

**DYNAMICS OF ISLAMIC THOUGHT IN THE BALKAN REGION: A  
Critical Study on Husein Đozo's Modernist and Reformist Thought**

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**Abstract**

*This paper examines the dynamics of Islamic thought found in the Balkan region with special emphasis on the modernist and reformist thought of Husein Đozo (1912-1982). Arguably one of the most prominent Bosnian Muslim scholars in the last two hundred years, H. Đozo was born at a time when the external challenges to the Muslim world were many and its internal problems both complex and overwhelming. Đozo therefore made it his primary goal to reinterpret the teachings of Islam to a generation for whom the truths and realities of their religion had fallen into disuse. And indeed, with his numerous works and other scholarly engagements and efforts, Husein Đozo represents a rare and precious example of an indigenous Balkan Muslim scholar who recognised the impact of modernity on religious traditionalism. Even a brief survey of Đozo's scholarly efforts will tell one that he raised his voice against dogmatism and rigid Islamic thought.*

**Keywords:** *Islamic thought, Husein Đozo, modernist, reformist thought*

**A. Introduction**

This paper examines the dynamics of Islamic thought found in the Balkan region with special emphasis on the modernist and reformist thought of Husein Đozo (1912-1982). Arguably one of the most prominent Bosnian Muslim scholars in the last two hundred years, H. Đozo was born at a time when the external challenges to the Muslim world were many and its internal problems both complex and overwhelming. Đozo therefore made it his primary goal to reinterpret the teachings of Islam to a generation for whom the truths and realities of their religion had fallen into disuse. And indeed, with his numerous works and other scholarly engagements and efforts, Husein Đozo represents a rare and precious example of an indigenous Balkan Muslim scholar who recognised the impact of modernity on religious traditionalism. Even a brief survey of Đozo's scholarly efforts will tell one

that he raised his voice against dogmatism and rigid Islamic thought. Almost at every instance and without much hesitation Đozo promoted the right to free thinking and encouraged critical research into religious sources and texts. He believed that Islam is pre-eminently a religion of reason and sought to demystify the main Islamic disciplines of *tafsir*, *fiqh* and *'aqida*, and to make them accessible to modern man. His approach was two-fold: first, turning back to the original sources of *Shari'a* to determine the essential message of Islam; and then turning toward the contemporary situation to determine the appropriate interpretation and application of scriptural precepts in the very socio-economic context in which he lived and worked.

Print was a primary means for Đozo in communicating his modernist and reformist ideas to the wider community and academic circles alike. With over two hundred and fifty titles to his name, it is very clear that Đozo was a prolific writer. His works appear to have been written spontaneously in an easy and logical style. In his writings, Đozo covered a wide spectrum of subjects, all vindicating the position of Islam by discussing the matter not merely from an ethical and spiritual viewpoint but also from an educational and sociological angle appropriate to the subject matter. Out of his numerous publications, his efforts in the fields of Islamic law (*fiqh*) and Qur'anic exegesis (*tafsir*) are the most significant of all. For example, his translation and commentary of the Qur'an marked a new way of understanding and interpreting the message of the Qur'an in the Balkan lands. Đozo saw in the Qur'an the fundamentals of Islamic doctrine for the human being as a servant of God ('abd-Allah) that fosters personal agency, freedom, harmony, and social justice. The cornerstone of Đozo's epistemology and legal methodology comes out in his discussion on the concept of *ijtihad*. Đozo assumed the practice of *ijtihad* to be the principal means for reviving Islamic law and adapting it to the needs of the contemporary society. This adaptation of Islamic law to the circumstances of modern life and the continuous practice of *ijtihad* with a view to realising that objective is what we call *Islamic modernism*.

Husein Đozo was arguably the most important proponent of Islamic modernist and reformist thought in the second half of the twentieth century in the Balkans. As

a Muslim scholar who lived in a European, secular, multi-religious and multi-cultural society, Đozo and his work present us with a particularly exciting and dynamic case through which to examine the innovative and reformist interpretations of Islam. Moreover, in Đozo's scholarly work we are presented by a propitious moment for the academic, researcher and lay reader alike to analyse a 'European-Islamic' voice whose importance has yet to be articulated. Since Đozo's writings in general and his *fatwas* in particular have continued to be published in the Balkan lands up to the present, it is hoped that this chapter should shed some light on certain assumptions underlying contemporary Islamic thought in the Balkans.

## B. Đozo's Life and Career

### 1. Đozo's early life and education

Husein Đozo was born in Bare, a small village in South East Bosnia. Đozo received his first education from Šaćir Mujezinović, a local preacher who taught the young Đozo basic Islamic beliefs and practices, the Latin, Cyrillic and Arabic alphabets, and some simple maths. When he was eleven years old Đozo joined the Mehmed-pasha Kukavica *madrasa* in the nearby town of Foča. After a year at the Kukavica *madrasa*, the school's headteacher, Hamid Muftić (d. 1941), recommended that Đozo moves to a more prestigious Merhemića *madrasa* in Sarajevo.<sup>1</sup> At the Merhemića *madrasa* Đozo studied under several respected scholars, including Mehmed Teufik Okić (d. 1932), Ibrahim Burek (d. 1948) and Mujaga Merhemić (d. 1959). Between 1928 and 1933, Đozo was a student of *Mekteb-i Nuwab* (*Shari'a* judges school) where he was taught by some of the most prominent Bosnian scholars at the time, including Mehmed Dž. Čaušević (d. 1938), Abdullah A. Bušatlić (d. 1948) and Šaćir Sikirić (d. 1966). In the summer of 1934 Đozo received a scholarship from the *Waqf* Directorate of the then Royal Yugoslavia to study at the renowned *al-Azhar* University. While in Cairo, Đozo became very impressed with his *Azharī* teachers, particularly M. Rashīd Riḍā (d. 1935), M. Muṣṭafā al-Marāghī (d. 1945) and Mahmud Shaltūt (d. 1963). In his own words, "I consider it a very fortunate circumstance of

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<sup>1</sup> Đozo, H. (1976). Sjećanja radi ibreta. *Preporod*, 7, 5.

my life to have been a disciple of *Shaykh* Rashīd Ridā, Muṣṭafā al-Marāghī, and Maḥmūd Shaltūt, the immediate and loyal disciples of Jamāl al-Dīn al-Afghānī and *Shaykh* Muḥammad ‘Abduh’.<sup>2</sup> In August 1939, Đozo graduated from *al-Azhar* University with a degree in Islamic Law.

