

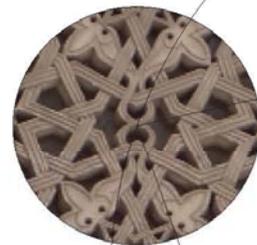


## Copenhagen University Islam Lecture Series

Fikret Karčić

# Main trends in the interpretation of the shari'a in Bosnia and Herzegovina 2000-2005

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## **MAIN TRENDS IN THE INTERPRETATION OF THE SHARI'A IN BOSNIA AND HERZEGOVINA 2000-2005**

### Introduction

Bosnia and Herzegovina is a secular state and its citizens are governed by secular laws. However, even in such circumstances, the Islamic normative system (Shari'a) has its relevance for Muslims. It is their religious and ethical code of behaviour. Its rules are expressed through worship, teaching, practice and observance.<sup>1</sup>

Muslims of Bosnia and Herzegovina possess very developed institutions whose history dates back to the Ottoman and Habsburg times.<sup>2</sup> Recently, this institutional framework has been amended to include Council for Fatwa. This council and its official *fatwa-i emin* are entrusted to provide an institutional interpretation of the Shari'a for Bosnian Muslims.

Parallel to this official institution for interpretation of the Shari'a, in recent years some kind of alternative sources for the interpretation of Islamic normative system appeared. These sources are concentrated around certain magazines of Islamic orientation and Internet web sites.

In this paper we are going to provide a report on a survey of official and alternative mechanisms for the interpretation of the Shari'a in Bosnia and Herzegovina. This survey was carried out at the Faculty of Islamic Studies in Sarajevo by teaching staff of the Chair for Islamic law- Prof. Enes Ljevaković, Prof. Fikret Karčić and Lecturer Mustafa Hasani- and a number of students of the Faculty. The survey included a collection of questions and answers published in print (5 periodicals) and electronic media (8 web sites) in Bosnian language during the period 2000-2005, their classification, identification of different interpretative

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<sup>1</sup> Fikret Karčić, „From Law to Ethics: The Process of Modernization and Reinterpreting the Shari'a in Bosnia“, [http://www.akademie-rs.de/fileadmin/user\\_upload/download\\_archive/interreligiöser-dialogue/071116\\_karcic\\_lawethics.pdf](http://www.akademie-rs.de/fileadmin/user_upload/download_archive/interreligiöser-dialogue/071116_karcic_lawethics.pdf), 27/07/2010.

<sup>2</sup> See Fikret Karčić, “Administration of Islamic Affairs in Bosnia and Herzegovina”, *Islamic Studies*, 38:4 (1999), 535-561.

authorities, references for answering authorities and the like.<sup>3</sup> The project was completed in June 2007. In the meantime, some of observed print media and websites discontinued their activities. Magazine *Saff* at present (summer 2010) exists only in electronic form and websites <http://www.skandinavija.com/>, <http://www.kevser.net/>, <http://www.studio-din.com/>, <http://www.kelimetulhaqq.net/> and [http://www.bosnjakinja.net](http://www.bosnjakinja.net/) are not active anymore. However, their line of interpretation of Islam survived in other forms after the period under survey.

After analyzing collected data hopefully we will be able to derive some conclusions related to the question of importance of the Shari'a for Muslims living in a secular state as well as to identify main tendencies in the interpretation of Islamic normative system in this Balkan country. Prior to this survey we will give a short account of Islamic tradition in Bosnia and Herzegovina which provided background for contemporary developments.

## 1. Islamic tradition in Bosnia and Herzegovina

The tradition of understanding and living Islam in Bosnia and Herzegovina has been gradually developed since the spread of Islam in this Balkan country. Numerous factors contributed to the emergence of what is in normative acts of the Islamic Community described as „Islamic tradition of the Bosniaks“ or „Bosnian Islam“ in anthropological discourse. In our view this tradition includes the following elements:<sup>4</sup> Sunni Islam interpreted through Maturidi school of theology and Hanafi school of law and corresponding Sufi orders; belonging to the Ottoman Islamic cultural zone; survival of „islamized“ practices of the inhabitants of pre-Ottoman Bosnia; influence of Islamic reformist movement known as *islah* and *tajdid* during the period between last decades of the 19th century to the middle of the 20th century which provided theoretical justification for modernization of the Bosnian Muslims; institutionalization of Islam in the form of the Islamic Community, united and centralized now self-governed administration of Islamic affairs in this country and experience of manifestation of Islam in a secular state.

