many reforms were prompted by international influences. In some cases, this meant that internal groups possessed reduced importance in the actual process of constitutional reform, and intrasocietal forces had a weaker impact on the eventual design of the constitution than in the post-1945 period.

Discernibly, this process differed from the wave of constitution making after 1945, as constitutional systems created after the 1980s were usually not supported by the deep social compromises (solidarities) that sustained post-1945 democracies. This was reflected, on one hand, in the fact that some constitutions were created through the simple alignment of governments to external norms, so that constitutional borrowing became a prominent technique for writing constitutional law. However, this tendency was mainly reflected in the fact that polities formed after the 1980s tended not to create strong welfare states. This was partly because democracies were created in settings in which the common wartime impetus toward national coordination and economic redistribution was absent. It was also partly the result of the fact that by the 1980s, global democracy promoters, notably the United States, were in a process of internal economic restructuring, and these governments showed decreasing commitment to material redistribution as the basis for democracy. For these reasons, the internal sources of societal cohesion that had underpinned democratic constitutionalism after 1945 were attenuated after the 1980s.

Since the 1980s, to be sure, the increasingly external construction of democratic agency had some evident successes, and external normative alignment proved effective in sustaining constitutional rule in many societies. Almost universally, however, the success of democratic transitions among states that converted to democracy in the 1980s depended on their membership in norm-setting communities with strong transnational penetration, and some consistent external incentive for states to uphold democratic norms was normally vital to democratic consolidation. Globally, for example, constitutional states created since the 1980s that retained a strongly democratic order were almost invariably members of regional human rights frameworks, and the incorporation of transitional and posttransitional governments into human rights systems assumed a surrogacy role in reinforcing democratic commitments. Also important is the fact that, in Europe, the international normative communities that encouraged transitioning states to assume constitutional form normally had a strong security dimension, and they allowed such states to move from one security community to another. In Europe, leading members of the Western defense system, centered around NATO, presented constitutional

rule as a pathway through which states formerly subject to Soviet influence could change their security environment, and, since the early 1990s, the Western security system became identified with the protection of constitutional order.⁸ For this reason, some transitioning states found that adherence to external constitutional expectations created a new form of security framework, in which external security considerations replaced internal military solidarities as the source of constitutional order. For many European societies, the building of democratic institutions after circa 1990 resulted directly from security-related strategies, although the actual militarization of society played a limited role in this process.

At the risk of excessive schematization, in short, two distinct paradigms can be identified in constitutional transitions to democracy in the twentieth century: those in the aftermath of 1945 and those of the 1980s and 1990s. These transitions were sustained by differing societal substructures and by different material forms of nationhood and national integration. However, in both waves, impulses related to security played vital roles in propelling several states toward constitutional rule, such that, typically, security imperatives framed transitions in two ways.

In the post-1945 constitutional wave, effectively consolidated constitutional systems were partly based in external normative constructs.⁹ However, most of these constitutions reflected the fact that citizens had been unified by war and/or experiences of military devastation, and they expressed unusually deep inter-class solidarities. As a result, they tended to give rise to robust welfare states. This tendency was strengthened by the Cold War context, which meant that capitalist governments possessed strong incentives to invest in social welfare, in order to weaken the ideological attraction of the USSR.¹⁰ In this respect, such constitutions reflected a deep push for vertical integration, and this integration was dictated both by legacies of war and reinforced articulation between governments and citizens through welfare provisions. In the post-1980s constitutional wave, by contrast, constitutional transformation was often driven by more externalized modes of constituent agency. In these processes, reforms were frequently influenced by international actors, and many constitutional designs were based on internationally favored templates. Subsequently, however, the democratic efficacy of such norms remained—largely—contingent on external imperatives, as membership in a normative system with strong economic, political, and security-related benefits was a persistent condition of democratic stability. The most successful transitions after 1989 were supported by security considerations, and many transitioning democracies accepted the normative preconditions for constitutional rule because such alignment brought (perceived) benefits in the security domain.

Overall, the two major waves of twentieth-century constitution making were framed by different security contexts, in which international security concerns shaped internal political structures in separate ways. One security environment was formed by World War II, and it led to deep vertical integration. The other was mainly formed by the collapse of the Soviet Union, and it had a weaker impact on

internal integration processes. At least in Europe, security policies were essential drivers of constitutional formation in both periods.

UZBEKISTAN IN A GLOBAL SECURITY CONTEXT

This background can help to explain the phenomenon of nontransition in Uzbekistan after 1991, and it may also illuminate constitutional developments after 2016. The first wave of constitutional reform in Uzbekistan, which started in the 1990s, was shaped by an atypical environment, and the security-related determinants of reform that influenced other constitutional settings were not visible in simple form. For example, the first political transformation can be observed as part of an imperial crisis, in which Uzbekistan acquired sovereignty because of the dissolution of the Soviet Union. As a result, the transitional environment in Uzbekistan had similarities with reforms conducted in postimperial contexts after 1945. In this context, as discussed below, the construction of the state as a set of freestanding sovereign institutions was a tortuous process, in which the patterns of integration that usually support sovereign statehood were relatively weak.

At a different level, the transition in Uzbekistan had a complex, partly overlapping, partly divergent relation to the typical pattern of transition that occurred in and after the 1980s.

First, like other states of this time, constitutional restructuring in Uzbekistan after 1991 did not involve the deep militarization of society. Manifestly, nuance is required in analyzing this point. The post-1991 landscape in Uzbekistan was hardly one of general pacification, and, as indicated, internal policy remained defined by an uncertain security environment. In neighboring Tajikistan, the fragmentation of the Soviet system caused deep intergroup conflicts, in which contests over citizenship and territorial disputes characteristic of postimperial states acquired violent expression in 1992. This was exacerbated by the fact that the nascent Tajik state had low military capacity, strong Islamic movements flourished, and insurgents were easily able to threaten its monopoly of power.¹¹ The Islamic Revival Party became the main opposition party in Tajikistan, and Karimov backed the sitting Tajik government against the opposition. In parallel, Afghanistan had experienced extreme violence in the 1980s, and the withdrawal of Soviet troops in 1989 caused further civil war; the Taliban took control of government by military force in 1996. This meant that Uzbekistan obtained sovereignty and was forced to build security capacity as a state that had borders with two countries plagued by internal conflict, which sent a chilling message about the consequences of national insecurity. In fact, both neighboring states experienced, at different points, an almost complete loss of sovereignty, as government agents lacked control of society and foreign actors exercised pervasive force. Moreover, the Taliban moved close to Uzbekistan's borders in 1998.

At times, this constellation threatened the territorial security and integrity of Uzbekistan, and the Uzbek government was periodically exposed to border

conflicts and insurgency, often with partly religious motivation. Faced with such challenges, security policies played a prominent role in the legitimization of Karimov's government. Nonetheless, the fact remains that Uzbekistan is a major state that was not created by war or military violence, and the security conditions that framed its assumption of sovereignty did not include actual military conflict. As a result, citizens were not originally integrated in the state through military roles, and articulations between government and society were not shaped by extreme experiences of collective violence.

Despite the absence of war in post-1991 Uzbekistan, the management of religion assumed great importance in the assertion of regime security and the consolidation of state sovereignty. At a societal level, Uzbekistan experienced an extensive revitalization of Islam after 1991, and the new nation witnessed a broad, although not geographically uniform, return to more traditional religious practices. In 1991, for example, a separate muftiate was formed. However, at the systemic level, Karimov adopted religious laws that endorsed the separation of nationhood and religion characteristic of many post-1945 Muslim-majority societies, and his policies embodied strict principles of political secularism. To be sure, as examined further in chapter 4, Karimov tried to consolidate national attachments to support his government by connecting Uzbek culture to Islam. He presented Islam as part of the nucleus of Uzbek nationhood, expressing symbolic respect for religious values, so that religion became part of a legitimational context for the new state. Yet, from an early stage, Karimov identified Islam as the primary challenge to his regime, and he placed religious practices under strict government surveillance.¹² In 1991, the government was unsettled by a major event with clear potential for inducing military violence, as a large demonstration took place in Namangan, involving confrontation between Karimov and Islamists led by Tohir Yoldosh. At this point, the president was forced to enter negotiations with Islamists, and he briefly agreed to their demands. This led to discussions about the adoption of a constitution committed to an Islamic form of government. After this, once his power was reestablished, Karimov deployed policies to suppress Islam, such that only highly controlled expressions of Islam were accepted, and any political or educational expression of unofficial Islam was curtailed.¹³ As early as 1991, Karimov introduced legislation concerning freedom of conscience that spelled out a strict commitment to secularism, providing for the registration of religious organizations and the prescription of formal principles for the administration of such organizations (art. 11). The Muslim Directorate of Uzbekistan was created in 1993, with some responsibility for monitoring religious activity. In 1998, the Law on Religious Freedom and Religious Organizations adopted a still more restrictive approach to religious practice. This law designated some religious organizations as security threats and prohibited the formation of religious parties (art. 5). It subjected religious organizations to "restrictions which are necessary for ensuring national security and public order" (art. 3), and it criminalized religious teaching in public schools (art. 7).¹⁴

Overall, Islam became an important but volatile part of the legitimational system promoted by Karimov after 1991. At this time, the number of practicing Muslims increased, and official Islam was strategically integrated in a public construction of Uzbek nationhood, intended to occupy the ideological vacuum left by Communism.¹⁵ However, religion was not accepted as a source of immediate political legitimacy, the state was constructed in emphatically secular terms, and repressive policies for the management of Islamic practices were sanctioned. As discussed below, such policies acquired most tangible effect after 1999–2000.

In these respects, Uzbekistan acquired sovereignty after 1991 in a situation where security shaped the form of government in two distinct ways. The government asserted its sovereignty in policies that presupposed the deep securitization of national borders and the national population, and, however speciously, it projected the secularization and regulation of Islam as vital elements in this process.¹⁶ However, the internal securitization of society against religion meant, fundamentally, that the national population was only weakly integrated in the polity, and its primary unifying dispositions (Islamic beliefs) were presented as a component in a threatening security environment. This reality differed markedly from security settings that characterized earlier constitution-making contexts, in which security imperatives, linked to actual warfare, had instilled deepened vertical integration in society, which then provided premises for the constitutional organization of the polity. This also differed from security settings typical of transitions after the 1980s, in which immediate security threats had reduced relevance. In post-1991 Uzbekistan, the government consolidated its sovereignty in intensified security policies, but these policies specifically *did not* integrate society in direct vertical articulations. This meant that, from the outset, government was premised in a fissure between the political executive and citizens. Indeed, it meant that the terms in which government defined its sovereignty (security) weakened primary sources of attachment between citizens and the state, thus eroding the bases of governmental sovereignty as a sociological condition.

Alongside this, second, the Uzbek transition again differed markedly from more typical transitional contexts in and after the 1980s because Uzbekistan, located outside the normative reach of powerful international communities, occupied a distinct geographical and political position. This fact meant that the penetration of international norms into national constitutional law was restricted. Of course, one important reason for this was that Uzbekistan was distant from the Western states that promoted transnational normative ideals at this time, and the incentives for politicians to align internal constitutional practices to external norms to gain membership in economic or security-related organizations were not strong.¹⁷ This meant that the surrogacy power of international human rights systems had limited effect in the Uzbek context. More importantly, this can be attributed to the fact that the convergence of international norms and security imperatives that framed many constitutions of the 1990s was not pronounced in early independence-era

Uzbekistan. In fact, external security designs shaped the formation of constitutional norms in Uzbekistan in context-dependent ways, which meant that the correlation between security prerogatives and constitutional organization evident in other settings at this time had limited force.

After 1991, the imperatives of Western security organizations had some penetration in Central Asia. Owing to the withdrawal of Russian military expertise after 1991, the government led by Karimov was obliged to reinforce and modernize the national army, and the military had to be built from a relatively low institutional starting point. This rebuilding necessitated international cooperation, and arrangements with different partners brought different normative pressures. At this point, NATO represented the strongest Western influence in the security system of Central Asia. For example, all countries in Central Asia participated in a forum for dialogue initiated by NATO in December 1991, the North Atlantic Cooperation Council. Kazakhstan, Uzbekistan, Kyrgyzstan, and Turkmenistan became attached to the NATO-administered program, called Partnership for Peace.¹⁸ Uzbekistan participated in a number of initiatives organized under its auspices. These included Cooperative Nugget (1995), Cooperative Osprey (1996), and Balance Ultra (1996). This occurred at a time when, owing to the economic implosion under Yeltsin, Russian military capacity declined dramatically, leaving a vacuum in previously Russian-governed regions.

However, starting in 1991, Karimov's security policies were mainly focused on military self-reliance, and, from an early stage in the existence of Uzbekistan as a sovereign polity, exclusive engagement in any rigid international defense system was avoided. Indicatively, Karimov passed a law on defense in 1992, which stated (art. 4) that nonparticipation in military-political blocs was a primary commitment.¹⁹ In 1996, he passed a law on the basic principles of foreign policy, declaring that Uzbekistan would withdraw from any international organization that entailed military-political or constitutional obligations.²⁰ At the same time, he declared that nonalignment was a "guarantee of national security and peace and stability in the region" (Karimov 1997: 102). It is often noted that Karimov was intent on devising a multivector foreign policy, in which he adopted security strategies that enabled him to resist deep engagement with one single external power.²¹ At the center of this conception was an unwillingness to enter any defense alliance that could induce external intervention in Uzbekistan, or obstruct the autonomous solidification of national sovereignty. This policy did not go as far as in Turkmenistan, where the government was constitutionally committed to permanent neutrality from 1995 onward. However, the essential drivers of Uzbek foreign policy after 1991 can be linked to this strategy. On one hand, foreign policy was shaped by the recognition of the complex security environment in which the Uzbek state had acquired sovereignty, overshadowed by the proximity of Russia. At the same time, the government constructed a system of balances in its external relations, to avoid any deep internal penetration of international organizations and any

reduction of sovereignty through potentially unsettling military alliances (Dada-baev 2021: 83).

On this basis, the government of Uzbekistan acquired sovereignty in a security context after 1991 in which both determining structures, which otherwise drove national constitutional formation, were relatively weak. That is, the security environment in which Uzbekistan became sovereign and assumed constitutional form was not shaped by actual military conflict: There was no war of independence and no war with rival states. This does not mean that this situation was not marked by deep conflicts, at times of a partly military nature. For example, in 1989, a large demonstration took place in Tashkent calling for the recognition of Uzbek as an official state language. This was clearly influenced by Soviet violence in Afghanistan. Yet, Uzbekistan did not experience any comprehensive militarization of society (i.e., war) before or after 1991. As a result, the forces that typically promote increased intrasocietal solidarity and strong citizenship roles within constitutionally ordered societies were absent, as these usually result from militarization.²² This feature was reinforced by the fact that the regime was largely securitized against sectors in its own population. At the same time, equally, this security environment did not promote alignment to an external normative community as the premise for constitutional organization. Together, these factors were vital for the regime transformation in Uzbekistan, and they meant that security pressures had an unusual role in shaping the post-1991 system. These facts had important implications for the interactions between the external and the internal dimensions of the state, which then influenced the form of the constitution as it developed in the longer aftermath of 1991.

First, in the wake of 1991, Uzbekistan showed many features of other polities created in the 1980s, marked by the fact that they did not result from war. In particular, the government did not establish strong vertical articulations with citizens, usually expressed in far-reaching welfare reforms. As mentioned, in general terms, democratic transitions after 1989 were the first time that a number of states had converted to a constitutional system while not establishing stronger material protections for citizens. The bifurcation of political reform and social rights that generally characterized this period acquired extreme expression in Uzbekistan.²³ Although the Uzbek economy remained relatively stable after 1991 and experienced relative buoyancy after 2004, the transition away from Soviet-era full-employment policies led to severe fiscal tightening. It brought infrastructural cutback, economic privatization, reduced pension payments, depleted healthcare and social protection, and sharply increased income inequality.²⁴ In turn, this meant that the number of dependent families increased precipitously and social reliance on informal welfare protections became more widespread,²⁵ such that state institutions lost some of their tangible presence in social life for many people (Noori 2006b: 540). Throughout this period, as examined in chapter 3, the reliance of citizens on informal law or nonlegal interaction remained a dominant social characteristic.

In these respects, Uzbekistan displayed some typical features of a state not created by warfare, in which the capacity of the government to integrate through vertical channels was diminished.

Second, the limited linkage to international normative communities meant that constitutional democracy was not a primary signal of legitimation in the post-1991 Uzbek state. Unlike other constitutional systems that developed in the former Soviet sphere of influence, the constitution of 1992 had restricted importance as part of a symbolic interface between the national and international domain, and compliance with international directives had limited importance as a source of legitimacy. At a textual level, the constitution established recognition of “generally accepted norms of international law” in the preamble. Article 44 declared that “everyone shall be entitled to legally defend his rights and freedoms, and shall have the right to appeal any unlawful action of state bodies, officials and public associations.” However, these provisions were soon revealed to be dead letters. This can be partly ascribed to the distinctive aspects of the security domain in Central Asia after 1991. In the wider post-Soviet environment, as mentioned, many states accepted constitutional models for demonstrating legitimacy because the assimilation of rights-based constitutional law created an opportunity to alter the security community to which they were aligned. This was closely linked to the economic incentives associated with constitutional reform, such as access to International Monetary Fund loans and eventual proximity to the European Union. In many transitions in Eastern and Central Europe, however, the entrenchment of constitutional rule was accompanied by the progressive integration of the constitutional state into new transnational security communities, especially NATO, such that constitutional reorientation brought reward in the form both of access to Western financial systems and of security realignment. In the Uzbek context, this determinant of constitutional formation was initially weak, and constitutional adaptation to Western practices was not viewed as a means to exit the Russian-dominated security system. In other words, commitments to constitutional democracy could not be leveraged for security (sovereignty).

SECURITY POLICIES AND THE REDUCTION OF STATE ACCOUNTABILITY

For these reasons, both typical primary sources of national constitutional order—internal militarization or external normative compliance—were not strongly articulated in the early years of Uzbek sovereignty. The state took form in a security constellation that was inherently unlikely to impose a robust system of accountability on national government. In addition, however, Karimov strategically exploited the (allegedly) precarious security environment in Central Asia to avoid entering strong constitutional commitments to citizens, and he utilized external pressures to support his internally coercive polity design.

In its post-1991 orientation, for example, Uzbekistan initially retained close attachments to Russia, and the space for policymaking was shaped by the wish to maintain uncomplicated relations with Russia. At times, the risk of Russian intervention in Uzbek politics was not negligible, particularly as Russian armies were stationed in Tajikistan during the civil war. These conditions meant that, in the 1990s, Uzbekistan was unlikely to align itself to any security community promoting internal constitutional norms, and its sovereignty depended on its ability to avoid provoking Russia by joining any bloc clearly hostile to Russian interests. In the early 1990s, Russia engaged in collaboration with NATO partners, which encouraged states in Central Asia to follow suit. However, as discussed below, tensions between Russia and the Western security community increased over a longer period, and the Uzbek government usually pulled toward Russia in moments of dispute between them.

Importantly, this nexus between security and internal authoritarianism was ultimately intensified by the circumstances in which Karimov engaged with Western military powers and their defense interests. Uzbekistan became a significant strategic region for the West after the deep caesura in world politics in 2001 (9/11), when its proximity to Afghanistan meant that it assumed unprecedented global significance. One result of this was that Uzbekistan came into the orbit of the Western defense community at the moment when constitutional designs advocated in the West after 1989 had lost impetus, and Western security imperatives impacted on the Uzbek government in a manner unlikely to increase pressure for constitutional rule.²⁶ By 2001, constitutional principles espoused in the Western security arena had changed markedly, and securitization policies supported by the United States and NATO did not prioritize democratic constitutional expectations.²⁷

As Uzbekistan became a zone of interest for the United States after 2001, the Uzbek government positioned itself initially as a key strategic actor in the context of global anti-terror initiatives. This was partly because Uzbekistan was perceived internationally as a possible hotbed of terrorism, so that the government in Tashkent was necessarily the focus of international concern. However, Uzbekistan largely acquired importance because it opened a military land route to Afghanistan, and it provided airspace access to Taliban-controlled regions. Closeness to Afghanistan had already been vital to the international role of Uzbekistan before 9/11, and this had defined relations with global organizations. For example, in 1997, Karimov promoted the formation of the UN-sponsored Six Plus Two Group on Afghanistan, whose purpose was to manage regional relations with Afghanistan with a view to ending the civil war, and some of whose meetings were held in Tashkent.²⁸ Yet, conflicts in Afghanistan assumed greatly increased importance in shaping Uzbekistan's global position after 9/11.

One result of this international interest was that, from 2001, Uzbek security policy briefly diverged from its post-1991 priorities, and the Karimov government adopted a security policy that was more open to international alliances. This

divergence was manifest in the fact that the United States established a military base in Uzbek territory, and, in return, the country received rising inflows of US finance.²⁹ This finance was distributed in diffuse fashion, and it was partly spent on US-administered training programs and partly allocated to companies, ministries, and public agencies. Moreover, this divergence became visible in the fact that Karimov increasingly subscribed to core tenets of the anti-terrorist policies proposed by the Western security alliance, based in Washington. The attacks in the United States (9/11) followed a presumed assassination attempt on Karimov in 1999, reputedly perpetrated by religious activists. They also followed an increase in violent activities conducted by the Islamic Movement of Uzbekistan (IMU) around the border with Kyrgyzstan, in which, in August 1999, the Uzbek air force had been mobilized against insurgents. The IMU declared especial hostility for Karimov, because of his repressive secularism, but it had transnational links with militarized groups in Afghanistan. The year 2000 also saw incursions of the IMU from Afghanistan into Uzbek territory. Qualified observers stated at this point that Central Asia was “almost certain” to become the “new global battleground” in conflicts between the United States and Islamic fundamentalism (Rashid 2003: 4). At this point, accordingly, Karimov presented himself as an important US regional ally, and American initiatives converged with domestic security imperatives, as both the United States and Karimov had a strong interest in enacting anti-Islamist policies.³⁰ American observers claimed that the Taliban and Al-Qaeda were operating with Uzbek Islamist dissidents to overthrow the Karimov regime (Daly et al. 2006: 16). In 2004, Karimov also attempted to blame terrorist attacks in Tashkent on Muslims. He declared that blasts at the Israeli and US embassies were the work of the movement Hizb ut-Tahrir.³¹

The immediate aftermath of 9/11 was a period in which the United States promoted—in effect—the remilitarization of parts of the post-Soviet space in Central Asia, where security policies had largely focused on the consolidation of domestic sovereignty. At this point, the United States was able to use anti-Islamist policies to penetrate into core regions that had been part of the Soviet Union only a decade previously. In doing this, the Washington government sought to build pragmatic coalitions with governments located in former Soviet republics, extending invitations to some post-Soviet states to enter NATO.³² Important American analysts have observed that this policy reflected a new model of American military action overseas. That is, this policy was intended to enact a distinct vision of American foreign policy, sanctioned by the White House under President George W. Bush, in which the United States was to develop a “modern, transformed military force” that was not “constrained by previous geographic and physical limitations, but would be able to leverage small, mobile and highly lethal military capabilities from multiple global locations” (Daly et al. 2006: 15). This meant that the military presence of the United States in Central Asia increased rapidly, and it challenged existing arrangements in the region, to the clear detriment of Russia.³³

Not surprisingly, Vladimir Putin responded to the increased American presence by establishing a Russian airbase in Kant, in northern Kyrgyzstan, in 2003.

In attaching himself to the United States at this juncture, Karimov derived multiple benefits from the emerging Washington-led security system, and he used the post-9/11 consensus both to gain support in his quest for increased autonomy in relation to Russia and to justify his own internal policies. Indeed, the anti-Islamist consensus that became pronounced at the global level brought clear legitimating support for his domestic security apparatus.

From an early stage, as mentioned, Karimov had deployed policies with a two-edged approach to Islam. On one hand, the rapid construction of the state after 1991 meant that a new national identity was promoted, which selectively co-opted aspects of religious and cultural history as a source of national attachment. On the other hand, from the outset, Karimov utilized perceived Islamist threats to justify domestic authoritarianism, and the image of Islamic violence was an important legitimational pillar of his government. As indicated, this was visible during the civil war in Tajikistan. That war was not primarily caused by Islamic mobilization.³⁴ Nonetheless, the main opposition faction in the war expressed demands for increased liberty for Muslims, and more prodemocratic actors in the conflict were associated with organized Islamic groups (Collins 2023: 171). As also mentioned, one outcome of the civil war was that Russian military units acquired a powerful role in providing security in Tajikistan, so that Tajik sovereignty was effectively reduced.³⁵ In this context, Karimov identified Tajikistan as an object lesson for other governments, claiming that Islamist movements formed both the primary threat to social order, with the strong potential to extend beyond national boundaries, and the primary threat to Uzbek sovereignty itself.³⁶ Accordingly, he justified his own position as a regional bulwark of authoritarian secularism. On Tashkent Television in 1992, Karimov stated, “I assure you that tomorrow, when they declare Tajikistan an Islamic state, they won’t stop at that. An Islamic state with its ideology will come to us for sure through the Fergana Valley. While I’m president, we won’t allow any Islamic order in Uzbekistan.”³⁷

These attitudes were cemented in constitutional laws established in 1992. Indicatively, although technically article 61 of the 1992 constitution allowed freedom of religion, article 57 prohibited political parties with potential to induce religious conflict or to alter existing constitutional rights. Article 16 provided that the rights and interests of the Republic of Uzbekistan have precedence over any individual right guaranteed by the constitution. It also stipulated that religious rights could be limited for reasons of public interest. Article 20 provided that the exercise of rights and freedoms could not be allowed to violate the lawful interests, rights, and freedoms of the state. These attitudes were also consolidated in internal military policy. For example, in 1995, a resolution was passed that set out the national military doctrine, stating that defense policies were partly designed to counter “manifestations of extremism and terrorism” and to react to factions perpetrating

“activities aimed at inciting nationalist sentiments and religious intolerance.” This resolution allowed internal deployment of the armed forces with post-factum parliamentary approval.³⁸ Through this instrument, the government built up a strong armory of repression for engaging with religious groups. As mentioned, in 1998, the Law on Religious Freedom and Religious Organizations intensified state control of religion, notably prohibiting private religious instruction.³⁹ The Criminal Code was revised in 1998 to reflect these provisions, and, in articles 216–1, 216–2, and 244–1, it addressed religious organizations. At the same time, a law was introduced that required mahallas to assume regulatory functions regarding unauthorized religious practices.⁴⁰ This process coincided with similar legislation in Russia. The main principles of Russian security law were established in 1992,⁴¹ and additional anti-terrorist legislation was passed in 1998. Later, a 2006 law provided a legal framework for the mobilization of military force against terrorist organizations.⁴²

Against this military background, in sum, the post-9/11 global setting formed a policy environment that was very convenient for the Karimov government, as it allowed the president to use international norms to support his internal security system, extracting legitimacy from the international security community for acts of domestic repression. Whereas some states subject to Soviet influence had aligned themselves with Western security organizations by adopting constitutional law and protecting individual rights, Karimov aligned himself to Western interests while enacting policies that reduced constitutional protections for citizens. After 9/11, Karimov was able to claim that anti-terror initiatives authorized the retraction of individual liberties inside Uzbekistan, so that the global construction of a transnational military threat underpinned a deepening securitization of the domestic arena and international directives formed the basis for a domestic emergency regime. The 1992 constitution contained a forbidding array of emergency provisions. Article 93(15) authorized the president to introduce a state of emergency at the national level. Article 33 allowed for the suspension of political activities on security grounds. By 2001, the government conducted highly repressive policies against Islamic organizations, and, according to human rights groups, nearly seven thousand people were placed in jail for religious crimes (see Collins 2007: 17). This met with sympathy in the Bush administration in Washington, whose preparedness to overlook extreme human rights abuses among military allies was high.⁴³ In fact, the IMU had been listed by the US State Department as a terrorist organization in 2000, and many of its members were killed in the US-led war with Afghanistan (see Naumkin 2003: 15). In this context, Karimov was willing to enter a deepened alliance with a foreign power precisely because this reinforced the instruments he had devised to consolidate governmental sovereignty, and it allowed him to adopt policies of extremely repressive internal securitization using an internationally recognized enemy to sustain this.

In these points, Uzbekistan developed as a state in which the diverse effects of security directives in promoting democracy felt in other states were largely absent.

At a rhetorical level, the American “war” against global terrorism was attached to ideals of global liberalization, and the plan of the United States and its allies to overthrow some governments by external military action was justified through the advocacy of democracy. For states immediately affected by the changing security environment, however, the global results of 9/11 were rarely conducive to democratization, and military actions after 2001 tended to weaken democratic constraints on national executives. At one level, many governments at locations central to the War on Terror directly transposed security resolutions issued by the United Nations into national policy, in a form that reinforced the repressive features of existing security regimes.⁴⁴ Moreover, some states immediately assimilated the security legislation implemented in the United States from 2001, borrowing provisions in American law to strengthen their security apparatus.⁴⁵ Uzbekistan formed an important example of such tendencies, and in the early 2000s, Karimov’s government robustly internalized international imperatives in the domestic security system.⁴⁶ Indeed, the anti-Islamic focus of post-9/11 security measures meant that the government was able to reduce the force of political opposition by warning about the dangers of religious politicization likely to be caused by increased democratization. In each point, the constant line running through Uzbek security policy was that external policies were adopted—at least in part—to support an internal security system with highly repressive features, and international strategies were adopted to the degree that they stabilized regime security internally.⁴⁷

Ultimately, this nexus between national security policy and the obstruction of democracy came to an end in 2005, when Karimov forced US military personnel to leave Uzbek territory. This followed the government’s deployment of extreme violence to suppress demonstrations in Andijan, in which at least 187 demonstrators (probably many more) were killed by security forces. This repression was motivated, on one hand, by the fear that violence in Andijan could lead to the emulation of the upheavals in Georgia (November 2003), Ukraine (late 2004), and Kyrgyzstan (February–March 2005). However, the governmental crackdown had a religious aspect. The protests were caused by legal proceedings against businessmen based in the Fergana Valley who were accused of being Islamic fundamentalists, and the government denounced their supporters, some of whom were armed, as religious fanatics. By this point, the US government expressed consternation at the level of violence used by the Karimov administration. The resultant expulsion of the American military personnel underlined the fact that Karimov was unwilling to engage in any security system that reduced the force of internal security structures. This crisis of 2005 led to the weakening of Western support for Karimov, as the United States suspended military aid and the European Union withdrew support for the government. This decision had the result that most international organizations and their employees left the country.

After this, Karimov quickly tightened his links with Russia, describing Putin as the “only real guarantor of domestic security” for his regime. Putin’s security

services helped in the arrest of Uzbeks suspected of terrorist acts.⁴⁸ Karimov also intensified his involvement in the Shanghai Cooperation Organization. This organization was created to promote regional cooperation, reinforcing sovereignty, and avoiding conflict between Russia, China, India (with observer status from 2005), Pakistan (with observer status from 2005), and the countries of Central Asia, and Uzbekistan had been one of its members since its foundation in 2001. From the outset, the Shanghai Cooperation Organization had primary security goals, and its leaders introduced the Shanghai Convention on Combating Terrorism, Separatism, and Extremism in June 2001. Soon, the Shanghai Cooperation Organization developed a separate security apparatus focused on combating terrorism, and the Regional Anti-Terrorist Structure was established in Tashkent in 2004.

In each point, the country can be seen as the model of a state with a distinctive constitutional relation to security and military violence, in which violence shaped the constitution in an unusual manner.

On one hand, the state was not constituted through military processes, and the impact of external military violence on the original formation of government was limited. In the Soviet system, the Republic of Uzbekistan had formed an important military region with larger military contingents than other territories in Central Asia, and its governor controlled a separate Ministry of Internal Affairs, with military functions. However, up to 1991, the construction of military affiliations among Uzbeks served to reinforce not the national integration system of Uzbekistan, but the military apparatus of the Soviet Union and the procedures and affiliations that supported it. After 1991, the independent government projected the risk of violence as a source of legitimacy, using discourses of religious danger (internal and external) for purposes of social integration and identity formation.⁴⁹ To be sure, the violence that confronted the state at this time was not entirely illusory, as Uzbekistan faced real external threats along its borders. Yet, this hardly constituted a genuine threat to regime stability. On the contrary, Uzbekistan routinely occupies a low position on the Global Terrorism Index, and personal security is very high indeed. Of all states in Central Asia, only Afghanistan has a consistently high risk of terrorist violence. Nonetheless, Karimov exploited the idea that Islamist organizations formed a deep security threat, and he utilized military imagery as a basis for its authority. In so doing, he emulated processes of nation building through violence that occurred in other settings, galvanizing social attachments around a semimilitarized construction of the polity.

In this legitimational focus on terrorism, however, the Karimov government created a security environment in which many typical constitutional effects of violence were absent. For example, although it was partly legitimated by conflict with terrorists, the government was not forced to mobilize military force for external defense.⁵⁰ As a result, the usual constitutional outcomes of military violence in expanding political inclusion and generating bargaining mechanisms that link

government and citizens were not pronounced. On the contrary, the government was able simply to project the specter of terrorist violence to abrogate collective forms of representation and to reduce constitutional protection for citizens. Indeed, the category of actions deemed examples of terrorism was drawn very broadly, so that anti-terror provisions could be used to justify repressive policies against many actions of an essentially democratic nature. For instance, the 2000 draft bill on terrorism set out an encompassing definition of terrorism, as “socially dangerous wrongdoing,” and this definition remained broad in the resultant Law on the Fight against Terrorism, passed in December 2000 (see Horsman 2005: 201). Because of this, the regime was able to project its legitimacy through security policies that did not trigger the complex patterns of citizenship formation that usually accompany external military risks.

On the other hand, the international security pressures that led to democratization in some countries were not present in Uzbekistan. As mentioned, the government was able to adjust to international expectations without sanctioning democracy, and it selected normative components from powerful international communities in order to augment internal repression. This formed a distinctive case in which international norms placed constant downward pressure on constitutional rights.

On both counts, the Uzbek government engaged in two security processes—the projection of external military threats and the alignment to international normative expectations—which have, at different junctures, tended to promote the formation of democratic citizenship within nation states. However, the government engaged in these processes in a fashion that obviated democratization and, more broadly, counteracted the construction of robust patterns of citizenship. Further, national security was constructed against the most pervasive source of social solidarity and national citizenship—Islam. For these reasons, the post-1991 government assumed a form in which security-related imperatives for democratization were weak, and it echoed features of Soviet rule, marked by a deep disjuncture between government and society. This meant, in broad terms, that societal support for the state was unstable, and conditions unpropitious for forming democracy were similarly unfavorable for solidifying the basic sovereignty of the state.

SECURITY IMPERATIVES AND CONSTITUTIONAL REFORM AFTER 2016

Despite this background, over time, international security imperatives played important roles in defining constitutional processes in Uzbekistan, and, as in other cases, it is difficult to explain recent developments without regard to security policy. The new legal and constitutional designs that assumed shape through the post-2016 reforms were strongly affected by the wider security setting in which Uzbekistan was located. In key respects, these designs can be interpreted as

measures that compensated for the institutional weaknesses and the limited construction of citizenship that had resulted from the conditions in which Uzbekistan acquired sovereignty after 1991. They served partly to create a constitutional structure in society that had not been created by the interplay of internal and external conditions after Uzbek independence.

On one hand, through the post-2016 period, Uzbek security policy retained some constant threads. That is, the new president, Mirziyoyev, continued to promote a multivector security policy (Dadabaev 2020: 175). This can be seen in a range of developments. For example, after the interruption in 2005, the United States soon resumed security collaboration with Uzbekistan; the Uzbek government opened US supply routes to Afghanistan as early as 2009; and in early February 2013, the Uzbek Ministry of Defense cooperated with the American embassy in Tashkent, requesting US assistance in assessing the Uzbek Armed Forces Academy. This rapprochement eventually gave rise to an exchange program called the Defense Education Enhancement Program. The American government described such collaboration as part of a plan in which, demonstratively, it contributed to supporting Uzbekistan's sovereignty, independence, and territorial integrity.⁵¹ However, Uzbek cooperation with the United States remained subject to limits. Since 2016, the government has intensified collaboration with Russia, and Russian officials have organized joint exercises with Uzbekistan's military. This occurred at a time when the perceived threat posed by Russia to Uzbek sovereignty increased exponentially, owing to Russian incursion in Ukraine. These exercises took place at Uzbekistan's Forish training facility, and they underlined the willingness of Uzbekistan to cooperate with multiple partners, partly to avert the risk of foreign intervention.⁵² This intensification of relations with Russia has given rise to speculation that Uzbekistan might rejoin the Collective Security Treaty Organization. Through this period, Putin enacted laws that emphasized the threats posed to Russia by NATO and the importance of the Collective Security Treaty Organization as a regional security system.⁵³ In parallel, Putin wrote off a large part of Uzbekistan's debts to Moscow in 2014.⁵⁴ In summer 2021, Russia and Uzbekistan collaborated in further joint security initiatives, exemplified by the training exercise conducted at the Uzbek border with Afghanistan. In May 2024, the Uzbek government agreed to the construction of a Russian nuclear plant on its territory.

Nonetheless, the post-2016 government has moved in new directions, showing a heightened disposition to align state actions to norms linked to the global order around the United Nations. Again, there are unusual features in this process, as Mirziyoyev's acceptance of international norms reflects a complex policy mix, partly entailing closer links with states outside the Western security order. In 2023, for example, Mirziyoyev signed an agreement to allow Iran to join the Shanghai Cooperation Organization. Yet, current security policies involve strong outward demonstrations of proximity to the broader international community. In his address to the UN General Assembly in September 2017, Mirziyoyev made

commitments to eliminate child labor and improve civil rights. In 2017, the government allowed Human Rights Watch to send a delegation to Uzbekistan. At the same time, it released some human rights activists and hosted visits by the UN high commissioner for human rights and the UN special rapporteur on freedom of religion or belief. Notably, Uzbekistan began negotiations in November 2018 to establish an Enhanced Partnership and Cooperation Agreement with the European Union, signed in October 2025. In early 2024, the government passed new legislation that brought national law in line with WTO agreements. Naturally, many of these decisions do not have an immediate or exclusive security-related content. However, they indicate the intention of the government to assume a less marginal role in international organizations, such as the United Nations, whose functions encompass security.

In key respects, the internal legal reforms in Uzbekistan reflect this altered security orientation. As discussed, the reforms have placed increased emphasis on individual protections at the interface between society and government, and they are supported by international legal norms and related interests. The international framework for the reforms is visible in the fact that some reform measures have been drafted with the support of the Venice Commission. Fora to ensure increased domestic compliance with UN treaty bodies have also been organized, and, following the UN human rights review in 2018, the government signaled that it had implemented most recommendations.⁵⁵ Moreover, one key international agreement in this context was the cooperation treaty signed between Uzbekistan and Tajikistan in April 2024, which established a new basis for relations between the countries, covering trade, scientific and industrial cooperation, water management, and environmental policy. At a symbolic level, this treaty was intended to alter perceptions of Tajikistan among Uzbeks and to reduce the image of Tajikistan as a source of security instability. This necessarily affected internal security arrangements, as it loosened border controls and diminished the explicit association of neighboring governments with terrorism. In each respect, changes in the internal legal order were linked to acts of external redirection.

Unsurprisingly, the normative tone in Mirziyoyev's legal reforms is often observed as a sign that the government has revised the post-1991 security structure, and that the measures to increase protection for individual citizens are part of a comprehensive, broad security shift. Indicatively, one observer, Timur Dada-baev, has presented an excellent interpretation of these developments, in which he observes the internal reforms as central elements in a strategy of *desecuritization*. This analysis indicates that reform policies in Uzbekistan reflect a revised nexus between external conditions and the internal legal order, and they promote increased international cooperation, mainly with other states in the Central Asian region. This analysis also implies that government policy in Uzbekistan is now influenced by the conviction that a less confrontational regional security domain must be established to protect Uzbek citizens, and this has led to the partial

rebirth of the program of regional integration, which was left unaccomplished in the 1990s. By extension, this analysis suggests that after 2016, the Uzbek government was prepared to move toward a modified or relativized construction of its sovereignty, promoting a more transnational, cooperative ideal of state autonomy to frame security policies.⁵⁶ This interpretation also reflects the assumption that the government in Tashkent has decided to reduce the social-control functions of the legal system internally as part of a plan to curtail the antagonistic aspect of national security policy, both internally and externally.

Important support for this desecuritization perspective is found in several policies recently implemented in Uzbekistan. As early as 2017, Mirziyoyev proclaimed the need for more intensive regional cooperation at a summit of the Shanghai Cooperation Organization in Kazakhstan. This policy has been reflected in the relaxation of border controls with Kyrgyzstan. The cooperation treaty with Tajikistan indicates that the government has adopted a widened definition of security, and it is willing to dampen interstate tensions to promote enhanced security in terms of access to resources and environmental management. One key motivation for this is that Uzbekistan partly depends on water supplies originating in neighboring states. Mirziyoyev's policies for regional integration clearly display a complex revision of the national security agenda, and they fit the paradigm of desecuritization.

Nonetheless, the assumption that the reforms are solely designed to promote desecuritization and mark a simple break with previous policies to reinforce sovereignty through security measures is questionable, or at least insufficient. At one level, the constitutional reforms simply extend earlier national security policies in a new guise. As mentioned, the reforms have helped Mirziyoyev to lengthen his term, and he has persistently attached his legitimacy to claims regarding security threats. Yet, to understand the reforms, it is important to see security as a broad set of exigencies, which impact on public policies in a diffuse manner. Security may have a military character, and it may be oriented against potentially violent threats to state stability. As a wider category, however, security can refer to a mass of social conditions, and provisions for improving security may be manifest in domains that ostensibly have little direct connection to the military or to national defense.⁵⁷ Policies concerning security, even in their state-focused formulation, refer to measures, broadly, that regulate the internal and external conditions that affect the sovereignty of a given polity, that define the primary obligations of government towards its citizens as members of the sovereign body, and that, in both dimensions, stabilize the government as an autonomous, sovereign actor, able to protect its citizens. In this broad sense, the liberalizing reforms in Uzbekistan can be seen as measures to enhance the sovereignty of the state in a changing environment, and so to improve conditions of security throughout society. That is, the reforms implement legal measures to expand the social foundations for the consolidation of governmental sovereignty, and enable the government to utilize its sovereignty more effectively.⁵⁸ Seen in this way, the reforms intensify the sovereignty of the

state by linking the government's power more directly (vertically) to citizens, and by increasing their willingness to support the state as a provider of security, such that administrative law acts as a normative form to build a substructure for government. In this perspective, the reforms are reflections of long-term structural features of Uzbek society, shaped by the distinctive Uzbek security environment in which the state became sovereign, and they articulate reactions to the deep challenges arising from this security constellation. As mentioned, many states that assumed constitutional form after circa 1991 promoted liberalization for external security purposes, to obtain protection in the Western security community. In Uzbekistan, however, the recent process of liberalization originated, to a large degree, in internal security dynamics and designs to reinforce security. Legal liberalization can itself be seen as a technique to build more robust foundations for government within national society, compensating for the institutional weaknesses and the limited consolidation of citizenship that resulted from the Uzbek transition in the 1990s.

The argument presented in the sections below is that the legal reforms that began in 2017 were conceived, in part, as an alternative model for constructing and supporting the sovereignty of the Uzbek state. Karimov's legitimacy mainly derived from his image as the founder and protector of the sovereignty of the new Uzbek state and his ability to uphold political stability in the 1990s, mainly due to his conflicts with Islamic groups. After coming to power, Mirziyoyev did not possess such legitimacy, and he sought to establish new sources for his authority, presenting himself as a reformist and as a modernizing leader. In key respects, of course, both Karimov and Mirziyoyev were concerned with their own survival, and the rhetorical premises of their governments were self-serving. Nonetheless, the policies promoted by Karimov and Mirziyoyev served different purposes, expressing varying understandings of state sovereignty, national security, and the means required to reinforce them. In fact, the policies that Karimov deployed to harden state sovereignty—deep internal securitization, selective alignment to external norms—ultimately undermined the sovereignty of the institutions they were expected to solidify. The post-2016 legal reforms were conceived as part of a revised strategy of sovereignty reinforcement, and to achieve this, they were designed to instill a new security model in society.

