

## **The Office of *Ra'īs al-ʿUlamā'* Among the Bosniaks (Bosnian Muslims)**

**Fikret Karčić\***

**Abstract:** *This paper investigates the origins, the legitimacy and the procedure of the appointment of a Ra'īs al-ʿUlamā', 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 Ra'īs al-ʿUlamā', today only used by Bosniaks to denote their religious leader, has been borrowed from the Osmanlı organization of ʿulamā', that the legality of his office had been provided by referring to Ḥanafī 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 Ra'īs al-ʿUlamā'.*

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.<sup>1</sup> 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 *Ra'īs al-ʿUlamā'*—its origins, legitimacy and the procedure for appointment. This article tries to highlight this issue and fill that gap in the literature.

---

\*Dr. Fikret Karčić is Professor and Head, Department of Uṣūl al-Dīn and Comparative Religion, International Islamic University Malaysia, P.O. Box 70, Jalan Sultan, 46700 Petaling Jaya, Selangor, Malaysia. E-mail: fikret@iiu.edu.my.

### ***Ra'īs al-ʿUlamā'*: From a Honorific Title to an Office**

The term *Ra'īs al-ʿUlamā'* 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'īs al-ʿUlamā'*) who would govern their religious affairs.<sup>2</sup> The following year the Austrian government responded positively to this request, which in fact it had initiated. A council of scholars (*majlis al-ʿulamā'*) was established, composed out of four *ʿulamā'*, with a *Ra'īs al-ʿUlamā'* 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 Osmanlı 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 Osmanlı state possessed a firmly established hierarchy of *ʿulamā'* (*ilmiye*), without precedent in early Muslim history. In this hierarchy several categories of *ʿulamā'* could be identified, such as ritual *ʿulamā'* (those working as *imām*, *khatīb*), educational *ʿulamā'* (*mudarris*), judicial *ʿulamā'* (working as *qādī*) etc.<sup>3</sup> 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.<sup>4</sup>

In contrast to the Muslims, non-Muslims of the Osmanlı state possessed, within the framework of confessional autonomy (*millet*), a separate communal organization. This fact enabled them to adapt more easily to the new regime in territories from which the Osmanlı 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 Osmanlı state a solution was sought in the views of Ḥanafī jurists regarding the position of Muslims under non-Muslim rule, the Osmanlı hierarchy of *ʿulamā'*, 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 Osmanlı officials from Bosnia and the breakdown of all connections with the office of *Shaikh al-Islām* and the ministry of *awqāf* 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-<sup>°</sup>Ulamā'*, the administration of *awqāf* and Muslim education. The *sharī'ah* 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-<sup>°</sup>Ulamā'* 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 Osmanlı rule, it is advisable to seek an answer in Osmanlı institutions. In Osmanlı practice *Ra'īs al-<sup>°</sup>Ulamā'* 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 *İlmiye*, it has been said that: "*Shaikh al-Islām* is the head of '*ulamā*'" (Şehyu l'-Islam ulemanin reisidir...<sup>5</sup>). According to this legal text the title *Ra'īs al-<sup>°</sup>Ulamā'* belongs to the *muftī* of Istanbul, who from the 17th century onwards has been commonly known as *Shaikh al-Islām*.<sup>6</sup> This meaning of the title *Ra'īs al-<sup>°</sup>Ulamā'* may be found in the treatise entitled *Risāle*, written by Haydar Çelebi between 1526/7 and 1534. While mentioning *Shaikh al-Islām* Kemalpaşazade (Molla Shams al-Dīn Aḥmad 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).<sup>7</sup>

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 Osmanlı state (Rumeli *kazasker*). Two *kazaskers*, one for Rumeli and another for Anadolu, were members of the Sultan's Council (*Divân-i Humāyun*) and had the right to appoint *qādīs* whose salary was less than 150 akçe, as well as *muderrises*, *imāms* and *khatībs* in their respective territories.<sup>8</sup> 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 Osmanlı state.<sup>9</sup>

The fact that the title *Ra'īs al-'Ulamā'* gradually passed from the *muftī* 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-Islam*. Second, the title became associated with Rumeli, a part of the Osmanlı 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 Osmanlı 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 Osmanlıs 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 *muftī* has acquired a significance beyond its usual jurisprudential function (*iftā'*).<sup>10</sup> 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.<sup>11</sup>

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 Osmanlıs 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 <sup>°</sup>Ulemas (*Ra'is al-<sup>°</sup>Ulemā*')."<sup>12</sup> 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'is al-<sup>°</sup>Ulamā*') and possibility given to Bosniaks to officially ask for *fatawā* 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.<sup>13</sup>

Far away from the Balkans, the title of *Ra'īs al-ʿUlamā'* 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 Osmanlıs.<sup>14</sup> 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 (*al-Majlis al-Islāmī al-Aʿlā*) composed of four members headed by a *Ra'īs al-ʿUlamā'*. 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 Osmanlı Parliament. *Ra'īs al-ʿUlamā'* was the Mufti of Jerusalem.<sup>15</sup>

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.<sup>16</sup> According to this explanation, the Bosnian experience was transplanted into Palestine.