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<sup>3</sup> Materials related to this project could be found at the Library of the Faculty of Islamic Studies in Sarajevo and with the lecturers involved in the project. Since the content of analyzed websites varies, in our analysis we have relied on print version of the content of websites accessed at the time of our research (2007).

<sup>4</sup> See Fikret Karčić, „Šta je to islamska tradicija Bošnjaka“, in *Rezolucija Islamske zajednice u BiH o tumačenju Islama i drugi tekstovi* (Sarajevo:El-Kalem, 2006), 51-59.

Since tradition is not a static concept, the Islamic tradition in Bosnia and Herzegovina is in the process of reaffirming certain elements, marginalizing others and adopting new ones. Research on trends in interpreting the Shari'a in Bosnia and Herzegovina is also meant to trace possible lines of the development in the inner structure of „Bosnian Islam“.

## 2. Interpretations, interpreters and references

We will start this survey with *Glasnik Rijasetu islamske zajednice u BiH* (The Herald of the Islamic Community in Bosnia and Herzegovina), an official journal of the Islamic administration in this country established in 1933. During the years 1999 and 2000, this journal re-started the column *Pitanja i odgovori* (Questions and answers). The questions (35) were answered by dr Mustafa Cerić, rais al-ulama of the Islamic Community. By education he is an Al-Azhar graduate and Ph.D. holder from Chicago University. But, very soon this column ceased to appear in *Glasnik*. Authorities who were used as references in these interpretations include Fakhr al-din al-Razi (1150-1210), Muhammad ibn Ahmad al-Qurtubi (?-1273), Mahmud ibn Umar al-Zamakhshari (1075-1144), Muhammad Asad (1900-1992), shaykh Yusuf al-Qaradawi (b.1926) and the like.

Second official periodical is the biweekly *Preporod* (Renaissance), published in Sarajevo since 1970. During the period under survey 601 questions were answered mainly by Muharem ef. Omerdić, an official of the Riyasat of the Islamic Community in Bosnia and Herzegovina responsible for religious education. Prof. Enes Ljevaković, who teaches Fiqh at the Faculty of Islamic Studies in Sarajevo took over to give responsa from April 2005. Muharem ef. Omerdić, is a graduate from the Faculty of Islamic Studies in Sarajevo, where he also obtained his MA degree in Islamic theology (Aqida). Questions were related to different aspects of human life. Authorities who were used as references include classical Muslim scholars such as imam Abu Hanifa (699-767), Al-Bukhari (810-870), Al-Tirmizi (824-892), Al-Nawawi (1233-1277), Ibn Taymiyye (1263-1328), Al-Suyuti (1445-1505), contemporary scholars such as shaykh Abdulaziz ibn Abdullah Ali Baz, known as Bin Baz (1909-1999), former Grand mufti of Saudi Arabia, globally influential Egypt-born shaykh Yusuf al-Qaradawi (b. 1926), and Syrian authority of Islamic law shaykh Wahba al-Zuhayli (b.1932), and the like. Bosnian Muslim scholars such as Hasan Kafi Aqhisari (1544-1615), and 20th century scholars like Mehmed Džemaluddin ef. Čaušević, Sejfullah ef. Proho, Husein ef.

Djozo, Abdullah ef. Škaljić, Prof. Ahmed Smajlović and Professor Nijaz Šukrić are occasionally referred to. The dominant line of interpretation is the main-stream Sunni thought.

Third print periodical is non- official Islamic monthly journal *Novi horizonti* (New horizons), published since 1999 by NGO Selam in central-Bosnian city of Zenica. This journal has regular column *Fetve i savjeti* (Fatawa and advices). Interpretations of Islamic rules were given by Šukrija Ramić, a professor of Fiqh at the Faculty of Islamic education in Zenica. He is a graduate of University King Saud in Riyadh, where he also obtained his MA in Methodology of Islamic law (Usul al-fiqh). He has obtained Ph.D. in the same area at the University of Wales, Lampeter, UK. During the period under survey 930 answers were published in this journal. Authorities who were used as references include classical scholars such as shafi'i scholar Al-Nawawi, hanbali scholar Ibn Qudama (1147-1223), hanafi scholars such as Ibn Abu al-Izz (1331-1390), Kamal ibn Humam (d.1457), Al-Marghinani (1135-1197), Al-Tahawi (843 or 853-935), zahiri scholar Ibn Hazm (994-1064), maliki scholar Ibn Rushd (1126-1198), hanbali scholars Ibn Taymiyya (1263-1328) and his disciple Ibn Qayyim al-Jawziyya (1292-1350), modern scholars such as Muhammad Rashid Rida (1865-1935), contemporary scholars such as shaykh Yusuf al-Qaradawi and institutions such as Academy of Islamic sciences attached to Al-Azhar. Among Bosnian scholars, the author has referred to Ottoman time alim Hasan Kafi al-Aqhisari and contemporary scholar Husen Djozo (1912-1982). The dominant line of interpretation is the main-stream Sunni thought.