As discussed, the wider security constellation in which Uzbekistan became sovereign did not favor the formation of a strong citizenship regime to support government. In this setting, however, Karimov's national security policies had a dual outcome. On one hand, his policies stabilized Uzbek government in the longer independence era, and they even consolidated Uzbekistan's position as a leading regional power, able to use its large army to influence neighboring states (Markowitz 2013: 68, 110, 156). On the other hand, there is substantial evidence to suggest that Karimov's methods for reinforcing the sovereignty of the state miscarried, and, in some core domains, his emphasis on internal security eroded

the actual governmental infrastructure. For instance, some observers note that the weak constraints on the presidency meant, at least at the subpresidential level, that the state showed extreme porosity to private actors, and it reproduced traditional patterns of state weakness from the Soviet and pre-Soviet periods (Markowitz 2012: 388). The government's reliance on coercion papered over the fact that many governance functions were sustained by a patronage system, used to co-opt or balance interests of economic elites, in which actual governmental power remained inherently fragile.⁵⁹ On some accounts, Karimov's authoritarian system masked a condition in which the actual security competence of the state was limited, and the state structure was only incompletely established.⁶⁰ This was reflected in the fact that societal trust in the government was limited, and citizens were reluctant to direct demands for security—of different types—toward public institutions.⁶¹ As discussed, the role of the state as a provider of social security declined dramatically after 1991. This meant that the material links between government and society that characterized the Soviet period were broken, and the public economy was replaced by an informal shadow economy. In such respects, Uzbekistan displayed the classical fragile sovereignty of the postimperial state, as its dependence on revenues from specialized foreign trade (mainly cotton) weakened its autonomy externally and created dense webs of patronage around public institutions internally (Ostrowski 2011: 288). This was especially the case when the government accepted military aid from external powers, which often penetrated directly into the internal economy, bringing benefits for a range of actors and organizations. Alongside this, as mentioned, the fact that the state was built around practices of repressive secularism meant that there existed a permanent disjuncture between state and citizens, such that primary lateral affiliations generated hostility to the government and formed objects of rigorous social control.

Together, these factors meant that the state crafted by Karimov possessed some features of the typical postimperial design, as it lacked a deep foundation in society, public goods were commonly monopolized by private actors, and the resilience of the state in the face of changing external conditions was disputable. On each count, the Uzbek state was marked by limited capacities for vertical integration. The risks attached to these realities were greatly magnified by the external security environment after Karimov's death. First, the threat and then the outbreak of war between Russia and Ukraine altered the foundations of cooperation with Russia. In parallel, the withdrawal of American and other Western military forces from Afghanistan in 2021 created deep uncertainty along the state's southern borders.

Against this background, the recent reforms in the legal domain can be examined as attempts to build a stronger societal footing for governmental sovereignty. To this degree, reformist measures contributed to state security in new fashion, promoting trust-based interactions to instill new vertical attachments in the social spheres between citizens and the state and to augment the sovereign proximity between government and subjects. As such, the reforms mark a new variant on

the common process in which constitutions are created by interaction between external and internal forces.

Illuminatingly, first, the onset of the legal reforms coincided with military reforms to improve the Uzbek military apparatus, and, in this context, they formed one plank in a raft of policies to reconsolidate the security system. The years 2017–18 saw a strategic overhaul of the Uzbek armed forces, to promote the modernization of military offices and improve military capacities for external deployment. As Mirziyoyev became president, his development strategy made clear that the legal reforms and fiscal policies were related to reforms focused more narrowly on security, in the military sense. Section 5.1 of this strategy document stated that the core priorities in the reform process were the “protection of the constitutional order, sovereignty and territorial integrity of the Republic of Uzbekistan” and, in conjunction, the strengthening of “the state’s defense capacity” and “the combat capability and military efficiency of the Armed Forces of the Republic of Uzbekistan.” The reinforcement of the constitution was thus centrally linked to military policy, and the military was identified as a core actor in the strengthening of constitutional rule. Alongside this, laws were introduced to reform the administrative structure of the military. In this process, certain administrative responsibilities for the armed forces were transferred to the Interior Ministry. This period witnessed the creation of the State Committee for the Defense Industry (2017), which brought more centralized coordination of military production and unified the military departments of government. This meant that institutional reform was flanked by the establishment of a defense sector that was more closely subject to government control, and facilitated the supply of weapons and military equipment. The Institute for Strategic and Regional Studies Under the President of the Republic of Uzbekistan expanded its influence and assumed new responsibilities as the country’s leading foreign policy unit. These military reforms continued beyond the initial period of reforms, and in 2023 a new state commission, fronted by the president, was created for equipping the armed forces.

These policies were supported by a new Defense Doctrine, which was approved in 2018. This document presented a new analysis of the security challenges to which the government was exposed, significantly altering understandings of the basic functions of the military.⁶² First, the doctrine adopted an expanded conception of war and military activities, in which military personnel were to be assigned a broadened set of responsibilities. This part of the doctrine stated that members of military organizations were to be more extensively utilized in actions for combating terrorism and in acts of mobilization against private military units. In addition, the doctrine recommended a reform of the armed forces to ensure improvement in professional standards and recruitment procedures. This built on earlier measures to implement new conscription models to intensify the attachment between conscripts and the military.⁶³ By 2024, conscription laws were partially reformed, and preconscription training was introduced to promote

patriotism and military consciousness among the young, thereby contributing to the broader militarization of citizens. In parallel, the new Development Strategy (2022) placed particular emphasis (sec. 7) on upgrading national security capacities and providing social and medical benefits for military personnel. Alongside this, military policies were supported by measures to link the army more closely to the rest of society. One distinctive feature of the military reforms was that they aimed to increase nationalization of military forces, suggesting that military functions and their administration were too localized. As a result, the policies were supported by the slogan “The National Army—our honor and pride.”⁶⁴ The 2022 strategy accorded primary educational functions to the military, envisioning the army as a source of cognitive socialization.⁶⁵ Legislation was also introduced to establish regional military-administrative sectors. The purpose of these sectors was to promote greater national unity in the security domain, placing emphasis on the correlation between national-territorial integration and military force.⁶⁶

In conjunction with this, military reforms were implemented to modify the internal security apparatus. The early period of the reforms was accompanied by harsh criticism of the National Security Service, as progressive politicians expressed resentment about its pervasive influence in different sectors of the state and society (Sever 2018: 8). As a result, the National Security Service was reorganized as the Uzbek State Security Service in 2018, many officials were released from employment, and its despised leader, Rustam Inoyatov, was removed from office. This transformation was followed by legal proceedings against several figures formerly employed in the Security Service, primarily on corruption charges.⁶⁷ However, this did not lead to a weakening of the internal security system. In 2017, the Uzbek National Guard—founded as a paramilitary force in 1992—was expanded, assumed greater independence, and was granted new, extensive domestic powers. This cleared the way for legislation that redefined security objectives, and new laws were introduced to regulate internal security challenges, including the following: “On Countering Extremism” (2018); “On Emergency Situations” (2021); “On Security Activities” (2022); “On the Protection of the Population and Territories from Natural and Man-Made Emergencies” (2022). In early 2021, a presidential decree was passed that established new crime-prevention mechanisms.⁶⁸

At the core of these laws was an attempt to both reinforce and formalize internal security mechanisms, so that, in some respects, they placed security policies on more solid legal foundations. Indicatively, a law “On Emergency Situations” was passed in 2021, which was intended to circumscribe the use of executive powers in emergencies, and it superseded the more ad hoc provisions for emergency policymaking that had been enforced under Karimov. This law grants far-reaching authority to the president to impose a state of emergency in the face of natural catastrophes or external and internal military risks. Importantly, these provisions cover responses to violence linked to “activities of illegal armed groups, as well as interethnic, interfaith, and border conflicts” (art. 5). Further, the law created

a state commission to deal with emergencies, and it established rules for the use of military forces in emergency situations.⁶⁹ This law was accompanied by a Law “On Freedom of Conscience,” which proscribed religious activities whose motives or objectives included “changing the constitutional order, undermining the sovereignty and territorial integrity of the Republic of Uzbekistan, infringing the constitutional rights and freedoms of citizens” (arts. 4, 23).⁷⁰ However, each of these security laws stipulated that Uzbekistan’s international treaties should have higher status than the specific provisions in the law, in case of conflict between them. The new emergency law prescribes that international human rights treaties should be upheld in emergency situations (art. 26).

These reforms coincided with the promulgation of a Public Security Concept, approved by presidential decree in 2021, to underpin security legislation.⁷¹ This document adopted a holistic understanding of security, extending beyond military challenges in the narrow sense, and it endorsed a wide conception of measures required to obviate threats to safety. It established a definition of public security as a general condition in which citizens receive protection “from illegal acts of aggression, as well as social and ethnic conflicts, emergency situations, and other threats,” and it stated that security policies are required to serve “the sustainable development of society and the realization of human rights, freedoms, and legitimate interests.” It also provided for a broad array of measures for the preservation of security, including measures to expand recognition of law and to increase “the legal consciousness and political-legal culture of the population.” Further, this document proclaimed that “building a legal democratic state and a strong civil society, strengthening the system of state and community management, [and] expanding public participation in the management of state and community affairs” were steps likely to improve security for society as a whole, in different dimensions.

In these points, as previously, security pressures partly served as a mask for policies of regime consolidation. Yet, taken together, the legal reforms and the security policies introduced by Mirziyoyev served, in some degree, to restructure the state around a modified concept of sovereignty and security. The measures to enhance the rule of law and to disseminate legal knowledge more broadly through society were identified as means to build new models of citizenship, promoting increased vertical proximity between citizens and state, and this was expected to strengthen the social premises for the security system. In fact, the endeavor to place government on more strictly rule-bound premises can be interpreted as the enactment of a distinctive security-related agenda, to strengthen national security by reconstructing the basic terms of citizenship. This was based in the calculation that the general reinforcement of citizenship would generate more security in society because it would intensify the effective sovereignty of the state.

The connection between legal reforms and security reforms after 2016 can be placed in the longer context of the post-1991 transition. Taken together, the

changes indicate that by the end of the Karimov period, the government concluded that existing security policies had been ineffective in their primary objective—in the basic maintenance of the preconditions for national sovereignty. At their core, the reforms reflected the perception that the primary emphasis on internal securitization in public policy had obstructed the formation of a reliable security system: They had not consolidated the most essential precondition of security—sovereignty itself. The post-2016 reforms were intended not to desecuritize government, but to remedy weaknesses in the existing security system, placing the state on more robust, multilevel foundations. In key points, the reforms in the legal system and in security policy formed connected measures to promote a domain of citizenship to reinforce the state as an effective sovereign body. The post-2016 constitutional order was thus consolidated to remedy the security-related weaknesses in the constitutional order that evolved after 1991.

LEGAL REFORMS AND EXTERNAL SECURITY

In these respects, the liberalizing legal reforms in post-2016 Uzbekistan are an example of an atypical strategy for reinforcing national security, one that falls outside the typical role of security policy in postimperial states. Legal reforms have been promoted to establish a culture of legal accountability among public agents because, in broad terms, the increased formalization of the legal order is expected to bring benefits in the security dimension of society. This role of courts in reinforcing vertical integration in authoritarian states is not frequently captured in related literature, but the liberalization of judicial policies may be linked to deep social processes.

At one level, the military reforms under Mirziyoyev contained rather standard plans for defense modernization and for improving military capacity. On one hand, as discussed, the military reforms were based on a stricter definition of security, in which organizations with responsibilities for overseeing national security were bound by clearer lines of accountability.⁷² This reflected a typical reaction to the end of a regime based on arbitrary use of prerogative means for ensuring security. However, on the other hand, post-2016 military strategies had deeper purposes, reflecting a reorganization of security policy to pursue a broad-ranging program of social reconstruction. These reforms were based on the assumption that security is a policy domain with comprehensive social implications, involving actors at different social locations, regulating exposure to multiple threats, and requiring multifaceted societal protections. In this regard, reforms in the military arena were strongly attached to those in the legal system and in the state administration more generally. Discernibly, as set out below, the reforms in administrative law were part of a process in which the government increased its ability to adapt to complex security threats. Through this, as the legal order was liberalized, the judicial system became more closely attached to

the security system, and the redefinition of security formed a vital impulse in constitutional change.

In a general fashion, after 2016, the Uzbek government promoted administrative law reform to increase state capacity, which had evident consequences for security policies. The legal reforms were conducted in an environment where many government functions were in a process of expansion, especially in the economic and fiscal spheres, and this was supported by new procedures for enforcing administrative law. For example, the imposition of stronger individual accountability mechanisms on government was intended to increase the willingness of citizens to pay taxes, as they acquired the means to challenge malfeasance or incompetence among government officials. Indicatively, a high proportion of early applications to the administrative courts addressed taxation law, which meant that the government was able to review its fiscal policies as it applied them. In this regard, administrative law was used to regulate the shadow economy that had expanded in the 1990s, and the attempt to instill trust in citizens was intended to persuade them that public agencies were effective and accountable, so encouraging them to pay taxes. The security implications of this are quite clear, as the Ministry of Defense was a major beneficiary of increased public spending. This reflected a classical military function of administrative law.⁷³

Also in general fashion, the security objectives driving judicial reforms in Uzbekistan became visible in the fact that the government promoted the strengthening of individual legal rights to elevate the authority of public agencies. This aspect of the reforms is discussed in greater detail below. Yet, it is discernible in the reform packages that the hardening of individual rights under law was expected to give more immediate and more vertical legal structure to the links between government and citizens. In turn, this was expected to augment the institutional presence of the state—that is, its effective sovereignty—among the citizens subject to its power. This aspect of constitutional law was made clear in the revised 2023 constitution itself. Article 15 stated that reinforced protection should be given to individual rights as part of a policy for raising the status or the “absolute supremacy” of the constitution. This same article gave direct domestic effect to international protections.

As discussed in subsequent chapters, there is strong evidence among court users interviewed for this book that the reforms brought an increase in public confidence in state bodies. As an example, one interviewee stated that people had traditionally been “scared of going to courts or approaching courts in matters like ours,” and they had perceived the judiciary “as a public organization which only punishes and imposes sentences.” However, the interviewee added that such attitudes had changed through the reforms: “It seems to me that some people are still stuck in 2013–15, where we used to be afraid of public officials. But the existence of administrative courts gives hope, and it gives more motivation for people like me to fight against the wrongful or maybe even corrupt decisions of public officials.”⁷⁴ The promotion of societal trust in public institutions was thus a clear outcome of

the reforms. This was even reflected in behavioral instructions issued to judges in administrative law cases. In our interviews, one of the reasons why citizens declared increased trust in courts was that, while dispensing formal rulings, judges showed flexibility in receiving the applications and obtaining documents relevant to the hearing. In some cases, judges simplified application procedures and supported applicants in acquiring necessary documentation from respondents (public organizations). One interviewed judge reflected on this point by stating that they routinely facilitated “access to certain documents held by public organizations,” which they did because “it is no secret that in our country the public organizations have a long hand.” The cooperative disposition of judges was also displayed in the fact that the judges that we observed addressed applicants in a very helpful and cordial manner. In general, for court users, this experience of reassuring interaction with judges meant that their trust in the judges increased. As examined below, resultant changes in attitude were reflected in the fact that citizens were prepared to litigate against public bodies such as the *hokimiyat*, and they frequently preferred formal litigation to traditional methods of dispute resolution.

In such points, the reforms created a rule-based interface between citizens and government, grounded in increased legal security, using displays of formal accountability in public law to increase perceptions of state reliability and to attach citizens more closely to the government. The extent to which resultant perceptions were factually real is of course always questionable, as the reforms did not sensibly alter the distribution of power in government. However, much evidence indicates that the reforms (at the very least) encouraged citizens to view state bodies as secure sources of social provision, against whom redress was possible, and which were distinct from the range of private security providers in society. In this way, the construction of legal protections for subjects in their interaction with public bodies was intended to reinforce the societal authority of these bodies, differentiating the institutional order of state from the more patrimonial techniques of administration favored by Karimov.

In these respects, the reinforcement of administrative law formed part of a systemic strategy to redefine the foundations of the state’s sovereignty. The above facts allow us to infer that, in 2017, the incoming president held the view that the Karimov regime had not created an effective internal apparatus to support the basic authority of the government. In fact, these factors suggest that the reforms were caused by the belief in government circles that the sovereignty of the state had to be rebuilt by new means, through tighter, individualized, and less coercive links between state and citizens.

The extent to which legal reforms were driven by security purposes of a strictly military nature is directly evidenced by express policy statements. However, the link between legal reform and conventional security directives is almost incontrovertibly demonstrated by public spending directives. Notably, the post-2016 transition saw a substantial increase in military spending. Uzbekistan’s military

expenditure increased to \$1.4 billion in 2018 from \$54.1 million in 2003. On average, spending amounted to \$255.5 million per annum between 1994 and 2018, rising from its lowest point of \$45.9 million in 2002.⁷⁵ Military spending increased rapidly again in late 2023, with an amendment to the yearly budget. One observer even suggested that the security system in Central Asia had been redynamized by war in Ukraine, leading to a regional arms race, in which Uzbekistan played a leading role (Pannier 2025). The Development Strategy of 2022 pledged that the government would “strengthen the country’s defence capabilities” and “educate young people in the spirit of military patriotism.”

Taken together, these figures suggest that the periods of greatest systemic repression after 1991 were times in which the formal military capacity of government was at its lowest. These data also imply that, facing rising regime insecurity, partly caused by Russian aggression, the Uzbek government selected military reinforcement as a key policy. This was also shaped by factors more remotely affected by Russian foreign policy. After 2022, Ukrainian military spending increased exponentially, and Ukraine’s evolution as a second potential major power in the post-Soviet region further transformed the military constellation affecting Uzbekistan. This does not imply that Uzbekistan has considered entering military conflicts with other post-Soviet states. But it does imply that the government viewed the expansion of military capacity as a crucial response to the changing scenario, and it aimed to establish Uzbekistan as the major military power in Central Asia. This policy was partly designed to increase the appeal of Uzbekistan as a cooperation partner for other regional states and for other blocs with rising interests in Central Asia. Indicatively, both economic and military cooperation between Tashkent and Ankara increased rapidly after 2016. Whereas Karimov had maintained frosty relations with Ankara, Uzbekistan began to figure as a focal state in Turkey’s turn away from Europe.⁷⁶ In 2018, Mirziyoyev agreed with the Turkish government the plan to found a High-Level Strategic Cooperation Council. Later, at the 2024 Summit of Turkic States held in Bishkek, a Charter of the Turkic World was agreed, a document Mirziyoyev had been instrumental in promoting. For Turkey, security partnerships in Central Asia gained increased importance owing to the reduction of American interest in the region and to the growing conflicts in the Middle East, where Turkey’s influence was overshadowed by the prerogatives of the United States. In each point, internal reforms were linked to an endeavor to build resources to support national sovereignty externally, such that liberalization and military reinforcement were deeply correlated.

What can be seen in these processes is a switch from one pattern of securitization to an alternative one, based on the idea that the promotion of security through internal repression had been ineffective and that robust state sovereignty had to be built through new methods of integration. This reorientation was partly conducted, as mentioned, through military reforms. But it was partly conducted in more general fashion, through constitutional policies to enhance

social integration, linking citizens to the state by more formal trust-based procedures. This reflected the simple equation that broader protections for citizenship, tying citizens to the state through immediate and individual legal channels, would bring greater security at a wider level, enhancing the structural capacity of the state through the consolidation of an immediate domain of citizenship around the state. In these processes, notably, some functions required for the reinforcement of state sovereignty were displaced into the legal system. The legal system was used to replicate the patterns of vertical integration around which citizenship roles are more commonly constructed, and this integration process was closely linked to the traditional functions of citizenship in enabling governments to adapt to and manage external risks. This is evident in articles 15 and 17 of the 2023 constitution, which integrate international law in the domestic legal system as a technique for reinforcing the uniformity of the constitutional framework and consolidating national society as a “single legal space.”

A telling fact in this regard is, as mentioned, that the legal reforms were introduced alongside measures to encourage conscription. Indeed, after 2016–17, Mirziyoyev provided strategic incentives for citizens to serve in the army. For example, young people who perform military service can enter university on preferential terms. The state also provides economic benefits to the dependents of military personnel. Throughout the history of administrative law, reforms in the system of public-legal accountability have normally been introduced in periods of military risk, and they have often been implemented at the same time as laws that intensify military obligations for citizens. In most such instances, administrative law served to build trust for central government bodies in order to facilitate their imposition of new duties on their subjects, and increased military obligations were made tolerable by the fact that guarantees against malfeasance were built into the legal relation between citizens and government organizations. In these points, the expansion of administrative law in Uzbekistan forms part of a comprehensive redesign of the security system, intended to establish more reliable premises for the external maintenance of sovereign authority. This process creates a new constitution for managing security, compensating for the historical weaknesses of vertical integration in society, and it constructs new means to effectuate vertical integration as a social foundation for citizenship.

LEGAL REFORM AND INTERNAL SECURITY

At the same time, the legal reforms reflected the perception that the internal security system under Karimov had been unsuccessful, and they were designed to improve the premises for guaranteeing security inside Uzbek society.

As mentioned, military policies introduced after 2016 identified potential military adversaries, not solely as foreign armies, but as actors with a transnational character, potentially linked to international terrorist organizations. This focus

continued the policy direction initiated under Karimov, and, after 2017, new security measures conditioned the existing concern with terrorist groups. For example, the Defense Doctrine of 2018 stated that defense capacities must be adapted to situations in which the “local population” may be both broadly involved in military activities and exposed to “high vulnerability.” Further, the Defense Doctrine stated that potential adversaries may be groups intent on spreading “psychological propaganda campaigns aimed at establishing political justification and shaping international public opinion.” This was closely linked to further legislation designed to reinforce state control of religion. In 2018, the government adopted a number of directives that were meant to strengthen governmental powers in dealing with Islamic groups, assigning new functions to the Committee on Religious Affairs. For example, the decree “On Measures to Improve the Activities of the Committee on Religious Affairs” promoted, in some respects, restructured legal control. However, the resolution authorized the Committee to collect and interpret data concerning “social and religious processes,” and it established the Information and Analytical Center for the Study of Social and Religious Processes Under the Committee to examine relevant information.⁷⁷ The resolution “On Approval of the Regulation on State Registration, Reregistration, and Liquidation of Religious Organizations” stipulated that religious organizations were obliged to obtain official registration, which included written permission from the Committee on Religious Affairs.⁷⁸

By implication, the security doctrines promoted after 2018 defined the military as an organization with constant security functions, crossing the boundary between internal and external responsibilities. However, this doctrine also indicated that such duties could not be discharged by exclusively repressive means. On the contrary, the principle was expressed in relevant documents that it was vital for military units to generate trust and a spirit of cooperation in the local population, so that measures to ensure responsible use of public authority became central to these responsibilities. In these points, the military reforms implemented after 2016 were based on an altered understanding of internal security. This understanding was rooted in the principle that security risks possessed a general nature, and society had to be insulated against risks in comprehensive fashion, involving deeper engagement between government and citizens in different social spheres. In key respects, the attempts to improve the system of administrative law were intricately connected to these policies, and they also reflected an extended concept of internal security.

At an obvious level, the security dimension of the reforms in administrative law was visible in the simple fact that they were intended to impose heightened accountability on public agents. As mentioned, in some cases, the reforms increased the willingness of citizens to litigate against intermediary public agents. Yet, visibly, the reforms also encouraged citizens to think of their interactions with governmental agents in public terms, assuming that the state may be an implicated actor even in social exchanges that were ostensibly focused on lateral or private

interests. As examined extensively below, the reforms were introduced in a setting where many people had scant knowledge of public law; in many cases, court users declared that, in litigating, they had learned to identify a public element in their interactions with others, and they perceived that the obligations of public agents penetrated deeply into everyday experiences. In these respects, the promotion of legal reform served not only to increase expectations regarding the rule compliance of public agents, but also to broaden understandings of the functions performed by public agents and to widen the spheres of society subject—in common consciousness—to public law.

These processes reflected the multifaceted understanding of security promoted in the military domain. On one hand, in principle, the promotion of administrative litigation reduced the probability of legally unregulated behavior by actors discharging public functions, while also seeking to improve the delivery of basic services. However, in a societal context in which the boundary between public and private functions was traditionally uncertain, these policies acted to extend the societal reach of public institutions and to mark exchanges as clearly public in nature. In this function, the reforms mirrored outcomes of administrative law reforms in other settings, as administrative law always contains an important security-related dimension. Of course, the security-related role of administrative law is often seen as repressive, as administrative law can easily be used to relax or suspend checks on executive authority.⁷⁹ Yet, conversely, administrative law performs security functions when it is used to tighten checks on executive bodies, encouraging citizens to litigate against the government. In such situations, increased litigation against public officeholders is likely to increase the probability that public-legal norms are accepted and recognized by a broader sector of society, allowing them to penetrate more deeply into the social sphere. Moreover, the fact that citizens use administrative law implies that they impute an increased set of duties to the state, such that state authority reaches more deeply into individual interactions. The promotion of individual litigation is thus itself a method for enhancing the securitization of society. In some circumstances, governments may deliberately encourage litigation against public bodies because they see this as a means to expand the societal penetration of state power, deepening otherwise unsteady patterns of vertical integration. Indicatively, in Uzbekistan, the recent reforms have led to altered patterns of legal behavior that are relatively uniform across different regions. The number of citizens electing to use formal procedures to resolve disputes has increased quite consistently across the entire nation, and regional variations in the use of law—especially between rural and urban regions—have been unexpectedly low. This suggests that the reforms have served to consolidate formal authority for the state in different geographical settings, many of which have a strong traditional reliance on informal legalities. The table below shows that citizens in predominantly rural regions such as Fergana and Khorezm showed a high willingness to initiate public law actions.

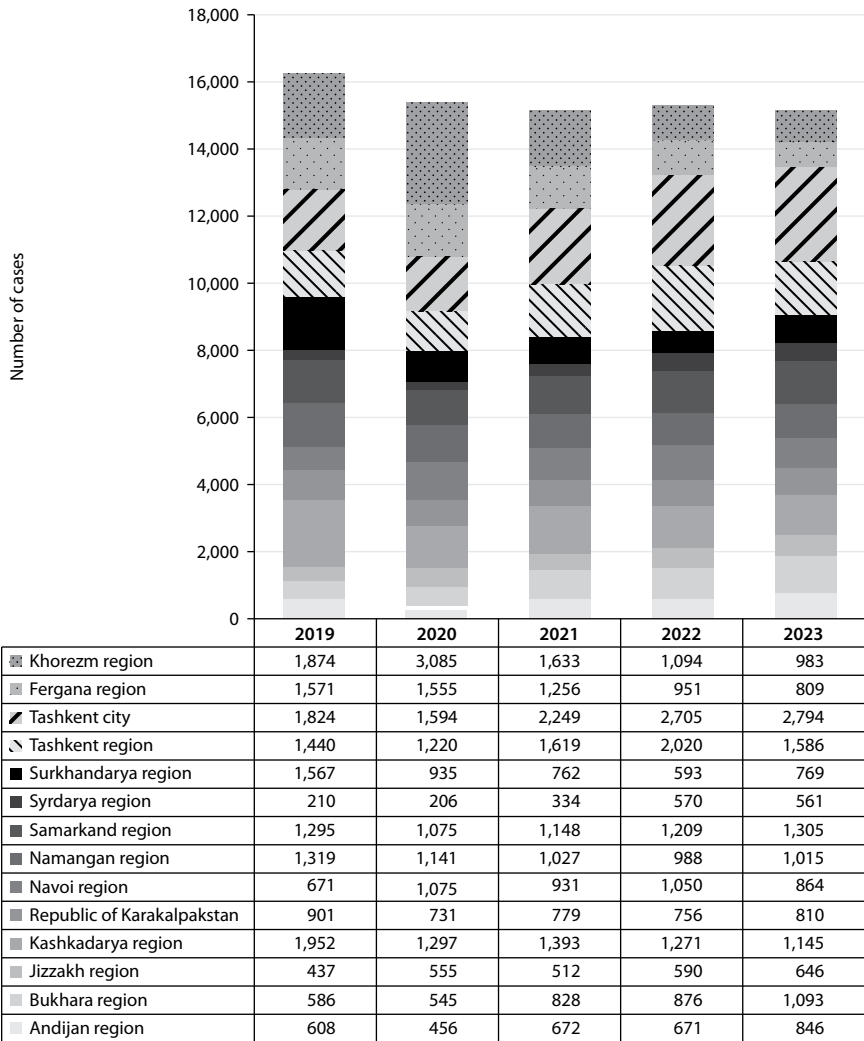


FIGURE 1. Regional distribution of cases. Statistics in the graph are freely available at <https://www.sud.uz/>. Data compiled by Dilaver Khamzaev.

As part of this process of state consolidation, administrative law reforms assumed a further security dimension in Uzbekistan, in that they made it possible for government agents to acquire new fact-finding mechanisms. On one hand, generally, reforms that extend the reach of administrative law have the result that they allow central government bodies to monitor corruption, especially among lower-level or local officials working in regions distant from state supervision. In some parts of Central Asia, it has been argued that corruption in public office

may converge with other market practices, and it may receive official sanction (Engvall 2016: 33). However, in the Uzbek reform context, the privatization of state structure caused by excessive corruption is identified as having corrosive effects. In Uzbekistan, high levels of corruption have persisted, especially as privatization policies, ostensibly designed for market liberalization, have been undermined by low political competition at the governmental level. As a result, informal economic practices remain predominant, and nepotism, favoritism, and corruption permeate all societal levels (Kupatadze 2015). The presence of corruption in the public economy means that the boundaries between public/private, political power / economic wealth, formal/informal, and licit/illicit are weakly defined. For instance, privatization programs often lead to elite capture of public goods, where state assets are acquired through informal networks rather than competitive markets, reinforcing patronage systems that prioritize loyalty over efficiency. Such informality directly impacts securitization, as law enforcement and security agencies become entangled in these same networks, compromising their ability to impartially uphold the rule of law, and it creates strong incentives for reform.

In this internal security setting, the promotion of litigation enables government bodies to increase the reliability of local agencies, as it reduces the autonomy of local elites. Such measures are likely to avert the fragmentation of public agencies through corruption. Moreover, they are likely to prevent situations in which public agents obtain high levels of autonomy by establishing private power monopolies, to the extent that they inflame security risks through collaboration with potentially violent organizations.⁸⁰ In encouraging administrative litigation, therefore, the Uzbek government obtained the capacity to use courts, and data aggregated in courts, to oversee both individuals in society and the lower-level public agents. Indicatively, litigation against local authorities became an important form of legal action, which meant that the government was able to use courts to control the local officials entrusted with the use of power. Indeed, as discussed below, litigation against mahallas, sites of residual legal culture, also became more widespread. In each regard, the refinement of administrative law by reform policies formed a process in which the government shifted the axis of security, in part, from organized agents in the executive to individual persons, so that individuals exercising rights in litigation were themselves constructed as foci of social regulation and securitization. As the volume of public law litigation increased, individual persons became crucial sources of security-related information in society.

What is evident in this last respect is that the post-2016 government—in effect—utilized legal reforms to create a double axis of security. In these policies, the government sought to displace some conventional security functions into the legal system. It increased openings for individual litigation because this at once decreased conflict between particular citizens and government agencies and increased governmental capacity to regulate the actions of public officials. By these means, the security system was in part softened, and instruments for

establishing security were redefined. However, the increase in individual protection created by the rising force of administrative law was not separate from security concerns, and it served security-related ends. That is, increases in individual freedom were instrumentalized to engender increased governmental security, and securitizing functions were transferred to individual persons and individualized legal rules. At the same time, tellingly, more classical security policies did not lose force, and they were put into effect in situations where individual freedoms protected in administrative law proved challenging when exercised in the political arena. For instance, repressive measures were used against demonstrators in Karakalpakstan in 2022, and a state of emergency was imposed on the region. Further, media freedom has recently deteriorated markedly, following the initial liberalization after 2016. In January 2023, Uzbek authorities detained seven journalists on extortion charges, the single largest raid targeting media workers since 2016. In July 2023, Olimjon Haydarov, a vocal critic of officials in the city of Qo'qon, was arrested on extortion charges, raising further alarms about guarantees for freedom of expression. The situation worsened in August 2023, when Abduqodir Mominov, a prominent blogger who ran the Ko'zgu YouTube channel with nearly a quarter million subscribers, received an eighty-seven-month jail sentence. He was found guilty of "large-scale extortion" and "violation of privacy with serious consequences," a charge increasingly used against bloggers critical of the government. In August 2023, the Uzbekistan Interior Ministry issued an arrest warrant for Sanzhar Ikramov, a blogger mainly based in Turkey. He operated a politically themed YouTube channel with over two hundred thousand subscribers, and his alleged crime dates back to 2011.

In each of these points, the recent reforms can be interpreted not solely as a policy of *deseuritization*, but as one part of a multivalent technique of *resecuritization*, which entails *a transfer of some typical security functions into the law and into subjective roles enacted through the law*. As mentioned, it has often been noted that authoritarian regimes may strategically assign expanded functions to courts, and this has usually been attributed to the fact that courts can be deployed as effective repressive instruments. In the Uzbek case, however, the liberalization of judicial procedure was promoted because this—in part—reduced the need for internal repression and, in so doing, compensated for traditional security deficiencies. At a basic level, practices transmitted through law were intended to extend the penetration of government into society and to reinforce security by building a more reliable social basis for societal institutions, in effect cementing in society new channels of vertical articulation between government and citizens. As in the field of external security, this was due to the fact that the internal security apparatus inherited from Karimov was perceived as deficient in responding to the distinct security conditions in which Uzbekistan had originally acquired sovereignty. In other words, reform of the legal system was conceived as a comprehensive strategy of *resecuritization*, in which the construction of procedural lines of exchange

between government and citizens was seen as a means to intensify the internal and the external security of the state.

CONCLUSION

The reforms in Uzbekistan can be observed from the perspective of *multiple securitization*. In this view, challenges to the government and factors in the external environment were mirrored in increasingly complex patterns of securitization, serving to securitize society on new foundations. This can be seen in the economic domain, in policies aimed at increasing capital and investment. Naturally, one initial motivation behind the reforms was to enhance legal means to reinforce contract security and investment security, opening the economy to increased inflows of foreign capital. Alongside this, and to a lesser extent, additional reform policies were introduced to strengthen individual security in other social domains—most notably in healthcare provision and pension reform—thereby supporting both health and age security. This was reflected in articles 46–48 of the 2023 constitution.

In the more classical security domain, the reforms acquired complex meanings, and they were implemented to address deep-lying structural phenomena. The military reforms and legal reforms formed two parts of an encompassing security design, which was intended to supplant the security regime created by Karimov, whose origins lay in the Soviet system. This process may have been partly because the repressive security system appeared uninviting for foreign investors. Yet, the reforms responded to the fact that, under Karimov, the security system was weakly supported in society, and it eroded the underlying (vertical) constructions of citizenship usually required to stabilize strong sovereign institutions. In some respects, the reliance on repression as the guarantee of security obstructed the formation of an effectively sovereign state: In essence, it created *more insecurity*. Notably, the increased emphasis on legal accountability among public agents after 2016 was expected to elevate trust in public organizations, embed institutions more deeply in society, and increase their resilience in the external environment. At the same time, this allowed the government to bind public agents more closely to the state, control interactions between citizens and public bodies, and form immediate vertical articulations between state bodies and citizens, increasing the state's internal sovereignty. Importantly, this new model of the internal security system was reflected in the foreign policies adopted by Mirziyoyev, which were increasingly focused on international openness and regional self-assertion by nonantagonistic means.

Overall, the reforms can be seen—in part—as a process of *securitization via individualization*, in which the efficacy of security provisions was increased through the partial transfer of security functions to individual citizens. The security functions of individual human rights are not widely explored. However, in the Uzbek case, the increased regard for human rights law was partly promoted as a policy

measure to improve the national security apparatus, internally and externally. At the core of this was the assumption that policies to place relations between citizen and government on formally individualized legal foundations would remedy the weak articulation between state and society inherited from the post-Soviet transition and attach both local officials and single citizens more immediately to the state. In other words, the new rights-based public legal order, including constitutional law and administrative law, was enacted to remedy weaknesses in the sovereignty of the state and the security system resulting from the Soviet era. In this process, important socio-integrational functions were displaced into the legal system, and the law internalized responsibilities for vertical integration and citizenship roles that are usually conducted by multiple systems, including the military.

Legal Nationhood and Legal Education

INTRODUCTION

This chapter returns to the question of institutional construction in Uzbekistan since 1991, and it examines again how policies of legal reform have been promoted to stabilize more cohesive patterns of collective attachment in society, in the context of longer-term nation-building and state-building initiatives. In so doing, it expands the discussions in earlier chapters regarding ways in which legal/constitutional reforms interlock with reform processes outside the strict legal domain. Chapter 1 addressed the links between constitutional reforms and military reforms, explaining that reforms in both domains were intended to remedy integrational weaknesses, linked to the depleted construction of citizenship inherited from the Soviet and post-Soviet era. This chapter examines how the reforms in the legal domain are connected to reforms in the education system; it conducts analysis of education as part of the wider environment of constitutional law, facilitating the comprehension of constitutional reform. Details are provided below of different reform packages in the education system, and these sections assess how these reforms are associated with measures in other policy areas. One point asserted in the preceding chapters is that—at least in principle—public-legal reforms have purposes that extend far beyond law. If fully implemented, they create accountability functions in government that shape the basic structure of social space, especially in settings marked by historically weak manifestations of sovereignty. This chapter widens this discussion to examine elements of educational reform.

It has two overarching objectives. First, this chapter presents a broad sociological account of the connections between constitutional reforms and changes in the education system in Uzbekistan. This discussion includes a wide-ranging

survey of recent changes in all areas of education in Uzbekistan, assessing how, at the general level, educational reforms are related to constitutional phenomena. It presents a perspective derived from historical sociology to argue that constitutional reorganization and education policies often occur as responses to convergent social pressures, both of which are, in certain respects, shaped by military imperatives. It then applies this perspective to the nexus between recent law reforms and education reforms in Uzbekistan, explaining structural reasons that have led to the convergence between two lines of reform. Second, this chapter places particular emphasis on changes in legal education, and it assesses ways in which legal education reflects wider social dynamics. It shows how education in law has acquired prominence in contemporary Uzbekistan, and it elucidates the social and historical reasons for this prominence. This discussion includes reforms in legal education for students at universities. But it also considers the educational reforms in the judiciary—for example, education programs introduced for judges, policies promoting legal education for the public as a whole, and education conducted by judicial personnel for eventual users of law. In this focus, the chapter provides analysis of the social impacts of legal educational programs conducted by judges, and it considers how changes in legal education are connected to constitutional law, as they shape the understandings of citizenship and patterns of legal subjectivity that support constitutional government. This research is mainly based on analysis of interviews with participants in judge-led education programs. This research also uses observation of judicial proceedings, considering how education programs have influenced perceptions of litigation among court users. In both parts of the discussion, legal reforms and education reforms will again be examined in relation to security imperatives, and the analysis aims to explain how policies in both spheres give rise to a broad constitutional structure, which reflects changes in the security system.

EDUCATION, LAW, AND SECURITY: DIVERGENT SOCIOLOGICAL THEORIES

It is widely recognized in historical and sociological research that constitution making and educational reform are closely connected. Throughout the history of constitutionalism, many architects of constitutional law have claimed that public law has a specific pedagogic focus. From the emergence of modern constitutionalism, theorists often declared that constitutional law required educational expansion to take effect, and they attempted to promote education reforms to give effect to constitutional rule in society.¹ Moreover, many of the most important observers of educational policy have explained how, globally, education occupies a central position in trajectories of nation building, linked to the diffusion of protected constitutional norms in society. It is often noted that societies entering periods of intensified constitutional transformation undergo modernization in the education

system, and the circulation of social values through education provides a societal bedrock to support constitutionally ordered forms of legitimacy.² As discussed below, this is frequently connected to a process in which the state presents itself (at least where there is no established church) as a focus of integration that replaces religious attachments, so that education, constitution making, and secularization commonly converge.³

Viewed historically, this correlation between education and constitutionalism can be seen as the result of embedded nation-building pressures, caused by the fact that the formation of constitutional law often coincides with, and reinforces, the vertically structured convergence of national society around the state. For example, this correlation occurs in part because, historically, governments legitimated by constitutional laws assumed increased centrality in society, and they became attached, relatively immediately, to the persons subject to their power (citizens). Moreover, the constitutional state developed as a governmental system that extracted legitimacy directly from citizens, and it tended to impose policies to consolidate uniform loyalties in society, creating the social attitudes and disposition to underscore its legitimacy. Accordingly, once placed on constitutional premises, governments usually exercised authority by intervening in education, often forcing children to attend school and promulgating shared cognitive experiences and attachments for members of society. Most early constitutional states used education to promote the integration of societies in national form, drawing children from different backgrounds into increased proximity to government bodies and to each other. This meant that under most constitutional states, education users developed a direct, vertical connection to the state, partly or entirely at the expense of local, subnational, or religious affiliations and particular educational persuasions. Importantly, this vertical aspect of national education systems was often integrally connected to warfare or societal militarization, as children were forced to attend schools partly to reduce their exposure to child labor (detrimental to military capacity) and partly to open them to identity-shaping or nationalist ideologies. For example, the Russian education system, which later incorporated Uzbekistan, expanded significantly after the Crimean War. This was partly intended to increase the cognitive capacity of potential soldiers, but it was also designed to socialize minority groups and to prevent imperial fragmentation.⁴ In periods of rapid educational expansion, such as the later nineteenth century and the decades after 1945, the threat of military conflict was a common factor that shaped both constitution making and educational expansion. At this time, exposure to military violence typically meant both that national constitutional systems and national education systems became more inclusive and that schools internalized some military training functions.⁵ This military function of education is a broadly observable historical phenomenon.⁶ However, such characteristics were especially prominent in pre-1991 Uzbekistan. The historical structure of modern Uzbekistan was deeply determined by Soviet education reforms. In the 1930s,

1950s, and 1960s, the number of pupils in the region increased dramatically, and this coincided with the imposition of conscription laws, so that increased access to education for Uzbeks usually involved some military training in schools.⁷

In many societies, the correlation between constitutional law and the education system has also been determined by the societal experiences of individualization and particular legal integration that are released by acts of constitutional formation. Indeed, increased access to education and uniformity of educational provision have been common results of constitutional reforms, partly because constitutions frequently reduce the importance of religious organizations as centers of education. One famous description of these processes is found in the work of Émile Durkheim, who examined education as vital to the individualistic structure of modern society. He claimed that knowledge imparted in education cements the “moral conscience” inherent in national societies (1976: 186), and it serves the ongoing reproduction of “social institutions,” even in the face of rapidly changing material conditions (1922: 78, 119). Characteristically for the French Third Republic, Durkheim (1934: 48) attached particular weight to secular education, or education engendering *morale laïque* as a source of social cohesion. Durkheim (1950: 123) also observed a close attachment between the transmission of educational values and the rise of constitutional government, as he viewed education as promoting the patterns of rights-based individualism required for democracy. Later, Talcott Parsons (2022: 435) pursued a similar line of argument. He claimed that the education system serves functions of pattern maintenance that are necessary for overall social cohesion. Importantly, he ascribed some overlapping functions to constitutional law and to the education system, and, implicitly, he stated that societies unified by constitutional rule are likely to have both strong independent judiciaries and strong education systems (1965). Leading sociologists have claimed that social militarization usually imprints an authoritarian form on national education systems (Durkheim 1950: 92). This is surely true in many settings, as the expansion of national education often involved the inculcation of patriotic values, the limiting of cognitive individualism, and the imposition of physical training for male pupils. Yet, in many societies, constitution making and education reform coincided with rising military conscription, and these three processes interacted—however dialectically—to shape the formation of modern nation states and the integration of modern societies. As discussed below, most national societies were formed by the convergence of secular education, democracy, and militarism, and this was usually very strongly connected to imperialism.