### **The Legitimacy of the Office of *Ra'īs al-ʿUlamā'***

The question of the legitimacy of the office of *Ra'īs al-ʿUlamā'* 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.<sup>17</sup> In the personality of the head of Islamic state three functions were concentrated: leadership (*imāmah*), interpretation of Islamic regulations (*futyā*) and dispensation of justice (*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

*shar'ah* to *muftis* and *qadis*. 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 Ḥanafī 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 Ḥanafī *madhhab*.

In the Ḥanafī 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 Ḥanafī scholars mention are: the performance of prayer in congregation, especially Friday prayer (*ṣalat al-Jum'ah*) and the jurisdiction of a Muslim governor (*wālī*) and judge (*qādī*).<sup>18</sup>

This position of the Ḥanafī school has been developed in pre-modern times and represents Muslim historical responses to the loss of territories, especially during the 6/12 century.<sup>19</sup> 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 *shar'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 Ḥanafī 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'ā* and *'Id* prayers. A *qādī* will be appointed by their consent and they are obliged to ask for appointment of a Muslim as governor."<sup>20</sup>

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 *Jum'ā* prayers."<sup>21</sup>

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).<sup>22</sup>

In reference to the legitimacy of Islamic institutions in Bosnia after 1878, two issues could be identified: the legitimacy of *shar'ah* courts and the legitimacy of the office of *Ra'īs al-'Ulamā'*.

The *shar'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 Ḥanafī jurists such as Ibn Nujaym and Ibn 'Abidīn (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 *Ra'īs al-'Ulamā'*.

More complex was the issue of the legitimacy of the office of *Ra'īs al-'Ulamā'*. 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 Osmanlı 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 *Ra'īs al-'Ulamā'* 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 '*ulamā'* nominated three candidates for the vacant post. The Austrian monarch selected one from among them and appointed him as *Ra'īs al-'Ulamā'*. After that, the electoral body, through diplomatic channels, requested from the *Shaikh al-Islām* that a *manshūr* be issued to the appointed *Ra'īs al-'Ulamā'*.<sup>23</sup> 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-Islām* 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'is 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'is al-'Ulamā'* "until the reestablishment of a legal Caliphate."<sup>24</sup> This "deferment of the Caliphate" (*faşile-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-Islām* 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 *sharī'ah*-based legitimacy, even if symbolic.

### *Manshūr*

A *manshūr* is a formal document confirming that a certain person is legally appointed or elected *Ra'is al-'Ulamā'* and, as such, is authorized to issue, according to the *sharī'ah*, similar letters of appointment to subordinate religious officials in Bosnia. This term has come into the parlance of Bosnian Islamic administration via Osmanlı institutions and the Osmanlıs, 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."<sup>25</sup> In different Muslim states throughout history, documents under this name may be found to refer to diverse activities and professions. During the Faṭimīds, for instance, lecturers were appointed by *manshūr*. In the time of Ayyubīds the heads of the nobles (*naqīb al-ashraf*) and provincial governors received a *manshūr*.<sup>26</sup> A Hanafī jurist, Ibn al-Mansūr al-Farghānī (d.592 H), has mentioned the *manshūr* as a document certifying the appointment of a *qāḍī*.<sup>27</sup>

In Osmanlı administrative practice the term *manshūr* (in Turkish, *menşur*) was used side by side with *berat* and *misal*.<sup>28</sup> The provincial *muftīs*, 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 Muftīs) after their appointment or election at nation level.<sup>29</sup> The term was used with the same denotation in the Statute of Autonomy and, later, in practice in Bosnia.

The text of the *manshūr*, in Bosnia, has undergone changes during the last century. Generally speaking, the texts of earlier *manshūr* are much closer to their Osmanlı model. The text of later *manshūr*, 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'īs al-ʿUlamā'* traditionally received a *manshūr* at the ceremony of investiture held at al-Ghazi Khusraw Bey mosque (built in 1530-31) in Sarajevo, in the presence of Bosnian *ʿulamā'*, 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-ḥāl*), 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'īs al-ʿUlamā'*. 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 Osmanlı learned hierarchy in which *Ra'īs al-ʿUlamā'* was an honorific title given, first, to the muftī of Istanbul and, later on, to the *qādī* of the European part of the Osmanlı 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-ʿUlamā'* was derived from analogy with the appointment of governors and judges for Muslims under non-Muslim rule. Since Muslim *fuqahā*, especially Ḥanafīs, 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 (*manshūr*) to a newly elected *ra'īs-al-*