The fourth print periodical is *Saff* (Row), a biweekly magazine, self identified as „Islamic youth magazine“ published in Sarajevo since 1997. This magazine is widely perceived in Bosnia as a voice of salafi group(s). Since 15 May 2003 this magazine started a column *Pitanja i odgovori* (Questions and answers). Answers were give in some cases by „Shari'a Council of the magazine“, consisting of Abdusamed Nasuf Bušatlić, Semir Imamović, Haris Mujić and Abdulvaris Ribo. In some cases answers were given by Semir Imamović and Safet Kuduzović individually. Semir Imamović (b.1974) is a graduate of the Islamic University in Medina, where he also obtained an MA degree in Shari'a. Safet Kuduzović is a graduate of University of Jordan, from which he also took an MA degree in Hadith. During the period 15 May 2003-23 December 2005 *Saff* published answers to 414 questions, out of which „Shari'a Council of the magazine“ answered 265 questions, Semir Imamović 76 and Safet Kuduzović 69. The most frequently referred authors are hanbali scholars Ibn Qudama (d.1223), Ibn Rajab (d.1393), Ibn Taymiyya and Muhammad Ibn Uthaymin (1926-2001), one of the leading

contemporary Saudi alims. Bosnian scholars are not referred to. Dominant line of interpretation is salafi.

The fifth print periodical is *Bosanska Sumejja* (Bosnian Sumayya). It is self described as „magazine for woman and family“ and started to appear in 2001. It has column *Pitanja i odgovori* (Questions and answers). During the period under survey 17 questions and answers were published. Answers were given by Muharem ef. Omerdić, an official of the Islamic Community in Bosnia and Herzegovina, who also answered the questions posed to the paper *Preporod*. In his answers he referred frequently to shaykh Yusuf al-Qaradawi and Wahba al-Zuhayli. Bosnian Muslim scholars were not referred to. Dominant line of interpretation is mainstream Sunni.

The Internet portal <http://www.islambosna.ba/> describes itself as the oldest Islamic portal in Bosnian active during last 10 years. During 2002 this website provided answers at 155 questions. Answers were given by „Council for Fatwa“ of this portal. Members of this „council“ are not identified and have declined to do so at the request of our researchers. Five the most frequently cited authorities are imam Ahmad ibn Hanbal, imam Malik ibn Anas, contemporary Egyptian scholar shaykh Muhammad al-Ghazali (1917-1996), Yusuf al-Qaradawi and Abdul Hamid Mahmud Tuhmaz, the author of book *Hanafi jurisprudence*, translated into Bosnian language.<sup>5</sup> The only Bosnian scholars referred to is Husein Djozo. Dominant line of interpretation is salafi close to Muslim Brotherhood.

The Internet portal <http://www.studio-din.com> has column *Fetve* (Fatawa) and *Pitanja i odgovori* (Questions and answers). In the first column fatawa given by Prophet (p.b.u.h.) and Ulama of Saudi Arabia are given in translation into Bosnian language. Among five frequently mentioned Saudi scholars are shaikh Bin Baz, Ibn Uthaymin, Abdullah ibn Jibrin, Salih Fawzan (b.1933) and Abdullah ibn Ghudayyan. Translators of these fatawa are Safet Kuduzović, Elvedin Pezić, Ahmed Dedagić and students of the Islamic University in Medina. These fatawa are just translations of opinions of Saudi scholars meant for distribution among Bosnian Muslims. Line of interpretation is salafi.

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<sup>5</sup> *Hanefijski fikh*, vol. 1 (Sarajevo, 2002).

The Internet portal <http://www.kevser.net/> has also a column for Questions and Answers. During the period under survey 204 question were answered. Answers were given by the earlier mentioned Safet Kuduzović. Frequently cited authors include Ibn Taymiyya, Ibn Qayyim al-Jawziyya, Ibn Hazm, shaikh Nasir al-Din al-Albani, Ibn Humam and the like. Bosnian Muslim scholars are not referred to. Line of interpretation is salafi.