These conjoined nation-building processes are strikingly visible in postimperial societies, where the construction of nationhood was not the result of gradual historical formation and institutional concentration. In such settings, typically, transitions toward national independence were accompanied by laws that extended access to national education, increasing the number of citizens able to receive education, so that the assumption of sovereignty by postcolonial citizens was

directly reflected in educational expansion. In such contexts, education reform played an important role in cementing the social substructure for newly sovereign state organizations, rooted in constitutional law. In fact, the function of education reform as the source of values to support new constitutions can be observed in virtually all processes of postimperial state formation, reaching back to the nineteenth century.⁸

Alongside this, the correlation between constitutional law and education is often caused by more contingent factors, in which intrasocietal dynamics and pressures play a less dominant role. For example, this correlation has often been interpreted from the perspective of world systems theory. Some proponents of such analysis claim that both constitutional and educational processes at the national level are shaped by common transnational forces (Ginsburg et al. 1990: 493). Other proponents of such analysis adopt more normative perspectives, arguing that education reforms are shaped by transnational processes of norm diffusion and cultural isomorphism, which also influence constitutional law.⁹ For outlooks in this body of research, states created since 1945 have generally shown a strong tendency to implement far-reaching education reforms, such that the promotion of literacy, the pursuit of educational goals, and the attendant expectations of individual professional rewards, form part of a *world culture* toward which states automatically gravitate. On this account, reforms in education, reflected in increased access to educational facilities, form a core element of citizenship in most polities. This is partly attributed to the fact that, since 1945, most societies experienced increased convergence around the state, which tends to imprint common features on national education systems. However, this is also attributed to the fact that states orient their behavior, internally and externally, around transnational cultural norms and expectations.¹⁰ This implies that states borrow educational policy features from each other and enter close policy alignments through international cooperation systems, tending to internalize principles set out in the international domain. Although rights to education are variably protected in different societies, leading documents in international law from 1945 to the mid-1960s placed emphasis on rights to education as core normative expectations. In many contexts, UNESCO played a central role of promoting education reforms, especially in decolonizing societies. Of course, in the post-Soviet setting, policies to orient educational provision toward international standards often reflected ideological imperatives, as, after 1991, governments promoted the global alignment of education policies to signal their changing geopolitical position (see Silova 2009: 302). For theorists adopting the world culture or world polity model, education reforms and constitutional reforms are usually very closely attached, as states tend simultaneously to promote constitutional rule and to reinforce education rights as they become assimilated to the global cultural system.¹¹ Importantly, such perspectives have also migrated into analysis of legal education, as, for many observers, reforms in institutions providing legal education are driven by global convergence processes.

Indeed, the education of legal professionals is often identified as a site where global convergence is most intense.¹²

At different historical moments, in sum, the thick linkage between education and constitutionalism has played a powerful role in creating the normative form for national societies. This is evident in the vertical dimension of society. As mentioned, constitutions have often intensified educational attachments between states and citizens, and the promotion of vertical integration through constitutional rule is frequently flanked by national education reforms. This is also visible in the horizontal dimension of society. As mentioned, education may often solidify national obligations by promulgating select values in society, and its impact on cognitive capacity may often be ambiguous. No claim is made here that socialization is necessarily beneficial for individual citizens. However, education plays a key role in the transmission of individual liberties that support constitutional rule. As mentioned, constitutional organization and educational expansion usually converge in contexts shaped by security imperatives. Whether seen as the result of intrasocietal or transnational pressures, education rights and constitutional rights tend to develop together as states devise integrational mechanisms to secure their sovereignty, in the face of external security challenges. Many states introduced more socially encompassing constitutional laws, large-scale education reforms, and wider military duties at the same time.¹³ This meant in many societies that citizens were socialized by going to school, taking part in elections, and joining the army at the same time.

UZBEKISTAN: EDUCATION IN A POSTIMPERIAL STATE

The discussion below assesses current circumstances in Uzbekistan against this background. It shows how education and constitutional law have been transformed as part of the same process, reflecting convergent pressures in society. Analysis of education reforms is vital for understanding the emerging constitutional system, and education and constitutional law interact closely in promoting vertical integration. In addressing this, it shows how different theoretical outlooks—those addressing intrasocietal nation-building factors and those that prioritize external transnational directives—can be used, in part, to explain these developments. However, it modifies established perspectives on law, education, and citizenship, indicating that recent reforms are marked by the singularly deep convergence between law and education. It uses aspects of the sociology of education to explain the law reforms, showing that—in key points—Uzbekistan partly confirms, and partly deviates from, standard models of interaction between education and law.

On one hand, theories that accentuate the nation-building role of education are apposite for assessing education policies in Uzbekistan, as legal and educational reforms have clearly served, at different moments, as correlated parts of a

process of national construction. As discussed below, this is most clearly reflected in the fact that education reforms have been conducted to transmit constructs of citizenship through society, and they replicate and reinforce the ideas of citizenship arising from public law. Indeed, like the legal reforms, education reforms have often been used to cement ideas of citizenship in social spaces traditionally not connected by strong shared loyalties. On the other hand, the world-culture paradigm is also applicable to Uzbekistan. The reproduction of global norms is clearly central to reform policies both in education and in the law, and international alignment is a crucial factor in both spheres. In fact, in the Uzbek setting, the nation-building functions of education are not clearly separate from its global alignment, and the global dimension of legal and educational policies is influenced by intrasocietal factors, as global norms are incorporated in national institutions because they facilitate the management of deep-rooted societal challenges to national integration. Accordingly, an analysis of educational and legal policies is required that synthetically combines national and transnational perspectives on the motivations for reform.

Education and the Nation-Building Process

Education policies in Uzbekistan have assumed distinctive importance in the process of nation building. In some respects, Uzbek laws regarding education distill the logics of citizenship creation and social integration that typify societies that did not follow a linear path to sovereign nationhood, and whose history is interwoven with that of an imperial power. However, Uzbek education laws represent postimperial dynamics in specific fashion, and they express an atypical postimperial path dependency.

The level of education among nonelite groups in pre-Soviet Uzbekistan is difficult to determine, as most data used by historians reflect colonial presumptions, based largely on the assessment of educational capacity in the Russian language. Like other empires, the Tsarist Empire and later the Soviet Union tended to promote a binary construction of education in the Muslim regions they controlled, and they presented their schools as enlightened transmitters of knowledge that was useful and secular, distinct from educational traditions preserved in the Muslim madrasas.¹⁴ This construction was influenced by the fact that, in most contexts, imperial politics expressly promoted secularism, and, like other imperial powers, the Tsarist government denigrated educational institutions in which secular knowledge was not sharply partitioned from the religious domain.¹⁵ However, before the territories that now belong to Uzbekistan were integrated into Tsarist Russia, they possessed a strong regional culture of education. Some areas, especially those around Bukhara, were internationally influential centers of learning, a tradition preserved after they came under Russian influence. The madrasas in Bukhara, which were partly focused on religious scholarship, had long acted as institutions dispensing rich and diverse educational provision. At the core of this

provision stood teaching in law and jurisprudence, but ethics and philosophy were important disciplines, all of which were attached to religious scholarship.

In the period following Russian colonization in the 1860s and 1870s, the education system was not standardized in Uzbek areas, as the Russian Empire did not greatly interfere in the internal affairs of subject regions. As a result, Bukhara and Khiva largely preserved their autonomy in domestic affairs, and Bukhara retained an educational culture, centered in madrasas, which emulated educational reforms in more state-centered Islamic regions, such as the Ottoman Empire.¹⁶ Further, there is strong evidence that, by around 1900, Islamic educational institutions were undergoing reform. Before 1917, madrasa pedagogy was reshaped to reflect Jadidist ideas, combining religious and secular attributes, and madrasas contributed to a rapid increase in popular literacy.¹⁷ Starting in 1917, the Bolshevik revolution and the civil war changed these conditions, as the Soviet government devised new educational strategies to cement its power in Central Asia. The deployment of education to support imposed citizenship norms had begun in the imperial era. Persons subject to Russian government in some regions in the pre-1917 empire had experienced intensified educational integration as part of the process of annexation. After 1861, educational reforms, typically introduced in conjunction with conscription laws and following anti-Russian uprisings, had been enforced across many minority-dominated areas of the empire to weaken local loyalties among subjects.¹⁸ However, after 1917, education played a distinct and crucial role in shaping realities in regions subject to Soviet rule. In the first instance, the early Soviet government promoted the rapid expansion of education in Russia after 1917, and then in most of the Soviet Union after 1922. Through this, the Soviet government utilized universal education as an instrument to consolidate the empire/nation, and it designed new educational policies to generate cognitive tools required for Soviet citizenship.

The first years of Soviet rule were marked by far-reaching educational experiments, including measures to expand access to education for citizens, create political schools to train the population, establish schools for peasants, and implant Bolshevik ideas in rural communities. These reforms reflected the emerging Soviet doctrine of the *new man*, as Lenin sought to promote a new material consciousness to support the Communist system. Early policies were dedicated to the eradication of illiteracy in Soviet society, and the comprehensive reform of the school system was perceived as both a political goal and pivotal to societal transformation.¹⁹ The first education reforms were put into effect when Russia was affected by a territorially diffuse civil war, and they formed part of policies to define citizenship and stabilize the government in the context of war Communism.²⁰ The period 1920–26 saw a substantial reduction of illiteracy, especially in rural areas. In 1923, a unified and more structured school system was introduced throughout the Soviet Union. Legislation was passed in August 1925 to create a universal system of primary education, which was implemented through the 1930s.²¹ Primary education became

obligatory in 1930–31. By 1934, the system as a whole was highly centralized and uniform in curricular design.

In many regions outside the core Russian-speaking zones, such education policies were closely tied to dictates regarding secularization. The general Soviet commitment to secular education was established by decree in 1917. In regions with large Muslim populations, the imposition of education reforms on this basis had far-reaching implications, and, as in other empires, the insistence of secularism in educational provision was central to territorial annexation. In areas now in Uzbekistan, Soviet education was first imposed by Order No. 145 of the Council of the People's Commissars of the Turkestani Autonomous Soviet Socialist Republic (May 1918), which began to reform the Indigenous education system, leading to the dissolution of religious schools. In general terms, these reforms were deployed to eradicate more traditional forms of education and identity, and education was used to link subjects more immediately to the Soviet apparatus. However, these measures had clear economic objectives. For example, they helped to create a workforce to support colonization, releasing reserves of potentially productive labor (male and female) for the imperial economy. In addition, educational provision was closely linked to military policies, as, during this time, the Red Army became an important instrument for social assimilation and citizenship formation.²² On one account, six hundred thousand Uzbeks were conscripted in the Red Army by 1927 (Marat 2010: 28).

In the early 1920s, these educational policies were sustained by an ideological commitment to encourage Indigenous cultures and languages, and measures to increase literacy (lexical and ideological) were not always in direct conflict with regional associations. Indicatively, Lenin founded the State University in Tashkent in 1920. However, the greatest impetus for education reform in the Soviet Union started with the beginning of the first Five-Year Plan in 1928. The period of managed industrialization initiated by this plan brought a partial return to more classical educational policies. This period saw a strategic linking of education and social planning, leading to further reductions in illiteracy. This period coincided with an intensified drive for modernization in which Muslim organizations in Central Asia were eradicated, especially in education and the judiciary.²³ Importantly, after 1928, the militarization of school education became more pronounced, and military science became an obligatory part of education after 1932 (Anweiler 1978: 397). Uzbekistan was strongly affected by these developments, as the number of higher education institutions increased rapidly from the late 1920s to the mid-1930s, and the number of students approximately doubled in the 1930s.²⁴ As mentioned, these developments occurred in conjunction with Stalin's repression and execution of Jadid intellectuals, so that Soviet education materially eradicated educational alternatives in Islamic Central Asia. Over a longer period, of course, the Soviet education system adapted to more functional objectives, and educational reforms from the 1960s onward were strongly linked to economic growth stimulation. By

the 1980s, the emphasis on vocational education had become dominant. However, rising educational inclusion remained a constant feature of Soviet life.²⁵

In this context, Soviet education reforms had conflicting outcomes for residents of nonmajority populations. As in more typical national environments, growing access to education performed some nation-building tasks, in that it led to the increased integration of minorities and socially marginalized communities, and it intensified societal convergence around political institutions. For example, in Uzbek-majority regions, access to education for social groups deprived of education in more traditional societies—such as agrarian workers and women—was augmented. Education of rural workers had distinct importance in the Soviet Union in general, as, from the Stalinist period, rights of education were linked to the collectivization of agricultural production (Fitzpatrick 1979: 177–78). Between 1927 and 1932, school enrollments in rural areas roughly doubled (Dunstan 1997: 48). These developments coincided with the building of institutional capacity, as management of education reforms was devolved to regional administrations.

At the same time, the implementation of such education policies in Central Asia served purposes related to imperial population management. In particular, the emphatic secular element in Russian education had colonizing features in Central Asia. As indicated, the promotion of secularism in education was a common instrument in the colonial toolbox. Many colonizing states fostered secularist educational values and legal principles among colonized peoples, using these to project an idea of imperial government as practical and evenhanded toward different groups, offering impartiality and individual protection as a basis for administration.²⁶ In most settings, this accompanied an increased reliance on military organizations as centers of social order. As a result, secular education was partly conceived as a vector for weakening traditional social attachments rooted in religious cultures and redirecting loyalties toward the Soviet government.²⁷

Indicatively, the use of education policies to reduce group attachments in majority-Muslim regions became evident—in part—in policies regarding female schooling. From an early stage, the Soviets favored (at least formally) the dissolution of traditional female roles in all regions. This was evidenced, for example, in liberal divorce laws and the implementation of coeducation laws in 1918. In Uzbekistan and other primarily Muslim regions, however, the expansion of education for women served imperialist ends. Education was used to detach women from religious collectivities, thus reinforcing colonial rule, and it served to extract additional labor from family-based economic systems for cotton production, as Central Asia soon became a center of monocultural production. As in other empires, as discussed in chapter 4, the transformation of gender relations in Muslim regions became an important plank in policies for population management and labor administration. In fact, this population policy was not new; the Tsarist government had tested such policies fifty years earlier in other parts of the empire, as it promoted female education to weaken familial roles in mainly Catholic areas.²⁸

This aspect of educational expansion continued through the Soviet period, as secondary education was nearly universal by the 1970s, bringing both the far-reaching incorporation of rural population groups and the rising secularization of female functions.²⁹ Some commentators have stressed how the essential conception of secular education in the Soviet Union was part of an assault on Islamic culture. On one account, the expansion of access to education in Uzbekistan reflected a calculated “decision to use women to break up Moslem traditional societies” and “a key tactic in disrupting and transforming the traditional kinship system in Central Asia” (Massell 1974: 87, 156).³⁰ In a separate account, formal education involved an attack on the traditional Quranic schools and its replacement by a network of Soviet schools. This meant that Soviet campaigns against illiteracy (in Russian) brought “an orthographic revolution” that resulted in the adoption of a Latin alphabet and the suppression of Indigenous language teaching (Khalid 2014: 518). As discussed below, however, Islamic moral culture survived Soviet repression, and it is now expressed at the grassroots level in Uzbekistan.

Importantly, the Soviet-imposed transformation of the education system in Uzbekistan involved a complete reconstruction of the legal system, as the Soviet regime dismantled the existing qadi courts, which operated on the basis of sharia law.³¹ The 1860s had seen extensive educational and judicial reforms throughout the Russian Empire, as, following the abolition of serfdom, local schools and courts were placed under stricter central control. However, during the first stages of Russian annexation, these reforms were not imposed on regions in Central Asia. In much of the region, legal governance was initially conducted by a two-level mixture of Russian military courts and judicial institutions run by local judges.³² At this time, Russian colonizers created a patchwork legal order that mirrored patterns of legal organization in other colonial systems, so that multiple legal orders stood beside each other, expressed notably in the survival of sharia.³³ The circumscribed authority of Russian courts was sanctioned by imperial statutes of 1867 and 1886, the second of which created legal instances that could use customary law (including sharia) in hearings regarding certain misdemeanors (Sartori 2016: 115). To some degree, naturally, the parallel existence of formal and informal law remained a feature of society after 1922. Following 1922, however, the Soviet government promoted judicial and education reforms simultaneously, and such reforms were designed to weaken both Indigenous legal and religious attachments as channels of social integration. At this time, reformers sought to widen access to justice and education among previously marginalized groups, with the specific aim of intensifying control over minorities.³⁴

In these points, Soviet education policies impacted Uzbekistan, where Soviet and Uzbek nation building partly coincided.³⁵ The Soviet education system had obvious colonizing functions, as it was used to promote the use of the Russian language and integrate regions far from Moscow into the emerging Soviet polity through the creation of schools and universities. Long before 1918, Russian

colonizers had used general educational improvements to separate colonial groups from embedded religious affiliations and lateral social loyalties linked to religion.³⁶ Yet, in some respects, the education system that developed in the Soviet Union was not entirely different from those operating in other emerging nation states. As in other education systems, education served to elevate the economic status of groups incorporated in national schooling regimes, to attach these groups to identities that supported Soviet nation building, and, in so doing, to reduce lateral affiliations at the local level. Except for an interim through the 1940s, access to higher education in the Soviet system was free of charge. Although the Soviet system was partly designed to limit the social effects of Islam, this was not a constant or single-faceted policy. The 1920s saw a short-lived period of *korenizatsiia* (indigenization), which commenced in 1923. In this period, local population groups acquired privileged access to public offices, if they displayed the correct ideological credentials. This was prefigured in part by recruitment policies in the Red Army, as military necessities in the civil war had meant that a high percentage of conscripts came from minority populations, who were at times promised greater autonomy in reward for service.³⁷ Then, the era of Stalinist repression brought a brutal reversal of such policies, which were never seriously reinitiated. However, subsequently, members of predominantly Muslim republics acquired some increased freedom, which was formalized in religious reforms in 1943. This policy was partly caused by the comprehensive mobilization of Soviet society during World War II, starting in 1941; this clearly paralleled patterns of minority integration in other militarized societies, as mobilization was flanked by rhetoric of national (interreligious) inclusion and unity. In addition, it was affected by German political and military leaders' efforts to attract support among colonized subjects of the Soviet Union.³⁸ In 1943, the Religious Administration of Central Asian and Kazakh Muslims was founded, with a separate board in Tashkent. Following this, the period 1943–53 generally saw the rise of a culture that was marginally less hostile to religious organizations, and some religious schools were opened in Tashkent and Bukhara. After the death of Stalin, Khrushchev initially pursued more conciliatory educational and religious policies toward minorities. This was intended to display limited tolerance toward Islam, both to integrate Muslim communities in the Soviet citizenship regime and to appeal to Islamic communities in states undergoing decolonization in the context of Cold War rivalry.³⁹ Khrushchev abandoned these policies by the late 1950s. As in most states, the post-1945 years brought a significant expansion in education in the Soviet Union, especially in higher education, with the number of students growing by almost 400 percent between 1950 and 1965 (Pennar et al. 1971: 299). This had a far-reaching impact on the regions around Tashkent, which was transformed into one of the main cities in the Soviet Union, and the Religious Administration played an important collaborative role in its transformation.⁴⁰

In these factors, a complex articulation between security and education is visible in the historical structure of Uzbekistan. On one level, education was initially promoted through the Soviet Union to build modes of social consciousness to support the central government in Moscow. This occurred stepwise, first against the background of devastating civil war, and then during World War II, and, in both contexts, the expansion of citizenship for minority groups was essential for military success. In such periods, security imperatives forced the Soviet government to show recognition for religious commitments and identities, and suppression of religion diminished. On a different level, education was established as part of a long-term strategy of colonial control, imprinting attachments to the Soviet institutional order in a society with a strongly divergent value system. In each respect, this meant that education provision in Soviet Uzbekistan reflected some imperatives typical of national societies and some typical of colonial societies. Education law was enforced in social domains that were partly inside and partly outside the society that promoted education. In each point, education shaped citizenship formation in atypical ways. The standard model of educational integration, in which governments translated external security impulses into educational reforms, which then established norms of citizenship to support the government, was not fully pronounced, and this instilled long-term complexity in the relation between education and citizenship.

One characteristic of these developments was that, willingly or otherwise, residents of Uzbekistan experienced a significant expansion in formal educational competence through integration into the Soviet Union. This occurred in some other imperial locations, notably in French colonies directly subordinate to the French government, where education (in French) was used for the forcible integration of colonial subjects. Indicatively, Algerian boys had notional compulsory education from 1917, albeit almost a century after the onset of colonization. In most colonies subject to Western European empires, education was partly used to promote elite convergence between metropolitan and colonized regions. However, in other empires, investment in education for residents of incorporated regions was more limited than under Soviet rule, increases in literacy under colonial government were lower, and substantial improvements in school attendance only appeared after 1945, partly in face of international pressures.⁴¹

Together, these factors meant that education held a status in post-1991 Uzbekistan that distinguished it from other postcolonial societies. In imperial regions subject to Western European empires, the first period after former colonies acquired independence (mainly after 1945) was usually marked by exponential increases in school attendance.⁴² The postindependence period was also typically shaped, albeit less markedly, by growth in the number of students attending universities. In turn, this was accompanied by policies to promote the indigenization of teaching, generating strong national attachments and identities. In post-1991 Uzbekistan, by

contrast, the experience of deep historical integration in the Soviet Union meant that most Uzbeks became citizens of a sovereign state that had already provided high levels of formal education. Naturally, some educational features common in colonized populations remained evident after 1991, when average education in Uzbekistan remained below the Soviet average; poverty was much higher, and urbanization far less advanced, than in western parts of the polity, with rural residents having limited educational access. Yet, the Uzbek population possessed high literacy in different languages, and high technical competence. Moreover, measured by global standards, literacy levels among women were very high, as was female enrollment in higher education.⁴³ Developments in the post-1991 education system were determined by this fact,⁴⁴ as, once it obtained sovereignty, the government could not easily utilize general education as a platform for the construction of new social identities. In other postcolonial societies, the promotion of education was strongly linked to the formation of national citizenship, and one of its primary purposes was to prioritize national citizenship above informal or sub-national loyalties. In Uzbekistan, by contrast, education (primarily in Russian) had already been deployed as an instrument of nation building and citizenship, in which loyalties to the government had been promoted alongside, or as alternatives to, less statecentric identities and attachments.

One result of these conditions was that after Uzbekistan obtained independence, the push for integration through education reform that usually characterizes postimperial transitions was not strongly displayed, or at least not in typically identifiable fashion. On one hand, education provision acquired a more strongly national character. For instance, students attending school in 1990–91 still used textbooks full of pictures of Lenin. By the following year, textbooks had been printed that contained images of Amir Temur, describing the Soviet Union as an evil empire. Through this, Karimov tried to promote an ideology based in a Doctrine of National Independence, which emphasized secularism and the rich culture and history of Uzbek people, symbolically rooted in the Timurid Renaissance.⁴⁵ Moreover, Uzbekistan and other Central Asian republics witnessed a rapid diversification of education, including an increase in the number of Turkish lycées, which provided high-quality education for young people. Yet, at this time, policies establishing universal education did not form the basis for a comprehensive socialization process to underscore the newly sovereign state. Many indicators suggest that national education tangibly deteriorated after 1991, and the increased transmission of knowledge into society was not a pronounced feature of the postindependence period.⁴⁶ In the 1990s, as mentioned, social spending declined dramatically. School education was relatively protected against disinvestment in this process, but this necessarily affected the allocation of resources to education.⁴⁷

Since 1991, the government of Uzbekistan has invested quite heavily in education as a whole. In fact, by some calculations, Uzbekistan has had a per annum education investment of around 8–10 percent of GDP (World Bank 2014: 12; Ruziev and

Burkhanov 2018: 456). If correct, this figure means that, proportionate to economy size, it is in the higher category of net education investors globally, and its overall educational investment has increased since independence. However, after 1991, educational investment was reduced in some departments, particularly in higher education. In analyzing these developments, leading commentators offer different views, at times even in the same publication. One recent account has documented how enrollment in higher education institutions “decreased sharply” after 1991, with the long-term effect of declining student numbers from Soviet-era levels. On this account, education provision in post-1991 Uzbekistan underwent “a unique process of de-massification, accompanied by tight government control over higher education.”⁴⁸ One alternative analysis observes that, following initial reductions, the number of students studying in higher education institutions “increased dramatically during 2000–2006.” On this interpretation, in these six years the student body witnessed “an increase of more than 100,000” (Ruziev and Burkhanov 2018: 457). Nonetheless, even authors that identify intermittent upswings in access to education note that, as the post-1991 era saw striking demographic changes and rapid population growth, the number of graduates proportionate to population declined substantially and per capita educational investment was reduced.⁴⁹ The higher education share of total state spending on education decreased from 10 percent in 1990 to around 5 percent in 2013 (see World Bank 2014: 72). In parallel, the increasing privatization of higher education meant that the share of government funding for students enrolled in higher education institutions decreased from 100 percent in 1990 to around 33 percent in 2015 (Ruziev and Burkhanov 2018: 456).⁵⁰ Uzbekistan’s enrollment rate in higher education institutions decreased from 17 percent in 1991 to 9 percent in 2011, and it remained low by regional and international standards until 2016 (World Bank 2014: 45).

These figures indicate that Uzbekistan forms a partial yet important outlier in the history of modern education systems, especially in terms of the role of education in the formation of national societies and in the promotion of national citizenship in postimperial settings. After 1991, Uzbekistan experienced many phenomena typical of postimperial societies. During this time, the Russian language lost primacy, as education became more directly linked to the state-directed promotion of national attachments. As mentioned, total educational investment remained high. More widely, other typical nation-building trajectories continued, which are usually contingent on increased education. For example, after 1991, urbanization intensified, which brought increased geographical mobility, and more citizens were incorporated in technical or science-based economies. One report shows how the share of agricultural production in the economy dropped significantly in the first two decades after independence (World Bank 2014: 20).⁵¹ However, these structural processes were not consistently articulated through education policies, and the general impetus toward national integration and economic individualization was not consistently correlated with changes in the education

system and its functions. For this reason, the role of education in nation-building processes in Uzbekistan is only partially aligned to the general function of education as a system for promoting strong integrational norms of citizenship, accompanying increased national convergence.

Of central importance in this regard is the fact that the legitimational role of mass education in Uzbekistan was partly conditioned by questions associated with religious affiliations. One reason the integrational role of national education slowed at a point in the postimperial trajectory when it would typically be expected to increase was that, as Uzbekistan became sovereign, the government struggled to project a national construct of citizenship to support its functions and legitimacy. On the contrary, the post-1991 government confronted the formidable challenge that establishing state sovereignty on foundations distinct from Soviet ideology created new uncertainties about the sources of political legitimacy—uncertainties that risked provoking religious conflict and fracturing the emerging governmental system.

As Uzbekistan became an independent nation, different historical phenomena were projected as sources for building national identity. However, the most obvious integrational foundation for national membership lay in religion, as Islam formed the primary cultural distinction of Uzbek citizens from the Soviet system, reflected in histories of religious repression and forcible secular integration. In Uzbekistan, in fact, the construction of religion as a basis for government briefly appeared probable. Indicatively, after independence, one observer declared with confidence that Islam would soon form the source for a new identity to define Uzbek citizenship, and this would be circulated through society via the education system.⁵² Uzbek independence also coincided with a longer global revival in Muslim education, which gained momentum in the late 1970s. In this context, the decolonization of Islamic regions was strongly attached to the promotion of religious values through education (Saqeb 2000: 46–47). Through the 1990s, different states in majority-Muslim societies began to integrate religious teaching more fully in national education.⁵³

As discussed, however, the Karimov government opted for an avowedly secularist construction of political legitimacy. This partly reproduced the dichotomy between government and citizens that shaped the Soviet period, perpetuating many aspects of the Soviet model of secularism. In fact, as the full-employment policies of the Soviet era were abandoned, this partition arguably increased in social importance, as economic administration lost its integrational force. At a general level, the policies designed to consolidate Uzbek nationhood enacted by Karimov were always, at least partly, in conflict with basic Islamic dispositions toward the nation state. As discussed below, in many contexts, Islam has proved a stable basis for nation building, and Islamic thinkers have played important roles in constitution-making processes. There exists a strong perception, however, that Islamic doctrine has not lent itself without strain to the production of legitimacy

for nation states, such that the ability of a national government to rely on Islamic ideals for societal legitimacy is disputed.⁵⁴ In post-1991 Uzbekistan, Karimov proclaimed that Islam was a source of political motivations that directly contradicted the primary interests of the Uzbek people—especially their interest in existing as a sovereign people. This was influenced by experiences in Tajikistan and Afghanistan. However, this reflected a more general quest to place the state on autonomous foundations, and avoid any volatile politicization of religion.

For this reason, after 1991, Karimov pursued education policies that presupposed the separation of education from the primary cultural dispositions of the Uzbek people. In fact, policies promoting repressive secularism were particularly significant in the educational domain. It is frequently argued that, in Islamic cultures, education has distinct importance as a religious practice, such that education cannot easily be detached from religion and educational values resist secularization.⁵⁵ As discussed, before the onset of Russian rule, Islamic education in Central Asia had extended well beyond exclusively religious teaching. However, Islamic education in general serves the comprehensive integration of the person in a religious community, and it does not clearly distinguish between education for secular and education for religious ends.⁵⁶ For these reasons, in Uzbekistan, the post-1991 commitment to secularism acquired particularly repressive expression in education policy. Although under Karimov instruction in Islamic culture was provided as part of history curricula or in courses offering general knowledge of human civilization, religion was not taught as doctrine in the formal school system (Khalilova 2024: 58). In fact, as Uzbekistan was assuming sovereignty, new madrasas were formed across the country, but these were soon suppressed.⁵⁷ State control of religious teaching was secured by legislation regarding education (1992), which accentuated the necessity of providing secular education. The Law on Freedom of Conscience (1998) excluded religious teaching from the education system, except in religious educational institutions.

One obvious consequence of this was that, after 1991, educational policy was, on one hand, directed toward the promotion of models of citizenship that could integrate citizens in the new nation state. Yet, one singularly powerful determinant of citizenship formation—Islam—was largely eradicated from formal education. In this context, the conventional integrational functions ascribed to education in new nations were necessarily reduced. Naturally, there is nothing unprecedented in the fact that, in post-1991 Uzbekistan, a new polity was created in which education was separated from the religious views held by most members of society. Many primary polity-building exercises in modern history—from France in 1870–71 to Turkey after circa 1920—have followed this pattern, and the use of education to promote concerted nation-building in indifference or opposition to religion has been a common strategy of social construction. The most relevant example is the promotion of repressive secularism in the Soviet Union. However, in Uzbekistan, this meant that educational policies were placed in a complex ideological space,

and education was required to socialize citizens in opposition to two conflicting but powerful legitimational systems (Communism and Islam). Under Karimov, education had a clearly ideological function, and schools and universities were used for coercive socialization, based in state-endorsed versions of nationalist doctrine. For example, educational curricula had a strong focus on state-endorsed values, and some of Karimov's own publications were used for teaching. However, the fact that the Uzbek state was created in a context where education was sharply detached from primary belief structures reproduced the strong disjuncture between cultural attitudes and state structure evident in other parts of the polity. In fact, the promotion of secular rule at the governmental level did not penetrate deeply into society. Religious observance increased rapidly under Karimov's government, and despite the official secularist culture, Islam acquired increased social presence. These factors tended to weaken the functions that are classically associated with education, and the immediate nation-building role of education was reduced.⁵⁸

The diminished role of education in citizenship construction was linked to the fact, discussed in one recent analysis, that from an early stage, the Karimov government viewed universities as potential locations for political and religious ferment. This meant that they were subject to surveillance, and university-level education was ideologically managed to reduce religious attachments in society. Indeed, this meant that education policy was focused not solely on the societal diffusion of cognitive capacities and intergroup attachments, but on the discharge of securitization functions. That is, in broad terms, education policy was partly turned against the recipients of education, and education itself was, in part, internalized in the wider security structure of society.⁵⁹ As discussed, the security functions of education in postimperial systems are usually complex and multifaceted, and they may well include managed indoctrination. However, the primary security function of education is—typically—to socialize citizens in national behavior patterns, and support state institutions as they assert sovereignty, often in face of external pressures. This was clearly the case in Uzbekistan. But this purpose involved the securitization of education itself, against citizens, and against the religious motivations likely to generate common experiences of citizenship.⁶⁰ In turn, this partly reproduced educational patterns typical of the Soviet period.⁶¹

In some respects, these conditions have changed since 2016. In this period, the wider reform process has brought alterations to the education system, which includes legislation regarding the status of religion in educational provision. At the highest declaratory level, the formal insistence on secular government has been reinforced by the reforms. One central element of the new 2023 constitution is a revision to article 1 of the 1992 constitution, which now states that secularism is a protected constitutional principle. Mirziyoyev ascribed special weight to this fact, and he expressly viewed the constitutional referendum as a popular decision for secularism.⁶² Despite this, the reform period has been marked by legislation that

has cautiously elevated the standing of religion in educational provision. In 2017, a presidential decree established a research facility for Islamic teaching, the Imam Bukhari International Scientific Research Center, based in Samarkand.⁶³ The mission of the Center was to expand the study of the Islamic cultural and spiritual heritage and provide education about religious knowledge. Mirziyoyev had first declared that he would establish this Center while he was interim president in late 2016, during the 43rd Session of the Council of Foreign Ministers of the Organization of Islamic Cooperation in Tashkent. At that time, he decided the Center would be affiliated with the Organization of Islamic Cooperation, to foster cooperation with research organizations in other majority-Muslim states.⁶⁴ After this, in 2020, the Council of Ministers adopted an important resolution, which allowed greater prominence for religious material in secondary-level teaching and linked religious instruction to the construction of national identity.⁶⁵

Clearly, nonetheless, such revisions to secularist policy remain relatively minor, and they need to be seen in context. Increased protections for freedom of religion in Uzbekistan have not substantially diluted the secular basis of education. Governmental legitimacy still clearly depends on the socialization of citizens through procedures separated from the dominant religion in society. Generally, most educational policies since 2016 have focused on raising vocational skills and pedagogic standards, and they have tended to direct education away from religious questions. In April 2017, for example, a decree was passed to set education standards for secondary schools and vocational training.⁶⁶ Further decrees followed, designed to connect university teaching more closely to scientific practices and organizations, and increase the functional utility of education.⁶⁷

On these grounds, the role of education in Uzbekistan has a distinct position in the nation-building context. As a result, the standard nation-building perspective for explaining education reform can only have limited validity. Before 1991, education had already created premises for shared citizenship, albeit in the context of an imperial system. Since 1991, as discussed, governmental commitment to education has been patchy. Moreover, education has produced complex results for social integration, and has tended to reconsolidate a sociopolitical order marked by a strong disjuncture between state and citizens. In this regard, education mirrored the position of law, as both systems, normally vital for social integration and citizenship formation, were placed on premises that initially weakened their integrational dimensions.

Education and Global Transformation

By contrast, educational policies in Uzbekistan can be more clearly aligned, in key respects, to the more contingent model for explaining education reform, based in the theory of global convergence or world culture. Many reforms introduced by Mirziyoyev fit this template. For example, policy declarations concerning education reform were included in the 2017 Development Strategy Plan discussed

above. One of the priorities in this plan (point 4.4) was to continue improving the system of lifelong education and the availability of high-quality educational services, training highly qualified personnel in accordance with the modern needs of the labor market. The policies giving effect to these plans were supported by international organizations, and they drew heavily on international normative frameworks. Indicatively, the Ministry of Education published an Education Sector Plan in 2019, which was conceived in collaboration with UNESCO to promote educational reform on the basis of international treaties (Lee 2021: 37). These policies were partly implemented through the presidential Decree No. PF-5847 (October 8, 2019) “On Approval of the Concept of Development of the Higher Education System of the Republic of Uzbekistan Until 2030.”

The main piece of legislation in this process of education reform was the law “On Education,” passed in September 2020.⁶⁸ This law was strongly aligned to international standards. It established a universal right to education, stating that “everyone is guaranteed equal rights to education regardless of gender, race, nationality, language, religion, social origin, beliefs, personal, and social status” (art. 5). In addition, it was intended to increase the quality of institutional performance, and it established public monitoring procedures for education providers (arts. 42–43). It also facilitated international cooperation in education, “in accordance with international treaties and legislation of the Republic of Uzbekistan” (art. 68). Like other recent laws, it states that, in education policy, international law should have higher status than domestic law, in case of conflict (art. 2). Further measures followed, notably in May 2022 with Decree No. PF-134 “On the Approval of the National Program for the Development of Public Education in 2022–26.” In June 2022, the president passed Decree No. PQ-289 “On Measures to Improve the Quality of Teacher Education and Further Develop the Activities of Higher Educational Institutions Training Pedagogical Personnel.” The 2023 constitution itself contains far-reaching educational provisions. Article 50 provides universal rights to education, and article 51 guarantees the right to higher education, with universities granted unregulated freedom. Article 79 accords to the state an active role in securing the rights of the young. Several measures have been implemented to increase the number of female students, including the provision of interest-free grants, special support for disadvantaged women, and full subsidies for women embarking on postgraduate study. This has resulted in substantial increases in the number of women studying at university, especially at a postgraduate level. In June 2022, a Resolution of the Cabinet of Ministers created special university quotas for women who have at least five years of professional work experience and come from low-income families.⁶⁹

Such laws can easily be explained as part of a strategy of transnational alignment, and, in key respects, they are simply intended to reproduce a global educational model in Uzbekistan, adapting Uzbek institutions to global educational designs. One observer of Uzbek society has stated simply that “the internationalization of

Higher Education has become the main strategy and dominant trend in the development of Higher Education” (Uralov 2020). Indicatively, the government decided to participate in international academic evaluations, such as the Programme for International Student Assessment (PISA) and the Trends in International Mathematics and Science Study (TIMSS). These decisions were accompanied by increased student and academic mobility both in and out of Uzbekistan. As of the academic year 2018–19, the number of foreign academics delivering higher education increased, while the number of Uzbek students studying at foreign universities expanded substantially (Uralov 2020). By 2024, Uzbekistan ranked third worldwide for the number of students attending schools abroad. Of course, internationalization in education may have complex outcomes, as visiting academics may come from authoritarian states. However, many foreign academics working in Uzbekistan at this time came from democratic states. They were subject to minimal security checks in universities, and their lecture material was not supervised. Their educational competence was assessed primarily by international criteria, such as h-index performance and university of provenance, and their assistance was solicited by university officials seeking to gain a place in international rankings. At the same time, the reforms can be observed as outcomes of global economic forces. Before 2017, it was widely noted that the limited reach of the higher education system had detrimentally impacted economic development in Uzbekistan. Indeed, the fact that education had not kept pace with societal change after 1991 meant that there was a shortage of appropriately skilled employees, especially in branches of the economy with an export focus.⁷⁰

Importantly, the recent global orientation of the Uzbek legal system is also connected to questions of religion. As discussed above, central to post-1991 policies under Karimov was the attempt to secure robust foundations for secular government. In this context, the education system became implicated in the shift to extreme authoritarianism that accompanied the consolidation of secular rule. By contrast, the increasing application of global measures to enhance educational quality since 2016 can be seen as a process in which the government began to preserve principles of secularity in education in new, more easily managed procedures. On one hand, the use of international norms in the education system meant, simply, that education practices acquired a supranational basis, so that norms regarding education were less open to challenge by religious actors in Uzbekistan. At the same time, the alignment to international norms in education policy presupposed the establishment of some protections for religious liberty, as globally sanctioned education practices include recognition of freedom of conscience. Accordingly, the post-2016 legislation focused on educational reforms was flanked by new laws on religious liberty, subject to extensive international scrutiny, which (however cautiously) enhanced religious freedoms. The main example of this is the Law on Freedom of Conscience and Religious Organizations (2021).⁷¹ This law continued to impose limits on the freedoms of religious organizations,

and it subordinated religious practices to constitutional duties and the principle of secularity (art. 5), upholding the previous *de facto* ban on religious parties (art. 7). However, it established freedom of conscience as a protected constitutional right (art. 4). The constitution of 2023 also set out stronger guarantees for the separation between the state and religious organizations, stating that such organizations must be allowed to function without state intervention (art. 75).

Nonetheless, like the nation-building outlook, the global convergence model can only generate insights with partial explanatory force when applied to Uzbekistan. The recent education reforms in Uzbekistan have globally oriented features, and they reflect complex linkages between national and international policymaking. Moreover, they are part of a reform trajectory that has tended to impose a global normative form on the polity, as the government shows stronger recognition of international principles. Yet, the education reforms cannot simply be explained through theories of global isomorphism. As discussed below, they are proportioned to very specific features in Uzbek society, shaped by the fact that education had assumed low integrational force after 1991. In this context, legal, education, and military reforms are densely interlinked and influenced by global and national pressures.

GENERAL EDUCATION AND LEGAL EDUCATION: STRUCTURAL CONVERGENCE

One distinct phenomenon in the reform context in Uzbekistan is that legal education has particular prominence. In fact, reforms in education more generally are strongly focused on law, and many reforms in the legal system have a strong pedagogic aspect. These features mean that the reforms have brought law and education into deep convergence, so that law and education together have been required to perform overlapping social functions.

It is a commonplace in sociological accounts of educational reform that widening access to education has a deep impact on judicial institutions. For example, leading sociologists have explained how access to both education and legally protected rights contribute jointly to forming societies based in national citizenship, in which segmentary identities are weakened.⁷² Moreover, from a world society perspective, different sociologists have explained how educational policies that reflect the global orientation of the polity are reflected in judicial practices, and both tend to promote congruent patterns of social individualization and personal autonomy. In approaches based in the world society model, in fact, the global alignment of the polity is viewed as a process to which judicial and educational functions contribute together, as global norms enter the polity through the education of citizens and the training of judges. For example, as mentioned, the global orientation in education policy is reflected in training programs that limit the political role of judges, attach national jurisprudence more closely to

international rulings, and—for these reasons—increase the integrity of the legal system. On these points, there is broad agreement among sociological observers that education and law often perform closely correlated functions, and their social effects are frequently interlocked.

In certain respects, Uzbekistan strongly reflects these global trends, as legal reforms and educational reforms have been promoted for related purposes. However, what is distinctive in Uzbekistan is that education reform has been conducted with a particular commitment in the sphere of *legal education*, and steps to improve legal education have assumed an elevated, if not pivotal position in the overall reform process. As discussed below, this means that, in this setting, the convergence of law and education is promoted as a matter of policy, and it is particularly intense. The legal system has internalized functions typically allotted to education, and has been partly redesigned to compensate for the relatively weak role of education in stabilizing society. In each point, the reform process has brought a partial transfer of common educational functions into the legal system, and the law is required to establish norms of citizenship more usually created by educational practices.

At one level, the societal importance of legal education in Uzbekistan can be observed in standard reform policies. For example, the recent period of education reform has seen a rapid growth in the number of law students. In 2023–24, over two thousand students enrolled in law degrees in state universities. This is also reflected in the fact that the number of universities that provide legal training has increased, and rising use of the law has led to increased demand for legal knowledge. Before 2022, legal training was only provided in Tashkent, but now universities in different cities offer law qualifications. There are now seventeen state universities, two international universities, and numerous private universities that award degrees in law. Some new universities recruit large numbers of law students. For example, the Law Enforcement Academy in Tashkent (founded in 2023) recruits more than one thousand undergraduate students.