'*ulamā'*. This practice, also inherited from the Osmanlıs, 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 šestojanuarske 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.
2. *E.J. Brill's First Encyclopedia of Islam* (1913-1936), vol. 2 of reprint edition (1993), s.v. "Bosnia and Hercegovina."
3. See, Ismail Hakkı Uzunçarşılı, *Osmanlı Devletinin İlmiye Teşkilatı* (Ankara: Türk Tarih Kurumu Basımevi, 1988).
4. *E.J. Brill's First Encyclopedia of Islam* (1913-1936), vol. 7 of reprint edition (1993), s.v. "Shaikh al-Islam."
5. Uzunçarşılı, *Osmanlı Devletinin İlmiye Teşkilatı*, 175.
6. R. Repp, *The Mufti of Istanbul: A Study of the Ottoman Learned Hierarchy* (London: Ithaca Press for the Board of Faculty of Oriental Studies Oxford University, 1986), 195.
7. *Ibid.*
8. Uzunçarşılı, *Osmanlı Devletinin İlmiye Teşkilatı*, 151-160.
9. *Ibid.*, 159.
10. On that process in South-East Asia, see, Micheal O. Mastura, "The Status of Muslim Personal Law in Selected Non-Muslim Countries," *Journal of the Institute of Muslim Minority Affairs* 6 (1985)1:123.
11. M. Ali Kettani, "Islam in Post-Ottoman Balkans," *Journal of the Institute of Muslim Minority Affairs* 9 (1988)2:381-403.

12. Gyorgy Lederer, "Islam in Albania," *Central Asian Survey* 8 (1994)3: 337.
13. G.H. Bousquet, "Note sur les reformes de l'Islam Albanias," *Revue des Etudes Islamiques* 9 (1935):401.
14. Robert H. Eisenman, *Islamic Law in Palestine and Israel* (Leiden: E.J. Brill, 1978), 77.
15. Zvi Elepeleg, *Haj Amin al-Hussaini: Founder of the Palestinian National Movement* (London: Frank Cass, 1993), 12.
16. These contacts have been highlighted in the work of Bosnian historian Tomislav Kraljačić.
17. See, Ali b. Muhammad b. Ḥabīb al-Baṣrī al-Māwardī, *al-Aḥkām al-sulṭaniyyā* (Cairo: Muṣṭafā al-Bābī al-Ḥalabī, 1960), 264.
18. *al-Fatawa al-hindiyyah*, (Quetta, Pakistan: al-Maktaba al-Majīdiyyah, 1982),7:311; Ibn ʿAbidin, *al-Radd al-mukhtār* (Beirut: Dār al-Fikr, 1979), 3:253.
19. A detailed analysis of the development of legal thinking on this issue has been given by Khaled Abou al-Faḍl, "Islamic Law and Muslim Minorities: The Juristic Discourse on Muslim Minorities from the Second/Eight to the Eleventh/Seventeenth Centuries," *Islamic Law and Society* (1994) 1:141-187.
20. Ibn Nujaym al-Miṣrī, *al-Baḥr al-rāiq* (Quetta: al-Maktaba al-Majīdiyya, n.d.), 6:274.
21. Ibn Humām, *Fath al-qadīr* (Beirut: Dār al-Fikr, n.d.), 7:294.
22. Mehmed Handžić, *Šeriatsko javno pravo* (Islamic Public Law), Unpublished textbook for the High School of Islamic Theology and Law, Sarajevo, (n.d.), 11.
23. *E.J.Brill's First Encyclopedia of Islam* (1913-1936), vol. 2 of reprint edition (1993), s.v. "Bosnia and Hercegovina."
24. Fikret Karčić, *Šerijatski sudovi u Jugoslaviji 1918-1941* (The Sharī'ah Courts in Yugoslavia 1918-1941), (Sarajevo: Vrhovno starješinstvo Islamske zajednice u SFRJ, 1986), 83.
25. *E.J.Brill's First Encyclopedia of Islam* (1913-1936), vol. 5 of reprint edition (1993), s.v. "Manshūr," 246-248.
26. Ibid.
27. al-Ḥasan b. Maṣṣūr Usjandi al-Farghānī, *Fatawa Qādī-Khān* (Quetta: al-Maktaba al-Majīdiyyah, n.d.), 3:36.
28. Uzunçarşılı, *Osmanlı Devletinin İlmîye Teşkilatı*, 78.
29. *E.J. Brill's First Encyclopedia of Islam* (1913-1936), vol. 5 of reprint edition (1993), s.v. "Manshūr," 248.