The Office of Raʾīs al-ʿUlamāʾ
Among the Bosniaks (Bosnian Muslims)

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Abstract: This paper investigates the origins, the legitimacy and the procedure of the appointment of a Raʾīs al-ʿUlamāʾ, the religious leader of Bosniaks (Bosnian Muslims). The answers have been sought in the tradition of the Osmanlı learned hierarchy, Muslim documents of that period, and the post-Osmanlı history of Bosnia. It has been found that the title of Raʾīs al-ʿUlamāʾ, today only used by Bosniaks to denote their religious leader, has been borrowed from the Osmanlı organization of ʿulamāʾ, that the legality of his office had been provided by referring to Hanaft texts on the appointment of governors and judges for Muslims under non-Muslim rule, and that a formal letter of appointment, called manshūr, continues to be issued for newly elected Raʾīs al-ʿUlamāʾ.

The issue of origins, formation and development of Islamic religious administration in Bosnia and Hercegovina (henceforth, Bosnia) has been the subject of several works published in Bosnian. Yet, this issue warrants the writing of a detailed monographic treatise which would include a study of the interaction of the different factors that have kept the structure of the Islamic community in Bosnia in a relatively stable state.

One of the issues in the history of Islamic institutions in Bosnia which has not been satisfactorily discussed in the existing literature is that of the office of Raʾīs al-ʿUlamāʾ—its origins, legitimacy and the procedure for appointment. This article tries to highlight this issue and fill that gap in the literature.

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Ra’is al-Ulamā’: From a Honorific Title to an Office

The term Ra’is al-Ulamā’ appeared in the Bosnian context for the first time in 1881 at the request of Bosniak dignitaries to the Austro-Hungarian (henceforth, Austrian) government, to allow them to have their own leader (Ra’is al-Ulamā’) who would govern their religious affairs. The following year the Austrian government responded positively to this request, which in fact it had initiated. A council of scholars (majlis al-ulamā’) was established, composed out of four ‘ulamā’, with a Ra’is al-Ulamā’ as its head. In this way, a national religious leadership of Bosniaks, separate from the office of Shaikh al-Islām in Istanbul, was established.

In the Ottoman state, Muslims did not have a religious administration separate from the state structure. The state was built on the principle of organic unity of religious and political authority. However, the Ottoman state possessed a firmly established hierarchy of ‘ulamā’ (ilmiye), without precedent in early Muslim history. In this hierarchy several categories of ‘ulamā’ could be identified, such as ritual ‘ulamā’ (those working as imām, khatīb), educational ‘ulamā’ (mudarris), judicial ‘ulamā’ (working as qādi) etc. Within each category different ranks existed. At the top of the whole organization of ilmiye stood Shaikh al-Islām. Originally, he was the muftī of Istanbul but, later on, this post acquired greater significance. During the 19th century this office was seen as the highest religious post among the Sunni Muslims.

In contrast to the Muslims, non-Muslims of the Ottoman state possessed, within the framework of confessional autonomy (millett), a separate communal organization. This fact enabled them to adapt more easily to the new regime in territories from which the Ottomans were forced to retreat. The new regimes in such territories were most often based on the principle of organic and functional differentiation of religious and political authorities. Therefore, the Muslims left in those territories were also required to find an institutional solution for the organization of their affairs on the basis of the same principle. In the case of Muslims from the former Ottoman state a solution was sought in the views of Hanafi jurists regarding the position of Muslims under non-Muslim rule, the Ottoman hierarchy of ‘ulamā’, practical demands and the interests of new rulers. This is what happened in Bosnia.

Politically, Austria was interested in separating Bosniaks from the influence of Istanbul in every aspect. Due to the significance of the role of Islam among Bosniaks, religious administrative dimension of that
influence was very important. The Bosniak dignitaries were faced with the departure of the Osmanli officials from Bosnia and the breakdown of all connections with the office of Shaikh al-Islam and the ministry of awqaf in Istanbul. They wished to consolidate their position within the new situation and to secure prospects of survival in changed circumstances. A possible step towards the goal could be the establishment of national Islamic religious administration.