At the same time, education providers now have greater independence in establishing course content and drafting curricula in law degrees, and elements of law prioritized in reformist legislation have assumed greater importance. For instance, the constitutional reforms of 2023 were immediately reflected in syllabus changes in leading law schools. Constitutional law is taught as a mandatory course for law students and as a near-mandatory course for all students, so that it is a common part of general tertiary education. Courses in constitutional law are also taught in preuniversity education. Law schools also increased training in human rights law and administrative law, and began to develop law clinics for students. Didactic methods in universities began to change, as students were encouraged to use more critical approaches, practice deciding cases, and conduct research more independently. Methods in legal education used in the United Kingdom and the United States were increasingly assimilated in legal training, to separate law teaching from

pure civil law pedagogy, associated with the Soviet tradition. In some cases, official court proceedings were held at universities, and students were encouraged to attend.

Alongside this, the increased provision of legal education assumed more atypical features, and education in law was promoted for unusual purposes. In May 2024, a presidential decree (No. PF-80) was issued to promote an online application (Huquq Maktabi) designed to increase legal literacy among young people. This application provides access to educational materials for citizens, with online courses on labor law, family law, social protection, and civil proceedings. These courses explain complex legal issues in simple language, and users can access this online platform anytime, anywhere. Those who successfully complete each course are awarded a special certificate by the Ministry of Justice and Tashkent State University of Law. So far, more than two thousand people have used this mobile application to study different courses. Moreover, programs were established to retrain existing lawyers and provide legal education for civil servants, to ensure their compliance with new public legal norms. Further, online programs in legal education were established for citizens, to enhance legal awareness in society. In such measures, legal education was designed to heighten general knowledge of public law in society and create an environment in which rights and duties under public law could be identified and enforced.

In addition, as mentioned, judges were often called on to perform educational roles. As examined below, their duties entailed providing popular education about the law, so that they visited informal sites to deliver consultancy and briefings and presided over legal hearings in informal locations, forming open courts. One role of judges in such activities was to increase societal understanding of state responsibilities, explaining to citizens how they should identify and access public law rights. In this respect, the reforms partly reproduced aspects of the judicial role in the Soviet system (see Hendley 2007: 241). However, unlike in the Soviet system, the construction of informal roles in Uzbekistan occurred in a context where the possibility of litigation against public bodies clearly increased, and judges were required to aid citizens in litigation. Moreover, as mentioned, the law “On Courts” of 2021 placed limits on functions judges could discharge. Judges in Uzbekistan are likely to comprehend their educational or outreach duties in terms of facilitating access to justice, such that the Soviet-era emphasis on legal socialization and general ideological education, which tended to encourage judicial arbitrariness and functional conflation, is not prominent. Illustratively, in our discussions, judges referred to their visits to offer informal legal education as *sayyor qabul*, which in English means “mobile reception,” and has no connotation of judicial socialization. One judge explained to us that *sayyor qabul* was a necessary measure to make the court more accessible. The educational roles of judges were expressly framed by a sense of the limits of proper judicial functions.

In interviews, judges explained that these tasks involved providing quite rudimentary guidance regarding the essential elements of public law. One judge described his interventions in situations in which “the applicant sues the wrong agency or the wrong person who is not in any way related to the issue.” He explained how, upon receiving such cases, he would ask his “clerk to contact the applicant and to reconfirm which public agency or person they are suing.” The judge initially perceived such additional functions as outside his designated duties, but he and others discharged them anyway—“to bring some clarity to the case and to identify the legal issue in applications.”⁷³ Similarly, one judge explained how court judges often received applications directly, and he helped applicants to prepare submissions. He explained that he was fully aware that this constituted a conflict of interest, but he did it to enable citizens “to know their rights and to apply the laws helping them to establish justice.”⁷⁴

In such actions, judges were assigned important obligations in circulating understandings of basic rights of citizenship through society, and they were expected to alter social perceptions of government and reinforce attachments between citizens and government. Through the broader package of reforms, judges have been expected to perform multiple roles, which often cross the divide between educational and judicial functions. This means that the social functions assigned to judges have expanded beyond the realm of pure legal interpretation. They are required not only to take responsibility for the administration of justice, but to offer educational provisions that link the legal system with society—that is, they are expected to produce justice and knowledge about justice at the same time.

In these points, legal education has assumed a multivalent position in the wider reform process in Uzbekistan, and legal education is constructed and promoted as a complex center of norm diffusion. On one hand, legal education has been expanded to enhance the formal authority of the law, as more lawyers are trained and qualified to administer justice. This reflects the broad reformist policy to increase the formal authority of institutions and separate public interactions from private practices. Yet, on the other hand, legal education is utilized to transmit legal values into society by relatively informal means, and judges are committed to strengthening legal consciousness in society, to enhance common understandings of law. In this, as part of law’s formalization, the educational acts of judges lead the law away from strict judicial procedures, and they place law in the lifeworld of individual citizens to encourage them to seek access to it.

Observable in this is a distinct and illuminating variance from models of educational reform identified in standard bodies of sociological research. At the center of this process is an intense, twofold reliance on the legal system as the center of social integration. As discussed in chapter 1, the integration functions of the legal system can be seen in the specific security dimension of society, as the legal system is used to generate patterns of citizenship to support the government in

consolidating its security functions, at least partly related to the military system. In this regard, the legal system helps to consolidate a domain of citizenship more typically constructed by the security system. However, this status of law as a functional proxy is also evident in the fact that after 1991, the role of education in constructing patterns of association to support the newly independent state was curtailed, and social integration via education was implicitly challenged by religion. As mentioned, this created a specific disjuncture between the political system and citizens, in which citizenship roles were not deeply institutionalized. This necessarily had security-related implications, as it meant that social trust in institutions was low and institutions were primarily stabilized against internal actors. In this context, after 2016, legal and educational reforms were promoted together to remedy this situation. However, legal reforms acquired intersystemic importance in this process, as legal actors internalized a dual integrational role, being required to both increase the quality of citizenship through law and increase the quality of citizenship through education. This dual function combined elements of legal formalism and legal informality in a distinct manner, as judges promoted the deformalization of law through education in order to heighten its formal authority.

REFORMS IN LEGAL EDUCATION: GLOBAL MEETS LOCAL, FORMAL MEETS INFORMAL

To some degree, the distinctive importance of legal education in Uzbekistan can be explained as part of a process of world-cultural alignment, as judicial practices and legal education have been reformed through reference to the same global norms. As mentioned, in numerous acts of legislation, international treaties have been cited as sources of norms to determine the implementation of legal reforms, and international influence is particularly evident in legal education.

At the level of high politics, politicians have signaled increased commitment to the recognition and the implementation of human rights in domestic law, a commitment underlined through interactions with the United Nations. For example, the first Asian Forum on Human Rights was organized in Samarkand in November 2018. This meeting concluded with the signing by all participating states of the Samarkand Declaration. In this, signatory states acknowledged the importance of civil society and underlined their willingness to work with independent organizations, such as the National Human Rights Institutes, to monitor human rights compliance in their countries. This declaration had particular significance for judicial policies as, in point 12, it stressed the need to improve the administration of national justice systems, including law enforcement agencies, prosecutors, independent judicial bodies, and the institutions required to serve the legal profession. It defined such reforms as “essential for the full and non-discriminatory realization of human rights.”⁷⁵ The Declaration was then communicated to the UN General Assembly in early 2019. Crucially, this Declaration placed particular

emphasis on legal education, stressing the need, at the general level, for “training and public awareness on human rights.” All signatory states signaled their resolve to “direct training to the full development of human personality and to the strengthening of respect for human rights and fundamental freedoms.” As a result, the states that signed this declaration made a commitment, in point 19, to “include human rights, humanitarian law, democracy, development and social justice in the curricula of all educational institutions of formal and informal education.” It was projected that such provision of human rights education would cover “all strata of the population, including all categories of civil servants, judicial, law enforcement, local self-government officials and civil society representatives.” Educational and legal policies were further combined in 2022 policy frameworks, as in December 2022, when the UN Global Forum for Human Rights Education was held in Uzbekistan. This event attracted participants representing the European Union, the Council of Europe, and the Organization for Security and Cooperation in Europe. This forum was arranged to mark the tenth anniversary of the UN Declaration on Education and Training in Human Rights (see Mihr 2023b: 35).

At the same time, the singular importance of legal education in Uzbekistan cannot be explained solely in terms of international obligations. On the contrary, the promotion of reform in legal education is a process in which the legal system has been placed on new premises, and its primary functions in society have been both altered and widened. These transformations of the legal system can be seen in different ways.

First, as discussed above, reforms in legal education are intended to create the basis for a legal order in which citizens are able and willing to direct legal claims more consistently toward official bodies, through formal procedures. As examined, a primary objective behind the policies is to reinforce the status of constitutional law and establish more robust, reflexive attachments between citizens and governmental institutions.

Second, this function of legal education is defined against a social background in which prior to 1991, the division between the formal legal system and everyday legal experience was pronounced. Under the Soviet legal system, legal education had both a formalist and transformative emphasis. Soviet law was concentrated in a judicial system that was centrally controlled in Moscow, and it was superimposed on preexisting legal structures, often still rooted in sharia law. Initially, Soviet law was devised as part of a strategy of radical cultural transformation, or “normative revolution” (Massell 1967: 167), and it was enforced to eradicate existing social relations. The Soviet system was, of course, based in Russian law, and legal hearings served to embed a non-Indigenous normative and linguistic order in societies subject to the Soviet Union. Moreover, legal education in the Soviet Union was primarily state-centered with a strong doctrinal emphasis, which ensured that the application of law was aligned to systemic prerogatives. In these circumstances, education closely mirrored classical positivist models of legal

tuition, serving to centralize and unify the legal system. Lawyers, once trained, were posted in mandatory fashion to local, regional, and central law enforcement bodies (Aziz 2019: 35). As a result, legal education reflected the wider imperatives of Soviet education. Judges were required to act as transmitters of Soviet culture, and one of their tasks was to eradicate alternative legal orders from societies forming part of the Union. In 1928, a decree, “On Crimes Constituting the Relics of the Tribal Order,” was enacted by the Soviet government. This supplemented the Soviet Criminal Code and was applied to the non-European minorities in the Soviet Union. As mentioned, Soviet ethnicity policies changed over time, and this was reflected in education and legal policies. However, legal education was enduringly construed as a means to transplant Soviet law into society.

In this environment, recent reforms in legal education in Uzbekistan have been promoted as a means to overcome the historical abstraction of the legal system. It is widely observed that one reason for the persistent use of informal mechanisms for settling legal disputes is that the legal system originated in the Soviet period, such that, traditionally, citizens were uncomfortable seeking legal redress in formal judicial bodies.⁷⁶ Accordingly, legal education is used to increase law’s effective legitimacy. As mentioned, judges are expected to engage in legal education in order to informally distribute shared legal consciousness through society, such that the law is made familiar to citizens and attached more closely to everyday social practices. As such, law and education are fused to detach subjects in society (citizens) from primary lateral connections, and law is strategically deformed to connect citizens more closely to the state.

In addition, third, it is difficult to understand recent reforms in legal education in Uzbekistan without considering the role of religion and its relation to law and education. Following the above account of secularism in the Uzbek polity, changes in legal education can be interpreted as parts of a social design that is intended to reconstruct secularism on less authoritarian foundations and overcome the disjuncture between state and citizens caused by the political antagonisms attached to religion. Indicatively, the expansion of legal education during the reform period has been flanked by changes in attitudes to the teaching of Islamic law, as rules governing tuition in Islamic law in universities have been liberalized and the scope of such teaching has widened. As stated, the basic commitment to secularism has remained untouched; the 2021 law on freedom of conscience still prohibits the inclusion of religious disciplines in nonreligious education (art. 8). However, lecturers are now free to refer to Islamic law in regular parts of the law syllabus, and they are permitted to explain how private law, civil law, and constitutional law converge with the moral principles of Islamic law.⁷⁷ Moreover, lecture material used by foreign professors is not vetoed on religious grounds, and English-language publications on political Islam are often visible in staff offices. These developments have been flanked by the broader liberalization

of religious rules in educational settings. For example, students are allowed to say prayers on campus, and since 2021 the wearing of some religious attire, such as hijabs, is officially permitted.

To be clear, it needs to be emphasized here that these principles are not uniformly applied. In Andijan, female students have been obliged to tie headscarves with a “knot at the back” or have been removed from classes, and oversight of Islamic shops has increased. In June 2024, authorities began fining people for covering their faces in public. In Andijan, a woman in a burqa was fined 1 BRV (340,000 soums) under article 184–4 of the Administrative Code, even though the law prescribes fines of 10–15 BRV. It would be illusory to claim that government measures had fully liberalized religious practice.

In the educational context, however, the broadening of legal education has coincided with some increased tolerance toward Islam, as legal knowledge is constructed through procedures that do not fully negate religious values. In this regard, legal education is intended to resolve a deep problem of Uzbek history: It is expected to attach citizens to the state by promoting shared value orientations clearly separate from religion, yet latently marked by religious dispositions. In other words, legal education is introduced in part to overcome the institutional separation of government and citizens caused by repressive secularism. In this focus, the legal reforms in Uzbekistan have an important position on the overall spectrum of societies with predominantly Muslim populations. Manifestly, the reforms do not mean that Uzbek institutions resemble any tradition of Islamic constitutionalism, in which sharia law is directly articulated in constitutional texts. Yet, in attempting to elevate the immediacy of the individual attachments between citizens and state, the reforms associate the preconditions of effective legal secularism with a softened approach to religion. The promotion of such attitudes is attached to legal education providers, both in law schools and the judiciary.

In this complex constellation, reforms in legal education in Uzbekistan have acquired great significance in citizenship formation, traditionally shaped by security imperatives. In each of these points, the convergence of legal reform and educational reform represents a new method for strengthening bonds between citizens and society. As discussed, both before and after 1991, education and law both performed security functions of a classical type, and both were, in part, turned against their addressees as objects of securitization. However, over time, such intense securitization yielded poor results, with low vertical integration of citizens remaining a salient social phenomenon. In recent years, the security functions of both law and education have been remodeled. Central to this is the internalization of educational functions in the law, such that law radiates legal and educational values through society to integrate citizens more fully in formal institutions. This requires a reenvisioning of citizenship, as law and education combine to produce a domain of citizenship in a context where the typical effects of militarism and

education were limited. At one level, law and education combine in a fashion that is typical of authoritarian legal systems, as judges assume extended monitoring functions in society. Yet, this process also creates a softer security system, in which institutions are sustained through increased social trust.

These processes are strongly evidenced in interviews conducted with judges and court users. Indicatively, one interviewee, formerly a lawyer, signaled that the entire reform process had a strong educational dimension for all implicated actors. He observed that it was only in the post-2016 period that lawyers themselves acquired an understanding of public law, and the normative form of citizenship. He explained that until the reforms began, most lawyers “were really inexperienced in taking cases in administrative law,” and because of this, “the public also did not know about administrative law and that is why many people were unwilling to approach the court when their rights were violated by public officials.” He continued: “Lawyers are only now understanding the true meaning of administrative law, but still many lawyers do not have enough experience to be able to protect their clients. Even I can say that we still have a shortage of lawyers specialized in administrative law—there is a huge gap in the market.”⁷⁸ On this account, the reform process took place on an uncertain axis between education and law finding, and all participants in administrative litigation were engaged in an educational process, which contributed to widening the reach of the legal system in society. By implication, the construction of public law as a distinct legal domain presupposed a collective educational endeavor. In parallel, one judge reflected that “citizens are not fully aware of the administrative courts, or of public law in general. Even lawyers who come to the court do not have a full understanding of the true nature of the administrative courts.”⁷⁹

Importantly, as mentioned, judges assume roles that fall between classical judicial roles and educational functions, and they are expected to visit communities outside the courtroom and to provide guidance on questions of public law to members of the public and the legal profession. One interviewed judge provided an account of the “mahallabay system,” in which judges were required to work “in fields and mahallas” and participate in meetings arranged by judges, the Ministry of Justice, and the *hokimiyats* (mayors’ offices) to offer guidance to citizens about the current laws and government policies.⁸⁰ In some cases, judges assisted citizens in making and even submitting claims. Although such duties are conceived as part of a general strategy for raising legal literacy and consciousness across society, they have a particular focus on identifying and defining questions of public law, with the aim of promoting knowledge of disputes subject to public law. One judge described how he had devised a “working action plan” containing duties that he was obliged to perform on top of his regular court hearings. This plan involved “organizing field trips to different mahallas” and “talking with mahalla leaders to identify the problems and concerns that the people of that mahalla have with public officials.” In addition, it involved participation in meetings with “residents of

the mahallas in the mahalla building to provide free legal consultation and to help them to file the application to the court on their case.”⁸¹ As discussed in chapter 4, judicial visits to mahallas have particular relevance for questions of legal secularism, as they associate formal law and official legal education with more traditional legal understandings.

As described above, the educational role allotted to judges had, in part, the effect of cementing knowledge of the legal system as a more strictly rule-bound set of organizations, and it placed relations between citizens and government on more formal premises. To realize this, however, judges were expected to abandon strictly formal approaches to law and to engage in informal acts of facilitation, as a means to reinforce the authority of law in the minds of citizens. The results of this were reflected by actors at different points in the reform process. For example, one interviewed judge noted that the reforms had had a discernible impact “on enhancing the legal cultures of citizens and spreading the word about the existence of the administrative courts so that citizens approach us if they have any issues with the public servants or their decisions.”⁸² Illuminatingly, other court users noted the increased formalization of the legal process, both positively and negatively. One applicant stated that he had had no knowledge of public law before he was advised to submit an application by his lawyer. However, he spoke approvingly of the fact that “the court has to decide the case by using the law, and not using social norms and networking.”⁸³ Other court users described the formalizing effects of the reforms in more disparaging terms, stating that before the reforms, it had been easier to solve their legal problems through personal contacts. One interviewee reflected that, before the reforms, “we could just directly talk to the officers in the tax office or the cadastre and fix the problem, but now everything is online and “the proceedings such as mine need more time to be fixed.”⁸⁴ In each instance, it was noted that the social position of the courts had been altered by the reforms, and the increased promotion of legal education had detached the legal system from personal interests. Of course, this was not a uniform experience, and many court users still complained about administrative corruption. However, primary perceptions indicated a decline in judicial corruption. One interviewed lawyer stated that “the judges in the administrative courts are not corrupt—this I know for sure. So far, I have never heard that someone bribed the judge in the administrative court. The judges I know from the administrative court always keep distance from lawyers such as myself, even if they are friends with each other. You will never see those judges and lawyers sitting around the same table in the restaurants or chaykhanas. I think this is a positive change in the judiciary that we are observing these days as lawyers.”⁸⁵

On each of these points, the position of judicial actors in Uzbekistan underwent a complex change, and the educational duties of judges altered both the social perceptions and the effects of law. Partly through their educational roles, judges transmitted legal knowledge into society. This was expected to contribute to the relative

formalization of legal procedures and bring heightened distinction and legitimacy to the law, linking citizens to the government and reinforcing trust in it across society. In these actions, however, judges were required to separate the law from purely positivist understandings of legal authority, partly inherited from the Soviet period, and engage citizens more directly with the law in their lived environment. In this regard, the pathway to constructing a social perception of the law as a formally legitimated sphere of interaction between government and citizens was an intrinsically informal process, in which the formal legitimacy of positive law depended on modes of knowledge standing outside the law. The legal education of the population was conceived to instill both formalism and deformalization in the law, and education and law formed a hybrid set of practical norms to give effect to law's formal integrational functions. Indicatively, in many cases, judges were expected to visit mahallas and explicate principles of public law and state liability in settings previously used for issuing legal rulings and guidance of an informal nature. In these ways, the fusion of education and law was adapted to the particular form of social structure in Uzbekistan, in which, traditionally, neither law nor education on their own had performed strong integrational functions.

The informal educational aspect of the court process is also observed in different ways by different actors. For example, court users often reflected on the simplicity of access to justice. One applicant stated that her court experience "was very pleasant," noting that the judge "listened to me carefully without interruption, he explained to me the court rules politely, and he also provided free translator service."⁸⁶ In other hearings, the attempt to reduce the Soviet-style formality of legal hearings had clearly beneficial consequences. A different female applicant stated that during the hearing she had been "shaking because I was nervous since I was born during the Soviet era and we saw judges in a different way [in] those days." However, she observed before her own hearing that the "judge was polite to applicants," which helped her to overcome her "fear of the judge and the court" and changed her attitudes toward the "judicial system in a positive way."⁸⁷

In contrast, some legal professionals observed the educational functions of judges in less sanguine terms. Interviewed judges themselves reflected critically on receiving applications directly from applicants, even in cases where the judge could also eventually act as trial judge. One judge noted that he took on such work because he wished "to support state policy for increasing citizens' legal culture and legal awareness about the reforms," and he wanted "citizens to know their rights and to apply the laws helping them to achieve justice."⁸⁸ In a case discussed below, a different judge explained how visits to "mahallas and other public events to find the citizens who are facing administrative issues" sat uneasily with his legal conscience, as he viewed such activities as threatening the integrity of the judicial office.⁸⁹ Strikingly, some interviewees commented on the physical risks posed to judges by their duties in the field of legal education and the informal provision of justice. One interviewed lawyer stated that it "is quite risky for

the judges to travel to those places far from the city for mobile hearings,” as such hearings were often affected by conflicts between applicants and respondents. This often meant that “judges quickly get in the car after reading their decision in the field hearings” because “the courtroom turns into a battlefield with violent physical threats,” and the local police force (*uchstkovi*) was required to be present at mobile hearings.⁹⁰

At each point, reforms in the legal system in Uzbekistan interact with the education system in distinctive fashion. On one hand, reforms in education are closely linked to legal reforms, and legal education is promoted to reinforce trust in law. On the other hand, the educational role of judges means that judges mediate between formal and informal understandings of law, and they are expected to build knowledge of public law through hybrid means, so that the educational element of this work fuses formal understandings of law and informal legal practices. Prominent in this, at a sociological level, is the fact that judges acquire a simultaneously judicial and educational role in policies for citizenship construction. That is, judges assume a dual position in circulating norms to link citizens immediately to public institutions, and they use hybrid formal/informal legal instruments to achieve this.

One salient factor in these processes, as mentioned, is that both law and education stand in a particular relation to religion, and, in central respects, both education and law have been reformed in order to redefine the societal role of religion. As indicated, the reforms have been flanked by increased protection for religious freedom, especially in the domain of education. Indeed, the construction of law as a more fluid medium that attaches citizens to the state necessarily changes the political structure of society that was cemented after 1991. In central points, the new construction of law is intended to create a normative order that, while retaining a strong commitment to secularity, draws some legitimacy from the civil practices of citizens, or at least recognizes that law not informed by everyday practices will lack experiential legitimacy. This can be seen as a strategy to augment the legitimacy of law. But it can also be seen as a tentative strategy to alter the legal position of religious belief and integrate religious practice into the sources of law's authority, placing secular law in a less hostile relation to religion. As examined below, indicatively, one innovation of the reforms is that they promoted the integration of mahallas in the formal legal order, as judges are expected to work with mahallas and spread legal consciousness among religious groups. In such processes, the transfer of law's authority onto rights-based foundations appears as a technique to increase the authority of law among religious bodies and even to connect law with religious consciousness. Indeed, the attempt to raise the perceived quality and legitimacy of law reduces the probability that religious organizations will claim legitimacy outside the law. As one example, a leading imam recently expressed derogatory views about women in an online forum, and he was suspended because of online protests against his opinions. The decision

to suspend him was supported by the muftiate, providing evidence of increased acceptance of secular law among religious groups. Although not strictly a legal case, this decision was induced by rights-related mobilization.

CONCLUSION: LAW, EDUCATION, AND THE SECURITY NEXUS

The above analyses indicate that recent reforms display a powerful emphasis on law and education, in which, frequently, legal and educational practices are integrally interlinked. At face value, both of these processes are supported by a tendency toward internationalization. Yet more fundamentally, reforms in both domains support the reinforcement of national citizenship, as they expand shared norms into society and produce webs of citizenship that traverse formal and informal social and institutional practices. In both domains, the reforms appear as responses to deep-lying structural challenges, resulting from the educational history of Uzbekistan, prevalent patterns of secularism, and ingrained experiences of imperialism.

At the same time, the use of legal and educational reform to promote changes in the structure of citizenship is not neatly separable from security imperatives. As discussed in chapter 1, the deployment of legal reform in Uzbekistan to establish trust-based societal foundations for public institutions forms part of a complex security landscape, where more consensual modes of citizenship are identified as essential for national security. The fusion of legal and educational functions in the judicial apparatus can be interpreted as a distinctive step in this process of revised securitization. The combining of legal and educational roles is intended to attach political institutions more tangibly to actors in society and cement institutions in more organic constructions of social obligation. This forms a way of configuring vertical attachments between citizens and government. As discussed, this is perceived as a vital element of the revised national security system. In particular, this aspect of the reforms demands a revision of the security system concerned with religion. Recently, the reforms have been accompanied by (tentative) measures to increase religious liberty, so that the state has become more rule-bound and constitutional at the same time that society has experienced an increase in religious freedom. In this respect, the constitutional reforms are flanked by policies to reduce religious tension and diminish the appeal of anti-secular expressions of Islam by weakening the repressive nature of secular government and elevating the perceived legitimacy of the law. Inherently, this reflects the sense that reforms that encourage citizens to use the law can detach them from religious milieux and attachments in managed procedures. In so doing, they are expected to strengthen the authority of government by establishing individual linkages with citizens. In principle, such integration through law does not require declarations of legitimacy that force individual citizens to renounce belief patterns outside the political domain. Instead, it

constructs legitimacy by abstracting and protecting certain aspects of individual life, around which the government communicates immediately with citizens, and it allows the partial, controlled expression of social identities in other parts of life. The expansion of legal and educational roles to embed law more deeply in society necessarily requires a partly revised attitude to Islam, and it admits some pluralism in the sources of law's authority. As mentioned, the reforms are expected to build a legal apparatus that reinforces security by connecting law with informal values in society, such that the disjuncture in law that expressed the Soviet legacy can be partly overcome. The extension of legal and educational roles thus appears as part of a process to increase state security by channeling existing social practices into law and converting common social attitudes, rooted in religion, into more formal bonds of citizenship. In this last regard, tentatively, the extension of legal and educational roles can be seen as one step toward the reconfiguring of Islam as a civil doctrine or a set of practices that support secular government.⁹¹

Legal Pluralism and Path Dependencies

INTRODUCTION

In the preceding chapter, it was indicated that legal formalization in Uzbekistan follows a distinctive pathway. In the classical model of formalizing legal reform, the organization of the legal system around principles of positive law brings society into closer convergence around the state, and residues of informal law are driven into marginal social spaces. This has been widely diagnosed as a central characteristic of postimperial societies.¹ In central respects, Uzbekistan differs from this common pattern, and its legal order cannot be explained through a simple dichotomy between formal and informal law. On the contrary, legal formalization preserves and relies on some elements of deformalization, and the use of law to promote vertical integration means that elements of pluralism survive in the legal order. This chapter explores the resilience of pluralistic legal cultures in Uzbekistan and their interaction with recent administrative law reforms. It presents a distinct analysis of ways that formally promoted sets of individual rights merge with understandings of law and obligations rooted in community-based legal cultures. In this, it shows, specifically, how the Islamic legal culture, tied to the social norms and traditions of mahalla institutions whose origins lie in the pre-Soviet era, affects the reception of new legal principles. This chapter contributes to the broader discussion of legal pluralism in contemporary society, taking Uzbekistan as a case study to demonstrate how societies combine formal legal structures with enduring pluralism.² This analysis is then developed further in chapter 4, which argues that common models of pluralism are not always adequate for explaining postimperial legalities.

To achieve these goals, this chapter includes a brief historical overview of mahalla institutions, and it uses ethnographic data to throw light on mahalla-based legal culture. Through this approach, it provides a historically informed analysis of path dependencies in Uzbekistan, illustrating the interplay of three legal cultures—Soviet, Western, and Islamic—in the Uzbek legal landscape. It also assesses the persistence of moral codes and social norms associated with informal and nonlegal economic practices, and examines the extent to which informal law has been influenced by legal reforms. Empirically, this chapter presents findings resulting from fieldwork conducted in the Fergana, Tashkent, and Bukhara regions of Uzbekistan between 2021 and 2022, which generated ethnographic material on mahalla legal culture. In addition to ethnographic data, the chapter also draws on interviews with citizens and legal professionals to investigate manifestations of embedded legal consciousness in Uzbek society.

UZBEKISTAN'S LEGALLY PLURALISTIC SOCIAL FABRIC

Since gaining independence in 1991, Uzbekistan, like other newly independent post-Soviet countries, has become a “laboratory” for experimenting with various global (i.e., primarily Western) initiatives aimed at promoting good governance and the rule of law. In the independence period, Uzbekistan’s political leadership announced its strong commitment to promoting democracy, the rule of law, and a market economy in line with international (Western) standards and norms (Karimov 1993).³ As discussed above, these processes accelerated significantly in 2016–17, following the appointment of Shavkat Mirziyoyev as president. Such official declarations, in turn, were reflected in institutional and legal reforms, which included the creation of a new Western-style constitution, the establishment of legal channels for communication between the state and citizens, and the subsequent partial alignment of Uzbekistan’s domestic legislation to international norms. Alongside this, as part of a nation-building strategy, the Uzbek leadership made it clear from the early years of independence that while adopting international norms and institutions, Uzbekistan’s governance and legal system would also draw on its centuries-old (pre-Soviet) institutions and traditions (Karimov 1993).

More than three decades have passed since Uzbekistan began its nation-building journey. However, many commentators now contend that the country has made limited progress in implementing international (Western-style) norms and structures, and many of its legal and governance institutions are perceived as possessing little more than a superficial or symbolic reality.⁴ Indicatively, Uzbekistan has regularly been ranked as one of the most corrupt countries in the world according to Transparency International’s Corruption Perceptions Index.⁵ Global indicators of the rule of law, democracy, and state capacity, such as the World

Justice Project's Rule of Law Index (2023) and Freedom House's Democracy Index (2023), consistently portray Uzbekistan as a paradoxical "strong-weak state." That is, it is classified as a state that is strong in terms of its use of surveillance and coercive social control, yet that is weak in the implementation of the rule of law and the maintenance of good governance. In other words, the Soviet-era legal and governance traditions that relied heavily on punitive measures and surveillance persist in the practices of state institutions and actors, while the rule of law and the judiciary remain unconsolidated, with the application of laws and regulations being selective and arbitrary.⁶ This suggests that Uzbekistan's legal system appears to conform to a "Western" model when viewed from the "law in books" perspective—when it is analyzed with a focus on its written laws and regulations. However, it appears to conform to the "Soviet" model if examined from the "law in action" perspective—if attention is paid to how laws are interpreted and actually applied by Uzbekistan's legal institutions and authorities. Accordingly, it is possible to discern the influence of two predominant legal orders shaping Uzbekistan's legal landscape at a macro level: Western and Soviet legal cultures.

In addition, another normative order shaping Uzbekistan's legal landscape is Islamic legal culture, which can be visualized at the meso- and microlevels of society. Despite Soviet legal interventions and the attempts of post-1991 governments to limit the influence of Islam as a political and legal force, Islamic values and principles still play a strong role in shaping people's daily behavior. This can be observed in the ways people rely on, enact, and reproduce customary norms, religious practices, values, and principles that originate in Islam. The enduring presence of Islamic legal traditions can be attributed to Uzbekistan's Muslim majority and to its significance as the historical "heartland" of three independent states, which, until the 1920s, were based in sharia law—namely, the Khiva and Kokand Khanates and the Emirate of Bukhara.

In this regard, Uzbekistan mirrors other Muslim-majority societies. It is widely documented that Islam often constitutes a secondary legal order, assuming effect outside government-dictated legal structures. Illustratively, Drechsler (2013) contends that one of the most significant factors influencing state-society relations in Muslim-majority countries is Islam, regardless of whether the state is secular. Social scientists examining Muslim societies have often demonstrated that everyday interactions are imbued with moral significance when viewed through an Islamic frame.⁷ These insights suggest that Islamic legal culture is manifested not only in religious rituals and prayers, but also in the flow of everyday life and the common fabric of social interactions. Indicatively, Maria Louw (2007: 22) has conducted extensive anthropological fieldwork in Uzbekistan to illustrate how Islam serves as a significant marker of identity, as a foundation for morality, and as a resource for everyday problem-solving, particularly in light of the state's failure to provide livelihoods for its citizens. Research that shifts focus from statecentric interpretations of the law to ethnographic examinations of everyday life and the social processes reveals that

Islam forms a parallel legal order in Uzbekistan, significantly influencing actions and decisions of individuals in day-to-day situations (Urinboyev 2023).

After more than seventy years of Soviet rule and decades-long exposure to global (i.e., Western) processes of norm diffusion since 1991, Uzbekistan's legal landscape represents a unique amalgamation of Islamic, Soviet, and Western legal traditions. As discussed, the ruling political elite in Uzbekistan remains largely secular, influenced by the country's Soviet history and its ongoing integration into the global (Western) community. However, a significant segment of Uzbek society displays strong adherence to religious values, traditions, collectivism, and norms surrounding family and kinship.⁸ The everyday social order at the meso- and microlevels of Uzbek society—including social positions, familial gender roles and hierarchies, kinship groups, and community structures—is largely determined by religious and collective values, in which elder people typically make the key decisions regarding family and community life (Kandiyoti and Azimova 2004: 328). This suggests that many values inherent in “collectivistic culture,”⁹ including collective identity, emotional dependence, in-group solidarity, and reciprocal duties and obligations, are essential features of Uzbek culture. These characteristics are especially crystallized when we observe daily social interactions in the mahalla—a centuries-old Islamic self-governance institution in Uzbekistan, which warrants particular attention in analysis of Uzbek legal culture.¹⁰

These observations imply that an adequate examination of legal and governance reform trajectories in Uzbekistan is not possible if it does not take into account mahalla/community-based legal culture, which is anchored in Central Asia's Islamic past and administrative traditions. The sections below illuminate how recent reform processes are shaped by and interact with this cultural background.

UNDERSTANDING ISLAMIC LEGAL CULTURE

Before presenting the history, evolution, and importance of mahalla institutions, it is essential to give an overview of the key pillars of Islamic legal culture. In this regard, the following statement by Al-Farabi (870–950 CE), a prominent political philosopher of the Islamic Golden Age, encapsulates the fundamental attributes of administrative and communal values in Islam:

By nature, every person's life is organized in such a way that for his own existence and achievement of the highest perfection, he needs many things that he cannot provide for himself alone. He needs a certain community that can provide each individual with things from the common good. That is why it is only through associations of many people helping each other, where each provides another with some share of what is necessary for existence, that a person achieves that level of perfection to which he is destined by nature. The activities of all members of such a community collectively provide each of them with everything that they need to exist and achieve perfection. (Al-Farabi 1972: 303)

His assertion reflects the Islamic legal-cultural ethos, which prioritizes values serving collectivism, mutual support, and communal/social responsibility, features of ethical life that are observable across Muslim societies. His statement also aligns with the concept of *tawhid* (oneness), a fundamental Islamic paradigm positing a holistic view of existence.¹¹ In this paradigm, society is perceived as an intricate network of interconnected social structures, integrating individuals, institutions, families, and political, cultural, and ethical practices.

Although Islam has been very flexible in its adaptation to local cultures and social circumstances across various Muslim societies (Hummel 2019: 30), its holistic nature has, in different regions, cultivated similar and consistent administrative practices and legal cultures, which are rooted in collectivist and religious orientations (Samier 2017: 60). This interconnectedness suggests that in Muslim-majority societies, material and spiritual pursuits are intrinsically linked. In particular, as examined further below, this indicates that in Islamic cultures, all actions bear religious significance, and strict divisions between the secular and the religious domains are not easily established or identified (see Mahmood 2006: 248–49). Active engagement, ethical conduct, and social responsibility in all life spheres, including public administration, are seen as religious acts and as enactments of faith (Ali 1998). Consequently, Islam places particular emphasis on ethical conduct and social responsibility in the realm of community life, business, and governance, which itself acquires religious valence because of this (Halstead 2007: 284). Much research has shown that in Muslim-majority societies, Islamic values serve as a unifying force in all social domains, acting as “an integrating framework” for different spheres.¹² Moreover, research has also demonstrated that these values form a “moral filter,” shaping organizational and management policies (Rice 1999: 346). From this perspective, Islam provides a holistic framework and general way of life, encompassing spiritual beliefs, cultural values, and ethical guidelines applicable to governance and administration (Kalantari 2005: 129; Egel and Fry 2017: 78). The limited propensity to functional differentiation in societies shaped by Islamic values is discussed further in chapter 4.

In consequence, the values, attitudes, and behaviors of people in Muslim societies, across both formal and informal domains, are predominantly rooted in collectivist and religious tenets. While Western societies typically prioritize individual autonomy and nuclear family structures, Muslim cultures exhibit strong collectivist tendencies.¹³ These are normally characterized by communal values of neighborliness, in-group loyalty, interdependence, and mutual assistance. Individuals living in these collectivist contexts can expect support from extended family or the wider community in exchange for adherence to religious and social norms. Owing to this understanding, as Kalantari (2005: 131) observes, many societal problems in Muslim societies are attributed to the prioritization of individual desires over collective well-being, resulting in a disregard for the rights of others.

Islam cautions against such self-centeredness, as it distorts judgment and fosters corruption within governance.

The above observations indicate that Islamic legal culture can be viewed as a living tradition and a general way of life in Muslim societies, which is evident in people's reasoning, moral judgment, choices, decisions, and behavior. However, in societies that have a secularist governance system, these processes are not easily discernible when analyzing the operation of norms used by formal legal institutions at the macro level. Given the dominance of Western paradigms, traditional Islamic institutions and practices often gain expression in practices at the grassroots level, coexisting with the larger state legal apparatus created by the state in meso- and microlevel arenas. These grassroots-level structures may function informally, yet—despite this—they significantly influence daily life and contribute to social order.

ISLAMIC LEGAL CULTURE AND THE MAHALLA

As indicated, Uzbek society can be viewed as a clear example of a collectivist legal culture, where collective identity, duties, and obligations are accorded greater importance than individual autonomy. This collectivist character is evident in the ways that community life and social relations are organized around the mahalla tradition.¹⁴ In Central Asia, neighborhood communities are described by a range of terms, including *mahalla*, *guzar*, or *qavm*. Among these, mahalla is the most commonly used term, particularly in Uzbekistan (Geiss 2001a: 97). The word originates from the Arabic word *mahali*, meaning “local” (Noori 2006a: 15). In contemporary Uzbekistan, mahalla typically refers to a residential neighborhood community that unites its members through shared traditions, language, customs, moral values, and the reciprocal exchange of money, material goods, and services (Urinboyev 2013: 42). Most Uzbeks identify themselves through their mahalla. For instance, when asked where they live, an Uzbek will often reply, “I live in mahalla X” (Noori 2006a: 14). This implies that everyone in Uzbekistan is technically part of a mahalla community. Today, there are more than 9,500 mahallas in Uzbekistan (Urinboyev and Eraliev 2022: 5), and each ordinarily consists of 150 to 300 households or families (*ho'jaliklar/oilalar*), whose daily life and social relations are regulated by the mahalla leadership, which holds a wide range of formal and informal powers and responsibilities (Dadabaev 2012: 154).

Extensive research has been conducted on life conditions in the mahalla, examining its historical context and administrative transformations throughout the pre-Soviet, Soviet, and post-Soviet periods.¹⁵ Although scholarly approaches and interpretations of mahalla vary, researchers concerned with mahalla are confronted with one common dilemma when they try to capture its precise nature. As Eric W. Sievers (2002: 103–4) observes, this arises from the fact that “mahallas are

neither regionally uniform nor static, nor are the types of public goods available to mahalla residents.” Furthermore, he argues that mahallas have undergone centuries of change, influenced by the rise and fall of empires and the arrival of new ethnic groups or tribes. Considering these historical shifts, Sievers suggests that any analysis of the mahalla in modern Uzbekistan must account for its evolution during the Soviet and pre-Soviet periods. Therefore, before the role of mahalla in shaping citizens’ legal culture in contemporary Uzbekistan is discussed, a brief historical overview of pre-Soviet (Islamic) and Soviet mahallas is necessary.

Pre-Soviet Mahallas

The origins of mahalla institutions in Central Asia can be traced back to the pre-Mongol period, specifically the eleventh or twelfth centuries, during Central Asia’s Golden Age, when Turko-Muslim dynasties such as the Seljuk Empire, Kara Khanid Khanate, and Khwarazmian Empire ruled (Sievers 2002: 104–11; Starr 2013). Pre-Soviet mahallas typically comprised communities of several hundred people, organized around Islamic law (sharia), rituals, and social events (Geiss 2001a: 98–99). It was common for many mahallas to have a *hovuz*, an open pool of water, particularly when a stream or canal did not run through the neighborhood.

Many mahallas developed along professional lines, specializing in trades such as metalworking, music, or food production. Some mahallas had an ethnically exclusive character—for example, there were Jewish or Arab mahallas in Bukhara (Sukhareva 1976). However, ethnically homogeneous mahallas were rare in medieval Central Asia, as their ethnic composition was influenced by factors such as intercommunity marriages, economic conditions, and the hiring of mercenaries for security (Sievers 2002: 108). Olga Sukhareva (1976), a Russian anthropologist who specialized in studying mahallas in medieval Bukhara, notes that mahallas had their own mosque, teahouse (*choykhana*), bazaar, cooking areas, water supplies, cemetery, and other facilities, which were only accessible to their residents. Due to their close proximity to the people, mahallas formed channels through which charitable institutions (waqfs) delivered services to the most economically vulnerable groups in society. From this perspective, studying pre-Soviet mahallas helps us understand the history of community-based service provision and security building in medieval Central Asia, highlighting how common goods were distributed through mahallas and waqfs, while the state played a very restricted role in service provision (Sievers 2002; McChesney 2014).

As Paul George Geiss (2001a: 97) notes, the governance of pre-Soviet mahallas was rooted in Islamic values and traditions. The mosque was the most important public space in the mahalla, serving as a hub where residents gathered daily, exchanged news, and made communal decisions. Devotion to Islam and adherence to Islamic law were essential prerequisites for attaining full membership and belonging in the mahalla. Hence, people earned full membership and acceptance by actively participating in communal and religious activities and leading

an Islamic lifestyle. This suggests that the mahalla was not solely a community of relatives; individuals from different areas, professions, and ethnic backgrounds could acquire a home and, consequently, the status of a resident and full member, provided they contributed to communal activities and lived according to Islamic principles. Geiss (2001a: 101–2) explains that the evolution of mahallas into such inclusive, neighborhood-based structures was largely driven by the Islamization of Central Asian societies and the growing influence of Islamic law in mahalla governance. This shift gradually diminished the importance of kinship and tribal affiliations within mahalla communities.

Traditions and norms (*urf-odatlar*) surrounding lifecycle rituals and community celebrations were strictly observed in the daily life of the mahalla. As Geiss (2001a: 99) again explains, all mahalla residents were expected to participate in and contribute—either financially or materially—to mahalla-based lifecycle rituals and ceremonies, such as circumcisions, weddings, and funerals. This rule applied even to those temporarily residing in the mahalla, as membership was based not on kinship, but on residency. Consequently, family feasts, circumcisions, marriages, and funerals involved the participation of all mahalla residents. These practices demonstrate that group solidarity within the mahalla was primarily sustained through residency and neighborhood relationships rather than kinship ties or ethnic affiliation. As such, the mahalla has historically formed one of the few traditional institutions that effectively united diverse social groups by fostering a common identity grounded in shared residence (Dadabaev 2013: 182).