The Internet portal <http://www.skandinavija.com/> during the period under survey published 25 fatawa. These are, in fact, translations of fatawa of Saudi ulama, such as shaykh Bin Baz , Abdul Aziz ibn Abdullah Al al-Shaikh (b.1941), Salih ibn Fawzan, Muhammad Salih al-Munajjid and Muhammad Nasir al-Din al-Albani (1914-1999). Line of interpretation is salafi.

The Internet portal <http://znaci.com/> is self-described as a medium for the establishment and development of inter-Muslim dialogue and understanding. It gathered young scholars and activists who have interest in Tasawwuf and interreligious dialogue. During the period under survey they published 46 questions and answers in the colum *Naš dijalog* (Our dialogue). Most answers (37) were given by Kenan Čemo, a graduate from the Faculty of Islamic Studies in Sarajevo. Twelve answeres were taken from the magazine *Preporod*, 7 were given by Samir Beglerović, a graduate and Ph.D. holder from the Faculty of Islamic Studies in Sarajevo and the rest by other contributors of the portal. Fatawa given by contemporary Bosnian scholars and institutions (Council for Fatwa) are referred to. Line of interpretation in mainstream Sunni-Sufi.

The Internet portal <http://www.kelimetulhaqq.net/> is devoted to propagation of global jihadist views in Bosnian language. It does not have column „Questions and answers“ but publishes translations of opinions of certain scholars from the Muslim world close to the ideology of the group gathered around this portal. For instance, during the period under survey, this portal has published Bosnian translation of views signed by Hamud ibn Uqla al-Shuaybi, Abdul Qadir ibn Abdul Aziz, Abu Muhammad al-Maqdisi and the like. This portal also published opinions against participation in democratic process and secular laws, justifying the September 11 attack, suicide bombings, supporting Taliban regime in Afghanistan and the like. There is no information about editors and translators working for this portal.

The Internet portal <http://www.bosnjakinja.net/> has Bosnian Muslim women as a target audience. This portal has published 231 fatawa given by Senaid Zajimović (b.1969), a graduate of University of Jordan, where he also obtained his MA in Shari'a. Authorities cited in his opinions include Ibn Rajab, Ibn Taymiyya, shaykh Yusuf al-Qaradawi and the like. Line of interpretation is salafi.

## 1. Analysis and conclusions

The fact that 5 periodicals and 8 web sites in Bosnian language provide opinions and advises related to Islamic normative system (Shari'a) tells us that Shari'a has relevance for Muslims living in a secular state such as contemporary Bosnia and Herzegovina. Shari'a in this situation plays a role of ethical code of behavior of individuals and groups and also a criteria for evaluation of secular laws and dominant social ethics.

Another conclusion which could be drawn from this research is the dispersion of interpretative authorities. In the case of Islam in Bosnia and Herzegovina before 1992, there was a single religious authority for the interpretation of Islam. Monolithic situation in society (Socialist rule) was followed by monolithic situation in religious community. Official interpreters of Islamic rules were muftis elected by representative bodies of the Islamic Community, Grand Mufti with the title „Rais al-ulama“ and the Supreme Islamic Authority known as „Riyasat“. These authorities were entrusted with other religious, educational and administrative responsibilities. Until 2005 there was no a special body entrusted exclusively with the task to interpret Islam for the Bosnian Muslims.

Postwar period in Bosnia and Herzegovina, after 1995, saw the emergence of alternative groups, very often under influence of global developments among Muslims, which challenge the monopoly of the Islamic Community in Bosnia and Herzegovina as the sole authority for interpretation of Islamic rules. These groups moved toward NGO sector and started to publish print media. Development of Internet technology saw the shift toward this medium. Thus, ten years after the end of war in Bosnia we have identified 8 websites which compete for the interpretation of Islam.

Official Islamic administration in Bosnia and Herzegovina responded to this challenge by creating *Vijeće za fetve* (Council for fatwa). This council consists of high ranking ulama and

lecturers of Islamic law, including two female graduates of Islamic studies, and has competence to issue fatawa, revive and develop Shari'a sciences and encourage research in the area of the Shari'a.<sup>6</sup> Rulings on the establishment of this Council specify that in performing its duty the Council will refer to the Qur'an, Sunna, Ijma, Qiyas and other secondary sources of the Shari'a. It may refer to the interpretative heritage of all Sunni legal schools except in the area of worship (*ibadat*) and custom, where the teaching of Hanafi *madhhab* will be referred to. An official of this council-*fetva-i emin*- regularly publishes answers to queries of interested individuals and institutions in Islamic informative paper *Preporod*.