## 2. Đozo’s Professional Career

Upon the return from Cairo, Đozo began his career as a volunteer. Within a year, he secured a teaching post at the historic Gazi Husrev-bey *madrasa* where he taught Arabic language and several other core Islamic modules. In 1941 Đozo was appointed the Head of Religious and Educational Affairs of the Islamic Religious Community (hereafter the IVZ) of the then Royal Yugoslavia. In the same year, he became a member of the executive board of *El-Hidaje* Society.<sup>3</sup> In 1964 Đozo was elected president of the prestigious *Ilmija* Association and filled the chief editorial role of its yearly periodical *Takvim* for a remarkable twenty years (1960-1980).<sup>4</sup> In 1970, together with his colleagues from *Ilmija* Association, Đozo co-founded a fortnightly newspaper called *Preporod* [Renaissance].<sup>5</sup> When the Faculty of Islamic Theology (ITF) was opened in Sarajevo in 1977, Đozo became its first professor of Qur’anic Studies, the position he held until his death in 1982.<sup>6</sup>

On one hand, all these posts and positions gave a desired credibility to Đozo’s views and ideas, but on the other it made him feel the moral responsibility to provide timely answers to the many questions and issues that troubled his fellow Yugoslav Muslims. Primarily through Q&A column first in *Glasnik*<sup>7</sup> and then in *Preporod*, Đozo

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<sup>2</sup> Đozo, H. (2006). *Izabrana djela*: 1. Sarajevo: El-Kalem., 427.

<sup>3</sup> *El-Hidaje* Society was a charitable and educational institution established in March 1936 in Sarajevo.

<sup>4</sup> *Ilmija* Association is a union of Bosnian religious scholars established in 1912 in Sarajevo with the primary aim to assemble Muslim religious scholars from the region and unite their efforts in propagating the traditional Islamic teaching and practices.

<sup>5</sup> Đozo was *Preporod*’s inaugural editor in chief, the role he kept until the end of 1972. He filled the chief editorial role of *Preporod* for a second time from 1976 to 1979.

<sup>6</sup> Đozo died on 30 May 1982 in Sarajevo. He was buried the following day in the city’s cemetery *Bare*.

<sup>7</sup> Published since 1933, *Glasnik* [Herald] was an official journal of the Islamic Community of former Yugoslavia.

attempted to respond to the pressing needs of the Muslim population of Titoist Yugoslavia. In the period between 1965 and 1979, Đozo issued over eight hundred *fatwas* dealing with various aspects of Muslim life. His *fatwas* were addressed to broader segments of society, including the largely secular educated elite and youth. It is worth stating here that a considerable portion of *Glasnik's* and *Preporod's* content dealt with legal and societal issues, and followed a precedent set for magazine *fatwas* established by earlier reformist periodicals, before all the popular *al-Manār* periodical edited by Muḥammad 'Abduh (d. 1905) and M. Rashīd Riḍā (d. 1935). These two Muslim reformers are often cited as formative influences on the development of modern movements for Islamic reform in most parts of the world, including the Balkans.

By answering peoples' questions through the medium of *fatwa*, Đozo attempted to demonstrate the relevance of Islamic law and its sources in providing adequate solutions to the burning issues of Yugoslavia's diverse Muslim communities. For example, his numerous *fatwas* concerning the collection and distribution of *zakāt* and *zakāt al-fīṭr* proceeds served as the main motto for the creation of a new and much needed financial basis for the Islamic Community of former Yugoslavia. Although it is true that Đozo continued the work of his predecessors among the Bosnian scholars, the likes of Mehmed Teufik Azapagić (d. 1918) and Mehmed Dž. Čaušević (d. 1938) who also called for reform of the Islamic thought, Đozo's modernist and reformist ideology was derived directly and mainly from 'Abduh's and Rida's works.

### C. The Genesis of Islamic Modernist and Reformist Thought in The Balkans

#### 1. The intellectual context

On the turn of nineteenth and twentieth centuries the Balkan Muslim scholars were very keen in reading Qur'anic commentaries and *fatwas* written in accordance with the proposition of an enlightened and progressive Islamic ideology. According to Fikret Karčić, the process of spreading and establishing modernist and reformist ideas in Đozo's native Bosnia and Herzegovina began in 1887 with the arrival of

Habsburg Empire.<sup>8</sup> The Habsburg occupation meant that Bosnia's Muslims came into direct contact with European political, social, administrative, and cultural institutions and values. Prior to that, Bosnia was nearly five centuries under the Ottoman rule and the traditional Islamic culture and values. Within the first decade of their rule the Austro-Hungarian officials proposed a modernisation of the judiciary and education system.<sup>9</sup> By 1930 the traditional *fiqh* codes were abandoned in favour of modern Turkish and Egyptian codifications and compilations of Islamic law. In family law, for example, marriages came under the exclusive jurisdiction of *Shari'a* courts with polygamy being limited and women given the right to initiate divorce proceedings.

As Karčić points out, the initial period of spreading modernist and reformist views was characterised by the prevalence of religious reformism which found its advocates among the newly established intelligentsia and some more progressive '*ulamā*'.<sup>10</sup> It was during this time when some native Muslim writers began elaborating on and supporting certain modernist and reformist ideas which were accessible to them in two ways:

- a. by means of reformist publications, such as *Sirat-i mustakim* from Turkey and *al-Manār* from Egypt, and
- b. through education at modernised schools in Turkey and even in Bosnia.

