

## Introduction

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### (Key-note speech at the conference in September 2016)

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Dear friends,  
Ladies and Gentlemen,

as-salamu alaykum and may the peace of the Master of the worlds be upon us!

I would like to welcome you and express my conviction that the general importance and specific significance of this conference can hardly be overestimated.

Not so long ago, the opinion on irrevocable disappearance of religion from public life prevailed in the sciences dealing with religion from a secular perspective. For more than two centuries, promoters of modernization have taken it for granted that science, technology, urbanization and education would eventually “disenchant” the charmed world of believers, and that, over time, people would either abandon their traditional faith or at least transform it. Referring to continental Europe, where belief in God has been in steady decline over the last fifty years, they claimed that, gradually, Muslims everywhere would undergo a similar transformation. Now, we know that this has not been the case. Moreover, we know that the process of the decreasing public presence of religions has not only been stopped, but that it rather took development in the opposite direction in the last decades. In the circles of scholars and thinkers engaged with religion, the return of religion into social life is now declared to be one of the most important phenomena in today’s world.

This return concerns all religions, with various intensities and in different forms. The religious revival was mostly reflected in the spread of religious rituals and mass observance of religious ceremonies, as well as in the increase of public expressions of religious views and positions. Simultaneously, religion-inspired social initiatives and activities appeared, as well as movements and groups invoking religion in order to legitimize various political goals

and interests. We cannot examine here which of these movements have an authentic foundation in religion and what the consequences or interest-based utilization of the growing social importance of religion are.

The fact is, that religion has become of great interest. Most media and political attention is focused on the manifestation of faith outside the institutional forms of religious life and in secular areas of social life.

At the same time, limits have been shown in the current legal definitions of the position of religion and individual and collective rights of believers in developed societies. It is apparent nowadays, that legal provisions on the relationship between the state and religious communities fail to fully address the challenges of an increased social presence of religion and the believers' need to publicly express it. We believe that legal responses and arrangements are of eminent importance when it comes to meeting the challenges proposed by the return of religions in general, and individual religions in particular.

The presence of Islam and Muslims in Europe has sparked much interest in recent decades. We certainly can agree with the insights of a researcher, who has said that Muslims are both clearly present in a secular Europe, and yet in an important sense, absent from it. He has pointed out in particular the unease of the great part of Western Europe with the presence of Muslim communities and Islamic traditions on the one hand and the inability of Muslim immigrants to be properly represented on the other; he also referred to the differences in the way secular Europeans evaluate the political significance of “religious symbols” in the public sphere.

To add to his insight, let us recall “strange” — not to say discriminatory — laws concerning Islam and Muslims that were recently passed in two European countries. Accommodation and mutual respect can be helpful, as well as clear rules governing areas of possible tension — for instance, areas pertaining to the status of women, parental rights over their children, speech offensive to religious feelings of others or speech inciting violence, standards of attire in public institutions, and the like. Western countries have adopted different strategies: some introduce a ban on wearing religious symbols such as headscarves at schools, others permit them. But, what we have to understand now, is, that it is rather the matter to deal with these problems, than to defend high principles. That is why our expectations should remain low. As Muslims, our unease comes from the fact that these two countries belong to a group of countries that are traditionally regarded as models for the rule of law which ensure the highest standards of human rights.

The Republic of Austria is, of course, not one of these two countries; Austria rather belongs to a group of exemplary countries ruled by the law. The presence