Several charges fell within the purview of this administration: the hierarchy of 'ulamā' headed by Ra'īs al-'Ulāmā', the administration of awqaf and Muslim education. The sharfah courts were considered as a part of the state judiciary and, therefore, only loosely connected to the religious administration. These different segments were gradually developed, adapted, regulated and attained relatively stable form in 1909 by the promulgation of the Statute for Autonomous Administration of Islamic Religion, Waqf and Educational Affairs (henceforth referred to as the Autonomous Statute). This statute, which was a result of a long political struggle, provided the Bosniaks with the legal grounds to administer their religious affairs autonomously.

In this study we are especially interested in the use of the term Ra'īs al-'Ulāmā' in the Islamic religious administration in Bosnia. Today, in the whole Muslim world only the Bosniaks call their religious leader by this title. During the British mandate in Palestine (1920-1948) the head of the Muslim community there had the same title. The question is: what is the origin of the title and how did it come to be that the Bosniaks and the Palestinians adopted the same title?

Since both the Bosniaks and the Palestinians lived for centuries under the Osmanli rule, it is advisable to seek an answer in Osmanli institutions. In Osmanli practice Ra'īs al-'Ulāmā' was an honorific title (unwān), not an office. In the Kanun-name of Sultan Mehmed II (1451-1481), which dates to the end of the 15th century and deals with the organization of Ilmiye, it has been said that: "Shaikh al-Islām is the head of 'ulamā'" (Şehyû l'-Islam ulemanin reisidir...⁵). According to this legal text the title Ra'īs al-'Ulāmā' belongs to the muftī of Istanbul, who from the 17th century onwards has been commonly known as Shaikh al-Islām.⁶ This meaning of the title Ra'īs al-'Ulāmā' may be found in the treatise entitled Risāle, written by Haydar Çelebi between 1526/7 and 1534. While mentioning Shaikh al-Islam Kemalpaşazade (Molla Shams al-Dīn Ahmad b. Sulaymān b. Kamāl Pasha, 1468/9-1534), the author remarks that he "is now the muftī of the God-
protected lands and the chief of the 'ulamā' of Islam" (...ulema-i Islam- in reisi).7

It seems that from the 17th century onwards, the significance of this title began to change for it was given to the military judge of the European part of the Ottoman state (Rumeli kazasker). Two kazaskers, one for Rumeli and another for Anadolu, were members of the Sultan’s Council (Divān-i Humāyun) and had the right to appoint qādis whose salary was less than 150 akçe, as well as muderrises, imāms and khatībs in their respective territories.8 From the end of the 17th century kazaskers were appointed by Shaikh al-Islām with the approval of the Grand Wazīr.

The title of Ra‘īs al-‘Ulamā’ belonged to the post of Rumeli kazasker and did not necessarily reflect the scholarly capabilities of the actual title holder of the post. Because of this it was possible, as Turkish historian Ismail Hakki Unzçarşılı notes, that some incompetent persons got the title, especially during the period of decadence of the Ottoman state.9

The fact that the title Ra‘īs al-‘Ulamā’ gradually passed from the mufti of Istanbul to Rumeli kazasker could help explain its later emergence among the Bosniaks at the end of the 19th century. First, the title of Ra‘īs al-‘Ulamā’ became lower in rank than the title Shaikh al-Islām. Second, the title became associated with Rumeli, a part of the Ottoman state to which Bosnia belonged. When the Bosniak dignitaries and the Austrian government agreed, in 1882, upon the establishment of an Islamic Religious administration for Bosnia, it is possible that the title Ra‘īs al-‘Ulamā’ was chosen because of these reasons.

From 1882 onwards the post of Ra‘īs al-‘Ulamā’ was developed and its prerogatives fixed. Finally, once the title of high dignitaries of the Ottoman state has become the highest religious post among the Bosniaks.