Promoted principally by Muslim intelligentsia, the ideas of secular modernism gained the foreground. It was during this period that a few folklore clubs and cultural societies, such as *Behar* and *Gajret*, were formed and rapidly grew.<sup>11</sup> The majority of '*ulamā*', however, acted from the standpoint of traditionalism. A small but increasing number of '*ulamā*' were inclined towards a moderate version of religious reformism.

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<sup>8</sup> Karčić, F. (1990). *Društveno-pravni Aspekt Islamskog Reformizma: Pokret za reformu šerijatskog prava i njegov odjek u Jugoslaviji u prvoj polovini XX vijeka*. Sarajevo: Islamski teološki fakultet., 197.

<sup>9</sup> See Karčić, F. (1999). *The Bosniaks and challenges of modernity*. Sarajevo: El-Kalem., 92-105.

<sup>10</sup> See Karčić, *Društveno-pravni Aspekt*, 198-199.

<sup>11</sup> See Kemura, I. (1986). *Uloga "Gajreta" u društvenom životu Muslimana Bosne i Hercegovine (1903-1941)*. Sarajevo: Veselin Masleša.

The clash between these trends marked disputes on religious, social, and cultural issues which, in turn, exerted a certain influence on the positive law and the social behaviour of the Muslim population. The more traditional circles of scholars resisted the changes in social ethics, particularly in clothing and customs. As Fazlur Rahman points out, ‘the most important challenge which modernity posed to Muslims was in the realm of religious institutions and social ethics’.<sup>12</sup> This certainly was the case with the Muslim population of Bosnia and Herzegovina where all sorts of civic issues were raised. Emancipation of women and free mixing were among the top debated issues. Muslim religious reformists, such as Bušatlić and Čaušević, called for the emancipation of Muslim women while the more traditional ‘*ulamā*’, like A. L. Čokić (d. 1933) and A. R. Karabeg (d. 1944), were against it. By the third decade of the twentieth century, each group led campaigns and published works arguing their point of view and refuting the other. Then as a young student of *Al-Azhar* University, Đozo too participated in the polemic. In 1936, he published an article under the title “Is the problem of unveiling women of a religious or a social character?”.<sup>13</sup> As evident from his article, Đozo supported the stance on the emancipation of Muslim women as promoted by Qasim Amīn and other Muslim reformists and modernists of the twentieth century.

Following the abolition of the *Shari‘a* law in 1946, the Islamic modernist and reformist views were expressed through the interpretation of laws which had social implications only. Regardless of the limited practical results, the modernist and reformist tendency had a considerable function in the adaptation of the Muslim population to the new socio-political circumstances. For example, the then Grand Mufti of the Islamic Community of former Yugoslavia, Ibrahim Fejić (d. 1962), gave religious legitimacy to some pressing socio-political trends, including the separation of religion from the State and the abolition of face veil (*niqāb*). In short, the basis for the proliferation of Islamic modernist and reformist views and ideas in the territories

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<sup>12</sup> Rahman, F. (2002). *Islam*. Chicago: University of Chicago Press., 214.

<sup>13</sup> Đozo, H. (1936). Da li je problem otkrivanja žene vjerskog ili socijalnog karaktera. *Novi Behar*, 10, 78-80.

of former Yugoslavia was provided by profound political, social, and cultural changes.

#### **D. Đozo's Modernist and Reformist Thought: A Discussion**

##### **1. The socio-political context in which Đozo lived and worked**

Husein Đozo lived in a society where Marxism, atheism and communism prevailed. On the other hand, faith leaders and religious scholars were regularly interrogated, imprisoned, and some even executed. After establishing itself, Tito's regime took drastic measures to discipline and control all faith communities and their official organs and institutions. In comparison to other faith communities of former Yugoslavia, as Malcolm points out, 'the Islamic Community suffered a double disadvantage: first, because Islam was seen as a type of religion which interacted in public life, and secondly it was viewed as backward and Asiatic'.<sup>14</sup> *Shari'a* courts were abolished in 1946 and the wearing of face-veil was criminalised in 1950. One of the reasons for these draconian measures against the Muslim population was the State's programme to forcibly secularise the society. The general conditions of religious life improved after 1954 when a new law was passed placing all religious communities under direct state control, and "guaranteeing freedom of religion". However, in real life it was still very tense with public worship and religiously based customs being strongly discouraged. To illustrate this continuing hardship, no book with Islamic content could be published until 1964. Despite everything, Đozo stayed loyal to his faith and made it a clear goal of his to defend Islam and its tradition at the time when religious beliefs and institutions were openly ridiculed.<sup>15</sup>

The remarkable socio-political circumstances surrounding Đozo's activities influenced his Islamic thought and legal opinions. For example, in his *fatwas* and Qur'anic commentaries Đozo advocated a sensible understanding of ritual practice

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<sup>14</sup> Malcolm, N. (1994). *Bosnia: A short history*. London: Papermac., 195.