of Islam and Muslims in the Republic of Austria differs from their situation in most Western European countries. It differs in terms of duration of their presence and, notably, in its legal recognition and regulation. There is a reference that groups of Hungarian Muslims lived in areas ruled by Habsburgs in the period from the 11<sup>th</sup> to the 13<sup>th</sup> century. The *Law on Recognition of Churches*, passed as far back as 1874, recognized Islam as one of the religions of the Austrian Empire. When in 1878 the Congress of Berlin approved the occupation of Bosnia and Herzegovina, the Habsburgs took power over the land with a large Bosnia Muslim population, which had been integrated into the religious and legal system of the Ottoman Empire. In this system, the Sultan as the *Caliph* represented the authentic Islamic tradition and the *Ummah*, the universal community of Muslims. The Ottoman sovereign transferred the religious prerogatives of the Caliph onto the Mufti of Istanbul, who carried the title of *Sheikh-ul-Islam* (Grand Mufti) from the beginning of the 15<sup>th</sup> century. Based on the principle of the transfer of authority for the interpretation of Islamic norms and administration of religious affairs, *Sheikh-ul-Islam* delegated his powers to provincial muftis.

Following the Ottoman occupation of Bosnia in the 15<sup>th</sup> century, the normative and institutional framework of the religious system of the Ottoman Empire witnessed a mass conversion of the Bosnian population to Islam. By accepting Islam, they adopted the tenets of Islam and religious practices, introduced their profession of faith into the normative system of a regulated religious manifestation, and became participants in the development of a stable Bosnian structure of Islamic life. The duties of *imam*, *khatib*, *muderris* and *mufti* were the main positions in this traditional system of Islamic institutions and Islamic religious and organizational structure. From quite early on, these duties were assumed and fully performed by Bosnian religious scholars (*alims/ulama*), educated at Bosnian *madrasahs* and Ottoman Islamic universities.

After the establishment of the Austro-Hungarian rule in Bosnia and Herzegovina, the Muslim Religious Authority, linked to the Office of the Sheikh-ul-Islam and the institution of the Caliphate in Istanbul, was instituted in Sarajevo. The Authority, with *Raisu-l-Ulama* and four members of *Ulama Majlis* (Council), were appointed in 1882 by Emperor *Franz Joseph*, who issued a decree on the establishment of the Islamic Religious Community in Bosnia and Herzegovina. The organization of the Islamic Community in the new state and legal system maintained the continuity of the authentic religious tradition of Islam and respect for the supreme religious authority in Istanbul. This was institutionally guaranteed by the *menshura* (a solemn letter of credentials), which the *Sheikh-ul-Islam*'s, having the authority of *Caliph*, issued to *Raisu-l-Ulama*, whereby delegating to him the powers of the religious authority, as well as the right and duty to authorize khatibs for

the proper interpretation of faith and religious rules. Following the abolition of the Caliphate, the powers of the Office of the *Sheikh-ul-Islam* in Istanbul were transferred onto a representative body in Sarajevo, the Council of the Islamic Community in an enlarged session, which elects the *Raisu-l-Ulama* and hands over the *menshura* (letter of credentials) to him, and onto the *Raisu-l-Ulama*, who issues *murasalabs*, the documents of authorization to *imams*, *khatibs* and *muderrises*.

The Islamic Community in Bosnia and Herzegovina was administratively constituted at the beginning of the Austro-Hungarian rule. However, in the fundamental religious sense and in terms of institutional organization, it has existed for centuries as an organized religious community and as a regulated system of religious life of Bosnian Muslims. One can say that it was legally confirmed by the *Statute for Self-governing Administration of Islamic Religious and waqf-mearif Affairs in Bosnia and Herzegovina* of 1909. The Statute prescribes the respect for religious values, norms and institutions of Islam and guarantees institutional representation and protection to the Islamic Community. The *Islam Law* (Act of Recognition) of 1912 was essentially passed for the benefit of Bosnian subjects of the Austro-Hungarian Monarchy, recognizing the Muslim community of the “Hanafi school (*madhhab*)”.

During the Austro-Hungarian rule, Bosnians became aware of their traditional Muslim and Bosnian specificity, but also of the new civilizational reality and tradition of the modern Europe that defined them. The most prominent Bosnian intellectuals expressed this awareness of possible encounters and links between the values of Islam and the legacy of the modern European civilization. They saw the possibilities for a fruitful encounter primarily in the adoption of scientific achievements of the West by Muslims, based on authentic Islamic recognition of the value of knowledge, but also in linking the Islamic value of justice and modern European political institutions, represented by Austria-Hungary.