The alternative to the term Ra‘īs al-‘Ulamā’ in Bosnia could be Grand or Chief Mufti (Baş Mufti), as it was among other Muslim communities in the Balkans. After the withdrawal of the Ottomans from the Balkans, a religious administration, headed by the Grand or Chief Mufti, was established for these Muslim communities. In fact, the general trend in the Muslim world in modern times, especially among Muslim minorities, has been that the office of mufti has acquired a significance beyond its usual jurisprudential function (iftā’).10 Thus, in most of the Balkan countries with Muslim minorities (Bulgaria, Greece,
Serbia, Romania) peace agreements after the war of 1912-1913 stipulated the establishment of a national religious administration for Muslims headed by Grand or Chief Muftis.  

The uniformity of these solutions was a consequence of the fact that they were reached through agreements between the Osmanlı and Balkan nation-states. Because of that the same institutional patterns were adopted. On the other hand, the Bosniaks, under pressure from Austrian government and through the struggle for autonomy, built a unique system of religious administration in which some solutions that were adopted has no parallel in other Balkan Muslim communities.

The Bosnian experience in institution building was taken by some Albanian intellectuals as a possible model for their own struggle for autonomy. But, the difference between the two orientations is significant. The Bosniaks under Austrian rule strived to preserve connections with the office of Shaikh al-Islām in Istanbul. Albanian intellectual circles, at the beginning of the 20th century, tried to cut every connection with the Osmanlis hoping that such a policy would prevent them from being identified with the Turks in the eyes of the Europeans and would protect them from the possibility of attacks by neighbouring Orthodox countries, possible massacres and the threat of expulsion to Asia.

In the same vein, Albanian writer Faik Konica published an article, in 1909, entitled "A Short Notice to the Mohammedans" in which he suggested to his fellow countrymen "try to gradually reach the point when they would not recognize the Shaikh al-Islām and would, instead, create for their religion a Moslem synod, called Council of Ulemas of Albania, having as the head a Director of ‘Ulemas (Ra’īs al-‘Ulama’)." This article was published in the same year in which the Statute of Autonomy was promulgated in Bosnia, and the author was most probably influenced by it. However, the differences between the Bosnian and the Albanian understanding of autonomy is obvious. The Bosniak struggle was directed against Vienna, not against Istanbul. The Albanian struggle was directed against Istanbul.

The Bosnian Statute of Autonomy has preserved a link between the Islamic community of Bosnia and the office of the Shaikh al-Islām by, means of the manshūr (a letter of formal authorization of a new Ra’īs al-‘Ulamā’) and possibility given to Bosniaks to officially ask for fatāwā from the office of Shaikh al-Islām to resolve controversial issues. The Statute of the Muslim community of Albania of September
24, 1929 broke all links with Istanbul. The Albanian Muslim community was headed by the Grand Mufti residing in Tirana, elected by the Assembly of the Community and approved by the Albanian monarch.\textsuperscript{13}

Far away from the Balkans, the title of Ra'\textit{ts} al-\textit{Ulamā'} appeared in Palestine during the British mandate. The situation was similar to that in Bosnia after 1878; the British, at the beginning of their rule in 1920, called Muslim dignitaries to form a communal organization following the pattern of the millet system of the Osmanlis.\textsuperscript{14} An agreement was soon reached in 1922. Palestinian Muslims were given a separate religious administration of which the top body was the Supreme Islamic Council (\textit{al-Majlis al-Islāmi al-Aṭlā}) composed of four members headed by a Ra'\textit{ts} al-\textit{Ulamā'}. The members of this council were elected by an electoral body the composition of which was similar to the body that had chosen representatives for the Osmanli Parliament. Ra'\textit{ts} al-\textit{Ulamā'} was the Mufti of Jerusalem.\textsuperscript{15}

The similarity of the institutional solutions adopted in Bosnia and Palestine is fascinating: the same title for the Muslim religious leader, almost the same name for the highest body in the Islamic administration and similar jurisdiction. At this juncture, the only available explanation for this similarity is the fact of the existence of contacts between British authorities in the Middle East and the Austrian diplomatic mission in the region. Due to the existence of such contacts, the British authorities were informed of Austria's experience in the regulation of Muslim affairs in the former Osmanli state of Bosnia.\textsuperscript{16} According to this explanation, the Bosnian experience was transplanted into Palestine.