<sup>15</sup> The overall treatment of the Islamic Community of former Yugoslavia improved during 1970s. Several factors caused this shift, including a generation change in the League of Communists and a shift in foreign policy which certainly made the bigger impact of the two.



that could complement a more modern lifestyle. Moreover, in his *fatwas* Đozo always aimed at ease, delicacy, and moderation, as if these represented the chief characteristics of Islamic thought. Although Đozo interacted directly with state officials, nothing could suggest that he was one of their people. On the contrary, it is well documented that his activities were under constant supervision by Tito's secret police (known as UDBA). Many of Đozo's works are either influenced by or seek to influence the socio-political environment of his time. For example, following the discovery of IVF in 1978 Đozo published an essay wherein he elaborated on the legal and ethical sides of the issue from an Islamic perspective.<sup>16</sup> Similarly, in many of his works, one can detect a strong emphasis on the preservation of cultural and historical traditions of the Balkan Muslim peoples. Besides, certain elements crucial to the construction of a Bosnian Muslim national identity are highlighted in several of Đozo's articles, especially those published in *Preporod*. Indeed, with the establishment of *Preporod* the writings of Yugoslav Muslim religious scholars acquired a new tone. According to Radić, 'articles and notes published in *Preporod* became considerably different from statements and writings that appeared on the pages of IVZ's official organs in the previous decades.<sup>17</sup> Until 1960 the state authorities were pleased with the level of cooperation from IVZ's leading officials headed by Ibrahim Fejić.<sup>18</sup> As Novaković remarks, 'since the launch of *Preporod* publications by Muslim authors began displaying an ostentatious openness for secular topics, unlike ever before'.<sup>19</sup> This was especially true under Đozo's editorial. For example, in 1970 and 1971 a forum for texts emphasising the existence of a Bosnian Muslim nation written by Muslim and non-Muslim intellectuals featured on the pages of *Preporod*. In her article, entitled "The Role of Islam in the Academic discourses on the National Identity of Muslims in Bosnia and Herzegovina 1950–1980", Omerika argues that 'the creation of a purely secular Yugoslav Muslim nation,

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<sup>16</sup> See Đozo, H. (1979). Dijete iz epruvete. *Glasnik*, 46, 1-6.

<sup>17</sup> Radić, R. (2002). *Država i verske zajednice 1945-1970*. Beograd: INIS., 372.

<sup>18</sup> See Ibid.

<sup>19</sup> Novaković, D. (2008). Odnos Islamske zajednice u socijalističkoj Jugoslaviji prema izdavačkoj delatnosti kao modernom načinu informisanja vernika, *Politikologija religije*, 2, 161.

as envisaged by Tito's regime, had failed due to informal networks of Muslim scholars like Husein Đozo.<sup>20</sup> For instance, during the campaign for the 1971 Memorandum, Atif Purivatra (d. 2001) and Đozo organised several seminars at which historians and intellectuals as well as politicians briefed Imams and other IVZ's officials on the importance of national identity of Bosnian Muslims.<sup>21</sup> The aim of these seminars was to enable Imams to propagate the concept of Bosnian Muslim nationality among the members of their respective congregations. Such activities by Đozo and his peers were noticed, and by no means negligible, by a regime that considered religious activity as essentially evil. Through deceitful methods and planned campaigns, the communist regime began to deprive IVZ's departments and institutions of any authority and standing in the society. As a result, the Islamic Community went through very difficult period in the coming years. According to Novaković, written warnings were regularly sent by central and republican governments to the then Grand Mufti of the Islamic Community, Sulejman Kemura (d. 1975), in relation to certain IVZ's senior officials for "provoking" the State and for their "dangerous comments and views".<sup>22</sup> There is no doubt that Đozo's name was included. In fact, it is no exaggeration to assert that Đozo was the main target of the campaign. The culmination of this covert surveillance by UDBA was reached in September 1979 following the incident in village Poriče after which Đozo resigned from most of his posts and isolated himself from public life. In the subsequent years, he would focus on academia. Enes Karić reports that Đozo used to express his anguish to him in these words at their shared office at the Islamic Theological Faculty:

I hate it most when police phone me on Friday afternoon saying that I must report to them first thing on Monday morning. It ruins my whole weekend. It stops me weeding the onions or doing any gardening at my weekend house.<sup>23</sup>

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<sup>20</sup> Omerika, A. (2006). The Role of Islam in the Academic discourses on the National Identity of Muslims in Bosnia 1950-1980. *Islam and Muslim Societies*, 2, 368.

<sup>21</sup> Purivatra, A. (1998). Uloga Husein ef. Đoze u popisu stanovništva. In *Život i djelo Husein ef. Đoze* (pp. 56-58). Sarajevo: FIN.

<sup>22</sup> See Novaković, Odnos Islamske zajednice u socijalističkoj Jugoslaviji, 159-178.

<sup>23</sup> Karić, E. (2004). *Prilozi za povijest islamskog mišljenja u Bosni i Hercegovini XX stoljeća: 1*. Sarajevo: El-Kalem., 519.

Đozo thus emerged as the backbone behind a new mode of religious discourse in a communist world. Similarly, his discourse related to the question of reforming Islamic law has a strong social and personal element and is not presented in purely theoretical terms. For example, in his works Đozo rarely discusses the literal and technical meanings of key legal terms, such as *ijmā'*, *qiyās*, *mašlahā* and so on. On the other hand, through his *fatwas* and other works Đozo made a profound impact on the lives of Muslim peoples living in socialist Yugoslavia. For example, inspired primarily by Đozo's thought-provoking teaching method and several of his *fatwas*, for the first time in a long time a generation of the Gazi Husrev-bey *madrasa* graduates decided to work as Imams and religious teachers instead of state officials and civil servants.<sup>24</sup>

## 2. Social reality and the response of theory: Husein Đozo as jurist and *mufti*

The notion of reforming Islamic law and adapting it to the needs of modern time was arguably the main preoccupation of Đozo's intellectual career. For instance, his earliest and latest writings discuss the concept of *ijtihad* and emphasize the need for a religious revival. As a supporter of a vigorous agenda of publicising the notion of *ijtihad* and rational thinking, Đozo did everything he could to bring the discussions of Islamic religious and legal issues outside the confines of the traditionalists and into the emerging public sphere. He wrote prodigiously to fill the pages of most prominent Islamic periodicals found in the region, including *Glasnik*, *Takvim* and *Preporod*. In each one of these Đozo involved himself in every practical aspect of writing, editing, and publishing.<sup>25</sup> This remarkable level of involvement in the press enabled Đozo to express and promote his modernist and reformist views and ideas

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<sup>24</sup> See Džananović, I. (1998). Kratak osvrt na odgovore Husein ef. Đoze u rubrici *Glasnika* Pitanja i Odgovori. In *Život i djelo Husein ef. Đoze* (pp. 103-112). Sarajevo: FIN.