In terms of referential framework this research shows the process of diversification of Islamic legal thought in Bosnia and Herzegovina. During the Socialist rule (1945-1990) the main trend in interpretation of Islam in this country was religious modernism- an offshoot of *islah* and *tajdid* movement popular in modernized Muslim societies and communities from last decades of the 19th century to middle of the 20th century. The main proponent of this tendency in Bosnia and Herzegovina was Husein ef. Džozo. However, since 1990s situation started to change. This research shows that official interpreters of the Islamic law in Bosnia and Herzegovina moved toward more traditional solutions with Yusuf al-Qaradawi and Wahba al-Zuhayli as most frequently cited contemporary authorities. Orientation of the former scholar is described as „a moderate conservative Islam of the middle“<sup>7</sup> while later also belongs to moderate Sunni Islamic orthodoxy with support of democracy, human rights and freedom. As another example of the efforts of the Islamic Community to search for external theoretical framework of reference one may mention that the Riyasat of the Islamic Community in Bosnia and Herzegovina published the translation of the *Islamic Charter* of the International Union for Muslim Scholars headed by shaykh al-Qaradawi and included it into the book dealing with a proper interpretation of Islam in this country.<sup>8</sup>

In the same time, alternative groups among Bosnian Muslims moved toward salafi interpretations citing traditional authorities of Hanbali school and contemporary Saudi scholars. On the extreme right, we found an example of global jihadist ideology, which in

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<sup>6</sup> See Regulation of the Council for fatwa, *Glasnik Rijaseta islamske zajednice u BiH*, no.3/4 (2005), 415-420.

<sup>7</sup> *The Oxford Encyclopedia of the Islamic World* (New York: Oxford University Press, 2009), 4:455.

<sup>8</sup> *Rezoulcija Islamske zajednice u BiH o tumačenju Islama i drugi tekstovi*, 61-154; and new revised edition under the title *Svjetska unija islamskih učenjaka, Islamska povelja*, s arapskog preveli dr Safvet Halilović i dr Mehmed Kico (Sarajevo:El-Kalem, 2010).

Bosnia and Herzegovina was recently identified as neo-kharijism (*al-khawarij al-judud*).<sup>9</sup> These orientations appeared among Bosnian Muslims as a consequence of globalization and extensive use of modern information and communication technology by groups and institutions from the Muslim world, traumatic experience of the Bosnian Muslims during war and genocide, presence of Muslim volunteers and humanitarian workers in Bosnia and Herzegovina during war time, education of Bosnian students in certain Middle-Eastern countries as well as exposure of Bosnian diaspora (almost half of the total population) to different Muslim ideological orientations in Western countries.

What is striking is that religious modernism was losing ground at least at the level of normative interpretation. In practice situation is different with the majority of Bosnian imams following the line of interpretation inherited from the second part of the 20th century. However, if this orientation is to survive and further develop it is important to reclaim ground at the level of normative interpretation. Perhaps, it has something to do with the type of scholars produced by madrasas and the Islamic institutions of higher learning in Bosnia and Herzegovina. These institutions have been able during last decades to produce academicians dealing with branches of Islamic studies but not authors of systematic works in specific Islamic disciplines and across disciplines.

Similarly interesting is that surveyed interpreters of Islamic law rarely referred to Bosnian Muslim authors. Only, few were exceptionally cited such as: Ottoman time Hasan Kafi Al-Aqhisari, Sejfullah ef. Proho and Abdullah ef. Škaljić, from the first part of the 20th century, and Husein ef. Džozo, Prof. Ahmed Smajlović and Profesor Nijaz Šukrić from the second part of the 20th century, among others. This phenomenon deserves further study. It undermines continuity of the Islamic thought in Bosnia and Herzegovina and represents manifestation of minority mentality whereby reliance on own authorities is not sufficient and security of interpretation is sought in following authorities from the central Muslim lands.

It is equally significant to mention that the surveyed interpreters of Islamic law rarely referred to fatawa issued by renown institutions for the interpretation of the Shari'a attached to Islamic universities, such as Al-Azhar, or organizations, such as the Organization of Islamic Conference (OIC) and the League of the Muslim World (Rabita).

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<sup>9</sup> Ahmet Alibašić, „Militantni ekstremisti: harižije našeg doba“, *Preporod*, no-14/928, 15 July 2010.

Finally, there is a question of the originality of interpretation of Islamic law during the period under survey. Almost all interpreters subscribed to accepted interpretations within chosen schools of thought. No one claimed for himself the right of *ijtihad*. At the best creativity was expressed in choosing certain novelty already adopted by internationally renown Muslim individuals. Islamic scene in Bosnia and Herzegovina continues intellectually to develop along lines identified in this research.