The imam (or mullah) and the *oqsoqol* (literally meaning “whitebeard,” referring to the leader of the mahalla) played pivotal roles in the administration of the community, offering guidance and direction to local residents. The imam acted as the religious leader, providing spiritual and religious counsel to the mahalla residents, while the *oqsoqol* was responsible for matters of day-to-day governance. His duties included collecting taxes, providing welfare to needy families and orphans, resolving disputes, maintaining order and security within the mahalla, overseeing the upkeep of the water and irrigation infrastructure, and organizing communal ceremonies and celebrations. The *oqsoqol* did not have coercive power to enforce compliance, but he exerted significant influence over the behavior of residents through traditions, social norms, and collective public opinion. He also relied on his personal charisma and authority as a community leader (Sievers 2002: 111). The *oqsoqol* was elected by the residents, often with the imam’s assistance in the mosque. To be chosen for this role, a candidate was expected to come from a reputable family, demonstrate personal integrity, and possess wealth. These qualities enabled the *oqsoqol* to maintain his influence and authority in the mahalla. In cases of disputes, whether internal or external, mahalla residents would typically turn to the *oqsoqol* for peaceful conflict resolution. Given the *oqsoqol*’s respected position and authority, no mahalla member could easily disregard his advice or decisions. Therefore, the *oqsoqol* was not only a representative of the community

but also a mediator, representing the mahalla's interests both internally and externally, including interactions with government authorities (Sievers 2002: 111; Geiss 2001a: 98).

Soviet Mahallas

With the onset of Soviet rule in Central Asia, Soviet policymakers promoted numerous interventions aimed at dismantling religious and traditional structures. As Sievers (2002: 112) explains, these interventions were driven by the belief that only a uniform set of institutions across the USSR could create the supranational "Homo Sovieticus." These policies brought to an end many traditional and religious structures, such as nomadism, sharia courts, mosques, and waqf institutions. In implementing these measures, the Soviet government targeted various religious and traditional practices, replacing them with state-run courts, schools, hospitals, and public baths. Despite this, mahallas formed an exception to such strategies of enforced modernization. There were serious concerns in Soviet government circles that attempts to eliminate mahallas would lead to social unrest. Recognizing that mahallas were at the heart of Uzbek social organization and a central locus of power, the Soviet government slightly varied its approach in regulating them. Instead of dissolving mahallas, the regime introduced a series of laws and policies aimed at co-opting and integrating them into the Soviet administrative system. Reflecting a typical colonial-style approach to governance, Soviet policymakers were content to allow mahallas to retain their traditional features as long as they supported the Soviet regime and ideology and secured compliance with imperial rule.¹⁶

These developments had significant consequences for the role and autonomy of mahalla institutions. While Soviet-era mahallas retained the same name as their medieval counterparts and appeared similar on the surface, they had been fundamentally transformed and performed entirely different functions (Sievers 2002). After the Tsarist colonization, pre-Soviet mahallas had preserved a certain degree of autonomy in relation to the administrative structure of the Moscow-based government, but under the Soviet regime, they became instruments for disseminating state ideology (Abramson 1998: 2). As Dadabaev (2013: 185) notes, mahalla-based social spaces such as choykhanas became specific targets of Soviet administration. Since residents gathered daily in these social spaces, Soviet authorities attempted to convert them into "red choykhanas" by introducing special reading corners filled with magazines, books, and posters in various languages and scripts (Roosien 2021: 480–81). Additionally, Soviet authorities established a "women's group" in each mahalla, tasked with addressing women's issues and encouraging the adoption of new, more Soviet lifestyles. To further maintain control and enforce law and order, Soviet authorities set up several parastate organizations, including the "neighborhood watch" and "comrade courts." These functioned as extensions of the police and public prosecutor's office (neighborhood watch) and the courts (comrade courts) inside the mahallas (Dadabaev 2013: 185).

A further significant administrative intervention was the establishment of a Soviet assembly and executive committee in different cities and districts, which had responsibility for implementing state resolutions at the local level. Under the direct control and jurisdiction of these executive committees, a mahalla representative body was formed. Each mahalla representative was required to report to the executive committee once or twice a month, detailing how they carried out assigned tasks and instructions. Although the official role of the mahalla committee was to facilitate dialogue between mahalla residents and Soviet authorities, it functioned in practice as an extension of the Soviet administration at the local level. In establishing these structures, Soviet authorities sought to shift power from religious and traditional figures to the district-level executive committees (Dadabaev 2013). This shift was formalized by a legal framework to regulate mahallas adopted in 1932, which set a template for the mahalla's dual role in surveillance and state service delivery.¹⁷ The 1932 legislation assigned a range of administrative functions to mahallas, including collecting fees and taxes, promoting women's emancipation, assisting with military recruitment, supporting local schools, distributing state funds, aiding local government in service delivery, and registering marriages, births, and deaths. These tasks, typically handled by governmental institutions in modern states, were delegated to mahallas under Soviet rule.

As a result of such extensive state regulation, the nature of everyday life and social relations within mahallas was significantly altered. These interventions weakened the capacity of mahallas to provide welfare, public goods, and means for dispute resolution. While pre-Soviet mahalla residents primarily depended on their mahalla and waqf for access to public goods and expected almost nothing from the state, by the late Soviet period, mahalla residents had come to view the state as the primary provider of education, healthcare, water, environmental protection, and law and order (Sievers 2002: 126). One distinctly adverse consequence of these interventions was the rise of legal nihilism—that is, the disposition among mahalla residents to show suspicion and distrust toward the Soviet regime, its laws, and its policies, particularly concerning the mahalla committees established by the authorities (Dadabaev 2013: 184). The *oqsoqol*, once a respected community leader, was co-opted by the Soviet system and became a symbolically elected figure, whose appointment was strictly controlled by the local Communist Party apparatus. The mahalla committee offices often resembled typical Soviet buildings, adorned with Soviet symbols and portraits of Soviet leaders (Sievers 2002: 113). Consequently, mahalla committees functioned as direct extensions of the local Communist Party branch (Noori 2006a: 40–41).

Despite this, it should be noted that the Soviet interventions did not completely eliminate the traditional and religious structures of the mahalla. On one hand, these interventions led to the creation of formal mahalla committees, which operated on behalf of the state and assisted local government bodies in maintaining law and order and delivering public services. Yet, on the other hand, mahallas proved

to be resilient institutions, managing to preserve many of their informal features. This resilience was evident in the emergence of covert strategies, such as the informal election of *oqsoqols* and imams, the holding of secret funerals, and congregation prayers (*jamoat namozi*) in private settings, as well as the maintenance of informal dispute resolution practices rooted in traditional authority (Abramson 1998: 1–2; Sievers 2002: 111–12). In one study of Soviet-era mahallas, Dadabaev (2013: 195) highlights that both an official and an unofficial mahalla often coexisted in the same locality during the Soviet period. However, despite their shared geographic location, these two types of mahallas differed markedly in terms of how they allowed residents to participate in local governance activities. Unlike the official mahallas, which functioned as subunits of the Soviet executive committees and local government, the unofficial mahallas remained relatively autonomous, focusing more on community concerns and needs. They organized mutual support and welfare activities based on moral and religious values. Nonetheless, these unofficial mahallas kept a low profile due to the Soviet regime's intolerance in matters related to religious and traditional practices.

Post-Soviet Mahallas

With the formation of an independent Uzbekistan in 1991, mahallas became a key focus of concern in the country's policymaking circles. Virtually all major reform initiatives at the time involved mahallas in some capacity. Uzbek authorities presented the mahalla to both the general public and the international community as a distinctly Uzbek, Indigenous form of self-governance, which could serve as a foundation for building civil society in Uzbekistan (Karimov 1993). During the transitional period, mahallas were granted a new legal status with the adoption of the "Mahalla Law," officially the law "On Institutions of Self-Government of Citizens" (September 1993). This new statute conferred stricter legal status on some of the mahalla's informal functions; it incorporated them into the public administration system, such that mahalla activities were subject largely to regulation by state law. Under this law, mahallas were tasked with a broad range of administrative responsibilities. These included monitoring residents' religious practices, preventing divorce, distributing state subsidies and bank loans to low-income households, assisting law enforcement in curbing drug and alcohol abuse, creating jobs, supporting mahalla-based small businesses (*mahallabay tizimi*), and rehabilitating former prisoners.

From a legal perspective, in its current form, the mahalla is defined as an institution for the self-governance of citizens, responsible for representing the interests of residents before state institutions. From 2021 to 2023, the Uzbek authorities implemented several policies to further expand the administrative duties of mahallas. By 2023, they introduced a new measure called the *mahalla yettilik* (mahalla seven) system, which established a new local governance structure for all 9,361 mahallas in Uzbekistan. Under this system, seven state-salaried

officials oversee daily life in the mahalla: (1) the mahalla chairman; (2) the hokim/governor's assistant; (3) a women's activist; (4) a youth leader; (5) a crime prevention/police officer; (6) a tax officer; and (7) a social protection specialist. This increase in the number of state officials, along with the expansion of their administrative responsibilities, underlines the fact that mahallas have effectively become subunits of the local state administration (*hokimiyat*) throughout Uzbekistan. As a result, some postindependence legal interventions appear to form a continuation of Soviet-era policies, vertically integrating mahallas into the public administration system.¹⁸

Nonetheless, despite attempts by the Uzbek authorities to assimilate the mahalla into the domain of public functions, they have continued to preserve some of their traditional character. They still serve as places where people connect through shared (Islamic) values and customs, and where the informal exchange and mutually beneficial distribution of money, material goods, and services takes place. This fact is not typically noted in the sociological research on the mahallas. With few exceptions,¹⁹ much of the existing research has restricted its view to the "formal/official" mahalla system governed by the Mahalla Law.²⁰ This focus is understandable, given the coercive nature of the regime in Uzbekistan, which uses surveillance and social control to regulate the activities of the formal mahalla. However, the state's influence and coercive mechanisms have limited effect in shaping the micropolitical operations that occur at the level of the informal mahalla. As a result, it is reductive to view mahallas solely as the "eyes and ears" of the state. On the contrary, mahallas are dynamic institutions that continually adapt to the changing sociopolitical environment. As Dadabaev (2012: 161–64; 2013: 195) has highlighted, even during the Soviet era, mahallas retained some authentic (pre-Soviet) self-governance functions, centered around a network of residents engaged in information sharing and voluntary mutual support. In consequence, when examining the impact of the Uzbek government's legal and political interventions in the mahalla, it is essential to distinguish between the "formal" and "informal/Islamic" aspects of the mahalla. The formal mahalla operates in accordance with the Mahalla Law of 1993 and subsequent legal acts and decrees issued by the president and the Cabinet of Ministers. By design, it functions as an extension of the state within local communities, and it largely serves as a mechanism of social control, acting as a sub-unit of local government. In contrast, the informal mahalla adheres to Islamic values and principles, representing the interests of residents by collectively mobilizing to provide alternative welfare provisions and services in areas where the state has withdrawn from such functions.

This distinction is critical for analyzing the Islamic legal culture and its interplay with the formal laws of the state in contemporary Uzbekistan. Indeed, awareness of this distinction makes it possible to interpret recent reforms from a complex perspective and observe how they take effect in different environments. The importance of this distinction is particularly evident when we adopt

an ethnographic perspective to observe everyday life in mahallas: that is, when we examine people's perceptions of justice and fairness, their understanding and uses and/or avoidance of formal legal channels, and the moral lens through which they interpret their actions and events. Such ethnographic research on Islamic legal culture offers invaluable insights for understanding current legal and governance trajectories in Uzbekistan. It also sheds light, more generally, on the broad intersection of religion, governance, and legal culture in Muslim-majority societies that, like Uzbekistan, have secular governments.

MAHALLA LEGAL CULTURE AND ATTITUDES TOWARD STATE LAW

To reinforce the historical descriptions set out above, the sections below present some indicative examples of mahalla legal culture. The ethnographic material to support these examples was collected from the Fergana region of Uzbekistan, in a mahalla we refer to as "Karvon," which comprises 120 households (*oilalar*) and a population of over 1,500 people. At the time our fieldwork was conducted, Karvon mahalla was governed by both a formal leader (*rais*, elected according to the Mahalla Law) and an informal leader (*oqsoqol*, informally elected by mahalla residents). Alongside the *oqsoqol*, the imam (a religious leader) also played a crucial role in the everyday governance of the mahalla, offering religious and spiritual guidance and leading religious rituals. In Karvon mahalla, the main public spaces were the *guzar* (village meeting area), *masjid* (mosque), *choykhana* (teahouse), *gap* (regular gatherings), and lifecycle events such as weddings, circumcisions, and funerals. These social spaces served as places where residents met daily, serving as key arenas for local politics, where norms were constructed, negotiated, and reshaped through rumors, gossip, and reciprocal relationships. At almost any time—morning, afternoon, or evening—it was common to find ten to fifteen male residents gathered in the *guzar*. In contrast, women's socializing and information exchange typically took place in the streets or inside households.

Daily conversations in the Karvon mahalla primarily revolved around economic challenges, remittances, gas and electricity shortages, and lifecycle rituals. Such conversations provide a repository of information about common attitudes to the government, making it possible to observe recent reforms from a ground-level perspective. Through our observations of the residents' lives, it became evident that many citizens felt and identified a growing disjuncture between the official proclamations of the government regarding reform policies and everyday reality, and this often formed a point of criticism. As the state in contemporary Uzbekistan no longer provides jobs and all-encompassing social protection, many residents expressed the view that the state was virtually absent in their normal lives. Complaints about the high cost of healthcare, unemployment, inflation, and declining public services were common. In the residents' view, many

of these economic difficulties were attributable to widespread corruption in the upper levels of government. As a result, few mahalla residents benefited directly from the reform programs launched in 2016. Instead, many households in Karvon continued to depend heavily on remittances sent by their family members working abroad in countries like Russia, Kazakhstan, Turkey, and South Korea. In addition to such payments, residents relied on social safety nets and mutual aid practices in their extended families and mahalla networks. These practices acted as a buffer for many residents, helping them meet their basic needs and access goods, services, and social protection that the state failed to provide. These mahalla-based mutual aid practices fostered strong moral and emotional bonds, enabling residents not only to meet their material needs, but also to engage in social interactions and participate in everyday events. Islamic welfare values and principles played a crucial role in mobilizing these mutual aid practices.

During our fieldwork in Karvon mahalla, it was striking how Islamic values and sensibilities shaped everyday social life, acting as a moral and regulatory framework, and how perceptions of public institutions were separated from formal law. This was particularly tangible in the ways in which residents interpreted the behavior of state officials, distinguishing between “good” and “bad” civil servants, based on the extent of their accountability to the community. When discussing corrupt officials, they typically referred to those who used their “oily position” to enrich themselves without sharing any of their wealth with the mahalla. However, civil servants who remained accountable and generous toward the community were not perceived as corrupt, even if their willingness to enrich themselves illegally was indisputable. The moment officials distanced themselves from the people and failed to show accountability to the locals, they were viewed as part of the kleptocratic elite, removed from the community. This distinction revealed how mahalla residents differentiated between what they saw as “good corruption” and “predatory or kleptocratic practices.” They were fully aware that nearly all state officials were corrupt and regularly “on the take.” However, because the state had failed to secure its legitimacy in the everyday lives of residents and its officials, the residents felt no moral obligation to comply with state law. In their view, state officials should “steal with a conscience,” meaning they should share part of their ill-gotten wealth and political influence with the wider community.

The case of Ahmadboy, a mahalla member and director of a state-owned factory, serves as a telling example of this dynamic. Ahmadboy was the wealthiest resident in rural Fergana, with his family owning luxurious houses, expensive cars, over thirty hectares of land, and numerous other properties—far beyond what most civil servants, even high-ranking ones, could afford in contemporary Uzbekistan. It was widely acknowledged in rural Fergana that he could not have accumulated such wealth without engaging in corrupt practices. Despite this, Ahmadboy was well-loved and respected by many people in the community. According to numerous locals we spoke with, Ahmadboy was not viewed as self-centered, unlike

many greedy and selfish state officials. He shared his income generously with both his family and the wider community. This earned him the title of *taqsir*—a term locally used to address highly respected state officials, wealthy individuals, and religious leaders. When poor families faced urgent medical expenses or were short of food during the cold winter months, they often sought help from Ahmadboy, rather than turning to the local government, which was supposed to meet these basic needs. It was not unusual to see four or five people waiting outside his home as early as 6:00 a.m., hoping to be invited in for assistance. In essence, Ahmadboy's home functioned as an informal welfare agency, where needy villagers could seek support. Additionally, Ahmadboy funded the hajj pilgrimage for more than seventy mahalla residents. When we asked residents if they considered him a corrupt official, many responded with irony, saying, "Tell us, who doesn't 'take' these days? Who follows the law?" They acknowledged his corruption but distinguished him from other state officials whose wealth was considered *harom* (unlawful under sharia law). They reasoned, "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 earnings are *halol* (lawful under sharia law)."

Ahmadboy's case provides an example of an alternative legal order in rural Fergana, where certain illegal transactions are viewed as morally acceptable and *halol*. These observations suggest that state law had limited presence in day-to-day reality for many people in the region, as social relations and daily interactions were governed by informal norms that outlined separate standards of acceptable behavior. In this context, moral constructions were not easily quantified in terms aligned to formal law. As a result, state law was in conflict with the "living law" of the mahalla where we conducted fieldwork. From a legal standpoint, Ahmadboy's actions would be classified as corruption and illegality according to the Uzbek Criminal Code. However, in the eyes of the local community, Ahmadboy was seen as a good Muslim who generously shared his wealth with poor families. Residents recognized that Ahmadboy could not have accumulated such wealth or provided assistance to needy families if he had strictly adhered to state law and relied solely on his official salary. Yet, they interpreted his actions through a religious lens, using religious terms such as *halol* and *harom* to justify his practices. Although the local community's interpretation of what constitutes a "good state official" and a "good Muslim" did not perfectly align with the principles of sharia law, their constructions of acceptable behaviors invoked *halol/harom* binaries—concepts rooted in Islamic law. This reveals the presence of Islamic legal culture in meso- and microlevel social arenas in Uzbekistan, showing that a parallel moral order exists alongside more formal legal imperatives.

Such empirical examples from rural Fergana illustrate important patterns of path dependency, shaping society in different dimensions. The mahalla-level perception of corruption resembles conditions from Soviet Uzbekistan, particularly the concept of a "two-level mentality," where people outwardly displayed loyalty to

the system while privately ensuring that their interests and needs were met through alternative means. In this setting, many individuals publicly endorsed ideas and behavioral norms that they had not internalized, and which conflicted with their personal attitudes toward state law; this gave rise to a widespread phenomenon that has been observed as a “second society.”²¹ Despite the fact that Uzbekistan acquired independence in 1991, governance and law enforcement methods still bear a strong resemblance to Soviet-era practices. Just as the Soviet regime intervened in mahalla and community life, as well as people’s private affairs, Uzbek authorities continue today to employ analogous governance techniques, aimed at co-opting and integrating the mahalla into the public administration system. In response to this state intervention, ordinary people have developed attitudes typical of legal nihilism, viewing the state, its policies, and its laws with suspicion. They perceive state laws and policies as an externally imposed normative order that fails to address their needs and concerns. As a result, people tend to rely on mahalla-based practices, guided by Islamic values, communal norms, and reciprocal relationships, to address their problems and meet their needs. The coexistence of these formal and informal systems highlights the complex relationship between mahalla legal culture and state law, where the latter often struggles to gain full legitimacy in the eyes of ordinary people.

ADMINISTRATIVE LAW REFORM AND CHANGING LEGAL CULTURE: CONDITIONS IN POST-KARIMOV UZBEKISTAN

To many Western analysts, human rights watchdogs, journalists, entrepreneurs, and scholars concerned with Uzbekistan, Karimov’s quarter-century rule was marked by severe political, economic, and moral repression. His regime was characterized by the harsh suppression of free speech, relentless persecution of political opposition, widespread human rights abuses, high unemployment, rampant corruption, and the near-impossibility of conducting ethical business in the country.²² Domestically, however, Karimov maintained a certain degree of legitimacy as Uzbekistan’s first president, as he was widely credited with preserving political stability and interethnic harmony during the 1990s. During this period, as discussed, neighboring Kyrgyzstan and Tajikistan experienced violent ethnic strife and civil war.

However, patterns of governance, state-society relations, and people’s legal culture have undergone considerable changes since Mirziyoyev became president in 2016. Given that Mirziyoyev had served as prime minister for thirteen years under Karimov, there was an expectation both inside and outside the country that he would simply continue his predecessor’s repressive authoritarian policies. Yet, in contrast to early pessimistic predictions, Mirziyoyev soon openly acknowledged the failure of the Karimov-era governance practices, and he presented himself

to the local population and the outside world as a reformer. As discussed, he expressed an eagerness to open up the tightly closed country, curb systemic corruption, and attract foreign investors to a largely underexploited Uzbek market. Under the Karimov government, it was nearly impossible for citizens to express their critical views and challenge arbitrary decisions and actions of state institutions and officials. Unlike his predecessor, Mirziyoyev launched an ambitious reform program, reflecting Mirziyoyev's stated notion that "the state should serve its citizens, not vice versa." Most discourse on Uzbekistan's post-Karimov governance trajectories, both domestically and internationally, responded favorably to Mirziyoyev's reformist agenda. In his inspirational reformist speeches, Mirziyoyev expressed his commitment to dismantling the governance practices of the Karimov era. He emphasized the need to liberalize the economy, promote good governance and the rule of law, establish an efficient, transparent, and accountable public administration system, and encourage greater involvement of citizens and locally elected officials (deputies of the *kengash*, the local legislative body) as key agents of accountability.

As discussed, these official proclamations were laid out in two documents—namely, a decree "On the Approval of the Concept of Administrative Reform in the Republic of Uzbekistan,"²³ and another "About the Strategy of Actions for Further Development of the Republic of Uzbekistan."²⁴ More specifically, as mentioned above, the 2017–21 Development Strategy emphasized the following five main pillars of reforms: (1) improving the system of public administration; (2) ensuring the rule of law and further reforming the judicial system; (3) developing and liberalizing the economy; (4) developing the social sphere; and (5) ensuring security, religious tolerance, and interethnic accord, pursuant to a balanced and mutually advantageous and constructive foreign policy. In December 2022, the administrative reform agenda was further expanded with the adoption of the "Development Strategy of New Uzbekistan for 2022–26."²⁵ This identified seven priority areas for development, with a particular focus on policy measures aimed at promoting good governance and upholding the rule of law.

As analyzed above, one of the most noteworthy features of these post-Karimov administrative reforms was the promotion of measures to increase administrative accountability and facilitate legal communication between citizens and government. Amid the raft of reform policies, this entailed the establishment of an online "President's Virtual Reception Portal" (September 2016), which allowed citizens to voice grievances, lodge complaints against corrupt or dishonest state officials, and offer policy recommendations directly to the president's office. During its initial four months of operation (beginning on January 24, 2017), the portal received over 409,000 complaints and proposals from citizens, of which 334,000 were considered and processed.²⁶ Subsequently, these e-governance initiatives were expanded, as all ministries and state agencies launched their own

online reception portals. Additionally, the government introduced *halq qabulhonalari* (people's reception houses)—that is, reception offices, located in all regions of Uzbekistan, where citizens could register administrative complaints, providing a further avenue of legal communication for citizens to engage directly with the government. The culmination of these governance and legal reforms was the introduction of administrative courts across Uzbekistan. As discussed, a number of legislative acts were adopted between 2017 and 2022, which paved the way for the establishment of these courts.²⁷ Among these legislative acts, the president's decision of January 2022 provided particularly concrete guidelines regarding the role and responsibilities of administrative courts.²⁸ It specifically assigned the following key functions to these courts: (1) to protect the rights and legal interests of citizens and business entities in their interactions with state bodies and ensure the rule of law; (2) to conduct administrative court cases following the principle of "active participation of the court," whereby administrative courts are required to collect evidence to ascertain the true circumstances of a case; (3) to create conditions for citizens or business entities, whose rights have been violated, to participate in the collection of evidence.

The introduction of these formal lines of legal exchange between state and society has had a significant impact on the legal culture of Uzbek citizens. Our fieldwork reveals that ordinary citizens are now actively engaging in strategies of legal mobilization. During Karimov's rule, citizens rarely approached the formal legal system, instead relying on informal and nonlegal methods to address their grievances—a practice interpretable as *legal mobilization outside the state and outside the formal legal system*. However, the legal reforms since 2016–17, combined with the growing influence of social media in everyday life, have altered patterns of legal mobilization in Uzbek society. This shift in legal culture is evident in the words of the rais of a mahalla committee we interviewed in rural Fergana in July 2024:

People have become very spoiled since Mirziyoyev became president. Of course, the president's policies are correct, no doubt. But many people are now abusing the legal opportunities. No matter how much help you offer or how many problems you solve, people always seem dissatisfied. If you refuse to fulfil their demands, they quickly report you to the authorities, the court, or the prosecutor's office, often accusing the mahalla chairman of giving state social assistance to his acquaintances. In many cases, they write directly to the president's portal. During Karimov's times, people didn't make such complaints so frequently or cause as much frustration. Now, with the expanded freedoms and rights, every minor problem is taken to the court, the prosecutor, or the president's portal. As a result, the prosecutor often summons us [mahalla chairmen] to their office and scolds us in front of the person who filed the complaint against us. Even if you, as a chairman, are contributing positively to the state, the prosecutor will still scold and shame you in front of the person who filed the complaint. The prosecutor doesn't seem to care about the background of the

individuals complaining—whether they are a productive member of the mahalla or if their behavior is appropriate. The prosecutor's only concern is that we, as mahalla chairmen, are responsible for ensuring the satisfaction of mahalla residents.

This interview excerpt illustrates that mahalla-level power dynamics and the legal culture of citizens are undergoing change. Typically, the performance of mahalla committee chairmen is assessed by the extent to which they are able to solve issues within the community. When mahalla residents seek recourse via the prosecutor's office or the courts, it usually indicates that the mahalla chairman has failed to adequately address the needs and concerns of the community. As a result, mahalla chairmen have a vested interest in discouraging citizens from turning to the formal legal system, which in turn may place a stigma on litigation using formal legal means. This, in turn, undermines the effectiveness of state policies and sustains the reliance on informal law and practices in daily life. However, the introduction of the president's virtual reception portals has significantly mitigated this barrier. These portals allow citizens to file complaints against state officials without the need for physical visits to state institutions, including courts. As a result, there has been a notable increase in citizens' legal mobilization and claims-making through formal legal channels.

A further relevant example involves an administrative court case in which citizens collectively litigated against the hokimiyat in one of the districts of Tashkent. The court case, heard in September 2022, centered on the election of a mahalla chairman. The applicants, who were residents of the mahalla, alleged that the election results had been falsified and that the hokimiyat was involved in this electoral fraud because of its vested interest in the budgetary funds allocated to the mahalla chairman for social events and community development. In other words, mahalla residents believed that by appointing their own representative as mahalla chairman, officials at the hokimiyat aimed to "take their *dolya* [share]" from the state funds allocated for the mahalla's social development. Before turning to the administrative court, mahalla residents, represented by five active members, attempted to resolve the dispute internally, hoping to elect a representative loyal to the mahalla rather than to the hokimiyat. Since the mahalla residents collectively rejected the elected candidate and demanded a new election, the judge ruled in their favor. The mahalla residents we interviewed had mixed feelings about the post-Karimov legal reforms. On the one hand, they expressed growing trust in the judiciary: "We feel the positive influence of these legal reforms in our lives. The judge's favorable decision built our trust in the administrative courts." On the other hand, their attitudes toward the hokimiyat were largely negative: "By seeing how hokimiyat officials falsified the documents concerning the rais election in our mahalla, we have less and less trust in the hokimiyat staff in our district."²⁹

In general, most of the sixty administrative court cases we observed during our fieldwork revolved around the complaints of citizens regarding the actions and

decisions of the cadastre office, the department of state assets management, the hokimiyat, and the state pension fund, specifically related to land, property, and pension issues. Citizens also turned to the administrative courts when they felt dissatisfied with decisions made by the tax office, traffic safety enforcement service, police, debt enforcement bureau, public services center, and the city department of ecology and environmental protection. Additionally, we observed twelve court cases in which businesses or entrepreneurs challenged the actions and decisions of the hokimiyat, tax committee, state assets management agency, cadastre office, and debt enforcement bureau.

Across all these spheres, we noticed pronounced changes in patterns of legal mobilization. It was evident that ordinary citizens had begun to move away from “outside the law” strategies for finding justice and settling disputes, engaging more actively with the formal legal system. Despite this, administrative litigation was still a new practice in the Uzbek legal system, and it created confusion, inconsistencies, and ethical dilemmas in the work of administrative courts. As mentioned, many judges and lawyers we interviewed voiced these concerns, as reflected in the following extract from an interview with the judge of a district administrative court:

Let me walk you through the process from the moment citizens approach our court with an issue. We, the judges, spend our time in shifts on the first floor of the building, where we personally receive the applications. It’s not handled by any other court staff—only the judges. Technically, this isn’t entirely appropriate because the case we receive at the reception might later be assigned to me again since cases are randomly allocated among the judges. However, we do this because many citizens don’t know how to properly write an application [*ariza*], what documents they need to provide, and many do not hire a lawyer.

We take on this extra responsibility of receiving applications at the reception because we want to support the state’s policy of increasing the legal culture of citizens and their awareness of the reforms. Our goal is to help citizens understand their rights and apply the law, ultimately aiding in the pursuit of justice. I view this as a form of support for the policy initiatives led by our president.³⁰

As discussed in chapter 2, in addition to providing legal assistance to citizens during their court visits, administrative court judges are now also engaged in broader social engineering work, intended to shape and build the legal consciousness of citizens. Such duties, importantly, include visiting mahallas to dispense legal advice. One judge explained how judges were required not only to “work in the office, but also to engage in community legal aid work, organizing visits to various mahallas within our district.” He described how, during such trips, judges would meet with mahalla leaders “to identify the issues and concerns residents have with public officials,” and after such discussions, they would “hold meetings with residents in the mahalla building, offering free legal consultations and helping them file court applications if necessary.”³¹

Some of the interviewed judges expressed their concerns about such engagement in policies for building legal consciousness, as they perceived that these activities may affect the trust of citizens in the administrative court. This apprehension was expressed by a judge sitting on an interdistrict administrative court:

Legal reforms are positively influencing the legal culture of citizens. People are gradually learning about the role of the courts, and they are beginning to approach us to assert their rights. We visit *mahallas* and other public events to identify citizens facing administrative issues and assist them in filing cases in court. However, personally, I believe this is not a good practice. As judges, we should not be responsible for raising legal awareness or working on improving citizens' legal culture. This is a task for the Ministry of Justice. Involvement in such activities contradicts international law, judicial ethics, and the principle of judicial independence.

Consider the scenario where I introduce myself as a judge during a mahalla visit, listen to a citizen's problems, and help them file a legal case. If that citizen later loses in court, they might blame me for making a mistake during the application process, potentially eroding their trust in the court system altogether. Another issue arises if the case I assisted with is later assigned to me as a judge. In the citizen's eyes, I would no longer appear neutral, further damaging trust in both the court and the judiciary.

Thus, while following state policies and promoting legal awareness as judges, we risk violating the basic ethics and laws concerning the court's role in the state. It is essential to maintain judicial independence and avoid activities that could compromise public confidence in the judiciary.

In such cases, a new intersection appears between the sphere of formal law and more informally embedded legal practices and expectations. One outcome of the reforms is that they reduce the functions of the mahalla, as they integrate mahallas into a system of public accountability, created by increased individual litigation. In this respect, the encouragement of litigation among particular citizens is meant to achieve what, before 2016, simple coercion had not achieved—to limit the importance of informal law and ensure that traditional organizations operated within boundaries set, vertically, by the state. However, at the same time, the conflict between moral understandings embodied by mahalla and formal legal practices has not vanished. On the contrary, the defining path dependency shaping legal experience in Uzbekistan is reexpressed, in new form. As shown above, Uzbekistan's legal reforms have made considerable progress in enhancing the legal awareness of citizens and increasing their participation in the formal system. Yet, this has been realized through policies that have partly erased the separation between judicial responsibilities and public legal education efforts. Currently, judges play an important role in promoting legal knowledge through community visits and consultations. However, this approach requires that judicial communications be translated into informal legal language, and, as such, it risks compromising judicial independence and public confidence in the courts. Hence, these strategies appear to have a double-edged nature. On one hand, they encourage citizens to

renounce informal practices and engage with the formal legal system as individual actors. On the other hand, legal formalization brings persistent informality; individual legal subjects do not exist in a form and with a legal understanding that is fully separate from their communities, and attributes of legal subjectivity have to be instilled in them.

Overall, this means that in practice, the reforms undermine some fundamental principles of the rule of law and judicial independence. As discussed in chapter 4, moreover, the introduction of routinized legal procedures in society has not simply eradicated informal, religiously inflected patterns of legal behavior. On the contrary, much evidence suggests that the increased access to law has followed a dialectical pattern. The reforms have created openings in which traces of Islamic legal culture reappear, in slightly altered expression, such that a new configuration of Islamic law and formally imposed legal practices is a visible feature of society.

FUTURE PROSPECTS AND REFORM TRAJECTORIES

It is now over eight years ago that Mirziyoyev assumed the highest political office in Uzbekistan. The opening up of the previously closed country and the announcement of an ambitious reform program produced widespread optimism and affirmation. Today, however, academic and policy circles have voiced mixed reactions to various post-Karimov developments. Some commentators have provided optimistic accounts, asserting that the new Uzbek leadership's reform agenda promotes economic development and political liberalization, thereby creating dialogue and trust between the state and citizens (Bowyer 2018; Sever 2018). In December 2019, *The Economist* published the following observations: "Shavkat Mirziyoyev . . . has astonished and delighted his citizens with his enthusiasm for reform. The question now is how far and how fast he will dare to go."³² Nonetheless, as discussed, other commentators called for more cautious optimism, stating that the post-Karimov developments in Uzbekistan are in essence a form of authoritarian modernization mainly oriented toward promoting economic growth and effective governance and attracting foreign direct investment.³³ Such commentators argue that current transformations in Uzbekistan cannot be viewed as a political reform project. Instead, the reforms are viewed as a transition from a heavily repressive to a softer form of authoritarianism, akin to a hybrid political regime.

Our observations of public policy developments in Uzbekistan since 2016 suggest that while the new government has made progress in several areas, Mirziyoyev's reform efforts have had the most tangible effects in the spheres of military and economic policy. Although legal reform initiatives, such as virtual reception portals and administrative courts, appear promising on paper (from the "law in books" perspective), many seem paradoxical in practice. Since 2017, economic and social inequality has further increased, with wealth concentrated among political elites and business figures connected to high-level state officials, while

unemployment and social inequality have worsened for the general population, particularly in rural areas. There is a widespread perception that the government's economic modernization and development programs primarily benefit a privileged few, rather than the broader population and ordinary citizens.

These developments have already had significant repercussions for public trust in the Mirziyoyev-era governance and legal reforms. At first glance, one might conclude that the post-Karimov reforms fostered critical thinking and new patterns of citizenship in Uzbek society, particularly as more ordinary citizens increasingly engage with the formal legal system. However, the widening gap between the government's official proclamations and the everyday realities on the ground has led to the continued reliance on informal norms and practices. For this reason, the historical path dependency linked to the construction of simultaneous legal orders remains tangible, and confidence in state law is offset by residual dispositions. Hence, in examining Uzbekistan's current political and legal landscape, two parallel and contradictory tendencies become apparent. On the one hand, the loosening of legal restrictions that defines the post-Karimov period has been welcomed by many, leading to a certain degree of free speech and unprecedented access to the formal legal system. On the other hand, elite-level corruption has significantly increased, and governance and legal reforms remain poorly implemented.

These post-Karimov societal expectations and sentiments are reflected in information that we obtained during ethnographic work. Everyday anecdotes, personal stories, statements, and rumors we gathered during informal conversations with interlocutors from both urban and rural areas of Uzbekistan gave expression to views of this kind:

Laws work only when they are needed. Only those laws that match the interests of the state, people at the top or law enforcement authorities are enforced without any delay. But when it comes to the freedom and rights of ordinary people and society, laws are rarely enforced.

Laws do not regulate state and society. Laws are mainly used to deceive society. If the rules of the game are not within the framework of the laws, the energy of the nation will not focus on development, but on cheating each other, corruption, and creating monopolies. We are making more and more powerful and numerous laws, but the situation is becoming more and more controversial. Because the laws do not work.

Each nation has its own quality. The quality of Uzbek society is that we have fully mastered living by unwritten rules.

If everyone is religious and pious, corruption will stop by itself. Therefore, the government is doing everything possible to reduce the influence of Islam on society and the public administration. Only Islam can help us combat corruption.

These statements show the persistence of a "two-level mentality" in post-Karimov Uzbekistan,³⁴ where people publicly support reform initiatives while privately

questioning their authenticity, continuing to safeguard their interests through alternative and informal means. They also reflect people's belief in Islamic ideals of justice, which are perceived as more effective in addressing corruption and government inefficiencies. As official reform proclamations have limited application in everyday life, there is a growing tendency, particularly among religious groups in the Fergana Valley, to view Islam as an alternative source of justice.

In light of the growing economic and social inequality in Uzbekistan, one possible inference is that the hopes and trust ordinary citizens placed in the reform agenda may dissipate if the promises are not translated into tangible results. The current regime appears trapped by the expectations it created with promises of systemic reforms and economic modernization, which have not been fully realized due to its reluctance to implement political liberalization. The administrative reforms remain largely unfulfilled. The bureaucratic culture from the Karimov era, organizational inertia, and entrenched kleptocratic practices continue to influence governance. As the gap widens between Mirziyoyev's reform rhetoric and the realities on the ground, the current government risks facing the same legitimacy crisis that eventually undermined Karimov's regime. A system of vertical citizenship may have been partly effected through legal designs. But in reality, its force is always limited, and it coalesces with other normative orders.

Law and Religion in Uzbekistan

Secularization: A Judicial Path

In the above analyses, the government in Uzbekistan is exposed to a distinctive problem of legitimation, partly created by its challenging regional security context. On one hand, the government has promoted new constitutional patterns of social integration, using increased access to law to thicken interactions between citizens and government and to stabilize social support for institutions. This policy has been implemented in a society where a large majority of citizens are Muslims, with deep traditions of dissociation from the governmental order. Yet, at the same time, the existing ethic of repressive secularism has only been marginally relaxed. Paradoxically, this means that the government has sought to expand the social premises of its legitimacy without extracting legitimacy directly from primary convictions among the citizens on whose dispositions it relies. As mentioned, the ingrained path dependency of an Islamic society under a secular state is reproduced in everyday legal behavior. Multiple modes of legality exist alongside the laws of formal citizenship, and the construction of citizenship requires some accommodation of ingrained legal attitudes.

This path dependency touches on a perceived neuralgic point in many Islamic societies, as Islamic legal understandings are often seen, essentially, as conflicting with the formal law of secular nation states. The recent reforms raise legal and legitimational questions that are frequently posed in analyses of Muslim societies, and they are centered around a risk (real or otherwise) that is perceived in many contexts. On one hand, they mark an attempt to bring law closer to citizens, using it as a means to transmit legitimacy into the constitutional order of the state. On the other hand, they are affected by the anxiety that law's reliance on the approval of citizens will erode the law's legitimacy,

as if, given greater liberty under law, citizens may be inclined to act in accordance with Islamic law and to disregard state law. The liberalization of law in Muslim societies is widely seen as a potentially paradoxical phenomenon; it is assumed that constitutional liberalization threatens to release forces that oppose liberalization, and it creates spaces of social freedom for individual legal actors (citizens) who endorse values that cannot be incorporated in constitutional government.¹ This distills a perceived paradox of citizenship in Muslim-majority societies, as Islam and national citizenship are often viewed as contradictory.

Such apprehensions are clear in Uzbekistan. The policies of the Uzbek government display a highly skeptical attitude to Islam, and they are designed, in part, to promote selective liberalization, rather than full liberalization in the religious domain and to any recognition of Islam as a source of political legitimacy. In fact, in the Uzbek context, such skepticism has additional, more challenging implications, as it relates directly to problems of security. As discussed, the government has partly promoted liberalization in Uzbekistan because of security prerogatives, as a method for consolidating national sovereignty in the vertical dimension of society. Yet, the government observes liberalization as a phenomenon that may release religious sentiments in the lateral dimension of society, which may be strong enough to threaten the governmental security that liberalization is expected to reinforce, potentially even undermining the sovereignty of the state.² For these reasons, government policies are conducted in a fashion that balances liberalism and illiberalism. This perceived dilemma has left a strong imprint on the constitutional form of Uzbek government, which is intrinsically shaped by the sense that liberalization is both essential to and a deep challenge for the continued stability of national sovereignty.

In the sections below, the recent reforms in Uzbekistan are considered in the context of a wider history of constitutional reform in Islamic societies, reflecting common concerns about Islam, secularism, and sovereignty. In addressing these themes, this chapter shows how, in most contexts, Islam has become relevant for constitution-making processes in environments that have been structured by imperialism, in which foreign military intervention has posed a threat to the societal consolidation of the state. It then discusses how the nexus of religion and constitutional order in Uzbekistan forms one expression of characteristics that typically mark secularization and constitutional law in Muslim-majority contexts. The argument is advanced that the global convergence of religious policies, security policies, and constitutional designs in Islamic countries assumes a distinct form in Uzbekistan, such that Uzbekistan can be treated as one illuminating instance of constitutional formation in a postimperial Islamic society. However, recent developments in Uzbekistan reflect an unusual response to the constitutional dilemmas of postimperial societies with primarily Muslim

populations, and, in some respects, they challenge standard accounts of the legal implications of Islam.

ISLAM, SECULAR LAW, AND VIOLENCE

Broadly, there are two distinct understandings of the ways that Islam obstructs constitutional rule. Both emphasize the basic anti-secularism of Islam as the main reason for this obstruction, arguing that Islam contains attitudes that invalidate the ineradicable national-voluntaristic foundations of constitutional law.

First, the argument is common that Islam is an essentially legal religion, whose moral content suffuses the social life of believers, such that formal or worldly law-finding occupies a secondary position in Muslim cultures. In this outlook, it is presupposed that there is an inherent conflict between Islam and government that draws legitimacy from secular roots—especially government that extracts justification from popular-democratic or constitutionally formulated consent, expressing the interests of a people organized as citizens of a nation state. On this view, Islam stands against the basic principle of democratic law—that legitimate government is a contingent artifact, resulting from positive legislative procedures and expressing the voluntary decisions of a self-governing collective (a nation), which become legally binding in all parts of society.³ Moreover, on this account, Islam contains a transnational legal worldview, which sees all members of the faith as agents in a community (*umma*) that transcends nation states, and it diminishes the status of ethnic, historical or cultural affiliations as sources of distinction between populations.⁴ On this interpretation, further, Islam undermines the aspect of discursive pluralism in democracy, as the legal sources of Islam are manifest for all in “eternally valid dictates,” which restrict the acts of free discourse required for the legitimation of secular rule (Coulson 1964: 85). For each reason, the order of national citizenship that underlies nation states and national democracies is perceived as a historical construct that contradicts the premises of Islam. Many observers also view Islam as a faith that obstructs constitutional organization because it negates the preconditions for the functional differentiation of society’s separate domains. It does this, purportedly, by asserting the predominance of religion as a transversal set of commands, so that Islamic values imply opposition to individual self-reflexive agency.⁵ In each point, the view is widespread that Islamic societies possess a dualist legal structure, in which religious ethics perform moral functions standing apart from, and possessing authority above, the state and other public institutions.