<sup>25</sup> Đozo was a co-founder of *Preporod* and its chief editor for several years. In addition to that he was the editor in chief of *Takvim* for two full decades and a co-editor of *Glasnik* for several years.

ahead of most. The fact that most of Đozo's works were published in IVZ's official organs speaks for itself. Perhaps it is worth noting here that the circles of the traditionalist Balkan scholars were significantly weak in the period when Đozo intellectually peaked (1960 – 1982). This was due to two main factors:

- a. between 1878 and 1918 many prominent Balkan Muslim scholars had migrated to Turkey, Syria, and other Muslim territories; and
- b. the immense pressure put forth by Tito's anti-religious regime let most religious scholars who stayed behind to exclude themselves from public life.

Nevertheless, Đozo was still challenged by a few religious scholars from his native Bosnia. For example, Derviš Spahić (d. 1978) and Muhamed Pašić (d. 1980) both criticised Đozo for his modernist and reformist views. According to them, Đozo was an innovator [*mubtadi*] and some of his views are heretical.<sup>26</sup> Whenever his views or ideas were subjected to criticism Đozo responded in writing by providing further explanations and arguments. Most such polemics would usually end there. Characteristically, in these polemics Đozo never retracted any of his views and, unlike some of his critics, he always demonstrated a high level of respect and politeness. As evident in his works, in relation to the traditional orthodox structure of belief Đozo was no innovator, however, by putting emphasis on the rights of reason in religious thought he allowed the possibility of reformulating doctrine in modern instead of medieval terms. For example, he was very determined to limit the region of the miraculous by being sceptical of the miracles performed by prophets and saints. On the other hand, regarding the honour and dignity accorded to the Prophet Muhammad and the Qur'an itself Đozo was very conventional.

Đozo's legal thought reflects both the surrounding circumstances of his time as well as his own views and personality. His *fatwas*, for example, are grounded in ease out of consideration for the specific socio-political circumstances of communist

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<sup>26</sup> Đozo's views concerning the status of the Qur'anic narratives in terms of their origin and purpose are arguably the most problematic of all.

Yugoslavia. Furthermore, Đozo's *fatwas* have proven to be a useful medium for dealing with medical and scientific issues which the pre-twentieth-century *fiqh* did not acknowledge. The following is an interesting example:

The issue of whether one can consume meat of animals not mentioned in the Qur'an or *Hadith* should be left to science and rules deduced based on scientific findings. Namely, if by scientific analysis it is proven that the meat of a certain animal does not have harmful effects on human body, then such meat should be permissible or *ḥalāl*. This applies to all animals whose meat is categorised as *makrūh*.<sup>27</sup>

As evident in this response, Đozo tried to bring about the acceptance of modern scientific research methods within the framework of orthodoxy. Like his favourite teacher Shaltūt, Đozo too wanted to reactivate dialectics among Islamic scholars through his innovative *fatwas* at a time when many traditional *muftis* thought it impossible or even wrong to do so. It is worth noting here that both Shaltūt and Đozo lived and worked in similar socio-political circumstances, i.e. Nasir's Egypt and Tito's Yugoslavia.

As a *mufti*, Đozo had plenty of opportunities to draw people's attention to customs which are not legally valid. For instance, a person from Montenegro asked: is it allowed in Islam to offer a glass of wine to an Imam during a funeral prayer? Đozo's response was, "that practice is contrary to an explicit sacred text (*naṣṣ shar'ī*) and as such must be abandoned".<sup>28</sup> In his response, Đozo also underlined that such customs are a product of strong Christian influence prevalent in certain areas, such as Serbia, Montenegro and Eastern Bosnia. On the other hand, we have come across an interesting example whereby Đozo not only approves but even encourages a custom which contravenes obvious Islamic texts. In his own words:

Although the Qur'an and the *Sunna* allow the marriage with one's close relatives, including first cousin, the custom prevalent in our lands discourages so. ... This is a reasonable custom and, in our opinion, it should be maintained. Namely, marriage with one's close relative has been discouraged because of the common genetic complexities it brings. Recent medical findings confirm this. ... There is

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<sup>27</sup> Đozo, H. (2006). *Izabrana djela: 4*. Sarajevo: El-Kalem., 207-208.

<sup>28</sup> Đozo, H. & Hasanović, A. (1999). *Fetve*. Sarajevo: Bemust., 213.

also a saying of the Prophet Muhammad which reads, *ghariban ankihū* (marry non-relatives).<sup>29</sup>

Apparently, this custom has become part of the Muslim ethos and mentality in most parts of the Balkans. Namely, an average Muslim person from the lands of former Yugoslavia does not believe that the marriage with a first cousin is legally valid in Islamic law. For example, when I presented to some Bosnian Muslims the translation of the relevant Qur'anic passage listing all those with whom marriage cannot be contracted, a few of them began doubting the authenticity of the copy of the Qur'an I used. As shown in the above response, when issuing his *fatwas* Đozo always considered the given socio-political situation and proved his ability to perform a creative *ijtihad* by using the best suited legal method.

Đozo's *fatwas* may be regarded as a pivotal force and a kind of witness to the socio-political circumstances in which they were produced. Originally written in Bosnian, Đozo's *fatwas* represent the very first significant contribution to the *fatwa* genre in South Slavic languages. Perhaps it is worth noting here that in the period between 1965 and 1980 Đozo's *fatwas* were among the most widely read genre of Islamic literature in the Balkans. And in recent years, several editions of his *fatwas* have been published in different parts of the Balkans. This suggests that Đozo's *fatwas* have remained popular to this day. In fact, collections of his *fatwas* can be purchased at bookstores and book exhibitions in Sarajevo, Zagreb, Beograd, Skoplje, Ljubljana, and Novi Pazar.