**The Legitimacy of the Office of Ra'\textit{ts} al-\textit{Ulamā’}**

The question of the legitimacy of the office of Ra'\textit{ts} al-\textit{Ulamā’} belongs to the wider problem of the position of Muslims under non-Muslim rule. In principle, classical Islamic legal thought discusses the issue of Muslim leadership within the framework of an Islamic state, that is, the state in which Muslims constitute a majority and political authority derives its legitimacy from Islamic teaching.\textsuperscript{17} In the personality of the head of Islamic state three functions were concentrated: leadership (\textit{imāmah}), interpretation of Islamic regulations (\textit{futūh}) and dispensation of justice (\textit{qadā}). Throughout history, Muslim rulers have kept for themselves political and, at least symbolically, religious leadership while delegating the functions of interpretation and implementation of
sharī‘ah to muftīs and qādīs. The basis of the authority of these officials was the delegated power of the ruler. In their function they were considered as agents of the imām. This notion is significant for the identification of the basis of the authority of Muslim minorities’ religious leaders.

In Bosnia as well as in other Balkan countries, Muslims belong to the Hanafī school of jurisprudence (madhhab). Therefore, to investigate how Muslim scholars from this region dealt with the issue of the leadership of Muslim minorities we should refer to their source of reference—the standard books of Hanafī madhhab.

In the Hanafī school a certain territory is considered as an "abode of Islam" (dār al-Islam) so long as certain Islamic observances are freely practised there. Among the observances which Hanafī scholars mention are: the performance of prayer in congregation, especially Friday prayer (salat al-Jum‘ah) and the jurisdiction of a Muslim governor (wālī) and judge (qādī).18

This position of the Hanafī school has been developed in pre-modern times and represents Muslim historical responses to the loss of territories, especially during the 6/12 century.19 Islamic jurists of that time generally held that a condition for the stay of Muslims under non-Muslim rule is to be allowed to manage their personal matters according to the sharī‘ah, that is, to have a kind of legal autonomy. At that time, this condition was mainly acceptable to non-Muslim countries because of the rule of the personality of family laws in the Medieval times. Hence, the juristic works from pre-modern period did not discuss the issue of the religious leadership of Muslim minorities but their religious and legal autonomy. The views of pre-modern scholars on the appointment of governors and judges for Muslims under non-Muslim rule were taken by the ‘ulamā’ of Muslim minorities in modern times as precedent for the appointment of their religious leaders. As an illustration of such views, the following Hanafī jurists could be quoted.

Ibn Nujaym (d. 970 H) believes that "in the territories under the infidels’ rule it is allowed to the Muslims to perform Jum‘a and ‘Id prayers. A qādī will be appointed by their consent and they are obliged to ask for appointment of a Muslim as governor."20

Ibn al Humam (d. 681 H) writes that "if there is no Sultan, nor someone else authorized to appoint officials, as it is happening in some Muslim countries taken over by infidels, such as Cordoba, Valencia and Ethiopia…the Muslims should agree to select one among them and
appoint him as a governor, and he will further appoint judges or dispense justice himself, and appoint an imām to lead Jumā prayers."\(^{21}\)

Both opinions were used in Bosnia for theoretical justification of the validity of Islamic administration after 1878. The famous Bosnian scholar Mehmed Efendi Handžić (1906-1944) has referred to them in his work Šeriatsko javno pravo (Islamic Public Law).\(^{22}\)

In reference to the legitimacy of Islamic institutions in Bosnia after 1878, two issues could be identified: the legitimacy of sharī'ah courts and the legitimacy of the office of Raʿīs al-ʿUlamaʿ.