According to official records, about 600,000 Muslims presently live in Austria. They are mostly of Bosnian-Herzegovinian or Turkish origin. Their religious life, just like that of their ancestors in Austria, is regulated by the Islam Law, which has been in force for over a century. Three years ago, a new law was drafted, since it was found that the old one was no longer in line with the demands of the present time. The proponent of the new law on Islam was Austrian Federal Minister for Europe, Integration and Foreign Affairs, *Sebastian Kurz*. He explained, that his initiative was based on the wish to ensure that Islam, which he said was a part of Europe, should be freed from control from abroad, and be given a chance to develop independently within the Austrian society and take hold there with a discernible European mark.

The Minister's initiative was received by the Islamic Community with great interest and respect for the importance of the new legal definition of the position of Islam and Muslims in the Republic of Austria. We had in mind the importance of the new law for Muslims and for Austrian society in general, as well as its broader significance and potential, given the long historical experience with Islam and Muslims in Austria. It was our obligation to protect the religious propriety of imams' work in Bosnian jamaats, which requires a *murasalah* (credentials) issued by the *Raisu-l-Ulama*; the religious foundation of Islamic education, and the authentic religious character of property in Bosnian *jamaats* in Austria. But, it was also understandable that by passing a new law on Islam, the Republic of Austria wanted to additionally protect itself with regard to security. By supporting it, we wanted to give our contribution. That is why we endeavored to contribute to the implementation of the law in a beneficial manner, rather than only ensure the rights of the members of Islamic Community of Bosnians in Austria, which is part of the Islamic Community in Bosnia and Herzegovina and which, together with other Muslim communities, forms part of the Islamic Religious Community of Austria. We believed and we still believe, that the cooperation between the state authorities of Austria and the Islamic Community in Bosnia and Herzegovina can lead to the creation of a credible European model for the regulation of the position of Islam and Muslims in the West European countries. The Republic of Austria has the necessary historical, cultural and legislative experience, gained for the most part owing to Bosnian Muslims, which includes good cooperation and concerted action with the Islamic Community in Bosnia and Herzegovina. The Islamic Community in Bosnia and Herzegovina is autonomous and its decisions do not depend on a state's politics, as is the case with other Muslim groups in the world.

To conclude, I wish to state that, apparently, the predominant political and scientific approach to religion fails to offer satisfactory answers to the questions raised by the return of religions to public life in general, and of individual religions in particular. Consequently, a number of Muslim thinkers around the world started promoting a "liberal" Islam. However, it is evident that, the more the "adapted Islam" met the demands of the moment, the fewer reasons it offered to the faithful to hold on to it during hard times and forgo the faith of self-proclaimed guardians of religious purity offering a much more radical salvation. Therefore, it remains for us to ask ourselves whether the "adapted Islam" is the only option or whether the political theology of Islam can be transformed in yet another way, namely by renewing the traditional political theology "from within". Bosnian Muslims, represented by *Raisu-l-Ulama Teufik Azabagić*, had long ago offered reasonable arguments why Muslims should be loyal citizens of the state they lived in. In doing so,

he did not use the apologetic language of tolerance and progress, but rather offered the language of Muslim political theology: he asked Muslims to be loyal to the state that ensured them the right to confess their faith, develop their community and preserve their identity. Austro-Hungarian Monarchy accepted it back then, and it seems like the Republic of Austria and Bosnia and Herzegovina could offer Europe now a possible alternative. And today, voices from Bosnia and Herzegovina are calling for that very kind of renewal of Islamic political theology.

I hope and expect that this conference will contribute to paving the way towards a model for developing Islam with European characteristics, a model that is acceptable and open to the diversity within European countries.