It must be born in mind though that Đozo did not act as a *Mufti* in the strict meaning of the term. By adopting a distinct methodology in his practice of *iftā'*, Đozo's collection represents one of the major contributors to the recent shift in *fatwa* literature. As demonstrated so far, his *fatwas* are characterised by a general refusal for blind imitation, a consideration of specific social conditions, opting for more acceptable solutions, and a preference for public interests over individual ones. In the following section we analyse one of Đozo's most important *fatwas*. The selected

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<sup>29</sup> Ibid., 408-409.

*fatwa* illustrates Đozo's consideration of the given social context and his preference to serve the common good.

### 3. Đozo's *zakāt* and *zakāt al-fiṭr* fatwas: An Analysis

Đozo clearly supported the tendency of Muslim modernists and reformists to question the classical positions on all matters of faith, including the rules of *zakāt* and *zakāt al-fiṭr*. In 1967 Đozo published a *fatwa* on the question of collecting and distributing *zakāt* and *zakāt al-fiṭr* proceeds. In the *fatwa*, Đozo argued that *zakāt* proceeds may and should be given to the IVZ for its general needs and projects. Among the native scholars who disagreed with Đozo on this point of view was Derviš Spahić who chose to publish his criticism in *Glasnik*. This is what he wrote:

Recently I came across a *fatwa* which suggests that it is allowed and even recommended to give *zakāt* and *zakāt al-fiṭr* proceeds for the general needs of the Islamic Community. This opinion is *batil* [incorrect] for several reasons:

- a. it contradicts the Qur'an and the *Sunna* - Allah has decided in His Book who is eligible to receive *zakāt* and *zakāt al-fiṭr* proceeds (Q 9:60),
- b. it means that the rights of the poor will be taken away which is *zulm* [unjust],
- c. it also means that *ṣadaqa* [*zakāt*] of many people will not be *qabūl* [accepted by God], and finally
- d. the new initiative would pave the way for many Imams to go astray as they will be transmitting this incorrect opinion to their congregations.<sup>30</sup>

Spahić's criticism appears to be a *fatwa* on its own. According to him, it is wrong to give *zakāt* and *zakāt al-fiṭr* proceeds for the general needs of the Islamic Community. One of his arguments is that the poor and the needy would be wronged by not receiving those proceeds instead. In response to Spahić's criticism, Đozo wrote a long *fatwa* also published in *Glasnik*. Here is a summary of his response:

Because of the social circumstances we live in, the issue of giving *zakāt* and *zakāt al-fiṭr* proceeds towards the general needs of the IVZ became so crucial. First, we would like to again stress the necessity to give your *zakāt* and *zakāt al-fiṭr* proceeds to the IVZ. Secondly, we shall categorically prove that it is legally

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<sup>30</sup> Spahić, D. (1967). Pitanja čitalaca i naši odgovori. *Glasnik*, 30, 248.

valid and even recommended to do so. ... According to verse 60 of *Sūra al-Tawba*, giving *zakāt* proceeds for the general needs of our Islamic Community falls under one of the deserving categories as specified in the noble verse, namely *fi sabīli Allāh*. Rashīd Riḍā, a well-known *mufasssīr*, asserts that the phrase *fi sabīl Allāh* includes all necessary things to maintain the practice of Islam. ... The author of *Fiqh al-Sunna* suggests that the best way of giving *fi sabīl Allāh* is to support those who preach Islam. ... Indeed, *zakāt* proceeds must be distributed to one of the seven categories specified in the Qur'an. The dilemma, however, is which of the categories should be given a priority? ... When solving this dilemma, the following points should be considered. First, during the reign of Abū Bakr the category of those whose hearts have been reconciled (*muallafati qulūbuhum*) became suspended. As we all know, the category of freeing slaves (*fi al-riqāb*) vanished over time. ... In our opinion, the categories of the traveller (*Ibn al-sabīl*) and the debtors (*al-ghārimīn*) should be suspended too since it is no longer practical to distribute *zakāt* and *zakāt al-fiṭr* proceeds to those. And, in our Yugoslav context the category of the poor (*al-fuqarā'*) and the needy (*al-masākīn*) could be suspended too because the local authorities look after them. ... So, the category of *fi sabīl Allāh* remains as the only relevant one and hence should be given the priority over all others. ... From whatever angle we look, securing a financial basis for our IVZ has become paramount. By solving this crucial matter many other issues would become solved.<sup>31</sup>

While Spahić's *fatwa* is relatively brief Đozo's response on the other hand is quite long and deals with the question in a stylish and sophisticated way. For instance, several sources were cited in his response, including the Qur'an, the *Sunna*, *Tafsīr al-Manār* and *Fiqh al-Sunna* of S. Sābiq. This suggests that the *fatwa* was primarily directed at scholars and students of Islamic law. Right at the beginning of his response Đozo points to the social circumstances which, according to him, made the issue of collecting and distributing *zakāt* and *zakāt al-fiṭr* proceeds so central. Đozo then stated the true intent behind his response which is to prove the legitimacy of giving *zakāt* and *zakāt al-fiṭr* proceeds towards the general needs of the Islamic Community of former Yugoslavia. The crux of Đozo's argument lies in his understanding and interpretation of the expression *fi sabīl Allāh* which literally means "in the way of God". Đozo, like R. Riḍā and S. Sābiq, generalises the phrase to include any deed performed for God's sake, including preaching. Ibn Athīr, in his

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<sup>31</sup> Đozo, H. (1967). Pitanja čitalaca i naši odgovori, *Glasnik*, 30, 248-250.