Such analyses are supported by the claim that Islam is, strictly, not an organized religion, in the sense of a formal creed that promotes a strict administrative order. That is, it is often seen as a religion in which religious learning, undertaken by the ulama (religious scholars and interpreters), was largely separated from the formal political domain (Ghazzal 2005: 71). This has been qualified in recent interventions

in debates about global patterns of public administration, stressing the community basis and the importance of actors outside the formal state apparatus for Islamic administrative ethics.⁶ However, Islam is frequently portrayed as an organic moral culture or lifeworld, in which the distinction—typical of ecclesiastical religions—between legal edicts and customary obligations is not sharply articulated. In consequence, on this view, religious law has a strong cultural fabric, and religious ideas of justice penetrate deep into the customary form of society. However, legal culture does not draw a clear differentiation between the secular and the sacral, or between the legal and the cultural.⁷

Descriptions of Islam as an organic culture often appeared in late colonial settings, commonly with a patronizing intonation.⁸ However, the organic-cultural representation of Islamic law has appeared in various contexts, and it finds some institutional justification.⁹ As examined in chapter 3, there is strong evidence to support this description in Uzbekistan.

One observer has phrased this analysis well, stating that Islam developed as a pattern of social self-organization, in which religious law (sharia) was never a “uniform code,” but a “mix of multiple traditions” (Bamyeh 2019: 15). It has been noted that these distinctions are exaggerated, especially in Central Asia, as, at different junctures, sharia courts received firm institutional support (Sartori 2016: 41). Yet, in many predominantly Islamic societies, the legal-integrational structure of society, attached to religion, existed in partial independence of political institutions.¹⁰ One interpreter explains this separation as a historically essential aspect of Islam, declaring that from an early point in the growth of Islam, “the sacred law became largely theoretical and the state developed a secular jurisdiction of its own” (Arjomand 1989: 113).¹¹ Indicatively, in many Muslim-majority societies, techniques of legal formalization were primarily the result of foreign influence. The codification of civil and public law either resulted from direct foreign intervention or formed an internal reaction to foreign (usually imperial) pressure, involving emulation of foreign norms to stabilize legal substructures for government.¹² In many states, the basic premise of modern public law—national citizenship—was designed as a principle that reduced the authority of religious law, extricating the state from Islamic cultural norms and imposing new norms to sustain its power.¹³ Importantly for discussions in this book, the religious understanding of law in Islamic countries shaped the development of educational provision. The teaching of law often had a partly religious character, as it was historically centered in madrasas.¹⁴ As mentioned, it is often seen as a historical feature of Muslim societies that law, religion, and education were deeply associated, and religious agents tended to perform legal-educational functions in politically unregulated spheres of society.

The perception of Islam as a religion that diminishes the authority of worldly institutions became more influential in the post-1945 period, as many authors voiced skepticism about the readiness of Islamic societies for postimperial politics (i.e., sovereign self-government).¹⁵ At this time, the number of independent

states with large Muslim populations increased rapidly, as former European colonies and mandate territories in Muslim regions acquired independence. Governments in these regions were required, often abruptly, to consolidate state institutions and phrase their legitimacy as the political expression of national sovereignty. In many such settings, the institutional and geographical form of the state was a transplanted construct, and sovereign statehood was a condition imposed on communities that had previously been linked—primarily—not by nationhood, but by religion. This meant that the longer aftermath of 1945 was marked by the distinctive politicization of Islam. Many governments in Islamic societies were required to justify themselves directly to their populations, separate from colonial rule. In so doing, they were forced rapidly to spell out doctrines of citizenship and legitimacy that cut deep into society and brought the religious affiliations of citizens to a high degree of articulation. Against this background, the perception of a conflict between Islam and inclusive national self-government became widespread.

In the postcolonial context after 1945, attitudes to Islam were shaped by a range of factors. In the first instance, the perception of Islam as a religion that concentrated on religious teachings that had little room for modern citizenship merely described the conditions imposed on Islamic communities by different colonizing powers. This claim reproduced a sociolegal reality that had been devised by European empires to underpin imperialism. As discussed, in European empires, it was a common feature of largely Muslim regions that colonial administrators defined their powers as pertaining to a sphere separate from religious conflicts: that is, as *secular*. Secularism often served colonizing goals, and it allowed imperial powers to relativize the beliefs of colonial subjects and consign Islamic law to a subordinate, local/cultural role, with community-specific functions. One result of this was that colonized Muslim societies often developed a two-tier or patchwork legal structure, in which multiple normative orders operated alongside formal/secular institutions.¹⁶ Consequently, society became characterized by two domains of citizenship—one formal, public, and secular (imperial); one informal, familial, and religious (local/colonial). In the Central Asian context, secularist doctrines were expressly deployed by Russian governors to justify their imposition of a dualist legal order, in which the governors accorded certain limited functions to religious courts, alongside and subordinate to the formal legal apparatus of colonial government. This dualism was strengthened by the fact that, in many societies with large Muslim communities subject to colonial occupation, the ulama were prepared to cooperate with colonial administrators, as colonizers protected their authority and prestige in core religious domains, outside the state.¹⁷ After 1945, therefore, the view that Islam formed a legal-cultural sphere removed from government reflected a pattern of social organization that had been instilled in many Islamic societies by colonial powers. In fact, the divided legal structure that was typically attributed to Islamic societies was a feature of most territories subject to

colonial rule, whatever the primary belief patterns of the inhabitants.¹⁸ The British Empire depended generally on the creation of dualist judicial systems, in both Muslim regions and other domains.

At the same time, the perception of Islam as opposed to secular government was influenced by the fact that the few primarily Islamic societies that possessed fully sovereign states before 1945 had consolidated governmental power through decisively secularist means. In this respect, states in Muslim societies appeared, of themselves, to signal a contradiction between Islam and secular models of statehood. In some Islamic settings, national governments promoted the secularization of law by adopting anti-Islamic strategies, and religion was subject to repression.

The classical example of this is Kemalist Turkey. Turkey holds broad and exemplary importance in the history of Islamic experiments in secular rule. Through the nineteenth century and up to 1922–24, the Ottoman government in Istanbul was associated with the caliphate, claiming transnational moral sway over all Muslims. As a result, the Ottoman sultan projected legitimacy by claiming to embody divinely ordained authority in worldly form. However, as non-Muslim regions in the Ottoman Empire progressively asserted their independence, Turkish regions were exposed to increasing military pressures, both by armies from former Ottoman territories and by foreign empires, which stripped away Ottoman lands during the later nineteenth century. In this context, core Turkish regions acquired distinct status as a proto-national space within the empire, and Turkey was eventually founded as a republic in 1923.

Through this trajectory, Turkey experienced a long transition away from religiously defined constructions of authority toward a more militarized system of rule, and at different junctures, the Turkish government faced legitimational pressures from this process. The legal order of the Ottoman Empire assumed an increasingly secular hue from circa 1840, as legal norms were imported from Europe, and secular rule was fully consolidated after 1923. The moment of decisive transformation in this process occurred in 1908–9, when a group of activists in the Committee of Union and Progress, closely attached to the army, reconfigured government in Istanbul, forcing the sultan to (re)introduce a constitutional order, calling elections, and eventually deposing the sultan after he colluded with anti-reformist groups. From this point, the Ottoman government temporarily adopted a constitution that, at least until 1913, was both essentially democratic and increasingly nationalist, as it tended to privilege Turkish national affiliation as the premise for government. After 1918, although the leaders of the post-1908 regime were vilified for their role in military disaster during World War I, ideals represented by the reformist Committee remained pervasive, and they were expressed in the system developed by Kemal from 1921 onward.

In the early 1920s, Turkey took shape as a repressive secular order, in which traditional religious attire was prohibited, and the state assumed full control of public education. By 1937, the separation of the state from religion was subject to

entrenched constitutional protection. The post-1923 period also saw the increasing codification of Turkish law on positivist, secular terms, marked by the introduction of the Civil Code of 1926. At the same time, the government placed strong reliance on the army as a pillar of the state. Although not a military regime, the Kemalist order bound citizens to government through deep military obligations, and many politicians had a military background. This was intensified by the fact that Kemal's government grew out of a longer period of multifocal warfare, including the Balkan wars, World War I, and the wars of independence with Greece starting in 1919. After Kemal's death, the correlation between secularism and militarism remained persistent in Turkey. The military intervened several times—notably in 1960, 1971, and 1980—to preserve the secular foundations of government. From the 1980s, a more deliberate fusion of Islam and Turkish identity was promoted.¹⁹

In parallel, similar processes occurred in Iran, formally known as Persia until 1935.²⁰ The process of legal-political secularization in Iran began in 1905, with the onset of a constitutional revolution, conditioned by the fact that Persia was subject to semiformal partition by Britain and Russia. The primary constitutional laws resulting from the revolution, passed in 1906 and 1907, were partly influenced by the Persian ulama, who were hostile to the reigning Qajar dynasty.²¹ The ulama retained a protected legislative role in the supplementary constitutional legislation of 1907. These laws established a system of parliamentary representation, which survived, albeit in limited form, through an ensuing period of civil war, famine, and partial foreign occupation by Russia and Britain. In 1921, however, a military coup was conducted, after which Reza Pahlavi assumed royal power in 1926 after having deposed the ruling monarch, weakening the constitutional order. This period reflected some features of the revolutionary interlude in Turkey. Initially, the revolution was led by a broad-based democratic movement. However, the institutional changes brought the army into a central role, partly because of the presence of foreign military units in Iranian territory. After 1921, the army became the dominant actor, and, as in Turkey, far-reaching military obligations were imposed on the population. As in Turkey, measures were taken in the late 1920s to place the legal system on secular foundations, codify civil law, reduce the authority of ulama, and consolidate military authority. By the mid-1930s, it was illegal to conduct many Islamic practices in public.

In later postimperial contexts, the perception that Islam was not compatible with constitutional rule and national statehood was again affected by the fact that after 1945, some states in predominantly Islamic societies, such as Syria and Egypt, adopted primarily secularist constitutions. Syria had experimented in democratic rule after 1918, but constitutional initiatives at this time were suspended as it was designated a French mandate territory. In the early years of independence after 1945, however, Syria experienced repeated military coups. Although the 1950 constitution contained some religious elements, rulers attached to the military placed government on secularist premises. This fusion of secularism and authoritarianism

eventually found expression in the Ba'athist movement, which became a bedrock of government in the military regimes established from 1963 onward. After 1963, the position of the ulama in the Syrian political order was greatly modified, and members of religious parties were forced to operate clandestinely.²² In parallel, Egypt, although formally independent from the 1920s, obtained full and effective sovereignty after 1945, as the British military presence around the Suez Canal was reduced. In 1952, the British-backed monarch was toppled by military coup, and Gamal Abdel Nasser assumed the highest government office in 1954, becoming president in 1956. Externally, Nasser's regime was initially legitimated by wars with Israel, conflict over Suez, and brief union with Syria (1958–61). Internally, however, the regime was supported by secularizing policies, as it introduced measures to end the power of the ulama and separate the judiciary from religious organizations. Moreover, the government was confronted with religiously motivated opposition in the form of the Muslim Brotherhood, which led to the prohibition of Islamic parties in 1958. Nasser's government was supported by an upsurge of Arab nationalism, bolstered by success in the Suez conflict, which led to an increased militarization of society. The 1956 constitution, introduced as Nasser became president, recognized Islam as the state religion. However, the organic principles of government set out in the National Charter (1962) were marked by deepening secularist commitments, to the extent that it derided the Ottoman caliphate as an example of imperialism (Warburg 1982: 136–37).

Against this background, perceptions of Islam after 1945 were pervasively defined by the sense that it hindered the creation of self-legislating nation states. In particular, the perception grew that in Islamic territories, public law constructions of government were only possible if government were fully separated from religious affiliations in society. As a result, the idea became prevalent that as they embarked on secular pathways, polities ruling over Islamic citizens tended toward military violence and relied on military units to institute formal constructions of citizenship. From this point, it was commonly argued that the anti-secularism ingrained in Islamic culture prevented the formation of nation states in peaceful, consensual form, and nation-building exercises were inevitably inclined to propel military actors into central roles.²³

In parallel to this, a second pattern of interpretation evolved among observers of Islam, for which it became axiomatic that Islam was not conducive to secular constitutionalism because it contains an enduring theocratic core.²⁴ This interpretation partly converged with the above line of reflection, as it insisted that in Islam, worldly authority has a subordinate role, and religious law forms the dominant axis of social integration. However, contrary to the more cultural interpretation of Islam, the outlook gained credence after 1945 that in Islamic societies, those who claim to exercise legitimate power must give direct expression to the divine will. At this time, for example, Majid Khadduri (1951: 181) argued that “the Islamic juridical theory of the state” is based in the view “that authority, regardless of who may be

entrusted with its exercise, must be derived originally from a divine source.” One commentator observed that “the only admissible basis for an Islamic state” could be “faith in Allah and His will,” expressed in prophetically revealed law (Rosenthal 1965: 7–8). In different accounts, the purported theocratic tendency in Islam was viewed as an obstacle for the development of governments seeking to realize the basic democratic principle that worldly consensus confers authority on laws.

On one hand, such interpretations partly reflected real historical conditions. For example, some commentators observe that societies with large Islamic populations traditionally tended to construct law by placing trust in religious scholars, separate from the state, such that law’s claim to authority rested on divine interpretation. This characteristic is often ascribed to the position of the ulama in Islamic environments. In different historical settings, ulama were consulted in questions of legislation, and they were at times called on to ensure that worldly law did not conflict with sharia.²⁵ As mentioned, however, ulama typically stood outside the sphere of formal state authority and, in some contexts, used religious and cultural resources to obstruct its expansion and to limit the imposition of state law (Ghazzal 2005: 72). In periods of social transformation, including in Central Asia, ulama were observed by progressive groups as potent checks on constitutional change, effectively preventing the location of government on national or constitutional premises.²⁶ Moreover, in most secular polities, modernizing factions acted to ensure that ulama were either degraded or their offices were subordinated to secular institutions.²⁷

Alongside this, the anti-secular element in Islam is often seen as having unsettling revolutionary implications, authorizing Islamic groups to overthrow states that are not based in Islamic law. This understanding of Islam became dominant after the Shiite revolution led by Ruhollah Khomeini in Iran in 1979, which initiated a global antipathy toward Islam that has remained powerful since that time. At the heart of Khomeini’s outlook was the claim that Islam gains meaning as a political religion; as such, it cannot be compatible with secularism, and, in an Islamic society, Islamic law must be transmitted directly through government.²⁸ Before 1979, Khomeini endorsed a version of theocracy that separated religious law from secular law in its entirety, asserting that “the sacred law (sharia) could be implemented only if the religious judges (fuqaha) were entirely free of all state intervention” (Abrahamian 1993: 15–16).²⁹ Once installed in government, Khomeini introduced the revolutionary constitution of Iran, which modified this conception. Article 57 stipulated that the powers of state in the Islamic republic were vested in the legislature, judiciary, and executive. Articles 156–57 defined the judiciary as “an independent power,” responsible for the implementation of justice subject to the counsel of a pious official with legal expertise and administrative experience. In many instances, moreover, Khomeini used emergency powers to introduce laws that did not comply with sharia.³⁰ In Iran, the turn toward theocratic ideals was partly a turn against the influence of the military in the Pahlavi-era polity, and religious legitimation partly replaced military legitimation.

Yet, the clerical takeover itself had military features, as the post-1979 government was organized as an exceptionalist regime in which radical ideological militias—the Islamic Revolutionary Guard Corps—assumed ruling positions in government, providing regime security against both opponents and the regular army.³¹

Most recently, and most relevantly for Uzbekistan, the (purported) theocratic dimension of Islam has been associated with conditions in Afghanistan. The Taliban government can be seen, in part, as a longer-term product of Afghan resistance to the incursions of the Soviet army in the 1980s. At this time, armed mobilization against the Soviet Union was coordinated by insurgents—the mujahidin, who were sponsored by the West and claimed that resistance was conducted in the name of Islam. After the withdrawal of Soviet troops, the mujahidin created an organizational order for society in which councils of ulama retained important roles (Rubin 2002: 239). Subsequently, the mujahidin were removed by the Taliban in the mid-1990s. After this point, government in Afghanistan preserved some traditional religious features, and the ulama retained a legal presence in society (Kleiner 2000: 20–21). One expert explains that the “roots of the Taliban were in the conservative clerical opposition to the modernising Afghan state, from the 1920s onwards,” adding that they endeavored to cement a “social order centered around customs and religion” in which “state education, sciences, Western languages and ideas were rejected altogether in favour of ‘traditionalist’ Islam” (Giustozzi 2019: 5). Yet, simultaneously, the Taliban partly attached their religious politics to Afghan nationalism, and particularly to Pashtun nationalism, and they also promoted a strong militaristic ethic. The Taliban came to power in a time of multipolar conflict, and their religious message quickly assumed a military emphasis. From an early stage, they forcibly recruited students from the madrasas and eventually created a conscription system able to penetrate village communities to conscript soldiers.³² In international perception, naturally, the Taliban has assumed the greatest importance because Afghanistan is identified as a country locked in religiously inspired war with the West, exemplified by the terrorist attacks in the United States in 2001, which, on dubious grounds, were associated with Afghanistan. For this reason, Islamic theocracy is frequently understood in terms of a transnational military conflict, and Western powers have declared war on Afghanistan as part of a global ideological hostility. As mentioned, this understanding has had immediate results for Uzbekistan, which has served as an entry point for Western militaries in Afghanistan, but which is also perceived as a country affected by Taliban contagion. Some movements operating in Uzbekistan have expressed theocratic ideas, including the demand for the creation of the caliphate.³³

These tendencies have also given rise to the view that Islam is a militant religion whose resistance to secularism leads to social violence.³⁴ As outlined, many observers have claimed that the depreciation of worldly law in Islam induces militarized patterns of nationalism. After 1945, it was widely assumed that Islam expressed such powerful resistance to secular ideals of political legitimacy that,

where governments were formed on secular premises, they were compelled to assume dictatorial form: Their authoritarianism was partly legitimated by the need to maintain control of religion.³⁵ In parallel, the contrasting view has become widespread since 1979 that a deep theocratic substance is inherent in Islam, and this substance is a cause of violence, as Muslims are motivated by implacable enmity—including terrorism—toward governments in which public law is not framed by religious law.³⁶ In both interpretations, Islam is seen as the negation of constitutional rule, as the foundation of government requires either violently secular or violently anti-secular acts of foundation. In these divergent analyses, in sum, the secularization of Islam is observed as part of an unstable security mix: The deep cultural linkage between law and religion in Islam appears as a force that invariably gives military agents a vital role in politics. After 1979, one sociologist of law, war, and Islam raised the question, which has since found a strong echo, “Is Islam a religion of war?” (Charnay 1986: 297).³⁷

There are numerous reasons to reject the assumption that predominantly Muslim societies habitually promote authoritarian government, and the claim that Islamic legal cultures prevent constitutional definitions of legitimate government is difficult to justify. Historically, the official legal teachings of Islam did not obstruct constitutional rule. Notably, in the Iranian revolution of 1905–7 and the revolution of 1908–9 in the Ottoman Empire, there is little evidence that constitutional change was implemented in face of concerted religious resistance.³⁸ On the contrary, the Iranian constitutional laws of 1906–7 stipulated that legislation had to comply with the sharia, as laws had to be referred to the ulama before they could be promulgated. The Iranian constitution was suspended in 1911 under Russian influence, and the military coup of 1921 was supported—and partly orchestrated—by Britain to protect its interests. Similarly, democratizing changes to the Ottoman constitution introduced in 1908–9 preserved the role of the ulama in controlling legislation. At this time, some ulama endorsed progressive reforms and supported constitutional opposition to the caliphate.³⁹ One historian has noted that the Ottoman ulama retained a “strongly rooted role in government practices,” which was conducive to the popular acceptance of constitutional rule, providing a “superior source of sovereignty that gave legitimacy to government politics in the eyes of the people” (Bektaş 2022: 133). However briefly, these revolutions created constitutional systems that extended voting rights to a large proportion of citizens, and they created primarily Muslim polities whose democratic commitment rivaled all but the most democratic states in Christian-majority societies of the same period. As far as can be reliably established, the Ottoman elections of late 1908 formally enfranchised a significantly higher percentage of male citizens than the British elections of 1910; neither of these elections enfranchised any women. Some reformist Jadids in Central Asia around 1917 were ulama, and their thinking was strongly influenced by Persian and Ottoman precedents (Khalid 2016: 32, 66).

Equally importantly, societies with mainly Muslim populations have often proved just as effective in promoting constitutional rule as states with similar economic, institutional, and historical features whose citizens are mainly non-Muslim. Most states with Muslim-majority populations exist in societal settings that have a recent history of colonization, and, globally, deep experiences of colonization habitually left legacies that militated against secure constitutional democratization. In such environments, however, Muslim-majority states have a relatively strong record of establishing constitutional rule. For example, Bangladesh, Indonesia, and Albania at least match comparable states in their regions in the robustness of their constitutional systems.⁴⁰ The citizens of Senegal have stabilized a basically competitive political system in a regional environment where democracy has proved elusive, despite adverse economic conditions.⁴¹ In post-1952 Egypt, many of the most authoritarian periods of government were those in which Islam was most strongly suppressed. For example, Anwar Sadat's period in government saw a partial revival of Muslim traditions and was markedly less authoritarian than the Nasserist era. Sadat altered the constitution in 1980 (art. 2) to establish sharia as a source of law. The government in Egypt reached its most authoritarian point during Hosni Mubarak's anti-Islamic clampdown in the 1990s.⁴² Military government was reimposed in 2013, replacing Mohamed Morsi, an Islamist with a democratic mandate. In Nigeria, with an almost equally divided Christian and Muslim population, the military regime that suspended the democratic constitution in 1966 was mainly instituted by Christians. In Algeria, military government was reestablished in early 1992 (with Western support), as the Islamic Salvation Front had gained a victory in the first round of democratic elections of 1991. Most strikingly, of the five largest countries (by population) that at the time of writing can reasonably be characterized as democracies, three—India, Indonesia, and Nigeria—have either predominant or large Muslim populations. The global tendency toward democratic backsliding and constitutional collapse in recent years has been most prevalent in Christian-majority societies.

In this light, the conclusion is justified that, if it exists, the correlation between Islamic societies and authoritarian government has little to do with religion or secularism.⁴³ At a fundamental level, the distinguishing constitutional features of most states in Muslim societies are attributable to the fact that these states acquired sovereignty in two waves of decolonization, after 1945 and 1991.

First, in each wave, the decolonization context meant that some of these states acquired sovereignty without well-established formal legal systems, sometimes with religious courts that performed informal functions—this condition was often imposed on them by colonial powers. Second, these backgrounds meant that states consolidated their sovereignty in pressurized security landscapes, which confronted them with *sui generis* constitutional problems. Indicatively, some post-1945 states in Islamic societies acquired full sovereignty amid actual or potential interstate conflicts, often caused by the long-term implications of the collapse

of the Ottoman Empire and exacerbated by the Israeli settlement of Palestine. In consequence, as they came into being, such states were required to both unify their societies and build up security resources (internal and external), following highly invasive experiences of colonization. In doing this, many governments of mainly Islamic societies were compelled, in rapid succession, to limit the influence of religious organizations and transform religious identities among their citizens into cohesive, legitimating affiliations. In such contexts, it is inaccurate to suggest that Islam did not form a basis for nation building. In many post-1945 contexts outside Turkey, models of national identity used to support independent statehood were partly attached to religion, and Islam became vital to constructions of national affiliation, as opposed to imperial subjugation (Zubaida 2004: 410). However, the accelerated elaboration of sovereignty meant that religion became a contested focus of social construction, either positively or negatively, as the lateral attachments that had slowly ceded ground to national affiliations in other societies had to be remodeled and redirected in accelerated acts of state and nation building.

In key respects, these problems were especially pronounced in Muslim-majority societies that acquired independence after 1991, such as Uzbekistan. In many cases, states in these societies were forced to consolidate vertical models of citizenship very quickly, and dominant religious attachments in society were not conducive to this. Additionally, states in these societies had to position themselves in a landscape where Islam was intensely politicized by external powers, and their management of religion internally had strong implications for their international recognition and obligations. In Central Asia, some anti-Muslim bias has accompanied the foreign policy initiatives of governments in the United States and Russia. Most security alliances open to smaller states in Central Asia brought expectations concerning the internal and external securitization of Islam.

Rather than religion, therefore, it has been the process of sovereign state building and citizenship construction that have defined the form of most Muslim-majority societies.⁴⁴ Viewed in a longer historical perspective, the form of Muslim government is commonly characterized, at a causal level, by the fact that, historically, state violence had not deeply shaped national societies or citizen identities. This meant that society had only a relatively weak basis for supporting sovereign institutions, which lacked the resources to enforce power broadly. This was the case because the institutional roots of many Muslim governments were shaped by other states, exercising imperial force. In the conditions of their postcolonial formation, therefore, many states in Islamic societies were exposed to twofold challenges to their assertion of sovereignty, both inwardly and outwardly. Faced with this, they translated sovereignty demands into intensified patterns of internal integration, in which military actors often played vital roles in cementing support for the state, assuming powerful constitutional positions. The source of such militarism, however, should not be identified with religion. Its origins lie in the

imperialist conditions in which societies first acquired sovereign statehood, itself integrally a product of imperialism.

Distinctively, European nation states such as Spain, Portugal, France, the United Kingdom, and Germany developed and obtained full sovereignty by translating lateral patterns of social attachment into legitimating constructs of nationhood and citizenship at a time when they were in a process of violent external expansion. This meant that European nations typically evolved as *imperial nations*, and they were progressively unified, internally (as nations) as they transplanted their authority into other regions (as empires). As mentioned, most major European states reached relatively advanced levels of national inclusion and democratic enfranchisement during periods of sustained interimperial tension or conflict. In these periods, states mobilized their populations for external interstate conflict, often directly or indirectly of an imperialist nature, and to achieve this, they promoted internal patterns of constitutional bargaining with citizens, which accelerated democratic inclusion. In many cases, such external expansion brought the increased imposition of secular rule in both colonial and metropolitan regions, as European states condensed their authority around the immediate military integration of citizens, and they discredited religious organizations standing outside the authority of formal institutions. As a result, constitutional organization, secularization, and territorial expansion by military means were integrally connected in the deep fiber of many European societies. This fusion of internal and external violence lay at the heart of the modern Western state system,⁴⁵ and it gave rise to the transfer of governmental legitimacy from religion to the state (secularization) that now defines Western societies.

By contrast, many states in the Islamic world were forced to consolidate national support for government because of the fragmentation of external empires. In consequence, such states were defined by the fact that, in contrast to Europe, the mobilization of military resources played a far less penetrating role in underscoring their sovereignty and defining the modes of consensus required to support their institutions. The path to national democracy through external enlargement that typified many European polities was barred for most Islamic societies. Moreover, in Islamic societies, the strategic privatization of religion was not as frequent as in societies on the inside of imperial polities, as before 1945, few Muslim societies had developed a polity that was fully autonomous. Together, these factors meant, commonly, that the historical preconditions of secular statehood, often the direct product of militarism (imperialism), were less consolidated in postimperial states in Islamic societies than in Europe. This meant that the management of religion and the structuring of religious practices emerged as a crucial problem when largely Islamic societies developed states that obtained sovereignty. As mentioned, states were forced rapidly to reorganize religious affiliations in order to assert sovereignty internally and externally, and this often assumed a nondemocratic, military constitutional form. However, this was caused not by phenomena inherent

to Islam, but by imperialism and by the deep formative link between citizenship, constitutional rule, and empire.

Against this background, Islam can be described as a singularly peaceful religion. If state building in Islamic societies is largely identified with decolonization, Muslim societies are generally less militarized than Christian societies in similar contexts.⁴⁶ The processes by which Muslim-majority societies gained sovereignty after 1945 and 1991 generated far less violence than decolonization processes in mainly Christian countries. For example, the decolonization of Christian communities in the Ottoman region before 1914 engendered extreme violence in Serbia, Greece, and Bulgaria, whose legacy persisted until recently. After 1918, predominantly Christian societies were decolonized in Poland, Hungary, Lithuania, Latvia, Finland, Croatia, and Czechoslovakia. With the (qualified) exception of Czechoslovakia, this period produced higher levels of violence than in decolonization processes in many post-1945 or post-1991 Muslim societies. In the decades after 1945, violence relating to decolonization in societies with large Muslim populations was often not caused by Muslims. At this time, intermittent, staggering military violence was directed against Muslims by other communities, both religious and secular, often exceeding any perpetrated by Muslims. This occurred in Algeria (Christian and secular violence against Muslims) and Palestine (Jewish violence against Muslims). Decolonization in India entailed devastating violence between different religious groups.

THE CASE OF UZBEKISTAN: CONSTITUTIONAL LAW AS SECULARIZATION

Despite these contextual considerations, it remains a particular feature of many Muslim-majority societies that the assumption of national sovereignty by governmental institutions brings religion to prominence as a constitutional factor and the administration of religion shapes the constitutional order of the state. In particular, it is characteristic of states in Muslim societies that, as they acquired sovereignty, they were obliged to establish vertical links with their citizens, and this occurred in contexts where lateral affiliations were still largely defined by religion. This phenomenon is a common factor in postimperial societies, and, in Muslim settings, it meant that the construction of citizenship was generally associated with the restructuring of religious affiliations.

In this context, Uzbekistan has an important position in the constitutional politics of Islam, and it reflects one instance on a spectrum of postimperial Islamic constitutional experience. On one hand, Uzbekistan displays many typical features of the postimperial state in an Islamic society. As discussed, Uzbekistan assumed sovereignty very rapidly. This occurred in a societal environment marked by deep histories of religious repression, such that the nation-building power of religious identities was not strongly consolidated. In this context, spheres of society typically linked to religion, such as law and education, had been instrumentalized as vectors for external norm construction and imperial citizenship. This also occurred under

a state that was not defined by any exclusive ethnic attachment, and in which ethnicity was not proclaimed as a source of national construction. In addition, the acquisition of sovereignty by Uzbekistan took place in a setting marked by volatile interstate relations, in which persistent imperial commitments and rivalries placed pressures on new national institutions. This meant that religious affiliations became acutely controversial, as identities potentially detracting from the vertical force of the state appeared as existential risks to the government. To an even greater extent than in earlier secular polities in Islamic territories, Islam became associated with violent insurgency. As discussed, the Uzbek state was constructed in an international arena where sovereignty was unstable, as major powers, especially (post- or neo-imperial) Russia and the (semi- or neo-imperial) United States, had a strong interest in regulating religion in other societies, and they tended to politicize Islam. In this context, as in other postimperial societies, the government was required to stabilize internal interactions and manage external relations at the same time, and, in both domains, this intensified the symbolic importance of Islam. Uzbekistan forms a core example of a postimperial scenario, in which Islam was perceived as a cause of security anxiety, and the government was defined by the attempt to consolidate the source of law's legitimacy in relation to dominant societal affiliations.

For these reasons, Uzbekistan entered a postcolonial pathway in which strictly controlled secularism was always a highly probable outcome. This was partly the case because Karimov was confronted by Islamic groups at an early stage in the independence process. The period after 1991 saw some liberalization of religious practice, at least in the private sphere. However, as discussed, the post-1991 Uzbek government reproduced aspects of the state/religion dichotomy that had characterized the empire from which it detached itself. In this regard, Uzbekistan embodies one common postimperial pathway. After 1991, the secularism of the imperial power was largely transferred to the postimperial state, and the apparatus by which the Soviet government had stabilized itself against society became the foundation for government in the postimperial setting. After 1991, the Uzbek government promoted the conviction that security threats that existed in the Soviet system remained tangible, such that Islamic identities were presented as factors that undermined citizenship at the national level and required strict management. The view that the coercive manipulation of religion was vital for regime stabilization in the post-1991 climate is widely reproduced in commentaries on this period, which identify Islamism as a powerful systemic threat. For instance, one observer has recently suggested that after 1991, government actors responsible for "Uzbek nation-building" were required to "tread carefully with respect to a central (and potentially explosive) factor of the pre-Soviet collective identity: Islam." This commentary adds the observation that "the stabilisation of the still artificial Uzbek national identity, as such a product of Soviet ethnopolitics, is impossible if pre-colonial collective identities as alternative potential 'identities' are allowed to surface" (Partlett and Küpper 2022: 106). Other researchers have questioned such

assumptions, implying that in Central Asia, Islam traditionally took its place in a pluralistic legal-behavioral environment, and it could easily contribute to democratic development (see Ro'i 2004). However, as discussed, it is typically assumed that the Karimov government had strong security-related grounds to use coercion to manage Islamic groups.

In this context, the remainder of this chapter sets out two arguments, explaining how the regulation of religion has influenced the structure of Uzbek constitutional law. In so doing, it indicates that constitutional trajectories linked to religion have been largely contingent, shaped partly by legacies of imperialism and partly by strategic policy choices, and they are only marginally conditioned by Islam itself. By extension, it explains that Islam may be beneficial for constitutional change, and patterns of legal obligation and expectation in Islam may be required to sustain and legitimate constitutional law in Uzbekistan. In some respects, the fact that the government has placed emphasis on the law as a vector of citizenship leads to the partial modification of law's secularity, and it opens the legal order to new, hybrid sources of legitimacy.

First, in general terms, the decision to securitize society against Islam in Uzbekistan was not, in essence, a decision that says much about Islam, either generally or in Uzbekistan. There is limited evidence in Uzbekistan that the majority of Muslims either wished or had the capacity to create a government founded on premises very different from those that typically support nation states. It is not easy to substantiate the frequent claim that after 1991, there existed a large anti-secular majority desiring a theocratic mode of governance.⁴⁷ In fact, the 1991 elections in which Karimov was elected were significantly more democratic than subsequent ones, showing clear support for secularism. Moreover, if, as was the case, Islamic terrorist units were operating in and around Uzbekistan, these were not of such magnitude that they could not be controlled by regular, less invasive security mechanisms. This is especially so because support for Islamic movements has tended to be localized, mainly in the Fergana Valley.

On this basis, as in many other postimperial settings, the decision to securitize society against religion needs to be seen as part of a strategy of governmental positioning and self-construction, which directed constitutional law onto a distinct pathway. The claim has often been expressed that both in the Soviet period and after 1991, religion was a frequent object of instrumentalization in Central Asia, as, under successive regimes, state officials made concessions to religious groups to exercise control of religious communities (Rasanayagam 2011: 96; Omelicheva 2016). This is—of course—not peculiar to the Soviet system; it typifies behavior among imperial officials in many colonized Muslim regions. Yet, in post-1991 Uzbekistan, the government instrumentalized Islam for multiple purposes, and it defined religion as a security object to obtain benefits in separate policy domains, each of which was deemed important for the solidification of Uzbek sovereignty. As discussed, religion was instrumentalized to negotiate support from external

actors, and the projection of Uzbekistan as a bulwark against the rising tide of religious extremism brought nontrivial strategic and monetary advantages. As mentioned, this meant that Uzbekistan could engage in different security communities, claiming utility and recognition in each of them. Further, the projection of Islam as the source of semimilitary threats, traversing the national and international domain, meant that the government could manufacture an internal shortcut to national unity, in an environment where the extent of actual military enmity was limited. This coincided with the global militarization of responses to terrorism, starting in the 1990s and gaining impetus after 2001, in which terrorism was perceived as a military threat, and many states reacted to terrorism in semimilitarized fashion.

In these points, the Uzbek government was able to derive a distinct instrumental benefit from security policies focused on Islam. That is, the government could depict Islamic terrorism as a legitimacy risk to national security, which brought intermittent internal and external structural benefits, similar to those obtained from military alliances and conflicts. Yet, the risk of terrorism never entailed real military conflict, nor did it pose challenges to the government of the kind caused by actual interpolity hostility. In particular, the securitization of society against Islamic movements did not require a substantial increase in military spending, and it did not place large burdens on the extractive powers of the fiscal system. As discussed in chapter 1, military subsidies from the United States after 2001 created conditions in which the threat of terrorism yielded intermittent payoffs for governmental elites, and military spending reached its lowest point in the late 1990s and early 2000s, as the government adopted its most repressive security policies. Additionally, the securitization of society against Islamic movements created a power core around Karimov and the security services. However, it did not lead to potentially destabilizing rivalries between elite groups, nor did it create a situation in which the military acquired increased institutional autonomy. On each count, anti-Islamic securitization brought to Karimov's government some systemic benefits of military conflicts without the concomitant risks.

Importantly, the fact that securitization was directed against a (perceived) internal threat also meant that government was not obliged to confer determinate legal form on the conflict; as in other countries at the same time, Karimov was able to present conflict with potential terrorist groups as a diffuse reality, without a legally specific beginning or end, in which perpetual securitization was demanded. This allowed the government to operate in protracted states of emergency, and it deployed force against putative insurgents using regular constitutional clauses as an ad hoc bundle of emergency powers.⁴⁸ Moreover, the largely internal nature of the security risk meant that the government was not required to mobilize its own population to combat the (perceived) threat, nor was it forced to negotiate with its citizens to obtain security resources. As security was organized around an internal front, the state acquired institutional contours in a context in which security

defined governmental prerogatives, but they did not necessitate the mobilization of the population or compel the government to enter specific bargains with citizens. This reflected a distinct paradigm in the relation between constitutional law and religious securitization. In this context, the repression of Islam formed a strong basis for authoritarianism, and secularism prevented full citizenship.

Second, these circumstances have great relevance for recent constitutional reforms. The patterns of state building initiated by Karimov in 1991 were devoted to preserving governmental authority, and, as in other states, repressive secularism was intended to harden national sovereignty in a postimperial environment. However, as discussed, the period of repressive secular government under Karimov did not fully succeed in establishing strong sovereign institutions. On the contrary, his policies had the paradoxical outcome that, although focused on the reinforcement of sovereignty, they failed to stabilize the institutions of government. In some ways, the anti-Islamic focus of Karimov's regime had measurable responsibility for its weakness. For example, after 9/11, Uzbekistan briefly became a major recipient of US foreign aid. This meant that, at least below the level of the presidency, elites could extract monetary advantages from access to US currency, so that the polity briefly became a military rentier state (Ostrowski 2011: 289). Externally, the emphasis on the suppression of political Islam meant that external powers gained influence in Uzbekistan, despite the primary principles of post-1991 foreign policy. This also meant that the government was symbolically delegitimated when, in 2005, the repression of Muslims became so violent that the government in Washington refused to tolerate it. This had the further consequence that, after 2005, the government accepted enhanced Russian influence and risked tying its legitimacy to a potentially exploitative ally.

As discussed above, however, the security policies pursued after 1991 caused the greatest infrastructural weakness in Uzbekistan because they meant that institutional force had to be consolidated by coercive means.⁴⁹ Most fundamentally, the definition of governmental legitimacy in repressive secular terms necessarily detached the state from religion, and it meant that primary lateral affiliations in society could not be constructed to support the government. This was partly tempered by the fact that some organizations with partly religious origins, such as mahallas, were co-opted for public purposes. Yet, it remained characteristic of the Karimov regime that the organizational form of society was separated from the institutional structure of the state, retaining a largely private or religious character.

Against this background, the decision to liberalize the constitutional order since 2016 has important consequences both for the politics of sovereignty and the politics of secularization in Uzbek society. These policies formed part of a dialectical pathway of postimperial religious regulation, where religion began to shape constitutional order in a new way.

In one respect, recent liberalization measures can be observed, simply, as a slightly revised technique for managing the long-term religious results of

imperialism and forcibly consolidating state sovereignty in the face of religious crosscurrents. At face value, the reformist techniques for reinforcing the domain of citizenship through legal formalization follow a neo-Weberian logic of state building through externally imposed secularization. It entails the imposition of a secular legal order through judicial reform, partly linked to international norms, which is designed to regulate interactions between government and citizens in a more controlled procedural grammar, reinforcing the social basis of the state. As mentioned, the 2023 constitution establishes secularity as a higher-law commitment. This means that the promotion of policies to increase the willingness of individual citizens to litigate on constitutional grounds brings greater prominence to secular motivations in the diction of state-citizen interactions, and acts of litigation serve to circulate secular norms throughout all society. As citizens engage in more litigation, they are encouraged to internalize normative identities that are immutably secular, detaching themselves from less individualized political customs and memberships. In this respect, the expansion of administrative accountability through legal reform is—clearly—a new technique for promoting secularization. It reflects the assumption that greater access to law for citizens will create legal personalities that diminish the importance of religion and elevate the sovereign powers of government. In this regard, the reforms are conceived as an alternative, liberalizing variant on the politics of secularism that began in 1991, in which individualized legal procedures have partly replaced vertical repression as the constitutional method for managing religion.

In these points, the recent reforms also express a classical postimperial constitutional strategy, which, in different ways, is visible in many Islamic societies. On one hand, the reforms build on long-standing traditions of colonial legal ordering and sovereign institution building, as they perpetuate a model of individualized legal secularism that reduces the importance of informal legal behavior. This strategy partly reproduces the typical colonial system of legal dualism, as it strictly prioritizes formal law over more informal legal norms. Yet, this strategy is also designed to overcome legal dualism; in encouraging more people to litigate, the reforms are intended to separate people from religious attachments and direct their legal identities toward formal principles. In both regards, the reforms are implemented as part of a plan, simultaneously, to construct national citizenship without inflaming religious sensibilities. In the implementation of these policies, liberalization is always perceived as a potential security risk, and the reforms contain measures to ensure that liberalization occurs in procedures that prevent religion from acquiring socially disruptive force. This strategy is seen, as discussed below, in the general fact that among the rights constructed as elements of public law, religious rights are much less solidly protected than others. More specifically, this strategy is visible in the ways that international norms are internalized in Uzbek constitutional law in areas with sensitive implications for gender relations. The assimilation of international human rights law in Uzbekistan has prominence

in the protection of women's rights, notably in education and political representation. One motive for this is that the privileging of women as bearers of individual rights serves to insulate society from volatility arising from the liberalization of religious rights and prevent the formation of dominant religious identities. In this regard, legislation follows a long colonial tradition of constructing women as distinct subjects of rights, using this as a mechanism against Islam. In each point, public policy is shaped by the attempt to liberalize society while also limiting collective expressions of religious affiliations and integrating such affiliations in nonconflicted fashion. The reforms are intended in part to overcome legal dualism, as they extend law deeper into society, and they are intended to bring new vitality into legal consciousness. Yet, they remain concentrated on the formal ordering of law and the separation of subjects from their familiar lifeworlds, which displaces religious law from the sphere of formal authority.

Despite these features, the recent reforms display more complex religious dimensions, subtly reconfiguring the position of religion in society and its role in legitimating law. In key respects, in fact, the reforms create a legal reality to which simple binary accounts of the relation between the religious and secular or the informal and the formal cannot be applied, so that they differ from the trajectory of secularism seen in some other postimperial states. In intangible and perhaps unintended fashion, the reforms show signs of attaching legal understandings more closely to religious sensibilities. At one level, the reforms are conceived as a new technique for regulating religion, linked to a secular trajectory of postimperial state building. But the simple policy objective of inducing an increase in social access to law has brought a diffuse convergence of secularism and religion, meaning that religious values are less strictly excluded from law, and the expansion of access to law weaves new threads between government and society, in which religious motivations are not simply dissolved or forced to disappear. In this process, as ethnographers have perceived in other Muslim contexts, law's secularity is not a simple phenomenon, neatly delineated against the religious aspect of political communications.⁵⁰ Recent techniques for constructing secular law in Uzbekistan have actually distilled law into hybrid secular/religious forms.

In some features, it is possible to see the emergence of a new constitutional domain in Uzbekistan, in which citizens engage with government in *sui generis* legal frameworks. The reforms show a distinct strategy for managing the challenges to state sovereignty that are often viewed as emanating from Islam, and Uzbekistan now presents a distinctive constitutional paradigm of sovereignty construction in the face of religious pressures. Accordingly, the reforms promote law's secularity in procedures that reconfigure standard postimperial path dependencies.