The sharī'ah courts in Bosnia after 1878 became a part of the judicial system of a non-Muslim state. Yet, the issue of their legitimacy was solved easily. Pre-modern Hanafi jurists such as Ibn Nujaym and Ibn ʿAbidīn (d. 1253 H) considered the appointment of a qādī by a non-Muslim ruler as valid. The additional condition, laid down by some scholars, i.e., the consent of Muslims, has been met by means of murasalā, a special authorization which qādīs in Bosnia received from Raʿīs al-ʿUlamaʿ.

More complex was the issue of the legitimacy of the office of Raʿīs al-ʿUlamaʿ. Such an office did not exist in Bosnia before 1878. The highest Muslim religious officials in Bosnia of that time were muftīs, who enjoyed the rank of "provincial muftīs" (kenar muftileri) in the Osmanli learned hierarchy. They were appointed by the Shaikh al-Islām who issued them a letter of appointment known as manshūr. Provincial muftīs acted as delegates of the muftī of Istanbul. During the period of the existence of the office of Shaikh al-Islām in Istanbul (abolished in 1924) the Bosniaks insisted that their Raʿīs al-ʿUlamaʿ receive manshūr from Istanbul. After the annexation of Bosnia by Austria in 1908, and the severance of political connections with the former metropole, the Bosniaks wished to preserve at least religious connections.

At the same time, Austria and all subsequent regimes that ruled Bosnia could not be indifferent to the election of Bosniak religious leaders of the Bosniaks. The solution to this problem, adopted in the Statute of Autonomy of 1909, evinced a certain division of influence in the electoral process. A special electoral body (Curia) composed of Bosnian ʿulamāʿ nominated three candidates for the vacant post. The Austrian monarch selected one from among them and appointed him as Raʿīs al-ʿUlamaʿ. After that, the electoral body, through diplomatic channels, requested from the Shaikh al-Islām that a manshūr be issued to the appointed Raʿīs al-Ulamaʿ.\(^{23}\) The same or a similar procedure
was adopted by the Muslims of other Balkan states after the War of 1912-1913.

A new situation emerged after the abolition of the office of Shaikh al-Islam in Turkey in 1924. The Bosniaks united with other Muslims of what constituted Yugoslavia at that time and found, in 1930, a new solution for the legitimacy problem regarding the post of Ra‘īs al-‘Ulamā’. The Constitution of the Islamic Religious Community of the Kingdom of Yugoslavia of July 9, 1930 provided that a special body, composed of Muslim national dignitaries, will issue a letter of appointment to the newly elected Ra‘īs al-‘Ulamā’ ‘until the reestablishment of a legal Caliphate.’ This "deferment of the Caliphate" (faṣile-i hilafet) is still going on.

The practice of issuing a manshūr to the religious leader of the Bosniaks after the abolition of the office of Shaikh al-Islam in Istanbul is a unique case among the Muslims in the Balkans, and perhaps, wider. The other Muslim minorities, even when they did have commonly accepted religious leaders, did not insist that the latter be provided shari‘ah-based legitimacy, even if symbolic.

Manshūr

A manshūr is a formal document confirming that a certain person is legally appointed or elected Ra‘īs al-‘Ulamā’ and, as such, is authorized to issue, according to the shari‘ah, similar letters of appointment to subordinate religious officials in Bosnia. This term has come into the parlance of Bosnian Islamic administration via Ottoman institutions and the Ottomans, in turn, had inherited it from previous Muslim states.

The term manshūr (from the Arabic nashara) in Muslim diplomatic history means "a certificate, an edict, a diploma of appointment." In different Muslim states throughout history, documents under this name may be found to refer to diverse activities and professions. During the Fatimids, for instance, lecturers were appointed by manshūr. In the time of Ayyubids the heads of the nobles (naqīb al-ashrāf) and provincial governors received a manshūr. A Ḥanafī jurist, Ibn al-Mansur al-Farghani (d.592 H), has mentioned the manshūr as a document certifying the appointment of a qādī.