monumental *al-Nihāya*, points out that the expression *fī sabīl Allah* is general enough to include any good deed.<sup>32</sup> However, he stresses that in legal terms (*sharʿan*) the expression appears to be restricted to the meaning of *jihād*.<sup>33</sup> The classical jurists seem to agree on the point that the act of *jihād* is assumed by the above expression but disagree on whether it includes other good deeds or not. Abū Yūsuf, for example, argued that the expression includes Muslim soldiers who are poor. Al-Shaybānī adds pilgrims travelling to Mecca who have run out of money or resources.<sup>34</sup> Al-Kāsānī, a prominent Hanafī jurist from the twelfth century, has argued that *zakāt* and *zakāt al-fitr* proceeds must be given to individual people and not institutions or groups of people.<sup>35</sup> Another prominent Hanafī jurist, Ibn Nujaym, has made it clear in his *al-Baḥr al-Rāʾiq* that the condition of poverty is necessary in all cases.<sup>36</sup> Ibn ʿĀbidīn thus concluded that *zakāt* and *zakāt al-fitr* proceeds cannot be spent for building or maintaining mosques, schools, hospitals and so forth.<sup>37</sup>

Towards the end of his *fatwa*, Dozo concluded that in the context of socialist Yugoslavia the only category that should be receiving *zakāt* proceeds is the *fī sabīl Allah* category. Most Muslim jurists hold that the category of “the poor” and “the needy” is the most important of all deserving categories, and to suggest the suspension of this category would go against the primary objective of the institution of *zakāt* and other charities in Islam.<sup>38</sup> Dozo, on the other hand, argued that the local authorities take care of the poor and the needy. Although all modern states have vouched to cater for the poor and the needy, however, the rising poverty and destitution poses a serious challenge to most countries even today. This was certainly the case with former Yugoslavia that entered a phase of serious economic recession since 1970 and never recovered from it until its eventual collapse in 1989. Therefore, Dozo’s suggestion to suspend the category altogether is highly controversial.

<sup>32</sup> Ibn Athīr. *al-Nihāya*: 2, 156.

<sup>33</sup> Ibid.

<sup>34</sup> See Ibn ʿĀbidīn. *Radd al-Muthār*: 2, 83-84.

<sup>35</sup> Al-Kāsānī. *Badāʾiʿ al-Ṣanāʾiʿ*: 2, 49.

<sup>36</sup> Ibn Nujaym. *al-Baḥr al-Rāʾiq*: 2, 260.

<sup>37</sup> Ibn ʿĀbidīn. *Radd al-Muthār*: 2, 85.

<sup>38</sup> See al-Qaraḍāwī, Y. (2006). *Fiqh al-Zakāt*. Cairo: Maktaba Wahba., 376-384.

Đozo's assertion that the *muallafat qulububum* category has been suspended is in line with the Ḥanafī position. In his *Radd al-Muthbār*, Ibn 'Ābidīn explains 'because the cause for hearts reconciliation no longer existed a consensus was reached to suspend this category'.<sup>39</sup> Most medieval jurists state that certain conditions must be met before a debtor is eligible to receive *zakāt* proceeds, however, none of them have suggested that the category as such should be suspended. Similarly, besides Đozo, only M. al-Marāghī is known to have suggested the suspension of the traveller category.<sup>40</sup> On the contrary, most Muslim scholars point to the good nature of Islam towards needy travellers and individuals overburdened with debt by making them both eligible to receive some financial help through the *zakāt* scheme.

No doubt, it was Đozo's eagerness to strengthen the then weak and declining Islamic Community of former Yugoslavia which led him to make such suggestions and conclusions. Namely, during WWII the Islamic Community suffered severe material damages. After the war, Tito's regime introduced several measures that directly affected the national, religious, and property rights of the Islamic Community. For instance, the body that administered IVZ's permanent endowments (*al-Anqāf*) was put under state control and was instructed to hand over many of its valuable assets to the local authorities. The final blow to the deterioration of the *Anqāf* came in 1958 with the nationalisation of rental property. As a result, some of centuries old charitable foundations became defunct. With the intention to substitute the income from nationalised permanent endowments a membership fee introduced. Since the fee system never reached its expectations, the Islamic Community desperately needed a more promising solution. Hence, in 1969 the IVZ's Supreme Religious Authority (VIS) issued a decree instructing the Muslims to support the proposed centralisation of *zakāt* and *zakāt al-fiṭr* proceeds for the betterment of the Islamic Community.<sup>41</sup> The decree also stressed the necessity to do so. It is worth

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<sup>39</sup> Ibn 'Ābidīn. *Radd al-Muthbār*: 2, 89.

<sup>40</sup> See *Tafsīr al-Marāghī*: 28, commentary on (Q. 59:6).

<sup>41</sup> S. Kemura, S. and Đozo, H. (1969). Raspis Starješinstva Islamske Vjerske Zajednice u SFRJ i tumačenje šerijatskog propisa o prikupljanju zekata i sadeka-i-fitra u Fond Gazi Husrevbegove medrese. *Glasnik*, 32, 353-363.

noting here that the decree was signed by the then Grand Mufti, Sulejman Kemura, and his special advisor Husein Đozo. Since Đozo had published similar *fatwas* previously and since his signature was on the official decree itself, it is quite evident that Đozo was the chief architect of the project. The fact that the contenders addressed their objections mainly to Đozo points to the same conclusion. Here is a summary of the project's main achievements:

- a. it strengthened the IVZ's shaky financial situation,
- b. it allowed the continuation of the five-centuries-old Gazi Husrev-bey *madrasa*,
- c. it led to the establishment of the Islamic Theological Faculty, and
- d. it facilitated the production of IVZ's official organs, including *Glasnik*, *Preporod* and *Takvim*.

Notably, the project is being implemented until this day and so without any antagonism. One may ask, was there another or better solution? As noted above, when Đozo issued his initial *fatwa* on *zakat* in 1967 the economic basis of the Islamic Community of former Yugoslavia was virtually destroyed. Moreover, the idea to negotiate with Tito's regime for a possible re-possession of the nationalised permanent endowments was never viable. So, given the project is legitimate in Islamic law, one really needs to acknowledge its historic significance.