First, the reform policies are partly structured to avoid exposing Islam to heightened politicization, and they are intended to defuse potential conflicts about religion. At one level, the reforms have been flanked by a managed liberalization of religion, so that religious liberty has increased in less sensitive social domains. This has not been fully extended to the political sphere, as protections

for citizens who express views against the president are still weak.⁵¹ In fact, many citizens imprisoned under Karimov for religious actions remain incarcerated, despite the symbolic release of some detainees. However, since 2016, fewer citizens have been arrested for or accused of crimes connected to religious observance, and the threshold for accusing citizens of terrorism on religious grounds has increased. Overall, this indicates that the government wishes to apply a strict definition of extremism to avoid provoking religious violence, and it uses other elements of criminal law to prosecute dissidents.

Second, more sociologically, the policies reflect the intention to consolidate international support for the Uzbek government, or at least to reduce international controversy around the legitimacy of national institutions. As mentioned, under Karimov, the prioritization of religious surveillance tied the government into oscillating international alliances, as the religious policies of the government made it useful for different powerful states, at different geopolitical and historical points. In this regard, the reduction in the salience of religious policy limits the sensitivity of the government to external alliance changes. Unsurprisingly, the outward-facing aspect of religious policy has been very important. The government has signaled liberalization of religion jointly through the constitution, treaty law, and government participation in internationally visible events designed to consolidate religious freedom.⁵²

On these two points, it needs to be noted again that any formal liberalization of religious policy in Uzbekistan since 2016 has been very selective. In 2021, Uzbekistan still ranked among the countries with “very high” levels of religious control in the Pew Research Center’s index on Government Restrictions on Religion. Indicatively, international bodies have expressed concern about religious repression and the curtailment of religious rights. In 2022, the UN special rapporteur on the promotion and protection of human rights while countering terrorism raised queries about some provisions of the Uzbek Criminal Code, stating that broad bans on alleged extremism conferred arbitrary powers on law enforcement agents and limited rights to privacy and intellectual liberty.⁵³ In some cases, educational organizations have applied laws regarding freedom of conscience inconsistently, including barring the wearing of hijabs. In summer 2024, new draft legislation was approved that imposes sharper penalties on parents using nonregistered Islamic schools. As in previous laws, the legislation of 2021 protecting religious freedom remains vague about the definition of religious practices that are proscribed, grouping them under general terms such as “religious fundamentalism” and “extremism.”⁵⁴ This law technically establishes avenues of legal redress for religious organizations seeking registration and encountering the unlawful prohibition of their activities. These organizations have the “right to appeal unlawful decisions of state bodies” in such instances (art. 13). The law gives to courts full authority to ensure that religious groups act in accordance with constitutional norms. However, it also allows organizations found guilty of violating the constitution some time to alter their practices (art. 25). At the time of writing, however, judicial

procedures to protect religious rights in public law are not formally consolidated. One commentator has even declared that institutional reforms have re-created a religious surveillance system, which has been “strengthened through tighter centralisation and denser inter-institutional connectivity,” allowing the government the power “to control religious educational institutions and research institutes” (Schmitz 2023: 5).

Outside the more formal political arena, however, recent reforms have had certain significant consequences for the status of religion. Religious rights have not become part of a structured public sphere, their protection is variable, and access to public debate for groups representing religious interests remains clearly controlled. Yet, the fact that the reach of the legal system has been extended has had distinct effects for religious communication and practice, and it has integrated motivations linked to Islam into the margins of the constitutional system. The fact that individual citizens have obtained greater freedom in asserting individual rights means that religion now enters the constitutional domain in a variety of ways, and multiple channels are opened for subjects to express religious commitments and articulate the religious attachments by which they may define themselves. This also weakens the dichotomy between state and citizens, creating a distinct stratum of meanings that connect the public and the informal domains in unforeseen fashion. Although the reforms are designed to detach people from religion, they have induced some unintended outcomes. One of these is that the freedom to litigate instills religious meaning into formal law, and legal subjects express religious worldviews through their appropriation of reformist legal procedures. Accordingly, the formal domain of citizenship created through reforms fuses secular and nonsecular elements.

The link between the opening of the legal system and the constitutional articulation of Islamic law is visible, for example, in public narratives regarding the status of law. From the Russian Empire to the Karimov era, Uzbek governments based their secularism, divergently, in security policies that contained an at least partial anti-Islamic bias, and which were designed to separate law from religion. By contrast, more recent reforms extract some legitimacy for law, at least symbolically, from Islamic sources. For example, in recent years, Jadidism has become an important symbolic reference for national integration, and Jadids are widely presented as precursors of the modern Uzbek nation state. In the legal context, this symbolic reference is particularly significant, and recent reforms are explicitly connected to Jadidism. In leading law schools, pictures of eminent Jadids now adorn the classrooms for entry-level students, and courses on the history of government are taught that introduce students to Jadidism, as a specific Uzbek line of legal-political thought. In one course delivered in 2024 at Tashkent State University Law School, professors gave lectures on Jadid legal thought in general and, in particular, on the work of Abdurauf Fitrat, the leading Jadid educator murdered by the Soviets. This formed part of the curriculum on legal-political philosophy, so that Jadidism was



FIGURE 2. Jadid scholars on the walls of teaching rooms in law schools. Photo by Ikhtiyor Bekov.

taught alongside Beccaria and the German founders of legal positivism, Samuel Pufendorf and Christian Thomasius. In this context, emphasis is placed on the fact that Jadids embraced a particular Islamic variant on positivist secularism, distinct from European and especially Russian secularism, and they promoted positive legal-political reform on the basis of Islamic values.⁵⁵ The emblematic educational symbolism around Jadidism conjures an idea that Uzbek law can be positivized and secular without violating Islamic values. This also suggests that a new founding source can be found for Uzbek law rooted in legal constructs that had been suppressed through earlier regimes, as the Jadids challenged both Russian political dominance and the Emirate of Bukhara. This imagery connects legal reforms to other reforms, especially in education, as Jadids were primarily educational reformers, with a strong commitment to forming elites. At the same time, students are informed how many Jadids studied abroad, especially in Germany and Turkey. This projects an idea of Islamic secular cosmopolitanism, partly legitimating the reformist legal order and the use of foreign law in the constitutional reforms. Tentatively, these processes contain an implied concept of civil Islam, indicating that Islamic values could be recruited explicitly as the source of secular legal order.

The link between the opening of the legal system and the constitutional articulation of Islamic legal norms is also evident as citizens gain more rights and greater

access to law, making it common to acquire hybrid or plural legal personalities. These personalities combine religious and secular components at the same time, and they express identities in which secular and religious motivations interweave with each other. As mentioned, through recent reforms, citizens have been able to access multiple rights, about many of which they previously had limited knowledge, and, in exercising such rights, they have been obliged to inhabit unfamiliar social/legal roles and engage with public bodies in new procedures. Manifestly, the incentives for citizens to litigate about rights have been designed to detach citizens from religious affiliations or diminish the prominence of religious attachments in interactions between government and members of society. At the same time, however, legal reforms have created a societal landscape in which religious norms acquire distinctive legal authority in certain functional spaces, such that, in some domains, informal religious norms shape the formal personalities imposed on citizens by new legal procedures. Religious rights are not strongly protected in the new constitution, but the ways in which citizens seek to exercise broader constitutional rights give distinct expression to religious values.

In these points, what is beginning to emerge in post-2016 Uzbekistan is a mode of *composite or multiple citizenship*. That is, in some settings, access to law both detaches subjects from religious consciousness and articulates such consciousness in new ways, with the result that, in some legal acts and procedures, citizens engage with public bodies for hybrid secular-religious motives. In some settings, moreover, a patchwork of citizenship is acquiring visibility, in which religious principles are more sharply displayed in certain legal spheres than others.⁵⁶ Individual people appear as multiple subjects, possessing religious and nonreligious subjectivities at the same time, and government reaches into society by communicating with and legitimating itself to citizens in different registers.

Such evidence of multiple citizenship is perceptible, for instance, in the ways in which, in litigating, citizens situate themselves with regard to traditionally structured legal orders. As examined above, opportunities for litigation often place citizens in new positions toward inherited social roles and memberships. Citizens enter new public identities in litigation, often assuming unprecedented proximity to public agencies, and these identities separate them from informal milieus. When asked about their prior knowledge of public law, litigants often responded that before initiating legal proceedings, they had no perception of themselves as public legal subjects, so that, through litigation, they become public legal subjects. Before the reforms, legal problems had been regulated by the local authorities, and, by various accounts, proceedings were often corrupt. By contrast, one interviewee explained that now “we are solving cases openly in court without any involvement of unnecessary bribes and hidden payments.”⁵⁷ A different interviewee stated that prior to litigation, he had not known “what is the Ministry of Justice.”⁵⁸ In such cases, the legal reforms performed functions close to those of colonial law in dualist legal systems. That is, the reforms superimposed formalized

legal understandings on society, separating individual legal subjects from their more conventional legal environments and habits. However, the imposition of more formal legal subjectivities on litigants did not occur as a simple binary event, in which persons simply entered the formal legal system and were then neatly disconnected from prior legal understandings. On the contrary, such formal subjectivities retain complex connections with customary environments, as well as religiously inflected legal obligations.

These phenomena have relevance for the relation of citizens to the mahalla environment, which influences the motivations of litigants in different ways. In general terms, reforms in administrative law are likely to extract persons from the local obligations constructed through customs rooted in mahallas. Indeed, the fact that reforms encourage people to litigate for individual rights means that subjects acquire direct attachments to government that cut through intermediary bonds and diminish personal reliance on informal networks, often reflected in mahallas. Partly because of this, as explained, mahallas have become important sites of legal reorientation through the reforms, and judges are often required to visit mahallas and impart legal knowledge. The reforms occurred in conjunction with legal measures that expanded the official functions of mahallas. This meant that mahallas were accorded increased responsibilities in many official domains, including "ensuring public safety, the prevention of offenses, and the fight against crime."⁵⁹ As mentioned, one interviewed judge described how he was responsible for organizing meetings in the mahallas and helping citizens submit applications, sometimes submitting them himself on their behalf.⁶⁰ At the same time, mahallas were required to establish representative bodies for women's concerns. Through this, as in other settings, mahallas have been obliged to discharge complex social functions, and they were identified both as zones of customary knowledge and behavior and as instruments for legal individualization, serving the formalization of social relations.

In this context, the legal behavior of citizens has not been entirely predictable or linear. On one hand, there is clear evidence that new legal opportunities have served the designated purpose of detaching people from mahalla-based associations, and the societal expansion of law has elevated individual articulations with government above such memberships. For example, some citizens have proven willing to initiate public law litigation because they have perceived the limits of the authority of the mahalla.⁶¹ Moreover, some citizens have proven willing to litigate despite the guidance of the mahalla, or because their trust in the mahalla had been called into question. In some cases, citizens filed applications because court staff had spoken in the mahalla to inform them of their rights. In other cases, citizens did not fully distinguish between litigation in courts and modes of redress traditionally pursued through mahallas. In each respect, citizens entered public law subjectivities in procedures that placed them outside traditional memberships.

In such developments, however, the engagement of citizens in litigation did not solely reinforce the distinction between conventional legal understandings and

formal law, as patterns of legal consciousness embedded in mahalla life remained tangible in the actions of litigants who initiated public law cases. The evidence that increased legal formalization has simply stripped citizens away from more embedded legal subjectivities is limited.

These dimensions of experience are clearly displayed in interviews. For example, one applicant in Bukhara initiated an application regarding property registration, having found that the mahalla could not help him. He had initially preferred to seek redress for his complaint by using relatively informal mechanisms of justice, stating that he had approached the mahalla for resolution, as this was an example of “what we do in our village”; he had successfully resolved all previous disputes and problems through the mahalla. Importantly, this application addressed a relationship with strong informal importance, partly covered by Islamic law, as it involved the purported false registration of the applicant’s property by his son. In this case, the judge decided that the case should not have been brought before the court, as the property registration had been completed. Nonetheless, the judge made certain recommendations about the registration process, effectively assuming an informal role in dispute resolution. The judge used semireligious language in issuing instructions to the registry office: “Human beings have value in this country [*inson qadri bor*], so give this citizen a copy of his home ownership documents and talk to district officials to help this person enter his home. It will be a good karma for you [*savob bo’ladi*].”⁶² Although heard by a formal court, this case did not fully move beyond the sphere of informal justice, and it was settled in terms that articulated nonlegal constructions of justice. In an interview, the applicant stated that he had gained increased trust in state agencies because of the proceedings, and he felt the court provided justice not guaranteed by the mahalla. The access to formal law thus increased confidence in public institutions, but it achieved this legitimational outcome by satisfying informal legal expectations.

In a related case in Fergana concerning property registration, one applicant stated that he had first attempted to seek resolution through the mahalla and had also tried to contact elderly relatives of the persons with whom he was in dispute to help settle the matter. He explained this by stating that he and his wife had been convinced “that Uzbekchilik [national customs and cultural norms]” would help them in the dispute, as “in our culture we are raised with the understanding that we need to listen to elderly people and to consider the suggestions of elderly people.”⁶³ Deference to elderly people is prescribed in the sunnah—the body of traditions and practices of the Islamic prophet Muhammad, forming moral guidance for all Muslims. In this, deep religious preconceptions about justice informed the trial procedure, and motivations for litigation were affected by religious beliefs. The applicant stated that he had litigated because he felt he had experienced violation of rights derived from Islam, so that the court was endowed, in his perception, with religious obligations: “We are Muslim, and I do not understand why public officials and the dishonest people like the owner’s son act beyond the

Quran.” This occurred in a context in which the applicant was deeply disappointed by other sources of authority, stating that “public officials” had been “useless” and “not willing to cooperate.”

One case already considered above is illuminating in this regard. A group of applicants litigated against the *hokimiyat* of one of the districts of Tashkent because of the suspected falsification of mahalla election results; all applicants were active members of the mahalla. The applicants declared that they had initially sought resolution with members of their mahalla. However, they had decided that informal mechanisms were ineffective: “It was useless, so it is better to go to the court.”⁶⁴ They reported that, previously, they had not known where the administrative court was, but they had sought legal advice, which persuaded them to submit an application. They also reported that, through the litigation experience, their trust in courts had increased while their trust in mahallas had decreased. In parallel, one (Russian-speaking) applicant explained how she had initiated a hearing regarding land registration after court staff had visited the neighborhood to “talk to the neighbors and the mahalla leaders.” She concluded that “the court has done quite a job,” and she was “satisfied that justice was established.”⁶⁵

Alongside this, for many citizens, it was not clear how formal legal procedures in the courts differed from customary dispute resolution mechanisms in the mahallas. Indicatively, some interviewed judges noted that their educational roles fused with the personalized functions assumed by mahalla leaders. One judge explained that when visiting “mahallas and other public events to find the citizens who are facing administrative issues,” his judicial functions blurred and became uncertain. In such cases, judges are required to emulate the behavior of mahalla leaders, as applicants expect them to listen to their complaints, submit their applications, and judge the resultant cases.⁶⁶

What becomes perceptible in these accounts is that—as intended—the formalization of law and increased opportunities for litigation remove citizens from pre-structured backgrounds, as the law provides access to goods and remedies that more informal organizations cannot reliably offer. This constructs a new legal domain between citizens and government, in which heightened legal individualization and formalization bring citizens closer to government, and the imposition of secular form on law creates a more robust domain of citizenship to support and legitimate the government. At the same time, however, as they utilize litigation opportunities created by reforms, citizens assume legal personalities that are not fully separated from their informal subjectivities, and inchoate or cultural understandings of justice continue to shape and find expression in their actions. In such cases, implicitly, the law did not entirely renounce its symbolic-cultural background or function, and, through increased access to law, citizens both established formal self-understandings in law and carried informal legal knowledge into their interactions with public bodies. Indeed, in some cases, citizens gained satisfaction in terms that reflected their informal comprehension of the law. This can be seen

as a process in which religious understandings of law weakened, as citizens were required to act outside informal organizations to acquire justice, and public law specifically diminished the standing of informal law. However, it was also a process in which informal cultural understandings of law were more strongly vocalized, and citizens began to occupy legal roles in which their customary constructs of justice and perceptions of legitimacy were articulated. Importantly, in certain court cases, we observed that both applicants and legal professionals showed a tendency to use the Islamic binary categorization *halal/haram* (lawful/unlawful in sharia law) when discussing disputes. In such cases, religious understandings of legal disputes and outcomes clearly framed formal procedures to such a degree that applicants engaged in legal procedures with religious expectations, and they viewed formal law as intricately interwoven with religious laws.

In these respects, the rising access to law among legal subjects brought not only the formalization, but also the multiplication of citizenship roles, creating a diffuse zone of interaction and legitimation between government and citizens, fusing formal and informal legal knowledge. This created a new mode of postimperial constitutional form, in which formal legal interactions draw some motivational force from religious sensibilities. The legal structure that arises from this is not based in a simple dichotomy between formal-legal and religious values, and the formal content of law is partly sustained by religious motives.

Evidence of multiple citizenship is also found in the fact that, through recent legal reforms, and especially through the opening of domestic law to international commerce, religious principles have become embedded in some spheres of Uzbek law. Recent years have seen increased protection for Islamic principles in economic law and financial regulation law. This was initially caused, in broad terms, by the fact that some businesses in Uzbekistan were unwilling to secure loans from regular banks, because the interest rates charged contravened Islamic law. During field research addressing this phenomenon, one interviewee stated that companies were forced to operate informally because of the lack of morally acceptable finance, stating that steps should be taken to provide “Muslim car loans and mortgages,” on the grounds that many colleagues and business partners would not take loans from our banks, “since this is not a *halal* loan.” The interviewee estimated that “90 percent of companies will come out of the shadow economy in our country if sharia-compliant loans are introduced” (Mustafoev 2024: 17). This was also caused by the fact that many international firms seeking to trade with Uzbek companies stipulated that transactions should be concluded under international law. One motive in this was that foreign companies wished to avoid trading with companies whose financial basis was shady and could expose them to legal risk.⁶⁷

The acceptance of Islamic norms in financial regulation began with tentative legislation establishing provisions for sharia-based microfinance. In 2022, legislation on microfinance was passed that permitted the provision of financial services under Islamic norms to physical persons and entrepreneurs. Companies can now use

Islamic financial services, regulated by sharia law, and, to do so, they are required to establish a board of specialists in Islamic law. In mid-2018, a presidential decree prepared for the establishment of institutions for Islamic banking and finance in Uzbekistan. A special commission was established to create an Islamic bank, which, once in operation, would provide a wide range of financial services, including support for imports and exports, housing finance, leasing, insurance, and services in the securities market. In 2019, the president issued a resolution “On Measures for Further Development of Cooperation with the Group of the Islamic Development Bank and the Funds of the Arab Coordination Group.” In mid-2024, the Islamic Development Bank initiated a program of developmental investment in rural Uzbekistan. In May 2024, a law was drafted that would enable all *banks* to provide financial services in accordance with sharia principles. These processes led to the growth of private financial consultancies to advise firms on ways to comply with Islamic law. Before this point, Islamic law could be used as an informal complex of norms in private and contract law, but it had no official status. In August 2024, Mirziyoyev reiterated his commitment to such innovations, pledging to promote Islamic financial products for Uzbek companies. Importantly these initiatives received strong international backing and were partly designed under UN auspices. In September 2024, the United Nations Development Programme convened a meeting with representatives of the Uzbek government to consider the introduction of Islamic finance in Uzbekistan. This was linked to the drafting of a law “On the Capital Market in Uzbekistan,” which contains clauses on Islamic securities. This meeting was attended by more than thirty representatives of key stakeholders, including the Ministry of Economy and Finance, the Central Bank, the Ministry of Investment, Industry and Trade, the Ministry of Justice, and the Committee of Religious Affairs.⁶⁸

One motive for such developments is that recognition of sharia helps to stabilize contractual interactions between Uzbek companies and foreign companies. In this regard, Islamic financial law creates private law standards that promote trust in the Uzbek economy, such that Islamic law forms one subcategory of global economic law. At the same time, the increased recognition of Islamic financial law is part of the more general drive to establish a legal order based on formal ordering and individual protection. Indicatively, empirical research shows that Uzbek citizens were traditionally weakly motivated to obtain credit from financial institutions. Under Karimov, female borrowing from financial institutions was negligible, and only about 3 percent of men had taken loans from a financial institution.⁶⁹ Accordingly, this generated a high reliance on informal borrowing and saving facilities, presumably also increasing informal dependencies and associational attachment. The increasing use of formal law to encourage investment, ensure contractual stability, and link Uzbekistan to the international economy has thus elevated the authority of Islamic law.

In these points, the formalization of law does not simply eradicate religious elements from law, and the use of law to place relations between citizens and

government on ordered premises does not result in unreservedly secular patterns of citizenship. In particular, the focus on legal individualization in administrative law is not, of itself, unidirectionally hostile to religion. On the contrary, the expansion of law's reach in society may even shape nonsecular identities, creating pluralistic, interwoven experiences of citizenship. Moreover, paradoxically, the growing international openness of the legal system may place citizens in environments regulated by religious law, which—in turn—may play an important role in separating citizens from informal dependencies. Islamic law itself may directly promote individualization. Of course, if Islamic banking becomes more widely established, this is likely to influence provisions for legal education, as it will create a need for greater educational provision in Islamic law in economics and regulation. The early development of Islamic financial law has already had the result that professors can teach sharia law as a freestanding part of the regular curriculum, without any need for special dispensation.

As mentioned, it is often argued that Islam inhibits secularism in society, as—purportedly—it curtails pluralist expressions of individual liberty and self-legislation (Vatikiotis 2016 [1987]: 84). For this reason, allegedly, states are typically required to construct national citizenship against Islam. As discussed, it is also often perceived that, both in general and in mainly Islamic societies, the consolidation of formal state law eradicates the traces of legal pluralism in society, pushing informal law into marginal spaces. However, these assumptions rely on rather superficial and schematic understandings of secularism and legal pluralism. In the case of Uzbekistan, the formalization of the legal system and the establishment of national citizenship have followed a pattern that, in a dialectical manner, multiplies expressions of pluralism in law. Here, it becomes possible to speak of the intersections between pluralism and formalism as an expression of *religious interlegality*. In fact, Islamic belief structures form an important bedrock for formalizing legal reforms, and reforms instill legal procedures in society that are partly secular yet also sustained by religious motivations. The essential result of the above analyses is that the degree of secularism in society cannot be measured by categorical criteria, and it is not always possible to identify a strict opposition between secular and nonsecular elements of law. Moreover, secularism is not solely identifiable in the differentiation of society's functional spheres; secular law may coexist, formatively, with transversal legal norms, and religious law may support the construction of secular legal obligations.⁷⁰ In fact, different functional domains of society may display variable degrees of secularism, and legal regulations in different spheres may form hybrids in which religious and positivist contents are indivisible and mutually formative.⁷¹ This implies that the common association of secularism and social modernity is simplified, and Islam's position in this nexus is inadequately explained. In the cases observed here, experiences of religious motivation are not incompatible with aspects of modern secularism, and they do not obstruct the individual autonomy and consensual government usually associated

with secularization. On the contrary, legal liberalization clearly benefits from its ability to articulate with elements of Islamic moral order. Secularization itself generates dialectical outcomes, and the modernizing formalization of law creates a range of partially secular, partially religious social roles for subjects to inhabit.

In these points, legal processes in Uzbekistan have complex and sometimes paradoxical functions. At one level, the reforms are intended to create a positive system of secular law, building on earlier traditions of positive legal construction and framing government within a robust order of citizenship. Yet, they are also expected to weave a fabric of legal communication in society to reduce the alienation of postcolonial government. As they rely on the deepening of intersections between government and citizens, they configure the legal subjectivity of citizens in multiple forms, often reproducing and subverting the residues of colonialism at the same time. The reliance on law as a line of communication between government and citizens weakens the simply positive function of law and brings religious meanings into formal law, so that religious elements of citizenship appear in different spheres of communication. These phenomena acquire particular importance in the context of postimperial state building and constitutional formation, as they open new avenues of citizenship between legal subjects and the state, both drawing on and modifying traditional dualistic legal structures. In this context, the vertical construction of citizenship may depend on informal internal elements for its success.

CONCLUSION

It is a common feature of postimperial environments that the secularization of legal order is driven by security prerogatives. As surveyed, in most postimperial societies, exposure to security pressures led to the formalization of law and the imposition of a unitary legal system on society. Indeed, globally, the origins of public law can usually be traced to intensifying security challenges, and positively ordered legal norms first spread into society from military organizations.⁷² In Muslim-majority societies, this frequently occurred through the manufacturing of citizenship, rooted in imported secularist ideals, as states were forced rapidly to position themselves in demanding security constellations. Uzbekistan offers an unusual variant on this process. Recent measures to impose a more formal structure on the law also reflect a complex security environment, and they are partly designed to reinforce the sovereignty of governmental bodies in a precarious global setting. However, this environment has instilled a legal structure that falls short of positively ordered unitarism. The attempt to strengthen the identity between citizens and government has placed law's validity in an intermediate zone, in which citizens are encouraged to use formal legal procedures, but as they do this, they transpose atypical content and moral motivations into law. In this context, rather than extirpating pluralism from the law, the state has tentatively promoted a pluralist construction of law's legitimacy, or even of citizenship itself, to acquire a deeper foundation in society.

In some interactions, a separate constitution has begun to develop alongside or on the fringes of the formal constitution, in which religious motivations played an important role. In this regard, the incorporation of religious meanings in law appears again as part of a process of alternative securitization, in which institutions are attached to society through complex identities.

Traditionally, an antinomy is identified between state sovereignty and legal pluralism. The development of sovereign institutions in most European societies and societies subject to European colonialism is explained as a process in which formal lawmakers attempted to level out the plural legal terrains of society, usually for military purposes. This antinomy is frequently observed in Muslim societies, where the construction of central organs of government marginalized traditional legal practices, leading to the proliferation of plural legal norms, at the edges of formal law.⁷³ On one account, it is inevitable that “the interaction between Muslim laws and modern state laws increases legal pluralism, rather than resulting in the effective super-imposition of modernizing and uniformizing official laws” (Yilmaz 2005: 8). The case of Uzbekistan partly challenges this classical antinomy, as measures to harden state sovereignty have stimulated patterns of pluralism in which formal and informal law coalesce. In Uzbekistan, the government has encouraged a mixed process of legal formalization and delegalization to reinforce its sovereign authority in society, and this itself relies on the fact that citizens engage with and recognize state-imposed law for plural reasons and transport plural contents into such law. Legal pluralism is not evident in the simple survival of traditional vestiges, beneath the carapace of formal law, and the social persistence of informal law is not separate from acts of sovereign state building. On the contrary, the state engenders pluralism—in part—as one material constitutional condition of its sovereignty. The state reaches into society through a thick nexus of international, national, and customary law, and it establishes articulations with citizens on this basis.

Importantly, at the level of individual legal consciousness, there is evidence to suggest that in this dialectic of sovereignty and pluralism, law is not fully secularized, but it remains a bearer of religious understandings of social obligations. As mentioned, it is often noted that in largely Muslim societies, law and religion tend to remain fused in a broader cultural complex. This is often seen as a reason Muslim societies are resistant to legal secularization, in the form of constitutional rule. Yet, in Uzbekistan, law and religion remain connected as a basis for secular government. Dialectically, that is, the cultural nexus of law and religion remains active as a force placing law on more consistent secular premises, such that law’s secularism presupposes religion.⁷⁴

Conclusion

This book presents a multilayered, global sociological picture of the new constitutional system in Uzbekistan, which is examined as an example of a hybrid or semi-authoritarian polity. It makes distinct claims about Uzbekistan, but also advances arguments that extend beyond this single constitutional order.

It contains the argument—implicit in each chapter—that constitutions are not simply written texts, acting to restrain governmental power through formal stipulations and to bring legitimacy in prescribed ways. In some settings, constitutions form diffuse, contingent mechanisms, enabling governments to build up complex modes of communication with members of society and consolidate legitimacy for public institutions. To explain this, the book adopts a distinct theory of constitutional citizenship, which it applies to the operations of constitutional law in Uzbekistan. This is based on the claim that (1) constitutional legitimacy depends on a domain of citizenship around the state, such that governmental functions are legitimized through thick lines of integration between the state and individual citizens. However, it explains that (2) this domain of citizenship may be constructed in multiple processes, and constitutions may frequently have responsibility not only for *expressing* but also for *producing* citizenship, to stabilize a basis of support for government. To illustrate this, it argues that (3) the body of norms required to discharge constitutional functions may extend beyond laws with strictly constitutional status, and other parts of public law may acquire constitutional responsibilities regarding political communication and social integration. Many states—both fully and incompletely democratized—may transfer some constitutional duties to administrative law, and administrative law may play a key role in establishing citizenship roles to secure the state.

At the center of each of these points is the claim that the role of constitutions cannot be quantified by invariable constructions of legitimacy. In some instances, governments may design constitutions to generate legitimacy for specific purposes—to enable them to do certain things, under certain conjunctures. Because of this, constitutions may be required to manufacture legitimacy of a specific kind. The legitimacy promoted by a constitution may then be used by government to cover a series of distinct objectives, which could not easily be accomplished otherwise.

Taking this approach, this book explains constitutional functions in Uzbekistan through a multifocal lens, assessing how legal and constitutional reforms in the country are shaped by and define legitimacy in forms proportioned to a challenging contemporary environment and shaped by a difficult historical legacy. The book indicates that the current government has shown a specific need for legitimacy and decided to promote more solid and immediate forms of citizenship because of ingrained historical path dependencies. Its constitution has been created to meet such requirements, and, in doing this, it effects a distinct transfer of some political functions to the legal system. In explaining this phenomenon, the analysis focuses in part on imperial residues in the Uzbek constitutional setting. It shows how the constitutional system is affected by structural particularities inherited from imperialism, which are visible in security concerns, education, religion, and legal culture, all of which determine patterns of citizenship formation. In this light, the book evaluates the Uzbek constitutional order as part of a legitimational reaction to these factors, in which the government responds both to internal substructures and to changes in the external environment. On this account, static assumptions regarding the form of citizenship, the substance of constitutional legitimacy, and the functions of law need to be avoided when observing societies with insecure histories of sovereignty and citizenship. Indeed, the functions of law and the substance of citizenship in societies with long histories of colonization are always likely to be different from those in societies formed by processes in which governments were able to integrate citizens through mobilization for outwardly directed violence. In this regard, the book proposes the primary claim that constitutions are mainly constructed according to a design that adapts intrasocietal structures to the security environment of the given polity. The Uzbek constitution displays features of its particular security context, in which factors that commonly shape expansive democratization are not pronounced. Despite this, however, its legitimational results are not negligible.

In these arguments, the book makes claims that differ from other interpretations of constitutional law in contemporary Uzbekistan, and from general analyses of law in hybrid regimes.

Importantly, the book has no interest in presenting an excessively favorable account of recent constitutional reforms in Uzbekistan. It repeatedly draws attention to the limits, shortcomings, and adverse outcomes of the recent reforms, and

it places emphasis on the paradigm of *authoritarian modernization* to explain the reforms. The book shows how obdurate expressions of coercion at times appear in the margins of the reformed legal system, as the government resorts to more repressive social control when legal means to manage or dispel conflict are insufficient.¹ To this degree, the book raises the question of whether reforms that are focused on legal communication can truly be comprehensive in character. Fundamentally, it implies, constitutional changes focused on legal reforms are always likely to produce a system of managed communication, which serves to divert conflicts away from the political arena, creating a vent that channels antagonisms between government and society into easily supervised, insulated procedures. In fact, as explained in chapter 1, seemingly liberalizing or individualistic legal reform policies may simply act as part of a process of social control. The transmission of social protest against the government through legal actions in courts, instead of through political organizations, may be promoted—quite strategically—to impede larger-scale protest. The build-up of societal communication in the courts may even enable the government to gather social information and observe public agents in different parts of the country. In this context, the book addresses social control mechanisms built into human rights law and the modes of social individualization promoted by such law.

Despite this, the book proceeds from the assumption that although their results may be mixed or limited, the patterns of constitutional revision in Uzbekistan are not mere artifice. The reforms are real, with genuine motives, purposes, and effects. Measurably, they have created the legal framework for a system of government that legitimates itself in a new and distinct fashion, and in relation to which social actors (citizens) have altered their behavior and understanding. Our fieldwork with persons affected by legal reforms at different points in Uzbek society taught us this quite clearly. The reform processes may be judged in different ways by different actors; they may fall gravely short of their initial promises, leading to extreme disappointment; they may be undermined by poor or unsuccessful implementation; they may be despised for personal or political reasons. However, they have modified the ways in which members of society direct expectations toward government. In normative terms, one outcome of the reforms is that the government articulates its legitimacy in meaningfully new categories and practices; it has created new channels for linking government agencies to individual citizens, and citizens have adopted new self-constructions in their interactions with the government. At a general level, this analysis adds a new category to research on hybrid constitutions, and it throws light on the distinct phenomenon of *authoritarian legitimacy*. It shows that governments that lack purely democratic resources of legitimacy may still need and produce legitimacy for specific reasons. This analysis is intended to illuminate why, under some conditions, authoritarian governments may decide to phrase their legitimacy in new ways, and what they might hope to achieve in doing this. It addresses this question by placing strategies of

legitimation in a broad societal context, considering how they articulate with policymaking in other, ostensibly separate domains—notably, education, religion, and security.

In addressing these questions, our ethnographic method led to insights we had not entirely expected. To be sure, in broad terms, the ethnographic data substantiate our prior assumption that authoritarian constitutions create legitimacy in *sui generis* fashion. Our interviews indicate that states can clearly increase their legitimacy without converting to democracy, and they can elevate their social support—for strategic policy reasons—by reinforcing the role of courts and building legal articulations with citizens. In this regard, however, the findings of our ethnographic research are varied, and at times conflicting. On one hand, we found that many citizens appreciated the opportunity to structure their relations with public institutions through formal legal procedures, and they developed increased trust in government because of their experiences with the judiciary. As discussed, this fact has nontrivial benefits for the government in the security dimension. Similarly, we found that the expansion of legal education through society was effective in encouraging citizens to occupy more formal roles, and this, too, brought substantial benefits in the security dimension. Both of these facts impacted understandings of citizenship in society and justified the theory of *vertical integration through law*, with which we originally approached our research. On the other hand, as discussed in chapter 3, much skepticism remains about the formalization of law, and the extent to which it has penetrated informal motivations and outlooks is questionable. This is partly caused by the patchy nature of the reforms, as many goals have not been realized—especially in the eradication of corruption and the relative liberalization of religious law. This is also caused by the fact that the substructure of citizenship, which the reforms were intended to reinforce, remains weak, and many vital exchanges are shaped by social attachments that the state scarcely touches. In this vein, one of our key findings is that, unreflexively, citizens often place their actions in a hybrid zone, where they express their motivations and pursue goals that connect aspects of formal law with informal life spheres. On this basis, Uzbekistan presents a new model of vertical integration, perpetuating moral elements not fundamental to modern citizenship. However, it also displays a distinct pattern of legal pluralism where pluralism is a precondition for integrated citizenship.

All the above points have special relevance for states and constitutions located in primarily Muslim countries, and they relate to often-posed questions about the legal configuration of such societies. In this focus, the book also arrives at unusual conclusions. The discussions of the relation between legal reform and religion in Uzbekistan in chapters 3 and 4 must remain partly inconclusive at present, as they describe one phase in what is likely to be a much longer sequence of events. However, the book situates the constitutional case of Uzbekistan in a broader history of legal reform in Islamic societies, almost invariably marked

by deep legacies of imperial violence, and it shows how Uzbekistan both reflects and differs from legal trajectories in such societies. In so doing, it again sets out a position that questions other legal and sociological accounts of the legitimating role of constitutional law. It indicates that intralegal constructions of citizenship may have particular importance in Muslim societies, creating governmental substructures by establishing multiple patterns of legitimacy and thereby facilitating long-term institutional transformation. It also argues that secularist theories of constitutional law, reflecting time-honored assumptions about individualization and functional differentiation, may no longer be adequate to the constitutional reality of global society. Tentatively, it suggests that the reform processes in Uzbekistan mark one point on a broad spectrum in the global emergence of civil Islam. This phenomenon is likely to be central to any future history of democracy (assuming there will be one).

NOTES

INTRODUCTION: UZBEKISTAN IN CONTEXT

1. See as examples Huq and Ginsburg (2018); Sadurski (2020).
2. See Tushnet (2014); Frankenberg (2019: 18). See the assertion that “democrats innovate in the formal constitution, while dictators tend to imitate formal democratic institutions, saving their innovations for the informal realm” (Elkins et al. 2014: 143).
3. See the variant of such an argument in Muslim contexts in Brown (2002: 199).
4. For a parallel attempt, presented by a researcher with expertise in Central Asia, see Czachor (2022).
5. See analysis of the prereform constitutional movement in Kudaibergen (2024: 61–62).
6. See a basis for this approach in Smirnova and Thornhill (2016).
7. To support this approach, note the theoretical positions in Marshall (1992 [1950]); Bendix (1996 [1964]: 89–90); Peters (1993: 161). Summarizing this approach, see the explanation that “the creation of the institutions of citizenship in legal, political and social terms was also the construction of a national framework of membership within the state” (Turner 2011: 233–34).
8. See related economic analysis in Bodio (2020: 80).
9. See data provided in a World Bank report, suggesting that this led to lower personal taxation and higher public revenues (2020: 28–29).
10. See discussion in Sever (2018). The key regulations are Presidential Decree No. UP-4850 (October 21, 2016), which established administrative courts; Presidential Decree No. UP-4966 (February 21, 2017), which set out the duties of administrative courts; Law No. ZRU-428 (April 12, 2017), which established their legal basis.
11. Presidential Decree No. UP-60 (28.1.2022). The full citation is Decree of the President of the Republic of Uzbekistan No. UP-60 of January 28, 2022. The shortened form of citations will be used hereafter.
12. Anti-Corruption Agency of the Republic of Uzbekistan (2024: 11).

13. Public perceptions of corruption are discussed below and reflected in interviews in chapters 2 and 3.

14. Law 462 (25.1.2018). The full citation is the Law of the Republic of Uzbekistan of January 25, 2018, No. ZRU-462. The shortened form of citations will be used hereafter.

15. Law No. 457 (January 8, 2018).

16. See Law No. 108–1 (August 30, 1995) (repealed 2018).

17. According to available records, from 2019 to June 2024, a total of 84,453 public dispute cases were reviewed. Dilaver Khamzaev provided this data.

18. See for varied analysis Trochev (2004: 513); Thornhill and Smirnova (2018).

19. For evidence of popular support for the reforms, see interviews below in chapters 2 and 3.

20. The term “authoritarian-transformative leadership” is used to characterize this method (Bodio 2020: 91).

21. See related discussion in Urinboyev (2013: 232).

22. The authors of the constitution consulted commentaries on administrative law reform in other hybrid polities. See research on Russia in Thornhill and Smirnova (2016a, 2016b).

23. Decree of the President of the Uzbek Soviet Socialist Republic, No. DP-237 (25.8.1991).

24. Again, this differed clearly from parallel events in Kazakhstan.

25. One observer rejects the classification of the Soviet Union as an empire (Raffass 2012: 215). On one account, Uzbekistan formed a *paracolonial state* during the Soviet period, as government officials retained some institutional and cultural autonomy, but were required to enforce an externally dictated ideology (Kuryłowicz 2014: 48). However, see the claim that the “USSR was an empire” but also a “unique empire” in Lieven (2011: 32). For accounts of the continuities between the USSR and the preceding empire, see Northrop (2004: 22); Riga (2012: 22).

26. One important intervention has rejected the description of the Soviet Union as an empire, stating that it was closer to “the mobilizational states of the interwar era” (Khalid 2016: 10). Our account accepts this similarity. However, most mobilizational states after 1918 (e.g., Germany, Turkey, Italy, Spain) had strong imperialist features. The categories used here attempt to avoid the neat separation of empire and nation.

27. This is the well-known argument in Khalid (2016: 2, 7).

28. The term “total imperialism” is rarely applied to Soviet regions; normally, it describes Japanese colonization (Young 1998: 11). One historian explains how after the initial Russian conquest in the 1860s the army “was entrusted with the entire administration of Turkestan” (Morrison 2008: 37).

29. The Uzbek regions match the generic description of the role of “legal ordering” in colonial state formation, proposed by Benton (2002: 253).

30. The claim that post-1991 Uzbekistan is a “postcolonial” location is expressed in the recent book by Partlett and Küpper (2022). See the lament that “postcolonial studies” has failed “to engage with the former Soviet Union” and to identify post-Soviet experience in the context of “multiple and overlapping colonialisms” in Heathershaw (2010: 89).

31. On Karimov’s condemnation of Russian imperialism see Kuryłowicz (2017: 179).

32. See the application of the postcolonial paradigm to Uzbekistan in Dagiev (2014: 5).

Note the claim that the “Soviet Union was like an empire in that it crafted political domination over a geographically diverse territory and it imposed a hierarchical culture [...] over its ethnically diverse citizens” (Adams 2008: 3). See for separate comment Loring (2014). Excellent analysis of ways in which Soviet government was both imperialist and anti-imperialist is found in Florin (2017: 81).

33. See analysis in Bodio and Załęski (2008: 244).

34. On similarities of Soviet rule to conventional imperial policies of indirect rule, at least outside the Joseph Stalin–dominated era and the years of Mikhail Gorbachev’s anti-corruption purges, see Lewis (2011: 188). On Russian commentaries on the mahallas, see Bodio and Załęski (2008: 87). On Karimov’s management of mahallas, see Naumkin (2005: 111).

35. Obvious recent examples are Egypt, Iraq, Libya, and Syria. Max Weber notes a deeper correlation between secularism and militarism (1921/22: 453).

36. See for similar claims Partlett and Küpper (2022: 3, 106).

37. One rather crude analysis portrays Uzbekistan as “a member of the underdeveloped, war-torn Third World” (Sanchez 2007: 114). This characterization is manifestly absurd.

38. Research on this question accentuates the “close—indeed, symbiotic—relationship” between the internal and the external dimensions of states in the “Third World” (Ayooob 1995: 55). Some such analysis claims that states in Russia’s southern peripheries are “prototypical Third World states” (Ayooob 1995: 143). The convergence of Uzbek foreign policy and standard foreign policy models in Third World countries is discussed in David (1991: 233). Analogously, Uzbekistan would also fit aspects of the “insecurity dilemma” identified in (notionally) “Third World” societies, leading to the impossibility of “separating internal and external security” (Job 1992: 30). For a different application of this approach to Central Asia, see Swanström (2010: 43). For a parallel application of such theory to Central Asia, see Shukuralieva (2018c).

39. See description of this model in Wendt and Barnett (1993: 330–32).

40. See the claim that theoretical inquiry needs to focus on Central Asia states as engaged agents in international relations (Dadabaev 2021: 3). Our approach questions some of Dadabaev’s conclusions (see below), but it accepts his methodological proposition.

41. One recent analysis claims that Eurasia as a whole is defined by a “new age of empire,” in which China, Iran, Russia, and Turkey position themselves in a security landscape marked by imperial histories (Mankoff 2022: 2–4). Uzbekistan clearly stands at the center of this.

42. Different states in Central Asia became India’s strategic partners after circa 2000. The Indian government opened a military base in Tajikistan in 2007 and engaged in infrastructure investment in Afghanistan (see Ogden 2013: 178–79).

43. See criticism of this outlook in Musioł (2015a: 44, 197–201). For a recent claim that Central Asia is a “subregional security complex” within the “broader Russian regional security complex,” see Zhirukhina (2023: 96).