In Ottoman administrative practice the term manshūr (in Turkish, menşur) was used side by side with berat and misal. The provincial muftis, including those in Bosnia, were appointed by the issuing of a manshūr. In international conventions on the status of Muslims in the Balkans after 1912-1913, the term manshūr was used to denote a letter of appointment issued by the Shaikh al-Islām to national Muslim
leaders (Grand or Chief Muftis) after their appointment or election at nation level. The term was used with the same denotation in the Statute of Autonomy and, later, in practice in Bosnia.

The text of the manshur, in Bosnia, has undergone changes during the last century. Generally speaking, the texts of earlier manshur are much closer to their Ottoman model. The text of later manshur, especially those from the communist period, have been modified significantly, in a way that reflects the marginalization of the role of Islam in the social life of the Bosniaks.

Newly elected Ra’is al-‘Ulama’ traditionally received a manshur at the ceremony of investiture held at al-Ghazi Khusraw Bey mosque (built in 1530-31) in Sarajevo, in the presence of Bosnian ‘ulamā’, believers, state officials and dignitaries of other confessions. A special place among the invited guests belonged to the high representatives of the Islamic institutions from abroad. The presence of such a number of "witnesses to the act" (shuhūd al-hāl), in a manner of speaking, is understood among the Bosniaks as a recognition of the legitimacy of their religious leader, and of the belonging of the Bosnian Islamic Community to the global Muslim Ummah.

Conclusion

The religious leadership of Bosnian Muslims is centred in the office of Ra’is al-‘Ulama’. This office was gradually developed after the establishment of Austro-Hungarian rule over Bosnia at the end of the 19th century, and today represents a very important part of a relatively stable religious administration there.

The very title of the office is without parallel among Balkan Muslims, as well as Muslims from other regions. The Bosnian Muslims have taken it from the Ottoman learned hierarchy in which Ra’īs al-‘Ulamā’ was an honorific title given, first, to the muftī of Istanbul and, later on, to the qādī of the European part of the Ottoman state. Of all other Muslim communities, only the Muslims of Palestine used this title for their religious heads during the British mandate.

The legitimacy of the office of Ra’īs al-‘Ulamā’ was derived from analogy with the appointment of governors and judges for Muslims under non-Muslim rule. Since Muslim fiqahā, especially Hanafis, have accepted the appointment of these officials by non-Muslim rulers or Muslim communities, the same rule was extended to the appointment of the head of the religious administration.

Bosnian Muslims continue to adhere to the practice of issuing a formal letter of appointment (manshur) to a newly elected ra’īs-al-
‘ulamā’. This practice, also inherited from the Osmanlis, has been partially modified after the office of Shaikh al-Islām was abolished in Istanbul in 1924. Now, the electoral body in Sarajevo is authorised to issue a formal letter of appointment to the Head of the Islamic Community of Bosnia and Hercegovina. This practice serves the function of maintaining historical continuity and the legality of Islamic administration in Bosnia, in view of the changes that are attendant upon witnessing Islam at the periphery of the Muslim world.

Notes
1. See, Mustafa Imamović, "Pravni položaj verskih zajednica u vreme šestosjanuarske diktature" (The Legal Status of the Religious Communities in the Time of the Sixth January Dictatorship], (MA thesis, Belgrade University, 1967); Mahmud Traljić, "Islamska zajednica u Bosni i Hercegovini do oslobodjenja" (The Islamic Community in Bosnia and Hercegovina Until the Liberation), in Islam i muslimani u Bosni i Hercegovini (Islam and the Muslims in Bosnia and Hercegovina), (Sarajevo: Starješinstvo Islamske Zajednice u SRBIH, 1977), 145-152; Nijaz Šukrić, "Islamska zajednica nakon oslobodjenja" (The Islamic Community After the Liberation), in Islam i muslimani u Bosni i Hercegovini, 153-168.


5. Uzunçarşılı, Osmanlı Devletinin İlimiye Teşkilati, 175.


7. Ibid.


9. Ibid., 159.


16. These contacts have been highlighted in the work of Bosnian historian Tomislav Kraljacić.
26. Ibid.