## E. Conclusion

This paper examines the modernist and reformist thought of Husein Đozo on the conception and interpretation of contemporary Islamic reformist thought situated within the Balkan complex socio-political and cultural contexts. Đozo was one of the very few Balkan Muslim scholars who recognised both, the severity of the dilemma produced by modernity and the confidence that Islam could be a dynamic force in a modernised society. Đozo's time was characterized by an ideological repression, atheism, communism, and strong anti-religious propaganda. On the other hand, these deep political, social, and cultural challenges aided the spread of Islamic

modernist and reformist views and ideas in the region. Đozo was a modernist in the sense that he urged the pursuit of modern thought, confident that it could only confirm the religious thought of Islam. \*Even a brief survey of Đozo's scholarly efforts will tell one that he raised his voice against dogmatism and rigid Islamic thought. With his numerous publications, Đozo effectively communicated the traditional Islamic teachings and made the inner reality of Islamic law and faith accessible to his fellow coreligionists. We believe that Husein Đozo is a thinker worthy of far more attention than he has received so far. His diverse roles as a theologian, exegete, jurist, *mufti*, teacher, and preacher provide an excellent opportunity to explore various dimensions of Islam as seen from within.

Đozo had an illustrious educational career graduating from two outstanding institutions of higher learning: *Mekteb-i Nuvab* in Sarajevo and *al-Azhar* University in Cairo. Đozo's reputation as a graduate of *al-Azhar* University and his mastery of Arabic language underlined his authority among the Balkan religious scholars. Once convinced by his *Azharī* teachers that "reform" and "revival" of Islamic scholarship was the right course of action Đozo barely changed his mind afterwards. The darkest period of Đozo's life was his involvement in the *13th SS* division and the subsequent five years spent in various prisons. The Islamic Community of former Yugoslavia and its religious and educational institutions were clearly influenced by Đozo's views and ideas. Likewise, the *Ilmija* Association was under Đozo's presidency for several years and its periodicals *Takvim* and *Preporod* under his editorial appraisal. On one hand, these crucial roles and posts provided Đozo with ample opportunities to propagate his reformist views and ideas, but on the other it put him under constant pressure by Tito's repressive regime.

Đozo excelled in more than one Islamic discipline, however, his main preoccupation was in *tafsīr* and *fiqh*. Through the medium of his *fatwas* and fresh Qur'anic interpretations, Đozo responded to the challenges he and his people were faced with, above all Tito's version of communism and modernity. Đozo's approach to Qur'anic exegesis is characterised by two main features: firstly, the unreserved affirmation of the harmony between revelation and reason, and secondly, his

distinction between universal concepts and principles contained in the Qur'an on one hand and the contextualisation of the interpretation of these very concepts and principles on the other. Likewise, his legal opinions are characterised by a general refusal of blind imitation and a consideration of specific social conditions.

Đozo's work is significant both for its Islamic content and its impact. For example, thanks to his inspiring *fatwas* and other works, the professional structure of Muslim religious scholars was transforming in a positive direction. Arguably, the most prominent feature of Đozo's work is his zeal to defend Islam and his desire to demonstrate its compatibility with modernity. Đozo's passion for providing practical solutions through his *fatwas* for the dilemmas produced by modernity and his passion for the Qur'anic text meant that he provided a bridge between theory and practice. Primarily because of his concern for the people, elements of educating and sermonising are all obvious in his works. Not all of those reading Đozo's popular columns may have agreed with his stance on certain issues, but many were nonetheless attracted to the more general message of reform and revival. For example, Đozo will always be remembered as the main advocate of IVZ's *zakāt* and *zakāt al-fitr* project. Even those who differed with Đozo's views and methods, such as D. Spahić and M. Pašić, have acknowledged the value of his contributions. When compared to other prominent Muslim reformists of the twentieth century, such as 'Abduh, Riḍā, Iqbal and Shaltūt, Đozo's uniqueness lies in the immediate impact upon the socio-political environment in which he worked and published.

Teaching and writing were the two areas in which Đozo excelled. His influence on a whole new generation of Balkan Muslims through his teaching ventures first at the Gazi Husrev-bey *madrasa* and then at the Islamic Theological Faculty should not be underestimated. The establishment of a special library collection in 2006 by the Faculty of Islamic Studies in Đozo's name points to the significance and relevance of his work today. Furthermore, Đozo's radical approach to the methodological issues underlying the formation of Islamic legal rulings is having a profound impact on the current developments in the field. For example, several Bosnian *muftis*,

including Nusret Abdibegović, Hasan Makić, Šukrija Ramić and Muamer Zukorlić, have been following Đozo's pattern of issuing *fatwas* outside the Ḥanafī *madhhab*.

Đozo's *fatwas* and his incomplete Qur'anic commentary are the most important statements of his modernist and reformist thought. His *fatwas*, for example, were not only well suited to his times but also to his people who made great use of them and treasured his unique stance. Such an independent and critical thinking as presented by Đozo in his *fatwas* was a must for the Marxist Europe of 1960s and 1970s. For the future generations of the Balkan *mufitis* the consideration of Đozo's legal opinions will be unavoidable. Similarly, anyone studying contemporary Islamic thought and practices of the Balkan region would need to pay attention to Đozo's intellectual acumen.

As seen above, the views and ideas of modernist and reformist strands of interpretation of Islam are clearly reflected in Đozo's works. On the other hand, through the prism of his spirit and thought, these views and ideas have gained a local "Yugoslav/Balkan" dimension and faced many significant challenges and examinations. While Đozo's success in explaining the relevance of Islam in modern times may be debated and the analytical depth of his understanding of modern sciences can be faulted, there is no doubt that he was aware of the most important issues confronting the modern mind. And, before a definitive assessment of Đozo's place in the history of contemporary Islamic thought can be made, a great deal of research into his legal and theological thought still needs to be carried out.

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