44. See commentary in Kubicek (1997: 639); Cornell (2000: 127); Kuryłowicz (2014: 129).

45. See for this analysis Shukuralieva (2018a: 99–100).

46. For analysis suggesting that such policies are based in fabricated threats, see Montgomery and Heathershaw (2016: 98).

47. This culminated in Boris Yeltsin’s famous challenge to leaders of Soviet republics, who were encouraged in August 1990 to “take as much sovereignty” as they could swallow. See analysis in Smirnova and Thornhill (2016: 754).

48. On this point see Hale (2000: 55).
49. One observer has accentuated the “pride of place held by sovereignty in the thinking of Central Asian leaders” (Allison 2008: 186). One analysis has stated that “all Central Asian governments have made regime survival their overwhelming political imperative” (Colley 2021: 21).
50. To this degree, the concept of sovereignty converges with the concept of citizenship outlined above. See literature at note 7 above.
51. See important examples in Trochev (2008); Henderson (2015); Fruhstorfer (2017).
52. See for earlier studies Solomon (2004); Hendley (2013).
53. This process has often been noted in the sociological canon. See the most important example in Weber (1921/22: 519).
54. See the origins of this outlook in Ehrlich (1989 [1913]: 145).
55. See representative claims in Galanter (1981); Tamanaha (2008: 390–99); Pirie (2023).
56. See the origins of this theory in Sousa Santos (2002: 437).
57. See recent arguments in Colley (2021); Thornhill (2021). For a narrower variant on such analysis see Crouch (2024).
58. See the arguments in Buzan (1983: 245); Rothschild (1995: 55); Buzan et al. (1998: 4).
59. Mirziyoyev has repeatedly argued that constitutional reform—including an extension to his tenure—is vital for state security. In May 2023, he stated, “As the world faces new trials, threats, and challenges every day, Uzbekistan has firmly enshrined its status as a sovereign state in the Constitution” (Mirziyoyev 2023).
60. These features are usually observed in postimperial states in Africa. See Jackson and Rosberg (1982: 11); Clapham (1998: 154, 157); Herbst (2000: 55).
61. See chapter 4 below.
62. Among many such theories see in particular Levi (1996); Tilly (1999).
63. For a discussion of a case close to Uzbekistan, see the account of Afghanistan in Rubin (2002: 9–10).
64. See as one example Taylor and Botea (2008: 31).
65. These themes are taken up again below. But see for related analysis Ganev (2005: 429).

1. SECURITY AND DETERMINANTS OF LEGAL REFORM IN UZBEKISTAN

1. See background analysis in Ruziev (2021: 1325).
2. See further discussion in Thornhill (2024: 12–13).
3. See accounts in Tilly (1999); Krebs (2006: 29); chapters in Kier and Krebs (2012); Obinger (2020: 9); Rousseau (2021: 23); Thornhill (2024: 23).
4. New constitutions in West Germany and Japan were drafted under military occupation and gave prominence to international law as an instrument to avert militarism.
5. The constitution of the United States is a case in point, where after 1945 jurisprudence established enhanced protections for Black citizens, and this evolving framework helped lay the groundwork for landmark legislation such as the Civil Rights Act of 1964.
6. See discussion in Dryzek and Goodin (1986); Obinger and Schmitt (2018).
7. The Venice Commission was created in 1990 to advise on constitutional law in transitioning states.
8. See NATO’s London Declaration of 1990, which stated that the organization would “help build the structures of a more united continent, supporting security and stability with

the strength of our shared faith in democracy, the rights of the individual, and the peaceful resolution of disputes.”

9. For example, constitutions in West Germany (1949), Japan (1946), and India (1950) internalized aspects of UN-promoted human rights law.

10. See related claims in Obinger and Schmitt (2011: 265); Svensson et al. (2012); Peterson (2013).

11. See on these points Marat (2010: 1–2).

12. One observer dates this moment to spring 1992 (Zelkina 1999: 359).

13. On these points, see Rasanayagam (2011: 96); Cornell and Zenn (2018: 18).

14. On policies used for “securitizing religious education,” see Peyrouse (2017: 170).

15. See the discussion in Akbarzadeh (1996: 27). Note the claim that, unlike the Soviet polity, “the independent Uzbekistani state professes respect for the ‘national spiritual values’ of the Uzbek people, which include Islam” (Khalid 2014: 527). See the related assertion that “since independence, the government of President Islam Karimov has instrumentalised Islam as part of its nation-building strategies” (Rasanayagam 2011: 96, 106).

16. On the artificiality of this policy, see Montgomery and Heathershaw (2016); Omelicheva (2016); Shukuralieva (2018c: 48).

17. This is discussed in Hale (2014: 443). He does not focus on the security dimension of transnational communities and related democratic incentives.

18. See discussion of this in Somzhurek et al. (2018: 167).

19. Law No. 641-XII (July 3, 1992).

20. Law No. 336-I (December 26, 1996). Note the commentary that these policies bore “the imprint of an anti-colonial struggle,” to separate Uzbekistan from the Russian sphere of influence (Fazendeiro 2017: 411).

21. See descriptions of this policy in Anceschi (2010: 150). One observer explains that Uzbek security policy has been defined by a process of “omnibalancing” (Pikalov 2014: 299), in which national security was protected by the strategic adaption to the security interests of external actors. This analysis is based in the approach pioneered by David (1991: 24), claiming that omnibalancing is the preferred foreign policy technique of Third World states. For overlapping theories, see Contessi (2015: 300–301); Romashov (2016: 162).

22. On one account, “the newly independent republics possessed structures of autonomy as a part of Soviet federalism.” However, after 1991, these republics struggled “to fill these formal structures with real power” (Trisko 2005: 38).

23. On one calculation, total social expenditure declined from around 26 percent of GDP in 1992 to 16 percent in the years 1992–96 (Coudouel and Marnie 1999: 445).

24. See statistics on changes in the percentage of the Uzbek population living in poverty around 1991 in Falkingham (1999: 17).

25. See the account in Urinboyev (2013: 28–29). See also the discussion of the transfer of welfare duties to mahallas after 1991 in Urinboyev (2011: 41, 46). This account explains how the responsibility of mahalla councils in allocating welfare resources increased following the collapse of the Soviet welfare system. See discussion of ways in which extended families came to fill the security gap in Pomfret and Anderson (1997: 30).

26. One observer explains that between “2002 and 2005, Washington extended \$480 million in aid to Uzbekistan. This was given in exchange for Karimov’s ‘stalwart support in the war on terror’” (McGlinchey 2011: 33).

27. See for comment Lenz-Raymann (2014: 18); Khalid (2016: 169).

28. See on this point Umarov (2021a: 541).
29. One calculation states that “U.S. Freedom Support Act (FSA) monies to Uzbekistan prior to the War on Terror in 2001 totaled \$24.8M. These funds were increased to \$118.2M in 2002” (Daly et al. 2006: 23n21). One analyst explains that the United States saw Uzbekistan as “its ‘anchor state’ to serve American interests in Central Asia” (Chung 2004: 998).
30. See Omelicheva (2010: 70). Uzbekistan’s temporary move into the American orbit began after 9/11. This was marked by the decision to allow the United States to utilize the airbase of Karshi-Khanabad, to facilitate military operations in Afghanistan. This policy soon gave rise to a broader US-Uzbek strategic alliance, signed by President Karimov during an official visit to Washington in early 2002.
31. There is no evidence to support the view that Hizb ut-Tahrir is a terrorist organization. It operates essentially as a peaceful anti-Western group (see Karagiannis 2010: 103).
32. Lithuania, Latvia, and Estonia were invited to begin accession talks at NATO’s Prague Summit in 2002, and they were followed by a declaration concerning the prospective membership of Georgia in 2008.
33. In this process, the United States assisted in modernizing the Uzbek armed forces. In return, Karimov supported American international counterterrorism policies. American assistance to Uzbekistan increased dramatically from \$58 million in 2001 to \$221 million in 2002. Our analysis is based on material set out in Mayer (2006: 62, 66). See for further discussion McDermott (2003: 44).
34. In agreement, see the discussion in Klimentov (2023: 348).
35. On one analysis, the civil war meant that Tajikistan became “de facto a Russian protectorate” (Buzan and Wæver 2003: 425).
36. For these reasons, Tajikistan became “an important trump card in the hands of all Central Asian leaders” (Malashenko 2004: 10). By 2013, Tajikistan contained Russia’s second-largest external military contingent (Matveeva 2013: 484).
37. This is quoted in Miller and Toritsyn (2005: 351).
38. Law No. 105-I (August 30, 1995).
39. Law No. 618-I (May 1, 1998).
40. Law No. 758-I (April 14, 1999).
41. Russian Federal Law No. 2446–1-FZ (March 5, 1992).
42. Russian Federal Law No. 35-FZ (March 6, 2006).
43. Bush’s War on Terror changed the emphasis of US policy in the region, as conditionalities relating to human rights virtually disappeared (Grodsky 2004: 331).
44. In 2004, Karimov introduced the law “On Combating the Legalization of Proceeds from Criminal Activity, the Financing of Terrorism and the Financing of the Proliferation of Weapons of Mass Destruction” (Law No. 660-II [August 26, 2004]). In article 2, this law stated that domestic law would be subordinate to rules contained in international treaties.
45. For discussion of different examples, see Whitaker (2007); Fayyaz (2008: 12).
46. In 2006, the government of Uzbekistan submitted a report to the appropriate committee of the UN Security Council to give evidence of its implementation of its resolutions. The report outlines a series of actions taken to implement the following Security Council resolutions: 1267 (1999), 1373 (2001), 1450 (2002), 1456 (2003), and 1617 (2005). Between 1999 and 2005, measures to ensure compliance with such resolutions brought Law No. 167-II “On Combating Terrorism”; amendments to the Criminal Code on terrorism financing and participation (art. 154); Law No. 660-II “On Countering the Legalization of Criminal

Proceeds and Terrorism Financing”; Cabinet of Ministers Resolution No. 583–95 “On Measures for Improving the Capital Formation Monitoring System in the Financial Sector.” Dilaver Khamzaev provided this information.

47. On one account, the military sector has consistently formed “the cornerstone of the President’s power in Uzbekistan” (Akchurina 2022: 227).

48. See on these points Kuryłowicz (2014: 178–80).

49. One observer has argued that Karimov deliberately attached nation-building functions to terrorism, using the specter of terrorism to condense obligations between state and society (Koch 2011).

50. The suggestion that Karimov created a garrison state needs to be treated with caution. For this claim, see Koch (2011: 503).

51. This was expressed in a Joint Statement Between the United States and Uzbekistan, following the Inaugural Meeting of the Strategic Partnership Dialogue (December 13, 2021).

52. See details in Ramani (2017).

53. See Military Doctrine of the Russian Federation (Pr-2976, December 25, 2014).

54. See on this point Kołodziej (2014: 387).

55. See Human Rights Watch (2023).

56. See the main statement of this outlook in Dadabaev (2020). See further such reflections in Dadabaev (2021: 79; 2023). For a parallel theory of complex securitization to explain this realignment, see Musioł (2015b: 61).

57. For arguments defending extended concepts of security, see Welch (2022: 6–7).

58. To support such analysis, see the claim in Wæver (1998: 77) that in some cases “security might be furthered exactly by the downgrading of security concerns.”

59. This is also addressed in McGlinchey (2011: 11); Hale (2014: 24).

60. See the incomplete state argument in Akchurina (2022: 17).

61. See as evidence the data in interviews below.

62. See “On the Defense Doctrine of the Republic of Uzbekistan,” Law No. ZRU-458 (January 9, 2018). This law sets out a new definition of acts of military or potential military violence subject to national security provisions. These acts include the circulation of “informational and psychological propaganda campaigns” and engagement in “special operations forces, illegal armed formations, private military companies and other hired personnel using sabotage and terrorist fighting methods.”

63. By 2016, entry to the army had become very competitive and, unusually, conscription was very selective. A high percentage of conscripts obtained long-term posts in the army, so it was seen as a duty with professional advantages.

64. This term was used by the president in January 2018 at a meeting of the Security Council of the Republic of Uzbekistan.

65. Accordingly, in section 7 of this strategy, one function of the army should be to “educate young people in the spirit of military patriotism.”

66. See Resolution No. PP-3897 (August 4, 2018).

67. Prosecutor General Ihtiyor Abdullaev was appointed to take charge of the new organization. However, in early 2019, he was sentenced to eighteen years in prison for abuse of power and misuse of public funds.

68. Decree No. UP-6196 (March 26, 2021): “About Measures for Creating Qualitatively New Activity Level of Law-Enforcement Bodies in the Field of Ensuring Public Safety and Fight Against Crime.”

69. Law No. LRU-737 (December 15, 2021).
70. Law No. LRU-699 (July 5, 2021).
71. This is printed as appendix 1 to Decree No. PF-27 (November 2021).
72. Article 2 of the Law on Emergency Situations (2021) stated that “where an international treaty of the Republic of Uzbekistan establishes other rules than those provided for by the legislation of the Republic of Uzbekistan on a state of emergency, then the rules of the international treaty shall apply.”
73. Globally, most periods of reform in administrative law formed internal parts of a changing national security architecture. Modern administrative law was first formed in the Napoleonic period, which was marked by unprecedented military mobilization. Through the nineteenth century, guarantees for legal equality and procedural integrity were hardened in periods of intensified militarism. World War II marked the decisive point in the concretization of procedural rights.
74. Court user in Tashkent (October 2022).
75. For these data, see Trading Economics (2024).
76. On the first point, see Peimani (1998: 51); Altunışık (2024: 720).
77. Decree No. 3668 (April 16, 2018).
78. Decree No. 409 (May 31, 2018). For these details, see Gamza and Jones (2021: 211).
79. See the commentaries in Vermeule (2008); Schotel (2021).
80. Markowitz (2011: 158) has pointed out the risk that in systems with ingrained corruption some institutions of state security fragment “into autonomous agents of organized violence.”

2. LEGAL NATIONHOOD AND LEGAL EDUCATION

1. This began at the origins of modern constitutional practice. In revolutionary France, the year 1791 saw the creation of a Committee of Public Education, one of whose duties was to promote the secularization of education.
2. See the reconstruction of theoretical debates in the sections below.
3. On important variations in this process, see Ansell and Lindvall (2013: 515).
4. For one account of this process, see Brower (1982: 251). After the disaster in Crimea, education reforms were introduced in Russia in the 1860s, expanding both school and university access. These reforms were closely linked to military reforms. Further reforms followed military defeat by Japan in 1904 (Alston 1969: 61, 200).
5. See sociological analysis of this link in Sweden in Boli (1989: 118). The Ottoman Empire experienced secularist education reforms in 1856, after the Crimean War, and then in the late 1860s. For an account of the impact of military policy on this process, see Somel (2001: 42). The military defeat in 1878 then triggered further reforms throughout the Ottoman Empire (see Karpat 2001: 291; Fortna 2002: 113). For how such reforms shaped religious education, see discussion in Başkan (2014: 36). See the classic study of connections between militarism, education, and citizenship in France in Weber (1976).
6. See analysis of this in different contexts in Aghion et al. (2019: 386, 395); Dörr et al. (2020).
7. See discussion of this process in the 1960s in Matthews (1982: 47).
8. Since 1945, education reforms have been a common feature of public policy in newly sovereign states. At an earlier stage, this can be seen in the post-Ottoman domain. Serbia approached full independence in the 1860s and 1870s, a period that saw extensive reform

of school curricula. Post-Ottoman Greece was a frontrunner in providing constitutional guarantees for education rights, which were established in the 1911 constitution. Later processes of decolonization in post-1918 Europe, notably in Poland, coincided with large-scale education reforms. In all these cases, new constitutions, education reforms, and measures to enforce conscription were closely connected.

9. See, for one example, Boli and Ramirez (1986).

10. See, for theoretical accounts, Meyer et al. (1997). See sociological analyses showing how global norms and mass schooling overlap in creating and integrating national citizens in Meyer et al. (1992); Ramirez and Moon (2012: 191).

11. Ramirez et al. (2016: 45) condense this theory, stating that education reforms are guided by “the authority and influence of global educational policy.” For the significance of constitutional rule in this theory, see Meyer (1980: 121); Goodman and Jinks (2013: 62).

12. See Slaughter and Burke-White (2002); Slaughter (2004: 66).

13. The most indicative examples of this convergence are France from 1789 to 1795 and again after 1871; Greece after 1822; Italy after 1865; Japan after 1868; Serbia after 1869; Turkey in the 1870s; Bulgaria after 1878; Poland and Lithuania after 1919; Israel after 1948; and Ghana after 1957.

14. On this process in the British empire see Tahir (2022). Traditionally, it has been argued that pre-Russian Uzbek regions had low education levels. One historian of education in Bukhara observes that only the madrasas provided education in the nineteenth century, so that professional knowledge transmission was largely dominated by the clerics and religious scholars (ulama) (Pickett 2020: 123). On a different account, “Arabic language and theology” were the main madrasa disciplines, but students studied other subjects such as mathematics and literature outside the obligatory curriculum (Frank 2012: 124). One historian states that it is “a safe inference that before the mid-nineteenth century the functional illiteracy rate of the indigenous population was never significantly below 100 percent” (Massell 1974: 6). On one calculation Uzbek regions had only two per cent literacy in 1914 (Williams 1971: 232). One historian calculates that in 1926 illiteracy remained over 90 percent (Anweiler 1977: 217). However, these statistics are based in Russian statistics. They do not take into account either non-Russian language skills or indigenous learning. Any attempt to read Uzbek history as post-imperial history needs to engage critically with these claims.

15. See similar claims about British approaches to madrasas in colonized regions in Zaman (1999: 296–97).

16. See analysis in Khalid (2000: 383); Tasar (2016: 289).

17. For different accounts, note discussion in Dudoignon (1996: 166–68); Chatterjee (2000: 1130).

18. In Polish-speaking regions, educational reforms deliberately promoted Russification as punishment for the anti-imperial uprising in 1863 (see Korzeniowska 2004: 102–3).

19. On this instrumentalism, see Wojna (1984: 452–53).

20. On the link between Soviet education and the civil war, see discussion of how educational policies promoted the “militarization of students” in McClelland (1971: 819).

21. Calculations in this paragraph are from Anweiler (1978: 217–19).

22. For discussion of this point, see Hagen (1990: 329–31).

23. On “the rapid abolition of Muslim education and of Islamic courts, the final confiscation of waqf property, the closing of mosques and shrines, and the campaign against veiling,” see Khalid (2016: 342).

24. See relevant data in Pennar et al. (1971: 299, 349).
25. See the statement that, at all school levels, “between 1927 and 1985, enrollments [...] grew by 453%, far outstripping the population growth of 188% that occurred at the same time” (Gerber and Hout 1995: 619).
26. See analysis of the British Empire in Akande (2023: 4–8, 39); Chatterjee (2011: 48). In France in the early Third Republic, Muslims residing in colonies were excluded from education, under laws establishing secularism as the guiding educational norm (Desvages 1972: 57).
27. The classical view, now clearly revised, is that this was an attempt “to destroy Islam completely as a religion, culture and way of life” (Lemerrier-Quelquejaye 1983: 1).
28. See the account of this in Mastianica-Stankevič (2021: 41).
29. In some ways, Muslim women were double beneficiaries of educational expansion, as their access to education increased at a time when the focus on equal-access education annulled the traditional educational disadvantage of all Russian women (Gerber and Hout 1995: 640).
30. In 1925, the First Congress of the Uzbek Communist Party declared that the legal emancipation of Muslim women was a priority. On the use of female emancipation to undermine kinship structures, see Edgar (2004: 222).
31. Excellent discussion of these courts is found in Sartori and Abdurasulov (2020: 60–61).
32. See analysis in Pierce (1960: 73); Morrison (2008: 244); Sartori (2008: 83).
33. For excellent discussion, see Sartori (2016: 16–17, 89).
34. For a critical account of this process, see the sections in Keller (2001: 150).
35. Note the claim that the Soviet Union launched a much more comprehensive “program of nation building than did the capitalist imperial powers” and that the “Soviets put considerably more effort into building a centralized school system” (Keller 2007: 258).
36. This was a feature of education reforms in the western empire, in regions now in Lithuania, Poland, Ukraine, and Belarus, after 1863. On one account, the Tsarist school system was used as an “important tool of population policy” across this entire region, especially after 1864, shortly before Russian rule was consolidated in Central Asia (see Zasztowt 1997: 348).
37. On the relevance of this in Central Asia, where before 1914 access to military roles was blocked, see Whitewood (2016: 343).
38. See analysis in Tillett (1969: 58); Eden (2016: 241); Hunter (2016: 30); Tasar (2017: 46). Germany had a long tradition of attempting to secure the loyalty of Muslims against other empires. This culminated in attempts to mobilize Muslims against the Soviet Union and Britain in World War II (Motadel 2014: 33).
39. On this, see Tasar (2016: 277).
40. See for discussion of these points Tasar (2017: 145).
41. For example, in Algeria, major education reforms were initiated in 1944, and teaching of Arabic was organized in 1947. For discussion of the role of international convergence in shaping colonial education policy in France, see Matasci (2023: 154). During the war of independence, the Constantine Plan (1958) was introduced, which was designed to improve education of Algerians as part of a plan to prolong French military occupancy. One analysis describes these reforms as “counterinsurgency efforts” (Heggoy 1973: 195).
42. See the data on school-level education in postcolonial states in Africa, showing that in some African states school attendance doubled between 1960 and 1970 (Lloyd et al. 2000:

494). This occurred despite average rapid population growth and resulting pressures on education providers (Schultz 1985: 10). On the general role of education in orienting the behavior of young citizens in postcolonial societies, see Williamson (1979: 4).

43. One account suggests that before 1917, only about 2 percent of all women in Central Asia were literate, but that in 1970, the figure was around 99 percent (Lubin 1981: 184). This account states that by the mid-1970s in Uzbekistan, about 50 percent of specialist employees with secondary-level educational skills were women (190).

44. On one account, by 1989, adult literacy in Uzbekistan had reached almost 100 percent, and among the student population, the male/female ratio was roughly 60/40 (Majidov et al. 2010: 51).

45. One account stresses how Karimov avoided invoking the idea of the “ethnically and linguistically pure Uzbek nation” (Partlett and Küpper 2022: 103). This view is challenged by the claim that Karimov “successfully crafted a historical grand narrative as well as a wide array of national symbols whose meaning is largely understood by the population” (Laruelle 2021: 36).

46. For example, one stimulating account has argued that Uzbek school teachers after 1991 were badly remunerated, but they also did not teach very much (Anderson and Heynemann 2005: 375). Accordingly, the actual societal circulation of knowledge was limited.

47. In one report, education spending increased as a proportion of total social outlays in the late 1990s, but this still marked a substantial net contraction (Coudouel and Marnie 1999: 446). See also Pomfret and Anderson (1997: 10).

48. See these claims and supporting data in Smolentseva et al. (2018: 15). See in support the recent claim that after 1991: “Uzbekistan’s HE coverage rate was among the lowest in the Central Asian region—it varied between 8% and 13% during two decades” (Ubaydullaeva 2024: 352).

49. See the claim that “more robust measures of HE access that take into account population demographics and HE demand dynamics depict a gloomy picture. The number of HE graduates per 10,000 people dropped from around 28 in 1993 to around 14 in 2001” (Ruziev and Burkhanov 2018: 453).

50. See the claim that by 2000, “the percentage of GDP spent on education had fallen by approximately one-third in Uzbekistan” (Silova et al. 2007: 167).

51. See also Ruziev and Burkhanov (2018: 439–40).

52. See the statement (in 1994) that “Islam’s role in education in Uzbekistan appears to be increasing, a fact which will only solidify the fusion of an ‘Uzbek’ and ‘Muslim’ identity” (Hanks 1994: 313). The frequency of such perceptions is noted in Luong (2002: 51).

53. For example, this has been examined in Egypt, which also has a robust secular tradition. In one interpretation, the Egyptian government propagated “a synoptic vision of Islamic belief and practice,” and “mass education and its pedagogical materials effectively create[d] a new Islamic tradition” (Starrett 1998: 128).

54. See varying discussion in Piscatori (1986: 22); Hefner (2001: 494–95); Khalid (2003: 575).

55. See the following argument: “Education in Islam is as pervasive as Islam itself. It does not begin in the school or end in securing a job, but rather is viewed as a continuous process” (Rahman 1994: 520–21). See also the claim that, from its origin, “Islam was a religion of the book and of learning, a society that esteemed knowledge and education above almost every other human activity” (Berkey 1992: 6).

56. On one account, education in Islam serves the reproduction of “the community” as “the equality of all believers in the eyes of the divine law” (Halstead 2004: 523). A different observer asserts that, in the historical development of Islam, “the acquisition of knowledge, with jurisprudence as its centerpiece, was an activity vested with honor” (Messick 1992: 154).

57. See the anti-Russian discussion of this phenomenon in Muminov et al. (2009: 225).

58. One stimulating book about the role of women in post-Soviet Uzbekistan claims that “the government and the industrialized sectors of the Uzbek economy” wished to use education to improve levels of education in the population for economic ends. However, in the sphere of education reform, “Uzbekistan is not far away from an open clash of ideologies, with religious thought ranged against secular ideas” (Tokhtakhodzhaeva 2008: 169). See related claims by Peyrouse (2017: 182). In consequence, teaching is often boycotted in some parts of Uzbekistan, and the integrational force of schools is weakened: “In the 1990s, half of all households in rural areas refused to send their children to school on Fridays so that they could participate in prayer” (Peyrouse 2017: 171).

59. The cited account declares that “the securitization agenda in HE started with student protests in the country’s capital Tashkent in 1992, whereby thousands of students went on the streets to exercise their rights to freedom of expression” (Ubaydullaeva 2023: 306).

60. This differs from the more general security role accorded to universities, in which they are required to conduct surveillance of their students. See Gearon (2017: 7).

61. Muslim education was also partly securitized in post-1991 Russia. See discussion in Hunter (2016: 73), showing how Putin eventually required all Islamic sermons to be delivered in Russian, to facilitate surveillance.

62. He explained in May 2023 that the “renewed Constitution has also established the status of Uzbekistan as a secular state to ensure interethnic and inter-confessional peace and harmony” (Mirziyoyev 2023).

63. See Decree No. P-2855 (March 27, 2017). The Center was organized under Ministerial Order No. 483 (July 19, 2017).

64. This material is abstracted from Cornell and Zenn (2018: 31–32).

65. Resolution No. 422 (July 6, 2020).

66. Decree No. PP-2909 (April 20, 2017).

67. See Decree No. 2829 (March 14, 2017) and Decree No. 3151 (July 27, 2015), intended to improve industrial participation in providing specialist education.

68. Law No. ZRU-637 (September 23, 2020).

69. Resolution No. 322 (June 9, 2022). Ikhtiyor Bekov provided this information.

70. See data in World Bank (2014: 9).

71. Law No. ZRU-699 (July 5, 2021).

72. See this argument in Parsons (1965: 1037). Parsons saw modern society as reliant “on the birth of mass education systems, the centrality of citizenship and the rule of law” (Sciortino 2021: 162).

73. Interview with judge (November 2022).

74. Interview with judge (October 2022).

75. See helpful commentary in Mihr (2023a: 124–25).

76. See, recently, Kolenko et al. (2024).

77. Discussion with professor of Islamic law (April 26, 2024).

78. Interview with lawyer (Fergana, November 2022).

79. Interview with judge (October 2022).
80. Interview with judge (November 2022).
81. Interview with judge (October 2022).
82. Interview with judge (October 2022).
83. Interview with court user (Fergana, November 2022).
84. Interview with court user (Bukhara, October 2022).
85. Interview with lawyer (November 2022).
86. Interview with court user (Tashkent, October 2022).
87. Interview with court user (Tashkent, September 2022).
88. Interview with judge (October 2022).
89. Interview with judge (October 2022).
90. Interview with lawyer (Fergana, November 2022).
91. The developments in Uzbekistan form a distinct version of “civil pluralist Islam,” in which Muslim values feed into the substance of liberal culture. For this concept, see Hefner (2000: 12). See for a parallel view Piscatori (1986: 82).

3. LEGAL PLURALISM AND PATH DEPENDENCIES

1. See classical analysis and descriptions in Benda-Beckmann (1970: 64); Hooker (1975: 2); Geertz (1983: 184).
2. It reflects wider interest in informal law in societies subject to Russian rule. Unlike some influential studies, it does not simply equate religious law and informal law (see Lazarev 2023: 6).
3. See “Address of the President of the Republic of Uzbekistan to the Oliy Majlis” (2017), at <https://president.uz/oz/lists/view/1371>.
4. See discussion in Ilkhamov (2007); Adams et al. (2018); Finke et al. (2018); Anceschi (2021); Urinboyev and Svensson (2024).
5. See reports by Transparency International (2018, 2024).
6. See relevant analysis in Trevisani (2007); Markowitz (2008); Ilkhamov (2017); Urinboyev (2024); Urinboyev and Svensson (2024).
7. See relevant analysis in Bowen (1993); Eickelman and Piscatori (1996); Krämer and Schmidtke (2006).
8. See related discussion in Poliakov (1992); Pashkun (2003); Rasanayagam (2011); Urinboyev (2023).
9. See Triandis (2018) for further discussion concerning the key attributes of individualism and collectivism.
10. See discussion of this in Sievers (2002); Urinboyev (2023).
11. See further discussion of this concept in Shariati (1980).
12. See these claims in Weir (2001: 17).
13. See Gregg (2007) and Hofstede (2011) for further reflections on the nexus between collectivism, culture, and identity in Muslim societies.
14. See analysis in Poliakov (1992); Urinboyev (2011).
15. For a selection, see Sukhareva (1976); Abramson (1998); Geiss (2001a); Sievers (2002); Kamp (2004); Noori (2006a); Rasanayagam (2009); Urinboyev (2011); Dadabaev (2013).

16. See analysis of these points in Kulchik et al. (1996: 10); Abramson (1998).
17. This is discussed in Noori (2006a, 2006b).
18. These claims are also made in Noori (2006a, 2006b).
19. See examples in Louw (2007); Dadabaev (2013); Urinboyev (2014); Urinboyev and Eraliev (2022).
20. A rather standard view is expressed in Abramson (1998); Sievers (2002); Kassymbekova (2003); Massicard and Trevisani (2003); Kamp (2004); Masaru (2006); Noori (2006a); Warikoo (2012).
21. See the origin of these terms in Shlapentokh (1989: 11–13).
22. See for discussion March (2003); Rasanayagam (2011); Kendzior (2015); Ilkhamov (2017).
23. Decree No. PF-5185 (September 8, 2017).
24. Decree No. PF-4947 (February 7, 2017).
25. Decree No. PF-269 (December 21, 2022).
26. Data drawn from *Kun.uz* (2017).
27. These acts are as follows: Decree No. PF-4966 (February 21, 2017), “On Measures to Fundamentally Improve the Structure of the Judicial System of the Republic of Uzbekistan and Increase the Effectiveness of Its Activities”; Decree No. PF-6034 (July 24, 2020), “On Additional Measures to Further Improve the Activity of Courts and Increase the Efficiency of Justice”; Law No. ORQ-426 (June 4, 2017), “On Amendments and Additions to the Constitution of the Republic of Uzbekistan”; Law No. ORQ-428 (April 12, 2017), “Amendments to the Law On Courts, the Code of Civil Procedure and the Code of Economic Procedure”; Law No. ORQ-457 (August 1, 2018), “On Administrative Procedures”; Law No. ZRU-462 (January 25, 2018), “The Code of Administrative Court Proceedings”; President’s Decision No. PQ-107 (January 29, 2022), “On Measures to Ensure the Effective Protection of the Rights of Citizens and Business Entities in Relations with State Bodies and to Further Increase the Public’s Trust in the Courts.”
28. President’s Decision No. PQ-107 (January 29, 2022).
29. Interview with court user (Tashkent, September 2022).
30. Interview with judge (October 2022).
31. Interview with judge (October 2022).
32. See the report in *The Economist* (2019).
33. See versions of this argument in Buckley (2018); Anceschi (2019); Wood (2019).
34. For the background to this concept see Shlapentokh (1989).

4. LAW AND RELIGION IN UZBEKISTAN

1. Nadar Hashemi (2009: 1) summarizes this dilemma, claiming that “democracy requires a form of secularism to sustain itself,” yet that the “main political, cultural, and intellectual resources at the disposal of Muslim democrats today are theological.”
2. One prominent observer has argued, simply, that Islam sits uneasily with constitutional rule because, fundamentally, it expresses “a certain ambivalence regarding sovereignty” (An-Naim 1990: 83).
3. Wael Hallaq (2004: 83, 362) has argued that Islam contains “a legal project that is thoroughly religious in nature,” such that Islamic law and the basic form of the nation-state construct authority in conflicting categories.

4. One commentator claimed that nationalism is “incompatible with the world of Islam” (Vatikiotis 2016 [1987]: 10–11). One observer claims that the nation state embodies “cultural aggression” directed against Muslims (Majid 1998: 342).

5. The above contains a concept of political secularization that involves the following features: the functional differentiation of society; the increased individualization, privatization, and rationalization of social choice making; and the separation of government from religious organizations. This definition is synthesized from descriptions in Asad (2003: 181) and Turner (2011: 10–11). The relation between individualism, societal differentiation, and democracy is central to sociological analysis in the work of Émile Durkheim, Max Weber, and Niklas Luhmann. For a critical attempt to fit Islam into this scheme, see Tibi (1980). On Islamic piety as a critical response to functional differentiation, see Mahmood (2005: 77).

6. See for these claims Peters (2021: 164–65); Drechsler et al. (2024: 616).

7. One observer states that in Muslim legal orders, there are no “distinctions to be made between the sacred and the secular, the ethical and the legal” (Halpern 1963: 215).

8. One early colonial analyst stated that in Islam, there is “no essential distinction in Islam between the sacred and the secular, and it is man’s duty to serve his Maker in every circumstance and relationship of life” (Anderson 1957: 13).

9. It is often observed by sociologists that in Islam, the law is not detached from custom, and those who interpret law do not embody a hierarchy within government (Charnay 1991: 291; Turner 2016: 46).

10. This is one famous argument in Gellner (1981: 54).

11. For related historical studies on Turkey and Egypt, see Coulson (1964: 151–52).

12. This was the case in Iran, Turkey, and Egypt.

13. One observer has stated simply, “The majority of Muslim commentators subscribe to the view that citizenship is not recognized in the Sharia” (Kamali 2009: 122). In the Ottoman Empire, illustratively, laws on citizenship were implemented in 1869 and 1876 to promote secular attachments, and national membership was detached from religious affiliation (see Parolin 2009: 74).

14. Above, a nuanced approach has been recommended for observing pedagogic practices in madrasas. However, one historian claims that historically, the madrasa was “necessarily, if not exclusively, an institution for instruction in Islamic jurisprudence” (Berkey 1992: 7).

15. See the claim of Joseph Schacht (1964: 1) that Islam has an essentially religious understanding of law, and that “Islamic law is [. . .] the most typical manifestation of the Islamic way of life, the core and kernel of Islam itself.” Important Muslim scholars working after 1945 perpetuated these ideas, starkly counterposing Islam and modernism (Berkes 1964). This view has accompanied much scholarship on the political ethics of Islam. In the United States, critical observers of Islamic political reflection have stressed that in the traditional Muslim view “the state does not create the law, but is itself created and maintained by the law, which comes from God and is interpreted and administered by those who are skilled in these tasks” (Lewis 1988: 31). On the postcolonial dimension in such thought, see Ardiç (2012: 16).

16. See assessments of these phenomena in different colonized regions in Christelow (1985: 274); Rosen (2000: 80); Sartori and Shahar (2012: 641); Hussin (2016: 74–75); Stephens (2018: 8, 23, 39); Akande (2023: 68); Agrama (2012: 99).

17. See discussion in Khalid (2016: 31). Dualism was a strong feature of French rule in Algeria, and the ulama tried, and failed, to achieve autonomy. See on these points Charnay (1991: 4–7); Christelow (1985: 22, 140).

18. Dual legal systems operated in Nigeria, Ghana, and Kenya under British rule.

19. See Cetinsaya (1999: 374).

20. See the comparison of these events in Sohrabi (2011).

21. See discussion in Arjomand (2008: 35).

22. See the account in Pierret (2013: 179).

23. See the claim that the “majority of Muslim states are praetorian” (Lawrence 1998: 49). One colonial administrator in British-ruled dominions reflected on “the honour accorded to soldiers in Arab countries and indeed in all Muslim areas” (Glubb 1965: 10). See the rejection of this view in Thompson (1974: 239).

24. One interpreter who has devoted much time to isolating the democratic components of Islamic thought still concludes that divine sovereignty is “the background frame of reference against which all contemporary Islamist political thinkers operate” (March 2019: 162). The great Iranian theorist Abdul Ala Maududi rejected democracy on the grounds that sovereignty could not be a secular construct. Sherman Jackson (2006: 172) has asserted that in the Muslim world “the problem begins with the fact that Islamic law historically precedes and transcends the State.”

25. In Iran, supplementary constitutional legislation of 1907 stated that the ulama’s responsibility was to ensure that laws accorded with Islam.

26. See the claim that, in Central Asia, “Jadids had long seen traditionalist ulama as the biggest obstacle to the reform of society and of Islam itself” (Khalid 2016: 226).

27. See analysis in Ghazzal (2005: 72) and Başkan (2014: 36).

28. See the claim that Khomeini saw secularism as “abandonment of Islam,” which means “burying Islam in our cells in the madrasas” (Sonn 1987: 284).

29. See discussion of the “clerical capture” of the state in 1979 in Kamrava (2024: 11). One account emphasizes the distinctive features of Shi’ite jurisprudence, based on a chain of authority emanating from Allah, in which there is “no place” for temporal order (Martin 1989: 15). In parallel, one scholar asserts that in Khomeini’s version of Shi’ite Islam, “the essential preconditions for the formation of an ideal government are revolt against and the overthrow of the established government” (Ghobadzade 2014: 88).

30. Asghar Schirazi (1997: 233) argues that under Khomeini “primary Islamic ordinances” always possessed a status that was inferior to “state ordinances.”

31. See analysis of this in Ostovar (2016: 10).

32. This follows analysis in Gopal (2017: 80).

33. On one account, both IMU and HT in Central Asia “advocate the bringing together of all Muslim lands, the overthrowing of existing Central Asian Governments and their replacement by an Islamic State in a form of a Caliphate” (Amanbayeva 2009: 174).

34. This is the core of the famous Huntington thesis regarding the clash of civilizations. For analysis of the association of Islam and violence, see Ghadbian (2000: 78); Ayoub (2008: 17).

35. Some post-1945 interpreters claimed that the shift to military secularism in the Middle East was caused by Islamic theocracy. See, for example, Khadduri (1953: 512). Some perceived the absence of a tradition “of separating military from civilian authority” as fundamental to Islam (Halpern 1963: 251).

36. See the critical discourse analysis, explaining how attitudes toward Islam display an “underlying assumption that violence—and by implication, terrorism—is inherent to Islam,” partly because the religion has not “discarded the notion of religious war” (Jackson 2007: 403). Some analyses have even seen a predilection for military rule as rooted in the fact that “Islam does not divide the Ummah into civil and military entities,” such that it obliges Muslims to stand as one in defense of the community of believers (Qureshi 1981: 293).

37. This had, of course, been discussed earlier in Weber (1921/22: 289).

38. Boozari (2011: 101) states that the doctrine of God’s absolute sovereignty promoted by the ulama in 1905–6 was adaptable and reflected a flexible view of sharia. See the analysis in Enayat (1982: 172), observing that “the majority of the ‘Ulama’ were apparently agreed on the necessity of lawmaking,” showing no “objection to the concept of man-made law as such.” On one account, women played an important role in the revolutionary period (Paidar 1995: 50, 61).

39. See related analysis in Bein (2011: 79); Ardiç (2012: 105).

40. One analysis explains that many Muslim-majority countries have shown consistent support for democratization (Esposito 2015 et al.: 241).

41. See discussion in Kubicek (2015: 245).

42. In Egypt, Sadat had initiated a period of liberalization, which was strongly supported by his religious views. Mubarak’s later policies were both anti-democratic and anti-Islamic at the same time; see Dalacoura (1998: 124); Wickham (2002: 214); Mahmood (2005: 74).

43. Note the claim, with which we agree, that there is “no intrinsic connection between secularism and democracy” in Bose (2018: 973).

44. For discussion of the strong correlation between military violence and decolonization, see Wimmer (2013: 110); Thornhill (2024: 2–4).

45. France can be taken as paradigmatic in this regard. The two major periods of constitutional organization in France—1789–95 and 1870–75—saw increasing imperialism and secularism.

46. This is substantiated by analysis presented in Fish et al. (2010: 1342). This conclusion is based in contemporary comparisons, and it would be much more favorable for Islamic societies if historically adjusted to account for the impacts of decolonization. See also Stepan (2012: 595).

47. See in support Hann and Pelkmanns (2009: 1533); Montgomery and Heathershaw (2016).

48. For example, article 57 of the 1992 constitution could be used to authorize emergency measures against persons seen as transgressing against the system.

49. See comment in Hunter (2001: 67); Hanks (2007: 211).

50. See excellent discussion of the secular as a “problem-space” in Agrama (2019: 28).

51. See accounts of arrests on flimsy grounds in Human Rights Watch (2024).

52. The Bukhara Declaration (May 2022) contained a commitment to allow all persons to profess any religion. It stated that this right was also subject to limitations set out in international law.

53. See the statement in this report that “provisions of the relevant articles of the Criminal Code allow the law enforcer to specify all acts committed with extremist motives” (United Nations Human Rights Council 2022: 4).

54. Law No. 699 (July 5, 2021).
55. On the closeness of Jadids to positivism, see Baldauf (2001: 80); Tuna (2017: 260).
56. For an earlier theory of multiple citizenship, see Thornhill (2018).
57. Interview with court user (Bukhara, October 2022).
58. Interview with court user (Bukhara, October 2022).
59. See Presidential Decree No. UP-6196 (March 26, 2021), “About Measures for Raising to a Qualitatively New Activity Level of Law-Enforcement Bodies in the Field of Ensuring Public Safety and Fight Against Crime.”
60. Interview with judge (November 2022).
61. This interpretation of the mahalla as an informal repository of religious values follows the account in Urinboyev (2023: 406).
62. Observation of court proceedings at Bukhara interdistrict court (October 2022).
63. Interview with court user (Fergana, October 2022).
64. Interview with court user (Tashkent, September 2022).
65. Interview with court user (Bukhara, October 2022).
66. Interview with judge (October 2022).
67. One interviewee explained that a CEO of a foreign bank working in Uzbekistan under sharia principles showed a primary interest in “the origin of the first capital of this company, that is, how the fundamental capital was formed” (Mustafoev 2024: 18).
68. United Nations Development Programme (2024).
69. See for these and other related data Ahunov (2018: 10–11).
70. Our theory of Islam as a source of plural motivations that may sustain liberalization parallels theories of *multiple secularism*, exemplified in Stepan (2012: 393; 2014: 288); Kuru and Stepan (2012: 115); Wohlrab-Sahr and Burchardt (2012: 888); Başkan (2014: 146).
71. The tendency of Islamic law to form hybrids with imposed legal norms has been observed in other Muslim-majority societies subject to colonization. See discussion of Malaysia in Hussin (2016: 235).
72. See the classical inquiry in Weber (1921/22: 684).
73. See discussions in Shahar (2008: 130); Yilmaz (2019: 132).
74. Others observe how secularization depends on religious traces. See for a parallel account Asad (2003: 200).

CONCLUSION

1. These marginal areas became clear as this book neared completion. In December 2024, Gayrat Dustov was sentenced to administrative detention for fifteen days for “minor hooliganism”—actually for protesting in a queue at a petrol station over long waiting times caused by methane shortages. This case attracted great public interest, touching on core questions about the trustworthiness of the law and the government’s ability to administer resources. The detainee was released on appeal.

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